5th Sub-Technical Working Group meeting on environmental and social safeguards (STWG-SG)
Meeting Minutes

General Information:

<table>
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<th>Date and time</th>
<th>9h – 12h, 18/12/2013</th>
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<td>Venue</td>
<td>Flower Garden Hotel, 46 Nguyen Truong To, Ba Dinh, Hanoi.</td>
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<td>Chair by</td>
<td>Dr Pham Manh Cuong – Director of VRO</td>
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<td>Mr Steve Swan – SNV: co-chair</td>
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Main contents

- Next steps in Vietnam’s country-led safeguard process Stakeholders’ understanding of national safeguard response processes, under the National REDD+ Action Programme (NRAP), fully updated and feedback provided to VNFOREST, and relevant development partners, on these processes
- Presentation on Final version of Draft revised Safeguards Roadmap for the NRAP

Anex

Agenda
List of participants

1. Final Version of Draft Roadmap for Environmental and Social Safeguards – presented by Le Ha Phuong – SG Officer – VRO

Questions:

Mr Pham Manh Cuong: emphasizes some points for discussion. Vietnam is a member of UNFCCC and Vietnam also receives financial and technical support from different donors and initiatives, so Vietnam has to comply with Cancun Safeguards as well as the requirements of other donors.

There is a distinction amongst Safeguards Frameworks and this could be mitigated when UNFCCC members gain the legal consensus on REDD+ and Climate Change which will facilitate Vietnam and other developing countries in terms of REDD+ implementation.

Vietnam has faced certain difficulties especially in terms of international legal framework. Recently the term “no action regrets” has been mentioned, however Vietnam has done a lot of activities already in terms of Forest Protection and Development before REDD+. But we do need a Roadmap for such requirements that are broader, deeper and larger invested.
REDD+ activities in Vietnam, we do not only have NRAP which provides piloting provinces to develop PRAP, however Decision 799 does not regulate that what activities should be done at the lower level such as district, village, hamlet. However, we should not specify the regulations, we should leave them flexible, for examples integrate REDD+ into FPDP or Village Development Plan up to specific conditions of the provinces.

Mrs Hien – CERDA:

In the main gap of Cancun (c):

- How to guarantee the rights of local people to enjoy the benefits from REDD+ when they have limited access to forest land?
- When one local community has legal entity and they have enough capacity to be the owner of REDD+ initiative, so whether or not they could have the right to access to REDD+ fund independently?

Mr Dung – PanNature:

- There are different Safeguard Frameworks, so I would like to ask Cuong whether or not we should develop one overall Safeguard Roadmap which is broader and meets all the standards of other systems or only on the basis of Cancun SG?
- Which PLRs were analysed? Were foreign investment regulations analysed?
- The roadmap should clarify the definition of transparent and effective governance. What is transparent and effective? What are governance and its criteria and indicators? Should make these definitions clear when applying in Vietnam.

Answers:

Mr Pham Manh Cuong:

Some questions are still our concern during REDD+ implementation.

Answer to Mrs Hien’s questions:

- The implementation of policy to promote land and forest allocation in some provinces is still low due to a number of objective and subjective reasons.

The responsibilities of Forest Protection and Development belong to whom, the property belongs to whom? Land and forest allocation whether or not promote the Forest Protection and Development? The benefits are delivered not only based on the land and forest allocation, up to the consideration and review of the States and should have some additional policies and requirements.

- The rights to directly access to REDD+ financial support: much depends on international regulations. REDD+ Fund Proposal could be used to support various REDD+ actors in terms of Forest Protection and Development as well as REDD+ activities, support to capacity building for those who receive financial support.

Answer to Mr Dung’s questions:
- Firstly, Vietnam has to comply with UNFCCC requirements while recognizing and implementing requirements and provisions of other donors. Some SG frameworks are just recommendations and they are not mandatory such as REDD+ SES. ➔ Should pay attention to compulsory requirements of UNFCCC on the other hand should take into account the requirements of other donors as well as recommendations of other initiatives.
- 60 PLRs might be not many but they are the most important and critical, can not analyse all PLRs since they are too many.
- Each country has their own principal regulations in terms of oversea investment, however there are no detailed regulations on environmental and social aspects; it is the responsible of the country who receive the investment ➔ should consider both sides with specific steps and procedures.
- Analyse the PLRs’ implementation: totally agree but we need time and money.

**Ms Le Ha Phuong:**
- 60 PLRs are well listed in the Revised Roadmap.
- Reemphasize that the Roadmap does not conduct the analysis of the effective and fully participation of relevant stakeholders, it just assesses whether or not existing PLRs have the provisions on how to ensure the effective and fully participation of relevant stakeholders?
- Should refer to the Matrix Analysis of PLRs including transparent governance.

**Questions:**

**Mr Hai – CERPA:**
- There are 2 legal documents which is really critical that the Roadmap should refer to. These being Decision of Prime Minister for the Approval of UN-REDD Phase 2 dated 23/7/2013 and Scheme of restructure forestry sector dated 1/7/2013.
- Not clear about the gaps. Once the gaps are clear, we can recommend adjusting the legal framework. For example the main drivers of deforestation are from hydro power plant and resettlement ➔ recommend to authorized agency to avoid the risk of deforestation.

**Mr Eiji - JICA:** 1 question and 2 comments
- How is the linkage between the national system and local activities?
- Page 17 of Recommendations for Cancun (e): how to address the forest plantation issues in Vietnam
- SG should be linked to national REDD+ Fund, as we are at the most convenient time to integrate SG into REDD+ Fund.
Mrs Pham Minh Thoa:
- SG is an overall issue during REDD+ implementation because it links to many activities and it requires very good collaboration and coordination → the recommendations should be more detailed and feasible. Should invite relevant sectors with very clear responsible.
- After gaps are identified, we should analysis the implementation. VRO advises VNFOREST to propose REDD+ programmes to sit down to conduct this analysis and assign the specific tasks.
- Should have a glossary of terms for REDD+ which is standard and unified to nationwide use.
- Should transfer information about FPIC in the understandable manner to see that Vietnam legal framework more or less has regulated about FPIC.
- Pay more attention on Institutional and Compliance Framework, institutional arrangements, capacity building, specific measures to implement Legal Framework.

Soojin Kim - FAO:
- New policies in the future will impact to existing system, so how the existing system should be flexible to adapt to such changes?

Answer:

Mr Steve:
CSS – a conceptual framework to restructure PLRs, not a recommendation to Vietnam. We just rely on and inherit the existing systems.

The results of this analysis are at the national level rather than analyzing the local operation. We only define the most important legal documents.

SG framework is not necessarily implemented at the local level, it need mechanisms to ensure that the SGs are implemented in PRAP → to be discussed in the next meeting. Not enough capital to operationalize at all levels.

Any provision related to SG in REDD+ Fund should match the SG policy, information provided from this roadmap. REDD + fund is such an opportunity to integrate SG and national recommendations.

Mr Pham Manh Cuong:
Continue to improve this draft roadmap and exchange with national and international experts. SG system is developed at the national level; the lower level shall be obliged to perform. Some activities may be implemented immediately such as REDD + Action Plan or Forest Protection Plan to ensure the full and effective participation of relevant stakeholders.

SG System and MRV system: that there should be separation between national systems (meet
reporting and measurement requirements) in order to report to international system and the system in Vietnam which is appropriate to specific conditions and circumstances inside the country.

Answer Soojin’s question: Government closes natural forests for the area and agency who have no plans for sustainable forest management, this is only a temporary measure to protect existing natural forests, forest owners to develop sustainable forest management plans according to Vietnam’s laws and regulations as well as international regulations, not permanently closed.

2. Short-term recommendations – Presented by Steven Swan – Senior Technical Advisor - SNV

**Questions:**

**Mr Thuan – FCPF:**
- Constitutions, Civil Law or Ordinance on exercise of democracy in communes, wards and townships are likely to be changed to comply with UNFCCC requirements?
  - If UNFCCC require then we have to do!
- MARD should develop a regulation on the benefit rights.
- For the next step, should assess the practical implementation of the PLRs.

**Ms Kiên – Social Policy Ecology Research Institute**
- Do we recognize indigenous people?
- Explain more about Compliance Framework?

**Mr Hai:**
- Should access forest C storage, develop REL/FRLs \(\rightarrow\) show the most important and sensible area where are at the high risk of deforestation, should collaborate with VNFOREST.
- The roles of NGOs are also important and should be rely on.

**Mr Dung – PanNature:**
- Have multistakeholders been analysed yet?
- Review some wordings in the translated version.

**Mrs Hien – CERDA:**
- In the situation of national approach, negative emission reduction, how to deal with successful REDD+ actors to make sure that they are not damaged?
- Is there any safeguard for the qualified local community to directly access to REDD+ financial support?
Mr Nam – Lao Cai:

Cancun (e): the conversion of natural forests and plantation forests are not compensated. In this case, is the compensation compulsory when there is a project which runs through the forest in order to comply with REDD+ SGs?

**Answers:**

Mr Steve:

- The roadmap only conducted the analysis of PLRs on paper. In the future, the institutional and compliance frameworks might be analysed.
- UNFCCC does not require the country members to make any changes to their PLRs, Vietnam has to report how the Cancun SGs are addressed and complied in the specific context of Vietnam.
- Every countries interprete Cancun SGs according to their own context.

Mr Cuong:

- 7 Cancun SGs are broad and open for each country to interpret by one or another way.
- COP decisions are applied for at least 195 countries so there are only general regulations; we need to study these regulations in order to avoid misunderstanding.
- Vietnam only “vote in favor” UNDRIPP and there is no definition of IPs in Vietnam. Vietnam only has the definition of ethnic minority who is regulated by MOFA according to the population proportion to the national population.
- Agree to Mr Hai to concentrate on hot areas.
- The roles of CSOs should be respected.
- Answer to Mrs Hien’s question: the country should be responsible for forest protection, reduce GHG emissions, and avoid displacement. However, in this period with the existing resources and there is no international consensus on REDD+, select some areas to be piloted and still have the payment. The FPDP policy will have specific regulations on reward and discipline which PFES is missing.
- Access to financial resource: we are passive now, that means we do not have available and stable financial resources to make sure how to access. At international level, should study on which financial mechanism for the country to have the fast access.
- Answer to Mr Nam’s question: with one REDD+ area make sure to minimize the conversion of natural forests, but if any we should conduct the Strategic Social and Environmental Impact Assessment.

**Questions:**

Mr Phuong – UNREDD phase 2:

- What is the annual working plan for 2014?
- Based on the comments we received today, how the AWP 2014 will be adjusted so that the members of SWTG-SG can contribute to the SG roadmap?

**Mr Kien:**
- REDD+ mechanism is still on piloting and separate from NAMA mechanism → this is the advantage for REDD+projects not to be impacted by other sectors.
- Project guarantee: in case of unexpected issues.

**Anwers:**

**Mr Steve:**
- Vietnam develop national SG framework just only for REDD+ based on existing PLRs, report to international level on what is Vietnam doing to comply with UNFCCC requirements.
  - The full PLRs analytical matrix which is bilingual have been posted on website.
  - The AWP 2014 will be introduced in the next STWG-SG meeting.

**Mr Cuong:**
- Agree to Mr Phuong to develop working plan for 2014.
  - NAMA và REDD+ are not separate but interlinked. These solutions must go all together and synchronized to ensure sustainable emissions reductions.

3. **Conclusions:**

Mr Pham Manh Cuong wrapped up the meeting and made the conclusions:
- Thank you for the participation and input of all the participants.
- Sincerely receive opinions, research more provisions of the law of Vietnam and international regulations.
- Develop more specific recommendations according to national circumstances
- Try to promote individuals and organizations involved in the piloting, to contribute to the successful implementation of REDD +.

*** Many thanks to Mr Nguyen Van Bang – GM of MB-REDD+ - SNV for taking notes during the meeting.***
National REDD+ Network
Sub-technical working group meeting on environmental and social safeguards (STWG-SG)
Fifth meeting

Agenda

Venue: Flower Garden Hotel, 46 Nguyen Truong To, Ba Dinh, Hanoi.

Time and Date: December 18th 2013 from 08:30 am to 12:00 pm

Objectives:
1. Stakeholders’ understanding of national safeguard response processes, under the National REDD+ Action Programme (NRAP), fully updated and feedback provided to VNFOREST, and relevant development partners, on these processes
2. Presentation on Final version of Draft revised Safeguards Roadmap for the NRAP

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<tr>
<td>08:30-09:00</td>
<td>30</td>
<td>Registration</td>
<td>VRO</td>
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<td>09:00-09:10</td>
<td>10</td>
<td>Introduction to meeting’s agenda</td>
<td>Chair</td>
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<tr>
<td>09:10-09:40</td>
<td>30</td>
<td>Presentation: Draft revised Safeguards Roadmap for the NRAP (inc. 10 mins. Q&amp;A for clarification)</td>
<td>Le Ha Phuong – SG officer - VRO</td>
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<td>09:40-10:30</td>
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<td>Roundtable discussion: Draft revised Safeguards Roadmap for the NRAP</td>
<td>All participants</td>
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<td>10:30-10:45</td>
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<td>Tea break</td>
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<td>10:45-11:00</td>
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<td>Presentation on near-term recommendations and topics for group discussion on next steps in terms of:</td>
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<td>1. Legal framework</td>
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<td>3. Compliance framework</td>
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<td>11:00 - 11:30</td>
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<td>Group discussion</td>
<td>All participants</td>
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<td>11:30-11:45</td>
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<td>Presentation of each group</td>
<td>Group’s representative</td>
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<td>11:45 - 12:00</td>
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<td>Concluding comments</td>
<td>Chair</td>
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<td>From 12:00</td>
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<td>Lunch</td>
<td>All participants</td>
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Expected outputs:
- Comments on Draft revised Safeguards Roadmap
- Comments and recommendations on next steps in moving forward with REDD+ safeguards activities in Vietnam
### Cuộc họp Tiểu nhóm Công tác Kỹ thuật về Biện pháp Bảo vệ Môi trường và Xã hội (STWG-SG), lần thứ năm

Sub-technical working group meeting on environmental and social safeguards (STWG-SG), fifth meeting

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<tr>
<td>1</td>
<td>Tạ Long</td>
<td>Senior Researcher on Anthropology</td>
<td>Member of Vietnam Association of Anthropologists Preacher of Hanoi University of Labor and Social Affairs Advisor of RECERD</td>
<td><a href="mailto:longta1304@gmail.com">longta1304@gmail.com</a></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>Lương Thị Trường</td>
<td>Director</td>
<td>Center for Sustainable Development in Mountainous areas</td>
<td><a href="mailto:lt.truong@csdm.vn">lt.truong@csdm.vn</a></td>
<td>Tel: 04.3832.8956  Mobile: 0912.785.820</td>
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<td>3</td>
<td>Max Roth</td>
<td></td>
<td>GIZ Quang Bình</td>
<td><a href="mailto:max.roth@posteo.de">max.roth@posteo.de</a></td>
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<td>Bích Thúy</td>
<td></td>
<td>Diễn Đàn Các Nhà Báo Môi Trường Việt Nam (VFJJ)</td>
<td><a href="mailto:bichthuyk54xsh@gmail.com">bichthuyk54xsh@gmail.com</a></td>
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<td>5</td>
<td>Bùi Quang Thành</td>
<td>Giảng viên</td>
<td>Đại học Khoa học Tự nhiên</td>
<td><a href="mailto:qthanh.bui@gmail.com">qthanh.bui@gmail.com</a></td>
<td>0989 221 067</td>
<td></td>
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<td>6</td>
<td>Đặng Tố Kiên (Ms.)</td>
<td>Giám đốc Chương trình Nghiên cứu và Xuất bản</td>
<td>Viên Nghiên cứu Sinh thái Chính sách Xã hội</td>
<td><a href="mailto:dtkien@speri.org">dtkien@speri.org</a></td>
<td>84.4.37717367</td>
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<td>Vũ Thị Hiền</td>
<td>Giám đốc</td>
<td>CERDA</td>
<td><a href="mailto:tranvuhientk@gmail.com">tranvuhientk@gmail.com</a></td>
<td></td>
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<tr>
<td>8</td>
<td>Phạm Minh Thoa</td>
<td>National Technical Advisor</td>
<td>UN-REDD Program</td>
<td><a href="mailto:thoa.do@gmail.com">thoa.do@gmail.com</a></td>
<td></td>
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<tr>
<td>9</td>
<td>Tim Dawson</td>
<td>EU FLEG Facility</td>
<td>European Forest Institute</td>
<td><a href="mailto:tim.dawson@efi.int">tim.dawson@efi.int</a></td>
<td>+84 (0) 912 816271</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Sarah Nelson</td>
<td>Resource Mobilizer</td>
<td>Climate Change Resilience Centre</td>
<td><a href="mailto:s.a.nelson@live.com">s.a.nelson@live.com</a></td>
<td>+84 162 971 4901</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Jon Anderholm</td>
<td></td>
<td>Xun Biosphere Project</td>
<td><a href="mailto:xunbio@hotmail.com">xunbio@hotmail.com</a></td>
<td></td>
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<tr>
<td>12</td>
<td>Hoang Tuan-Dung, Mr.,</td>
<td>Environmental Specialist</td>
<td>Former PhD candidate at Tokyo Inst. of Technology</td>
<td><a href="mailto:tuandunghoang@gmail.com">tuandunghoang@gmail.com</a></td>
<td>0936 414 637</td>
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<td>13</td>
<td>Steven Swan</td>
<td>Technical Advisor</td>
<td>SNV</td>
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<td>Akiko Inoguchi</td>
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<td><a href="mailto:Akiko.Inoguchi@fao.org">Akiko.Inoguchi@fao.org</a></td>
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<tr>
<td>16</td>
<td>Khamphanh NANTHAVONG</td>
<td>Director General</td>
<td>Department of Forest Resource Management</td>
<td><a href="mailto:phonlash@yahoo.com">phonlash@yahoo.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Houmpheng BOUPHAKHAM</td>
<td>Director Head of REDD Division</td>
<td>Department of Forest Resource Management</td>
<td><a href="mailto:bph_dip@hotmai.com">bph_dip@hotmai.com</a> 55499979</td>
<td></td>
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</tr>
<tr>
<td>18</td>
<td>Airyai VONGXAY</td>
<td>REDD+ office, DOF</td>
<td></td>
<td><a href="mailto:airyaiVF@gmail.com">airyaiVF@gmail.com</a></td>
<td></td>
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</tr>
<tr>
<td>19</td>
<td>Sandy SOUKASEARM</td>
<td>REDD+ office, DOF</td>
<td></td>
<td><a href="mailto:kisad100@gmail.com">kisad100@gmail.com</a></td>
<td></td>
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<tr>
<td>20</td>
<td>Hoàng Ly Anh</td>
<td>SG Consultant team</td>
<td></td>
<td><a href="mailto:quanglyanh@yahoo.com">quanglyanh@yahoo.com</a></td>
<td></td>
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<tr>
<td>21</td>
<td>Lê Văn Dương</td>
<td>National Humanitarian &amp; Emergency Affairs (HEA) Coordinator</td>
<td>World Vision Vietnam</td>
<td><a href="mailto:le_van_duong@wvi.org">le_van_duong@wvi.org</a> 84-4-39439920</td>
<td></td>
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<tr>
<td>22</td>
<td>Nguyễn Tuấn Hiền</td>
<td>FCPF Coordinator</td>
<td>FCPF</td>
<td><a href="mailto:ngtuanhien@gmail.com">ngtuanhien@gmail.com</a> 0912.178.008</td>
<td></td>
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<tr>
<td>23</td>
<td>Đinh Đức Thuận</td>
<td>Forestry Consultant</td>
<td>FCPF</td>
<td><a href="mailto:thuanthau@yahoo.com">thuanthau@yahoo.com</a> 0912.232.996</td>
<td></td>
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<tr>
<td>24</td>
<td>Lê Hà Phương</td>
<td>SG Officer</td>
<td>VRO</td>
<td><a href="mailto:lehaphuong2009@gmail.com">lehaphuong2009@gmail.com</a> 0904.277.990</td>
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<td>25</td>
<td>Nguyễn Thị Hào</td>
<td>Officer</td>
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<td>VRO</td>
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<td>29</td>
<td>Soojin Kim</td>
<td>Programme Officer</td>
<td>Sustainable Environment and Natural Resources Management, FAO</td>
<td><a href="mailto:Soojin.Kim@fao.org">Soojin.Kim@fao.org</a></td>
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<tr>
<td>30</td>
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