9th STWG-SG MEETING MINUTES

I. Time and venue

Time: Wednesday, 24th August 2016

Venue: Candle hotel, 287 Đối Cấn, Ba Đình, Hà Nội

II. Participants

Representatives of national and international programmes, projects, NGOs, members of Safeguards core group and STWG-Safeguards, members of NRAP drafting team.

III. Chair and co-chair

Mdm. Nguyễn Thị Thu Thủy – Director of Viet Nam REDD+ Office

Mdm. Lý Thị Minh Hải – SNV

IV. Contents

- Present findings and recommendations of draft final report “Assess the Institutional Capacity to Implement Relevant Policies, Laws and Regulations (PLRs) with respect to REDD+ Safeguards”

- Group discussion on key findings and recommendations

V. Conclusion

After the presentations of consultant team and results of group discussion, Chairman of STWG-SG had concluded the following:

The recommendations given in the draft report are still too broad and general, no specific in details which cause difficulties for decision makers to take into consideration. Calling for the consultant team to review and revise every findings and recommendations to make them valuable and feasible (e.g should note in details and precisely what need to be changed, which articles in the existing legal documents, at which level, national or provincial or district and commune level).

The consultant team to note down carefully what have been discussions during
the meeting and the results of group discussion need to be taken into account in order to complete the final report as scheduled.

Secretariat
(Signed)

Chairman
(Signed)

Lê Hà Phương
Nguyễn Thị Thu Thủy
# ANNEX

## 1. AGENDA

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<tr>
<th>Time</th>
<th>Content</th>
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<tr>
<td>8.00 - 8.30</td>
<td>Registration</td>
<td>VRO</td>
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<tr>
<td>8.30 – 8.40</td>
<td>Opening remarks</td>
<td>Ms. Nguyen Thi Thu Thuy - VRO</td>
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<td>8.40 - 9.00</td>
<td><strong>Presentation 1</strong>: Presentation of methods for PLR report:</td>
<td>CLP consultant team</td>
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<td>* Risk Analysis of draft PRAPs</td>
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<td>* Identification of issue clusters (and PLRs) linked to risks</td>
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<td>* Literature review, Hanoi consultations, provincial consultations</td>
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<td>* Identification of challenges and recommendations</td>
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<td>* Q&amp;A/feedback</td>
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<td>9.00 - 9.30</td>
<td><strong>Presentation 2</strong>: Findings for issue clusters 1-3</td>
<td>CLP consultant team</td>
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<td>* Presentation of findings:</td>
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<td>o Link between the issue cluster and the relevant safeguard</td>
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<td>o Summary of findings</td>
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<td>o Very brief explanation of challenges linked to institutional framework</td>
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<td>o Recommendations for REDD+</td>
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<td>* Q&amp;A/feedback</td>
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<td>9.30 - 9.45</td>
<td><strong>Break</strong></td>
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<td>9.45 - 10.15</td>
<td><strong>Presentation 3</strong>: Findings for issue clusters 3-4</td>
<td>CLP consultant team</td>
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<td>10.15 - 10.45</td>
<td><strong>Presentation 4</strong>: Findings for issue clusters 5-6</td>
<td>CLP consultant team</td>
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<td>10.45- 11.00</td>
<td>Introduction to the group activities</td>
<td>CLP consultant team</td>
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<td>11.00 - 11.45</td>
<td><strong>Group Activity</strong>: Group discussion on findings/REDD+ specific recommendations of PLR report</td>
<td>All participants</td>
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<td>11.45 - 13.30</td>
<td><strong>Lunch</strong></td>
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<td>13.30 – 14.30</td>
<td><strong>Group Activity</strong>: Group discussion on findings/REDD+ specific recommendations of PLR report (cont)</td>
<td>All participants</td>
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<td>14.30 - 15.00</td>
<td>Report back from rapporteurs of each group</td>
<td>All participants</td>
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<td>15.00 – 15.15</td>
<td>Closing remarks</td>
<td>Ms. Nguyen Thi Thu Thuy - VRO</td>
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2. RESULTS OF GROUP DISCUSSION

Comments of Mr. Võ Đình Tuyên – Government Office

Need to specify a number of implications given in the report relevant to Land Law and Forest Protection and Development Law, and should only focus on REDD+. Other issues need to be clarified in the report, these being:

- Civil Code has not yet regulated the legal entity of local communities, it is not exactly to say legal entity of communities are not recognized.
- Customary rights should be regulated in law or not? And yes, should list down specifically what are these rights?
- What are 3 overlapped legal documents? How is the overlapping?
- About participation: still formalistic, specify how the formalistic is that leads to inefficient participation.
- Specify land tenure and forest tenure
- All the policies are publicable in the internet and available for wider comments, but how it works in reality?

Feedbacks from consultant team:

- The report only focused on REDD+
- The inconsistency between MARD and MONRE in several specific issues, causing difficulties for the cooperation and coordination.
- Will consider the integration of customary rights and benefits
- Will clarify land tenure and forest tenure
- Transparency: the ethnic minorities have limited access to the internet, therefore the form of how they can participate should be developed in accordance with culture and languages.
- The findings of the report based on the literature review, field research and interview with key informants at provincial level (Forest Protection Department, DONRE, the Procuracy) and subjective expert opinions of consultant team.
GROUP DIVISION

- The participants are divided into 3 groups, each group will discuss on 2 issues clusters
- Discussion on the findings and recommendations
- Each group assign one rapporter


RESULTS OF GROUP DISCUSSION

Group 1:
Management of environmental impacts (1)
- Improve resources and technique
- Specify society consultations
- Publicize information
- Improve M&E
- Improve the enforcement of responsible agencies
- Separate budget, should have single budget for EIA
- Conduct monitoring after EIA
- Environment management plan should be completed first. Should develop ESMF
- Increase the roles of funding agencies for the environmental protection issues
- Clarify the power of forest owners in terms of forest use change
- REDD+ should have more intersectoral activities
- EIA in PRAP should be considered
- EIA should be considered as a procedure

**Displacement (5):**

- Improve MRV
- Improve legal enforcement to eliminate the risks of reversals
- Management of transboundary illegal logging
- Respect the rights of local communities
- Land use rights of local communities
**Group 2:**

**Tenure (2):**

- Specify forest tenure, customary tenure
- Should have specific criteria and activities to implement tenure
- REDD+ projects need to have wider participation of society organisations
- Should have technical assistance for planning
- Should have wider consultations to identify the consistent contents amongst multistakeholders during their participation
- Should develop criteria
- Should have adequate resources and technical capacities for the participation
- Should have specific mechanism for REDD+ relevant projects
- Discuss on the REDD+ fund, develop mechanism for equitable benefit sharing
- Financial support, forest valuation and who do this
- How REDD+ will be mentioned in the new FPDL and in the restructuring of forestry sector and reallocation of forest areas
- Support projects to access funding sources

**Corruption (4):**

- Improve accountability
- Should have audit activities during REDD+ implementation
- Central agency is needed to monitor REDD+ payments
- Transparency during REDD+ implementation, publicity amount of REDD+ implementation
- Respect Viet Nam Corruption Law during REDD+ implementation
Group 3:

Participation (3):

- Specify what are obstacles for the participation of local communities
- Legal framework for the participation should be mentioned
- How is the rights to access to information? And feedback mechanism
- Should supplement the participation of NGO, small and medium private sectors, CSO,… and need to promote their participation

- Add more successful evidence in Viet Nam
- Role of VRO is very important to create the linkage with multistakeholders to implement REDD+

Gender (6):

- Recommendations should go following the findings
- Recommendations should be clear and specific
- Should have gender focal point at various level
- Should have budget for gender activities
- Develop indicators for monitoring gender activities

3. PHOTOS OF THE MEETING