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TERMS OF REFERENCE

Development of a Roadmap for Environmental and Social Safeguards for Vietnam's National REDD+ Action Programme

- Country: Vietnam
Programme: REDD+
Project: Exploring mechanisms to promote 'High-Biodiversity Conservation through REDD+': Piloting in Vietnam (HB-REDD+ project)
Implementers: SNV – The Netherlands Development Organisation and Vietnam Administration of Forestry (VNFOREST)
Investor: German Federal Ministry of Environment, Nature Conservation and Nuclear Safety (BMU), International Climate Initiative (ICI)
Abstract: Consulting services to produce a roadmap for the development of environmental and social safeguards for Vietnam's National REDD+ Programme
Duration: Indicative 145 person-days over the period November 2012 to April, 2013

1. Background:

Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+) has emerged as a potential climate change mitigation response from land use change and forestry sectors. The notion of REDD+ 'co-benefits' was raised in the 2007 Bali Action Plan of the United Nations Framework Convention on Climate Change (UNFCCC), along with the potential of REDD+ to complement the aims and objectives of other multilateral agreements, such as the Convention on Biological Diversity (CBD) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), among others.

To ensure that environmental and social co-benefits are delivered and that potential risks are minimized, a series of aspirational statements about how REDD+ should be implemented were established in 2010 by the international community – the so called 'Cancun safeguards'¹ of the UNFCCC. Countries seeking to implement REDD+ programs must 'promote and support' these safeguards at the national and subnational levels.

In anticipation of, and in response to, the Cancun safeguards, immediate efforts, as part of bi- and multilateral REDD+ readiness assistance, have focused on the promotion of international safeguard frameworks that could be adapted and applied at the national (or subnational state) level. Three leading multilateral safeguard initiatives have emerged: the Forest Carbon

¹ UNFCCC 2010. Conference of the Parties decision 1-/CP.16: Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention. UNFCCC, Bonn.

Partnership Facility (FCPF) Strategic Environmental and Social Assessment (SESA); the UN-REDD Social and Environmental Principles and Criteria; and the voluntary REDD+ Social and Environmental Standards. An emerging challenge to developing countries pursuing REDD+ has been the confusion resulting from the proliferation of international safeguard frameworks that could be applied to operationalize the commitments under the Cancun Agreement.

Investors in REDD+ readiness assistance are increasingly more demanding in terms of environmental and social performance expected from national REDD+ strategies and programmes², which might prompt developing countries to explore levels of environmental and social performance beyond those committed to in the Cancun safeguards. Yet, despite a recent history of high political profile and relatively intensive development partner assistance, national REDD+ safeguard responses must contend with persistent uncertainties with REDD+ development as an international compliance mechanism under the UNFCCC process. Slow progress in international climate change negotiations sends a weak signal to developing countries to invest in robust and comprehensive national safeguard responses.

In the policy National REDD+ Action Programme (NRAP), Vietnam has proposed to develop a phased approach to national REDD+ safeguard development. These Terms of Reference (ToR) are for a systematic gap analysis of existing relevant policies, plans, programmes, processes and practices ('5Ps') against the Cancun safeguards and other safeguard framework conditionalities that might be attached to near-future funding opportunities for demonstrable REDD+ results.

The analysis builds on initial international research conducted by the SNV-VNFOREST HB-REDD+ project, which advocated national policy strengthening and coherence as a priority safeguard response, in addition to subsequent guidance provided by the project in collaboration with the UN-REDD. Options identified by these studies for in-country safeguard response processes have been recently discussed in the sub-technical working group on safeguards (STWG-SG) and an approach that focused on expand upon existing initiatives in-country, with a view to incorporating elements of international safeguard frameworks, as necessary and appropriate, was indicated as most appropriate for Vietnam's circumstances at this juncture.

Consequently, these ToR cover an assignment for a team of consultants to develop a roadmap to guide a national safeguard response process, informed by the 5P gap analysis, and co-ordinated through consultation with the STWG-SG. The purpose of the roadmap is to endow Vietnam with a clear plan of step-wise actions of how safeguard compliance can be achieved through a single co-ordinated multi-stakeholder process. As such, the roadmap should inform REDD+ safeguard relevant national policy reform and subnational action planning, in addition to other major multilateral safeguard interventions, such as the FCPF SESA and activities under a proposed second phased of the UN-REDD country programme.

The recommended actions presented in the roadmap will be formulated based on the safeguard compliance gap/weakness analysis, to ensure Vietnam's eligibility for positive incentives in compensation for results-based actions from near- and longer term potential financing opportunities. The most immediate of these potential financing opportunities are being explored through the development of FCPF Carbon Fund Emissions Reduction Project Information Note (ER-PIN) and a second phase of a UN-REDD country programme, which includes establishment

² For example, the BMU-ICI, which finances the HB-REDD+ project and this assignment, is currently developing programme-wide monitoring and reporting framework for that would include co-benefit impact monitoring from all future REDD+ projects supported by the ICI.

of an interim national REDD+ fund. It should be noted that the roadmap will be a technical output designed to inform, first and foremost, national safeguard policy (re-)formulation processes, and secondly, safeguard elements of major multilateral REDD+ readiness and demonstration investments, namely the Vietnam's FCPF grant and proposed second phase of the UN-REDD country programme.

2. Objective:

Roadmap for phased development and implementation environmental and social safeguards for Vietnam's National REDD+ Action Programme produced against: 1) the Cancun safeguards; 2) emerging near-future funding options (notably the FCPF Carbon Fund and proposed UN-REDD Vietnam interim national REDD+ fund), and 3) other major multilateral safeguard frameworks, (such as the REDD+ SES).

3. Tasks:

Phase I – defining the scope of the roadmap and key stakeholder engagement (1 month)

1. Providing technical leadership to the Expert Group as a consultative team contributing wider perspectives on REDD+ safeguards to the 5P safeguard compliance analysis and drafting of the roadmap (comprises convening regular Expert Group meetings)
2. Reviewing existing international literature on REDD+ environmental and social safeguards, particularly HB-REDD+ outputs, and relevant aspects of the major multilateral safeguard frameworks (SEPC, SES, SESA)
3. Explore other national safeguard policy response processes and experiences from other countries, particularly those within the region, and draw on these experiences to inform planning analytical processes and drafting the safeguard roadmap for Vietnam
4. Consulting with key stakeholders at the national level, including VNFOREST, World Bank, UNDP, FAO to ensure integration and maximal synergy with other safeguard-related processes (FCPF SESA³ and ER-PIN; UN-REDD Phase II; PGA⁴ process)
5. Exploring the possibility of an expanded scope to cover safeguard requirements for the broader forestry sector, through identification of potential entry points to integrate with other processes, such as FLEGT Voluntary Partnership Agreement (VPA)⁵ or proposed joint circular guiding forestry SEA/EIA

Phase II – analysing 5Ps for existing safeguard compliance/non-compliance (2 months)

1. Collaborating with other processes (FCPF SESA and ER-PIN, UN-REDD Phase II etc.) as identified in Phase I in conducting the following analytical tasks to ensure significant and necessary added value, and coherent guidance to GoV⁶ and other stakeholders
2. Conducting analysis of potential environmental and social benefits and risks posed by the NRAP and proposed REDD+ activity implementation, and adapting existing frameworks and tools (e.g. UN-REDD draft SEPC-BERT⁷) to fit Vietnam's context

³ Together with associated follow-on frameworks and plans to address safeguard issues for specific FCPF investments

⁴ Participatory governance assessment

⁵ Particularly the timber legality definition

⁶ Government of Vietnam

3. Prioritising environmental and social benefits and risks (potential positive and negative impacts), specific to the Vietnamese context, through a consultative processes, administered through the STWG-SG, as focal issues for the roadmap's development
4. Collating evidence of existing relevant 5Ps in the forestry sector, those sectors implicated in driving deforestation and degradation in Vietnam, and those with direct relevance to prioritised environmental and social impact (as identified in the preceding assessment)
5. Conducting a gap/weakness analysis, using existing secondary evidence⁸ alone, to identify and map the extent to which existing 5Ps in Vietnam currently demonstrate safeguard compliance:
 - policies – what is codified in national strategies and other policy ordinance with regards to environmental and social safeguards in forestry and land use sectors?
 - programmes – what environmental and social safeguard provisions are made in national target programmes for forestry and other land use sector?
 - plans – what provisions are made to safeguard environmental and social risks in sectoral or subnational master plans and planning processes?
 - processes – what other relevant processes, currently, on-going could contribute to a national safeguard response (e.g. FLEGT VPA process; PGA piloting; SEA)
 - practice – how are the above policies, programmes, plans and processes actually implemented on the ground; to what extent can practices be improved?

Phase III –developing the roadmap and consulting stakeholders for feedback (1 month)

1. Producing a concise draft roadmap of recommended policy-to-practice actions that would guide Vietnam (national government and non-government stakeholders) in a phased in-country safeguards response by filling gaps and strengthening weaknesses to meet compliance with:
 - a. the Cancun safeguards of the UNFCCC;
 - b. emerging near-future funding options (notably the FCPF Carbon Fund and proposed UN-REDD Vietnam interim national REDD+ fund), and
 - c. relevant aspects of other major multilateral safeguard frameworks (such as the REDD+ SES).
2. Defining recommended policies and measures, over a phased timeframe corresponding to the 5P analysis conducted in Phase II, to address potential benefits and risks of REDD+ implementation, and ensure a coherent national safeguard compliance response
3. Defining on national-level policy actions as an initial priority for the roadmap, before elaborating measures to operationalize identified safeguard policies at the subnational level

⁷ Draft Social and Environmental Principles and Criteria - Benefit and Risks Tool

⁸ Particularly IBRD/WB (2011) *Using Strategic Environmental Assessment to inform the Forestry Master Plan 2010–2020 of Vietnam*. International Bank for Reconstruction and Development / The World Bank, Washington DC.

4. Recommending key elements and steps in a processes to develop a 'safeguard information system' (SIS) as required under UNFCCC (it should be noted that the roadmap need not elaborate a detailed SIS structure or process)
5. Socialising and validating draft inputs (e.g. work plan and methodology) and outputs (e.g. draft results and roadmap) with the STWG-SG and TWG-EIA/SEA, incorporating feedback into revised iterations of these documents

4. Deliverables:

To be developed in close collaboration with the SNV Advisors working on the HB-REDD+ project

- Inception report refining scope, outlining approach, detailing activities, division of tasks, timeframe, and deliverables to be approved by SNV-VNFOREST project management unit (PMU)
- Initial work plan for the assignment that will need to be approved by the SNV-VNFOREST PMU (as an annex to the inception report)
- Draft annotated Table of Contents (ToC) of the Roadmap for Environmental and Social Safeguards for Vietnam's NRAP for review by PMU for the purposes of refining scope, structure and indicative content of the roadmap (as an annex to the inception report)
- Draft iterations for Roadmap for Environmental and Social Safeguards for Vietnam's National REDD+ Programme
- Annotated bibliography and soft/hard copies of all documentation consulted during gap/weakness analysis and resultant safeguard roadmap
- Presentations, as necessary on assignment progress, key findings and recommendations to STWG-SG and other appropriate national fora