|  |  |  |
| --- | --- | --- |
|  |   |  |

|  |
| --- |
| **Public Consultation/Disclosure Notice** |
| Date: 12 July 2022 |
| The United Nations Development Programme (UNDP) launched today a public consultation on the attached draft Environmental and Social Management Framework, Ethnic Minority Planning framework, Preliminary process Framework, and associated Social and Environmental Screening Procedures for the UNDP-GEF Supported propject, *Promote Wildlife Conservation and Responsible Nature Based Tourism for Sustainable Development in Vietnam.* Comments to this consultation can be sent to the following address: |
| United Nations Development Programme304 Kim Ma, Ba Dinh, Ha Noi, Viet Nam,Tel: (+84 4) 38 500100Fax: (84-4) 37265520registry.vn@undp.org |
| **Deadline for submission of comments:** | **15 November 2022** |

Draft – May 2022

|  |  |  |
| --- | --- | --- |
|  | SUMMARY |  |

|  |
| --- |
| **Project title:** Promote Wildlife Conservation and Responsible Nature Based Tourism for Sustainable Development in Vietnam |
| **Country:** Vietnam | **Project Executing Entity:** Ministry of Natural Resources (MONRE)  |
| **GEF Focal Area**: Biodiversity |
| **UNDP Social and Environmental Screening Category:**SUBSTANTIAL | **UNDP Gender Marker:** GEN2 |
| **Atlas Award ID:**  | **Atlas Project/Output ID:**  |
| **UNDP-GEF PIMS ID number: 6377** | **GEF Project ID number:** 10787 |
|  |

# Abbreviations and Acronyms

|  |  |
| --- | --- |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| FPIC | Free, Prior and Informed Consent |
| GEF | Global Environment Facility |
| GRM | Grievance Redress Mechanism  |
| HCV | High Conservation Value |
| METT | Management Effectiveness Tracking Tool |
| MARD | Ministry of Agriculture and Rural Development |
| MONRE | Ministry of Natural Resources and Environment  |
| FMU | Forest Management Unit |
| NR | Nature Reserve |
| NP | National Park |
| PA | Protected Area |
| PIF | Project Identification Form (GEF) |
| PIR | GEF Project Implementation Report |
| PLRs | Policy, Legal and Regulation |
| POPP | Programme and Operations Policies and Procedures (UNDP) |
| PPG | Project Preparation Grant (GEF) |
| SECU | Social and Environmental Compliance Review Unit (UNDP) |
| SES | Social and Environmental Standards (UNDP) |
| SESP | Social and Environmental Screening Procedure (UNDP) |
| SRM | Stakeholder Response Mechanism (UNDP) |
| SUF | Special Use Forest |
| UNDP | United Nations Development Programme |
| UNDP-GEF | UNDP Global Environmental Finance Unit |

# Executive Summary

This Environmental and Social Management Framework (ESMF) has been prepared for the submission of the UNDP project proposal “*Promote Wildlife Conservation and Responsible Nature Based Tourism for Sustainable Development in Vietnam”* to the GEF. Its purpose is to assist in the assessment of potential environmental and social impacts. The Framework forms the basis upon which Environmental and Social Management impacts of the project will be assessed and managed, so as to ensure full compliance with the requirements of UNDP’s Social and Environmental Standards.

Preliminary analysis and screening conducted during the project development phase via UNDP’s Social and Environment Screening Procedure (SESP) identified potential social and environmental risks associated with project activities. The screening procedure led to the identification of 3‘Substantial’ risks, and 11 ‘Moderate risks’ resulting in the project having an overall rating of ‘Substantial’ and that the identified social and environmental risks’ impacts are manageable through identified mitigation measures detailed in the Screening Template, included in **Annex 9.1.**

It should be noted that some of the demonstration activities will be implemented in sites where ethnic minorities (indigenous peoples as defined by SES Standard 6) live or rely on for their livelihoods and traditions. While consultations have been undertaken with EMs during the PPG stage with efforts to ensure that these were conducted in keeping with the FPIC principles, additional FPIC will be undertaken to confirm consent of these communities regarding project investments and activities as part of a more detailed consultative process during project implementation.

The ESMF was developed for the specific intent of outlining the process that will be carried out during the inception/implementation phases of the Project, for the additional assessment of possible impacts and the identification and development of appropriate risk management measures, in accordance with the UNDP’s SES. It also includes an Indigenous Peoples Planning Framework (called Ethnic Minority Planning Framework;), and descriptions about the roles and responsibilities, the associated budget and timeframe for its implementation. Relevant activities of this ESMF include:

1. Additional FPIC procedures will be undertaken from the start of the project with ethnic minorities to achieve their consent for activities[[1]](#footnote-1) in the project sites within both PA landscapes. FPIC will continue throughout implementation (per the EMPF and subsequent EMP).
2. Development of scoped ESIAs[[2]](#footnote-2) and ESMPs in Year 1-Q3 and an Ethnic Minorities Plan (equivalent to an Indigenous Peoples Plan) to replace the Ethnic Minorities Planning Framework (EMPF) developed at PPG stage.
3. The conduct/application of a Strategic Environmental and Social Assessment (SESA) to assess and manage ‘upstream’ risks/potential impacts that may arise as a result of project activities: 1.2.4, 1.3.1, 1.3.2, 1.3.4, 1.4.7, 1.5.5, 2.3.6, 2.3.8, 2.4.5,3.2.2.
4. Application of additional screening process (with the SESP). The ongoing FPIC process will enable the incorporation of any emerging concern from EMs in further SESP application and ESMP continuous updates.

# Introduction

This Environmental and Social Management Framework (ESMF) has been prepared for the UNDP-supported project *“Promote Wildlife Conservation and Responsible Nature Based Tourism for Sustainable Development in Vietnam”*. Its purpose is to assist in the assessment of potential environmental and social impacts. The Framework forms the basis upon which targeted Environmental and Social Management assessments and Plan(s) will be developed at early project implementation so as to ensure full compliance with the requirements of UNDP’s SES policies. The Implementation of the ESMF will be the responsibility of the Ministry of Natural Resources (MONRE) ) and overseen by the UNDP National Project Manager and monitored throughout the duration of the project. UNDP is the GEF Agency for the project to which this ESMF applies. The UNDP Social and Environmental Standards are the applicable standards for this management framework.

Preliminary analysis and screening conducted during the project development phase via UNDP’s Social and Environment Screening Procedure (SESP) identified potential social and environmental risks associated with project activities. The screening procedure established that the project is overall rated as being of ‘Substantial’ risk, and that most of the ‘moderate’ and ‘low’ risks are manageable through identified mitigation measures detailed in the SESP report and in Table 4 of this report. Target ESIA(s) and ESMP(s) will be necessitated to manage the two risks classified; as ‘Substantial’ as these might involve economic displacement and/or impacts on the social, cultural and traditional practices of ethnic minorities as well as for “moderate’ risks that might need additional assessment and safeguard management measures.

# Project Description

**Project Objective:** To promote biodiversity conservation and sustainable livelihoods through innovative solutions for nature-based tourism.

**Programming Directions:**

Mainstream biodiversity across sectors and landscapes and seascapes through biodiversity mainstreaming in priority sectors.

Address direct drivers to protect habitats and species and improve financial sustainability, effective management, and ecosystem coverage of the global protected area estate.

**Nui Chua National Park** in Ninh Thuan province and **Phong Nha-Ke Bang National Park** in Quang Binh province will be supported by the project, covering an estimated 146,984 ha of terrestrial area (23,658 ha in Nui Chua and 123,326 ha in Phong Nha-Ke Bang) and 7,352 ha of marine area (in Nui Chua), since the intent is to also expand nature-based conservation in the surrounding landscape/seascape around Nui Chua National Park.

The project promotes responsible nature-based tourism through multi-sectoral coordination in a larger landscape approach to reduce threats to natural resources, reduce market demand for wildlife-related products, and mobilize sustainable financing mechanisms.

Based on a conservative estimate of potential opportunities for the generation of new and/or stabilization/maintenance of ‘green’ employment and community tourism-based livelihood operations, there will be an estimated 3,000 beneficiaries.

Components/Outputs

The project objective is to implement four interrelated and mutually complementary components:

**Component 1: Enabling a framework to harmonize nature conservation and tourism development**

Under this component, there are six outputs:

Output 1.1: An effective national inter-agency partnership and coordination platform established for multi-level planning for tourism in high-value biodiversity areas to support the implementation of the National Biodiversity Strategy and Action Plan - up to 2030, vision 2050 (NBSAP) under Decision 149/QD-TTg dated January 28, 2022, and contributed to the effective implementation of the biodiversity and national tourism strategies.

Output 1.2: Biodiversity conservation standards, criteria and guidelines for sustainable tourism development, management and operations in high-value biodiversity areas developed and adopted, supported by monitoring, verification, and reporting systems.

Output 1.3: Mainstreaming biodiversity conservation into tourism policy, regulations, and master planning to develop national nature-based tourism and integration in PA management policies.

Output 1.4: A policy framework for operationalizing nature-based tourism strengthened, particularly for promoting: (i) public-private partnerships in nature-based tourism; and (ii) community participation and benefit-sharing from nature-based tourism that ensure biodiversity conservation improvement.

Output 1.5: Practical and standardized methodologies for ecological and social impact assessment developed for nature-based tourism in high-value biodiversity areas to minimize impacts on wildlife, habitats, local culture, lifestyles, and standards to ensure compliance.

Output 1.6: Enabling national policy and clear legal framework underpinning the promotion and application of payment for ecosystem services from marine and wetland ecosystems (PMES and PWES) applied in project sites and replicated.

**Component 2: Nature-based tourism partnerships benefitting communities, wildlife and habitats at Nui Chua and Phong Nha-Ke Bang National Parks**

Under this component, there are seven outputs:

Output 2.1: Provincial multi-sectoral nature-based tourism platform established to support coordinated action and investment across government and private sectors to promote nature-based tourism development and biodiversity conservation in the Quang Binh and Ninh Thuan provinces.

Output 2.2: Integrated nature-based tourism programs designed in Nui Chua and Phong Nha-Ke Bang National Parks.

Output 2.3: Improved monitoring of the status of key biodiversity resources to assess the effectiveness of PA management, illegal wildlife threat management and biodiversity conservation outcomes of nature-based tourism.

Output 2.4: Institutional capacity for improving biodiversity conservation and management of PAs and effective monitoring, surveillance, and prevention of illegal wildlife activities.

Output 2.5: Implementation of community-based biodiversity conservation and benefit-sharing programs from nature-based tourism and related products and services that provide new and innovative income generation activities.

Output 2.6: Demonstration of PMES in Nui Chua national park and surrounding landscape;

Output 2.7: Distillation of results from the piloting / evidence-based application of guidelines and criteria at the local level as a feedback loop for refinement.

**Component 3: Capacity building and behaviour change for acceptance of the value of nature-based tourism and wildlife and biodiversity protection**

Under this component, there are five outputs:

Output 3.1: Advocacy with the travel and tourism sector to promote nature-based tourism and biodiversity conservation.

Output 3.2: Targeted social and behavioural change communications and initiatives for domestic and international tourists to influence the purchase, use and trafficking of illegal wildlife products and promote more positive attitudes towards wildlife and nature conservation.

Output 3.3: Community outreach at the two protected areas (Pas) and buffer zones to shift attitudes and create social pressures for deterred involvement in poaching and trafficking of wildlife and increase awareness of the benefits of nature-based tourism and payment for environmental services.

Output 3.4: Tourism and related enterprises integrate biodiversity-friendly practices to enhance biodiversity protection, improve visitor awareness and behaviour change, and participate in actions protecting biodiversity at the two PAs.

Output 3.5: Institutional capacity building and training of national stakeholders to integrate and mainstream biodiversity in nature-based tourism planning, monitoring, implementation, and enforcement.

**Component 4. Marketing, knowledge management, and monitoring and evaluation (M&E)**

Under this component, there are three outputs:

Output 4.1: Marketing strategies and informational materials for promoting the quality and diversity of nature-based tourism at demonstration PAs developed and disseminated across tourism platforms in Vietnam and abroad.

Output 4.2: Knowledge exchange platform developed for sharing experiences to replicate nature-based tourism planning and management models.

Output 4.3: M&E system incorporating gender mainstreaming and safeguards developed and implemented for adaptive project management.

# Purpose and scope of this ESMF

This ESMF has been developed as a management tool to assist in managing potential adverse social and environmental impacts associated with activities of this GEF-financed project, in line with the requirements of UNDP’s SES. The implementing partner of the project and the relevant members of the Project Management Unit will follow this ESMF during project implementation and ensure the environmental and social risks and impacts are fully assessed and management measures are put in place prior to the implementation of the relevant project activities.

This ESMF identifies the steps for detailed screening and assessment of the project’s potential social and environmental risks, and for preparing and approving the required management plans for avoiding, and where avoidance is not possible, reducing, mitigating, and managing these adverse impacts. Its scope covers all project activities described in above in Section 2, which include co-financing in terms of in-kind contributions, grants and equity investment by various government agencies and the private sector needed to implement the project.

# Potential Social and Environmental Impacts

During the PPG phase, the UNDP SESP was used to identify potential social and environmental risks and positive impacts associated with this Project. The project was scrutinized as to its type, location, scale, sensitivity and the magnitude of its potential social and environmental impacts. All project activities were screened, including planning support, policy advice, and capacity-building, and site-specific, physical interventions. The screening highlighted the project intentions as they related to mainstreaming human rights, gender equality and women’s empowerment, accountability and environmental sustainability.

In terms of risks, the SESP identified a total of fourteen risks, ten of which have been assessed as having Moderate significance while three were rated Substantial (and one as low); hence overall SESP risk categorization rating for the project is “Substantial”. The project document includes the SESP template that details the specific environmental and social risks identified.

**Substantial Risk**: Defined by UNDP’s SESP as *“Projects that include activities with potential adverse social and environmental risks and impacts that are more varied or complex than those of Moderate Risk projects but remain limited in scale and are of lesser magnitude than those of High Risk projects (e.g. reversible, predictable, smaller footprint, less risk of cumulative impacts).”*

The following are the project risks and their significance as identified in the completed SESP found in Annex 9.1 of the ProDoc.

*Risk 1: Given the presence of ethnic minorities in both PA sites, certain key project outputs/components will require the informed consent (FPIC) of ethnic minorities before the implementation of these activities. This is particularly the case for project supported activities on the development of local nature-based tourism products and experiences, as well as participation during project design and the implementation . Ethnic m*inority *communities might not be aware of the consent-giving process or be fully capacitated to give FPIC in accordance with international and national policies. Consultation and engagement with local communities has been limited during the design of the project (due to national Covid-19 restrictions) which has further exacerbated issues surrounding PAPs ability to give consent in line with the requirements of UNDP SES 6. (***Substantial)**

*Risk 2:* Project-related policy changes could lead to new tourism activities and potential cessation/reduction of existing operations.  *This in-turn could lead to conflicts with local communities in and surrounding the PA sites. Conflicts could arise as a result of project components XXXXXX . Potential conflicts could include disagreements between local governments and local communities or tourism operators or communities depending on particular views and interests in tourism development.* **(Moderate)**

*Risk 3: Nature-based tourism development might not fully incorporate or reflect views of women and girls and ensure equitable opportunities for their involvement and benefit as well in decision-making on resource use and management. (***Moderate)**

*Risk 4: The project interventions could cause/support activities that lead (either directly or indirectly) to impacts of changed amount/type of tourism and/or nature-based tourism and increasing demand for nature-based products on sensitive habitats or ecosystems (e.g., soil/vegetation erosion, waste, sewage, IAS spread) or threatened or harvested species* **Moderate)**

*Risk 5: The Project may involve the harvesting of NTFP from natural forests and marine resources for proposed livelihoods and small-scale community enterprises, which could inadvertently adversely affect critical habitats. (***Moderate)**

*Risk 6: Nature-based tourism development could result in damage to sacred sites and cultural sites, including through inappropriate tourist behavior (e.g., desecration of cultural site), and/or could harm/change intangible cultural heritage (e.g., traditional knowledge) through its commercialization and use in ecotourism. (***Moderate)**

*Risk 7: The development of nature-based tourism could change current access to PAs and their resources, including by unintentional restricting access to local communities. (***Moderate)**

*Risk 8: Local communities, governments and tour operators may not have the capacity to manage and oversee tourism development and operations to adhere to established standards and benchmarks for sustainable tourism planning, development and operations and therefore impinge on human rights. (***Moderate)**

*Risk 9: The operation of nature-based tourism adventure activities could pose safety risks to communities, local tourism operators and tourists during operation. Project supported NBT activities could include activities with heightened safety risks such as cave expeditions etc. (***Moderate)**

*Risk 10: The nature-based tourism activities could potentially enhance release of pollutants and waste (from increased tourist numbers and inadequate waste management practices at PA sites) into natural ecosystems resulting in localized impacts (***Moderate)**

*Risk 11: Project support for site-based management effectiveness such as law enforcement or awareness-raising could bring safety risks for PA staff due to increased interaction with poachers. Conversely, support to PA staff/security personnel may also pose risks to local communities. (***Substantial)**

*Risk 12: Unintended negative consequences from upstream policy changes that result in changes to tourism development in Vietnam (for example new nature-based tourism standards and guidelines) could lead to adverse impacts on cultural heritage, or could restrict access of local communities to PAs and the resources therein. (***Moderate)**

*Risk 13: Covid-19 and other potential zoonotic disease outbreaks that remain prevalent in the project sites could pose the risk of infection and exposure of persons involved in implementing project activities to these diseases (***Substantial)**

*Risk 14: Child labor remains a pertinent issue in Vietnam, and may occur in surrounding project areas,* especially since ethnic minorities are at particular risk of being affected**[[3]](#footnote-3). (Low)**

The Project will ensure the compliance with all domestic regulations described in this section and will take advantage of the opportunities that specific laws provide for the success of the project objectives. In some aspects UNDP SES may establish higher standards and imply additional requirements compared to what is compulsory under national legislation. Where there is a discrepancy in the relative stringency of national regulation, international regulation and UNDP SES, the most stringent of the conflicting provisions shall be adhered to.

A summary of the risk significance under each SES principle and standard, and the project-level safeguard standards triggered by each project (indicated with ticks) are shown in the table below.

**Table 5 SES Standards Triggered**

| **Overarching Principle / Project-level Standard** | **Rating** |
| --- | --- |
| Human Rights | **✓****Substantial** |
| Gender Equality and Women’s Empowerment | **✓****Moderate** |
| Accountability | **✓****Substantial** |
| Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management | **✓****Moderate** |
| Standard 2: Climate Change and Mitigation | **✓****Moderate** |
| Standard 3: Community Health, Safety and Working Conditions | **✓****Substantial** |
| Standard 4: Cultural Heritage | **✓****Moderate** |
| Standard 5: Displacement and Resettlement | **✓****Moderate** |
| Standard 6: Indigenous Peoples | **✓****Substantial** |
| Standard 7: Labour and working conditions | **✓****Moderate** |
| Standard 8: Pollution Prevention and Resource Efficiency | **✓****Moderate** |
| **Number of risks in each risk rating category** |
| High | 0 |
| Substantial | 3 |
| Moderate | 10 |
| Low | 1 |
| Total number of project risks | 14 |
| Overall Project Risk Categorization | **Substantial** |

The UNDP’s Social and Environmental Screening Procedure (SESP) has resulted in an overall “substantial” risk rating for the project. According to the 2021 SESP guidelines, a project is considered to have “substantial” social and environmental risk when it *“includes activities with potential adverse social and environmental risks and impacts that are more varied or complex than those of Moderate Risk projects but remain limited in scale and are of lesser magnitude than those of High Risk projects (e.g. reversible, predictable, smaller footprint, less risk of cumulative impacts)”.*

1. Stakeholder engagement and information disclosure process

Discussions with project stakeholders, including local communities at project sites, commenced during the PPG phase. A list of the stakeholders engaged in these consultations has been included Annex 9.4. The project also has an individual Stakeholder Engagement Plan (Annex 7 of UNDP Project Document) and Gender Action Plan (Annex 10 of UNDP Project Document).

These Plans will be followed to ensure that stakeholders are engaged in project implementation and particularly in the further assessment of social and environmental impacts and the development of appropriate management measures. Project Stakeholder Engagement Plans will be updated during project implementation based on the assessments and management plans conducted in line with this ESMF, as needed.

Potentially affected stakeholders will be engaged during the implementation of this ESMF. This will include FPIC consultations with ethnic minorities if applicable.

As part of the stakeholder engagement process, UNDP’s SES require that project stakeholders have access to relevant information. Specifically, the SES (SES, Policy Delivery Process, para. 21) stipulates that, among other disclosures specified by UNDP’s policies and procedures, UNDP will ensure that the following information be made available:

* Stakeholder engagement plans and summary reports of stakeholder consultations
* Social and environmental screening reports with project documentation
* Draft social and environmental assessments, including any draft management plans
* Final social and environmental assessments and associated management plans
* Any required social and environmental monitoring reports.

As outlined in the SES and UNDP’s Social and Environmental Screening Procedure (SESP), the type and timing of assessments and management plans vary depending of the level of social and environmental risk associated with a project as well as timing of the social and environmental assessment.

This ESMF (and the project SESP) will be disclosed via the UNDP Vietnam website in accordance with UNDP SES policy. The subsequent project ESMPs or stand-alone management plan(s) will also be publicly disclosed via the UNDP Vietnam website once drafted, and finalized and adopted only after the required time period for disclosure has elapsed.

These requirements for stakeholder engagement and disclosure will be adhered to during the implementation of this ESMF, and the subsequent implementation of the resulting ESMPs and any stand-alone management plans.

# Grievance redress mechanism

## 5.1 UNDP’s Accountability Mechanisms

UNDP’s SES recognize that even with strong planning and stakeholder engagement, unanticipated issues can still arise. Therefore, the SES are underpinned by an Accountability Mechanism with two key components:

* 1. A Social and Environmental Compliance Review Unit (SECU) to respond to claims that UNDP is not in compliance with applicable environmental and social policies; and
	2. A Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by projects have access to appropriate grievance resolution procedures for hearing and addressing project-related complaints and disputes.

UNDP’s Accountability Mechanism is available to all of UNDP’s project stakeholders.

The Social and Environmental Compliance Unit (SECU) investigates concerns about non-compliance with UNDP’s Social and Environmental Standards and Screening Procedure raised by project-affected stakeholders and recommends measures to address findings of non-compliance.

The Stakeholder Response Mechanism helps project-affected stakeholders, UNDP’s partners (governments, NGOs, businesses) and others jointly address grievances or disputes related to the social and/or environmental impacts of UNDP-supported projects.

Further information, including how to submit a request to SECU or SRM, is found on the UNDP website at: <http://www.undp.org/content/undp/en/home/operations/accountability/secu-srm/>

## 5.1 Project-level Grievance Redress Mechanism

MONRE will establish and implement, as described in the Project Document, a transparent, fair and free-to-access project-level Grievance Redress Mechanism (GRM), approved by stakeholders, which will be put in place at the start of implementation. Interested stakeholders may raise a grievance at any time to the Project Management Office, the Executing Agency, Implementing Agency (UNDP), or the GEF.

The project must assign a staff who is responsible for operating and monitoring grievance redress from national to local level, and for reporting periodically on the project progress report. A standard procedure to handle grievance should be going through following steps:

* **Step 1:** Receive and register grievance (through email, letter, fax, phone, meetings;
* **Step 2:** Acknowledge, Assess, Assign: Acknowledge receipt and outline how grievance will be processed, assess eligibility, and assign organizational responsibility for proposing a response;
* **Step 3:** Propose Response: There are often three types of responses including: (1) Direct action to resolve the complaint; (2) Further assessment and engagement with the complainant and other stakeholders to determine jointly the best way to resolve the complaint; (3) Determination that the complaint is not eligible for the GRM, either because it does not meet the basic eligibility criteria, or because another mechanism (within the organization or outside it) is the appropriate place for the complaint to go.
* **Step 4:** Communicate proposed response to complainant and seek agreement on the response: This step will deliver response back to the complainant in a timely fashion, in writing using language that is easily accessible to the complainant. Responders may also contact the complainant by telephone or set up a meeting to review and discuss the initial approach with the complainant. The response should include a clear explanation of what the complainant’s choices are, given the proposed response. Those choices may include agreement to proceed, request for a review of an eligibility decision or a referral decision, further dialogue on a proposed action, or participation in a proposed assessment and engagement process. In addition, the response should note any other organizational, judicial or non-judicial but official government avenues for redress that the complainant may wish to consider.
* **Step 5:** Implement the response to resolve the grievance: at this step, there is an agreement between a complainant and the GRM staff to move forward with the proposed action or stakeholder process, then the response should be implemented.
* **Step 6:** Review the response if unsuccessful: the GRM staff should review the situation with the complainant, and see whether any modification of the response might meet the concerns of the complainant. If not, the GRM staff should inform the complainant about other alternatives that may be available, including the use of judicial or other administrative mechanisms for recourse. Whatever alternative the complainant chooses, it is important for GRM staff to document their discussion with the complainant and the complainant’s informed choice among alternatives
* **Step 7:** Close out or refer the grievance

The Grievance Redress Mechanism set out in this ESMF encourages mutually acceptable resolution of issues as they arise. It has been designed to:

* Be a legitimate process that assures stakeholders that their concerns will be assessed in a timely, fair and transparent manner;
* Provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
* Provide clear and concise procedures for each stage of the Grievance Redress Mechanism process;
* Ensure equitable treatment to all individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;

The GRM will be gender- and age-inclusive and responsive and address potential access barriers to ethnic minority peoples, women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GRM will not impede access to judicial and will be readily accessible to all stakeholders at no cost. Information about the Grievance Redress Mechanism and how to make a complaint and/or grievance must be communicated during the stakeholder engagement process and placed at appropriate places for the information of the key stakeholders. Eligibility criteria for this Grievance Redress Mechanism include:

* Perceived negative economic, social or environmental impact on an individual and/or group, or concern about the potential to cause an impact as result of the project;

Any kind of impacts that have occurred or likely to occur; and explanation of how the project caused or may cause such impacts;

this Project shall also follow the Vietnam government legislations namely Law on Complaint and Law on Denunciation which were approved by Vietnam National Assembly in 2011 and revised in 2018 respectively. These are legal platforms that provide an accessible, rapid, fair and effective response to concerned stakeholders. However, to assure vulnerable groups who often lack access to formal legal regimes, the Project must provide necessary support as they will be able to be treated fairly and their complaints may be resolved immediately. This GRM might be revised and updated if necessary depending actual situation of the project. It must be delivered to local communities and other interested stakeholders so as they will fully understand and will be able to raise a grievance/complaint regarding social and environmental issues at all times to local People’s Committee (PPC) for consideration

Complaints and grievances related to any aspect of this Project will be first handled through negotiation aimed at achieving consensus. They should pass through three levels before they are taken to a court of law as a last resort. People will be free from any fees for complaints. The three levels include:

* **First level** - At Commune People’s Committee (CPC) people may bring his/her complaint to any member of the CPC, in writing or verbally. It is incumbent upon said member of CPC to notify the CPC about the complaint. The CPC will meet personally with the aggrieved person and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints awaiting at the CPC for settlement;
* **Second Level** - At District People’s Committee (DPC) If after 15 days the aggrieved person does not hear from the CPC, or if the CPC gives its solutions, but s/he is not satisfied with the decision taken on his/her complaint, she/he may bring the case, either in writing or verbally, to any member of DPC or District. The District in turn will have 30 days to resolve the case. The District Committees responsible for documenting and keeping file of all complaints that it handles;

**Third Level** - At the Provincial People’s Committee (PPC) If after 30 days the aggrieved person does not hear from the District Committee, or if s/he is not satisfied with the decision taken on his/her complaint, s/he may bring the case, either in writing or verbally, to any member of the Provincial PC. The Provincial PC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC is also responsible for documenting and keeping file of all complaints that it handles; Final Stage - Court of Law If after 45 days following the lodging of the complaint with the PPC, the aggrieved DP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law. The judgment of the Court is the final results that the concerned parties have to comply with. In this project, legal judgment may refer to the Law on Complaint 2011, the Law on Biodiversity 2008, Land Laws 2013, the Law on Environmental Protection 2014 or the Forest Law 2017 as legal base for their decision

1. i.e., 1.2.2, 1.2.4, 1.3.3, 1.4.3, 1.4.7, 1.5.4, 2.1.5, Output 2.2, Output 2.3, 2.4.3, 2.5.3. [↑](#footnote-ref-1)
2. it may be determined during the inception phase of this project to undertake the “scoped ESIA” following the SAPA methodology (so long as this continues to meet the requirements of UNDP SES). See section 7.2 for further details. [↑](#footnote-ref-2)
3. <https://www.ilo.org/hanoi/Areasofwork/child-labour/lang--en/index.htm> [↑](#footnote-ref-3)