|  |  |  |
| --- | --- | --- |
|  | DRAFT Environmental and Social Management Framework (ESMF) |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Project title:** Sustainable Forest and Forest Land Management in Vietnam’s Ba River Basin Landscape | | | |
| **Country:** Vietnam | **Implementing Partner (GEF Executing Entity):** Forest Inventory and Planning Institute (FIPI) of Ministry of Agriculture and Rural Development (MARD) | | **Execution Modality***:* NIM |
| **Contributing Outcome**  Outcome 2.2: Sustainable management of natural resources and the environment.  By 2021, Vietnam has enhanced sustainable management of natural capital, biodiversity and ecosystem services and improved the quality of the environment, while contributing to the implementation of multilateral environmental agreements | | | |
| **UNDP Social and Environmental Screening Category:**  SUBSTANTIAL | | **UNDP Gender Marker:**  GEN2 | |
| **Atlas Award ID:** 00125963 | | **Atlas Project/Output ID:** 00120143 | |
| **UNDP-GEF PIMS ID number:** 5887 | | **GEF Project ID number:** 10539 | |
|  | | | |

Draft – March 2022

Contents

[Executive Summary iv](#_Toc66354235)

[Abbreviations and Acronyms v](#_Toc66354236)

[1 Introduction 6](#_Toc66354237)

[1.1 Project description 6](#_Toc66354238)

[1.2 Purpose and scope of this ESMF 7](#_Toc66354239)

[1.3 Potential Social and Environmental Impacts and Management 7](#_Toc66354240)

[2 Legislation and Institutional Frameworks for environmental and social matters 9](#_Toc66354241)

[2.1 National Legislation, Policies and Regulations 9](#_Toc66354242)

[2.1.1 Environmental Protection 12](#_Toc66354243)

[2.1.2 Land and forest land and tenure 12](#_Toc66354244)

[2.1.3 Policies to address deforestation and forest degradation 14](#_Toc66354245)

[2.1.4 Ethnic Minorities 15](#_Toc66354246)

[2.1.5 Climate Change Policies 16](#_Toc66354247)

[2.2 International Agreements and Treaties 17](#_Toc66354248)

[2.3 UNDP’s Social and Environmental Standards 18](#_Toc66354249)

[2.4 Gaps in policy framework 20](#_Toc66354250)

[3 Procedures for Screening, Assessing and Managing Social and Environmental Impacts 20](#_Toc66354251)

[3.1 Screening 21](#_Toc66354252)

[3.1.1 Identified Potential Impacts 21](#_Toc66354253)

[3.1.2 Establishment of new PA from existing two Forest Companies (Tram Lap and Dak Rong) 21](#_Toc66354254)

[3.1.3 On going Screening for Unspecified Activities 21](#_Toc66354255)

[3.2 Assessment 22](#_Toc66354256)

[3.2.1 Identified Potential Impacts 23](#_Toc66354257)

[3.2.2 Proposed New PA Sites 23](#_Toc66354258)

[3.2.3 Currently unspecified project activities 23](#_Toc66354259)

[3.3 Management 23](#_Toc66354260)

[3.3.1 Environmental and Social Management Plan 23](#_Toc66354261)

[3.3.2 Indigenous Peoples’ Plan 24](#_Toc66354262)

[3.3.3 Additional Plans 25](#_Toc66354263)

[4 Institutional arrangements and capacity building 26](#_Toc66354264)

[4.1 Roles and responsibilities for implementing this ESMF 26](#_Toc66354265)

[4.2 Capacity Building 28](#_Toc66354266)

[5 Stakeholder engagement and information disclosure 28](#_Toc66354267)

[6 Accountability and Grievance Redress Mechanisms 29](#_Toc66354268)

[6.1 UNDP’s Accountability Mechanisms 29](#_Toc66354269)

[6.2 Project-level Grievance Redress Mechanisms 29](#_Toc66354270)

[7 Budget for ESMF Implementation 32](#_Toc66354271)

[8 Monitoring and evaluation arrangements 32](#_Toc66354272)

[9 Annexes 34](#_Toc66354273)

[9.1 SESP Template 34](#_Toc66354274)

[9.2 Indicative Outline of Targeted Environmental and Social Impact Assessment (ESIA)/ Report 34](#_Toc66354275)

[9.3 Indicative outline of Environmental and Social Management Plan (ESMP) 36](#_Toc66354276)

[9.4 List of stakeholders have been consulted during the ESMF development 38](#_Toc66354277)

**List of Tables:**

Table 1: Summary of policy, law and regulation issues…………………………………………………………………………………10

Table 2: Key elements of UNDP’s Social and Environment Standards……………………………………………………………19

Table 3: Summary of safeguards triggered based on screening conducted during project preparation…………20

Table 4: Screening impacts and mitigation of proposed project investment activities…………………………………..27

Table 5: Summary of screening, assessment and management requirements……………………………………………….37

Table 6: Breakdown of project level costs for ESMF Implementation…………………………………………………………….46

Table 7: ESMF M&E…………………………………………………………………………………………..…………………………………………..48

# Abbreviations and Acronyms

|  |  |
| --- | --- |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| FIPI | Forest Inventory and Planning Institute |
| 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 “*Sustainable Forest and Forest Land Management in Viet Nam’s Ba River Basin Landscape”* 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. The ESMF will implemented by the Forest Inventory and Planning Institute (FIPI) of Ministry of Agriculture and Rural Development (MARD) and overseen by the UNDP Project Manager and Project Officer and monitored throughout the duration of the project.

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 2 ‘Substantial’ risks, 9 ‘Moderate risks’ and 2 ‘low’ 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.**

Given that most of the on-the-ground activities will be detailed as part of implementation, it was not possible to comprehensively assess all possible risks in detail. In addition, some of the demonstration activities will be implemented in sites where ethnic minorities (indigenous peoples as defined by SES Standard 6) live or have close relations with the forests. 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 Peoples Planning Framework; see separate Annex 11 in UNDP Project Document), and descriptions about the roles and responsibilities, the associated budget and timeframe for its implementation. Relevant activities of this ESMF include:

* Additional FPIC procedures will be undertaken from the start of the project with ethnic minorities to achieve their consent in the forest conservation and management activities in the project sites within the Ba river basin. FPIC will continue throughout implementation (per the EMPF and subsequent EMP).
* Development of scoped ESIAs 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. Development of site-specific Livelihood Action Plans (LAPs), in case there is potential economic displacement.
* 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 *“Sustainable Forest and Forest Land Management in Viet Nam’s Ba River Basin Landscape”* developed together with FIPI/MARD of the Government of 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 Forest Inventory and Planning Institute (FIPI) of Ministry of Agriculture and Rural Development (MARD) 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

The project’s overall aim is to conserve forest biodiversity and maintain or improve the flow of ecosystem services through sustainable forest management embedded in a coordinated landscape-level approach across Ba River basin.

The project aims to do so through specific actions that mainstream biodiversity across sectors as well as 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; and Maintain or improve flow of ecosystem services, including sustaining livelihoods of forest-dependent people, through Sustainable Forest Management (SFM). This is achieved through the following actions that are divided into the following components:

Component 1: Mainstreaming biodiversity and ecosystem services into landscape-level planning, monitoring and enforcement

Component 2: Conserving globally significant biodiversity and ecosystem services in forested landscapes of Ba River basin

Component 3: Policy mainstreaming replication and knowledge exchange Conservation and restoration-rehabilitation of natural habitats

## Purpose and scope of this ESMF

This ESMF is a management tool to assist in managing potential adverse social and environmental impacts associated with project activities, in line with the requirements of UNDP’s Social and Environmental Standards. The implementing partners of the project and the relevant members of the project management unit (refer UNDP Project Document Section VII) will follow this ESMF from the start of the project implementation to ensure the environmental and social risks and impacts are fully assessed and management measures are in place prior to the implementation of the relevant project activities.

The document forms the basis upon which the implementing partners will develop their specific Environmental and Social Management Plans to ensure that significant adverse environmental and social impact mitigation and management measures are implemented and monitored as required. It identifies the steps for detailed 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 the identified adverse impacts of this project.

It also sets out the additional and targeted safeguards measures that apply to the project during the inception phase, including but not limited to:

1. Conducting scoped Environmental and Social Impact Assessment (ESIAs), to assess “downstream” impacts of on-the-ground activities and preparing scoped ESMPs, paying particular attention to impacts on poor and marginalized individuals, ethnic minority groups and communities and economic displacement.
2. Screening of project activities and specific interventions/outputs not yet fully specified, using the SESP, to ensure that associated impacts are adequately managed.
3. Conducting a Strategic Environmental and Social Assessment (SESA) would be necessary to assess impacts of conservation and forest restoration strategy for Ba river basin and any potential PFES measures for new activities, to assess any potential impacts associated with “upstream” aspects of the project.

This ESMF will be publicly disclosed in line with UNDP’s Information Disclosure Policy and SES. Free, Prior Informed Consent (FPIC) will be applied for any identified activities which may have adverse impacts on ethnic minorities, including but not limited to the implementation of the ESMF.

At this stage, specific on-the-ground locations of the interventions within the PAs, Production and Protection Forests and Commune Managed lands have not been fully specified, as such they cannot be fully assessed for all potential social and environmental risks and impacts. As such, this ESMF has been prepared to set out the principles, rules, guidelines and procedures for screening, assessing, and managing the potential social and environmental impacts of the project as they are developed and designed. Once specific locations for these activities have been defined targeted or scoped ESIAs will be carried out to developed management resources to address ant safeguard issues (either through scoped ESMP{s) or targeted management interventions. This ESMF serves as a framework document for the management of environmental and social risks that could occur as a result of the project, this includes both upstream/policy-level initiatives support by the project, as well as ‘downstream’/on-the-ground activities.

## Potential Social and Environmental Impacts and Management

The UNDP’s Social and Environmental Screening Procedure (SESP) was executed, resulting the project in an overall “substantial” risk. According to the 2021 SESP guidelines, a project is considered to have “moderate” risk when it “includes activities with possible social and environmental risks and adverse impacts that are of limited range, that can be determined with a reasonable level of certainty, and that can be addressed through the application of optimum practices and standard mitigation measures as well as the involvement of key stakeholders during implementation of said project”. Activities with this risk level can include physical interventions (in buildings, roads, protected areas, etc.), often called “execution activities”), as well as support for planning, consultation in the realm of policies and capacities training (often called “activities prior to execution”), and can involve risks that are predominantly indirect, long-term, or difficult to identify”[[1]](#footnote-1).

UNDP uses its Social and Environmental Screening Procedure (SESP) to identify potential social and environmental risks and opportunities associated with proposed projects. Each project is scrutinized as to its type, location, scale, sensitivity and the magnitude of its potential social and environmental impacts. All project components are screened, including planning support, policy advice, and capacity-building, as well as site-specific, physical interventions. Activities that will be completed under project co-financing are also included in the scope of the assessment.

The Project’s design integrated many of the requirements triggered by the UNDP Social and Environmental Standards (SES) in order to ensure that its potential adverse effects can be avoided or mitigated during its implementation, and that the anticipated positive social and environmental outcomes are achieved. Nevertheless, there are some specific project activities that will be executed and locations that will be fully defined once the Project starts its implementation. Thus, this ESMF establishes a framework that guides the screening and categorization, level of impact assessment, required institutional arrangements, and processes to be followed for components or activities of the project that will be further specified during project implementation.

Below is described the risks and possible impacts, both positive and negative, that have been identified through the risk assessment process.

Positive impacts of the Project include (additional details can be found in the Section VI. of the PRODOC Project Results Framework):

* 3,000 People (1,500 women and 1,500 men) directly benefit of the Project and an increasing number living in the Ba river basin will also indirectly benefit of the Project as a result of increased provision of ecosystem services.
* Improved management to benefit biodiversity in 71,106 hectares of existing protected areas and extension in another 10,000 hectares;
* Another 56,658 hectares of biological landscapes under improved conservation practices;
* Restoration of 500 hectares of degraded forests to improve connectivity;
* Commune managed forests and agricultural lands covering 17,827 hectares under improved management to benefit biodiversity,
* 1,032,450 tons of CO2e are sequestered in Ba river basin as a result of improved management in landscapes subject to the Project activities.

A summary of the risks that could lead to negative impacts during Project implementation is presented in Section below. These were identified during the risk assessment as part of the SESP execution (further details can be found in UNDP Project Document Annex 6. SESP).

The SESP details the specific environmental and social risks that apply. The significance of each risk, based on its likelihood of occurrence and extent of impact, has been estimated as being low, moderate, substantial or high. Based on the significance of these individual risks, the project has been allocated an overall SESP risk categorization rating of “SUBSTANTIAL**”**, the overall risk category being taken from the highest rating allocated to any individual risk.

**Substantial Risk:** is defined by UNDP’s SES[[2]](#footnote-2) 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). Substantial Risk projects include individual risks rated as “Substantial”. Substantial Risk projects may also include those with a varied range of risks rated as “Moderate” that require more extensive assessment and management measures. While the type of assessment methodology for Substantial Risk projects will vary depending on the nature of the risks and type of project, generally a scoped, fit-for-purpose Environmental and Social Impact Assessment (ESIAs) would be needed to analyse the range and interactions of potential risks and impacts. Similarly, for Substantial Risk projects that promote plans and policy reforms that may lead to adverse social and environmental risks and impacts, a scoped Strategic Environmental and Social Assessments may be required.

The “*Substantial*” risk categorization is due to the following three risks as identified in the SESP:

| ***Risk Description*** | ***Risk Category*** |
| --- | --- |
| Risk 1: The project proponent may not effectively engage and ensure participation of all stakeholders, including women and ethnic minorities, during the project design and the implementation phases resulting in violation of human rights. Some activities may require FPIC and this has not yet been fully secured. | Substantial |
| Risk 3: Enhanced management of PAs/FMUs, new PA establishment, targeted forest restoration, could result in changes or restrictions in access to forests and forest resources. Allocation of forestland to communities could have also unintended negative impacts on adjacent community who currently access and use of forest resources in these proposed community managed forestlands. Project activities could affect land tenure arrangements and/or community-based property rights/customary rights to land, territories and/or resources. | Substantial |
| Risk 9: Surveillance and patrolling activities on PAs could lead to escalated conflict or safety-related risks if rangers have contact with poachers. These activities could also have safety risks for local communities if rangers are not properly trained, managed and overseen with a human-right based approach to law enforcement taken.  Anti-poaching patrols could pose safety risks to local communities if they are not properly trained, managed or overseen. | Substantial |

**Moderate Risk:** is defined as “Projects that include activities with potential adverse social and environmental risks and impacts that are few in number, limited in scale, largely reversible and can be identified with a reasonable degree of certainty and readily addressed through application of recognized good international practice, mitigation measures and stakeholder engagement during project implementation. Moderate Risk projects range from those with very few, well-understood social and environmental risks and impacts to those where the full extent of the limited impacts is unclear and further assessment and management planning is required”

Moderate risks identified as part of the project’s SESP include:

| ***Risk Description*** | ***Risk Category*** |
| --- | --- |
| Risk 2: Project activities related to sustainable forest management, community forest management and livelihood might not fully incorporate the views and needs of women | Moderate |
| Risk 4: Long-term sustainability of the positive project outcomes could be negatively impacted by climate change. In the short-term climate induced natural hazards and weather events could impede smooth implementation of the project. | Moderate |
| Risk 5: Poorly designed or executed project activities, could unintentionally damage critical or sensitive habitats and ecosystems, resulting from the implementation of sustainable forest and forest land management malpractices, including potential for poor selection of species and resulting biodiversity and land restoration impacts. | Moderate |
| Risk 6: Alien Invasive Species (IAS) could inadvertently be introduced to project demonstration sites, in particular during forest restoration activities. | Moderate |
| Risk 7: The project sites could potentially intersect with globally and locally important sites with cultural, historical, religious, artistic and traditional values. It is unlikely that the project activities will have structural adverse impacts on these sites but may adversely impact traditional knowledge and practices that are part of the communities for centuries and that are deep-rooted in their cultural practices. | Moderate |
| Risk 8: Use of pesticides, herbicides or insecticides could potentially pose risk to community health and lack of adequate guidelines on usage and storage of these chemicals could result in generation of hazardous waste through different migration pathways (soil, water, or air). | Moderate |
| Risk 9: Surveillance and patrolling activities on PAs could lead to escalated conflict or safety-related risks if rangers have contact with poachers. These activities could also have safety risks for local communities if rangers are not properly trained, managed and overseen with a human-rights based approach to law enforcement taken. Anti-poaching patrols could pose safety risks to local communities if they are not properly trained, managed or overseen. | Moderate |
| Risk 10: Forest management institutions may have inadequate capacity to sufficiently uptake SFM practices for implementation | Moderate |
| Risk 11: The COVID19 outbreak could accelerate resource exploitation due to economic disruptions in other livelihoods as a result of reduced demand for certain products and services and shift in priorities of the government and other stakeholders | Moderate |

During project implementation it is envisaged that no project activities that could result in resettlement/physical displacement will be undertaken. Any activity that causes reduced access to land or resources will be governed and managed in accordance with UNDP SES Standard 5 requirements, host country law/regulation and the requirements/procedures established in the projects Process Framework.

# Legislation and Institutional Frameworks for environmental and social matters

## National Legislation, Policies and Regulations

This section provides a preliminary review of the policy, legal and regulation (PLR) framework related to the potential risks and benefits of the proposed project and prospective activities to be implemented with the use of the funding received. The PLR framework underpins how social and environmental safeguards will be addressed and respected. The following review of existing PLR is relevant to the implementation of the projects.

Vietnam has a complex legal framework based on a hierarchy of codified laws, resolutions, ordinances, decrees, decisions and circulars made at different levels starting with the National Assembly. There is a high degree of complexity in the system in that many legal decisions are made at different levels. A summary of the main PLRs affecting the project is shown in Table 1. More relevant issues are showed in different following sections.

**Table.1 Summary of policy, law and regulation issues**

| **Law** | **Summary of actions covered** |
| --- | --- |
| Law on Environmental Protection (2014) | This law provides policies and regulations on environmental safeguards, and rights and obligations of organizations, households and individuals related to environmental protection activities.   * The 170-article Law governs environmental protection activities; policies, measures and resources for environmental protection; and rights, obligations and responsibilities of agencies, organizations, households and individuals in environmental protection. * Under the Law, national environ-mental protection must go hand in hand with regional and global environmental protection, and environmental protection must not be detrimental to the national sovereignty and security. * The Law affirms that environmental protection is the responsibility and obligation of all agencies, organizations, households and individuals. Organizations, households and individuals that benefit from the environment must make financial contributions to the environmental protection. Likewise, those who cause environmental pollution, incidents or degradation must take remedies and pay compensations for damage. |
| Land Law (2013) | The law prescribes land use rights, land management and administration, powers and responsibilities of the State in representing the entire-people owner of land and uniformly managing land, the regime of land management and use, the rights and obligations of land users involving land in the territory of the Vietnam. Related are:   * Decree No. 43/2014/ND-CP dated 15/05/2014 of the Government regulations on detailing a number of articles of the Land Law; * Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government regulations on compensation, support and resettlement upon land recovery by the State; * Decree No. 75/2012/ND-CP dated 03/10/2012 of the Government detailing a number of articles of the Law on Complaints; * The Circular No. 37/2014/TT-BTNMT dated 30/06/2014 of MONRE on detailing compensation, support and resettlement upon land acquisition by the State |
| Law on Water Resources (2012) | No. 17/2012/QH13 of the National Assembly of Vietnam dated June 21, 2012 provides on management, protection, exploitation and use of water resources, as well as the prevention of, combat against and overcoming of harmful effects caused by water in the territory of the Socialist Republic of Vietnam. |
| Law on Biodiversity (2008) | The Law on Biodiversity has a distinct scope of regulation, while ensuring consistency with these laws and taking into due account orientations for the future reform of the environmental legal system.   * The 78-article Law provides for conservation of natural ecosystems, protection of wildlife and precious genetic resources in their natural habitats and equitable sharing of benefits from genetic resources. * The Law makes stricter provisions on establishment of conservation zones. Specifically, it stipulates that a conservation zone must have two functional sections, namely a strictly protected section and an ecological restoration section. Depending on its practical conditions, a conservation area may also have a service-administrative section. A conservation zone establishment project must indicate the purpose of biodiversity conservation, satisfaction of certain conditions for the zone’s establishment, the actual status of natural ecosystems, species prioritized for protection and other wild species, landscape, unique natural beauty, agricultural production and residential land areas and their use status, the number of inhabitants lawfully residing in the zone, and the land use purpose change plan. |
| The Forestry Law (2017) | Forestry Law regulates the management, protection, development and use of forests, as well as the processing and trading of forest products, previously the law only regulated management, protection, development and use of forest.   * Strengthened forest governance clearer laws on how to deal with deforestation and more emphasis on involving local communities in protection, provides for the Vietnam Timber Legality Assurance System, and includes the issuance of the criteria, processes, procedures and competence on classification of the enterprises engaged in the harvesting, transportation, consumption, processing and checking of the legality and origin of forest products. * Change of the purpose of using natural forests is more strictly controlled. Changing the purpose of using natural forests is not allowed into another purpose, except for important national projects. * Forest ownership institutions more closely follow the Civil Code 2013 (the constitution) and forests can now be preferentially allocated to ethnic minorities, households, individuals and communities with manner, customs, culture, beliefs and traditions are closely attached to forests and more emphasis on sustainable forest management. * Improved recognition of the importance of forest to ethnic minorities, communities whose livelihood depends on forests, will be allocated forests attached with land to carry out agro-forestry-fishery production; cooperate and associate to protect and develop forest together with forest owners, enjoy benefit shared from forests. |
| Law on Complaints (2011) | Effective on July 1, 2012, the Law on Complaints (the Law) provides complaints and settlement of complaints about administrative decisions and acts of state administrative agencies and competent persons.   * The Law also applies to complaints and settlement of complaints about decisions on disciplining of cadres and civil servants. The Law is expected to facilitate people, agencies and organizations in exercising their right to complain as well as enhance state agencies’ responsibilities in complaint settlement. * As per the Law, complaint is a request made by a citizen, an agency or organization or a state employee to a competent agency or person to reconsider an administrative decision or act which the former believes to be unlawful. |
| Law on Grassroots Mediation (2013) | The Law is expected to promote the participation in grassroots conciliation by the society, especially Vietnam Fatherland Front Committees.   * With 33 articles arranged in 5 chapters, the Law provides principles and policies on grassroots conciliation, conciliators and conciliation teams; grassroots conciliation activities; and responsibilities of agencies and organizations in grassroots conciliation activities. As per the Law, grassroots conciliation is the process whereby conciliators guide and assist the involved parties in reaching agreement on voluntary settlement between themselves of conflicts, disputes or law violations, except the following cases:   - Conflicts and disputes that infringe upon the State’s interests or public interests;  - Violations of the law on marriage and family and civil transactions, which must not be conciliated as provided by the civil procedure law;  - Law violations which, according to regulations, must be examined for penal liability or administratively handled;  - Other conflicts and disputes which must not be conciliated at the grassroots as provided by law.   * The Law affirms that the State encourages parties to settle their conflicts or disputes through grassroots conciliation or in other appropriate forms of conciliation. The State also encourages prestigious persons in families, lines of descent or residential communities to participate in grassroots conciliation. * Grassroots conciliation activities are provided in Chapter III with many new provisions, compared to the Ordinance. * As required by the Law, grassroots conciliation will be conducted on one of the following grounds: one party or all parties request conciliation; conciliators witness or know cases or matters to be conciliated; or it is assigned by conciliation team leaders or requested by related agencies, organizations or individuals. |

### Environmental Protection and Safeguard Policies

Vietnam’s Constitution provides that The State has a policy to protect the environment; to manage and effectively and stably use natural resources; to protect nature and biodiversity; to take initiative in prevention and resistance against natural calamities and respond to climate change. This is supported by a number of GoV policies and programmes, including:

* The National Biodiversity Master Plan (2011-2020 with orientation to 2030)
* The Forestry Development Strategy (2006-2020), National FPDP (2011-2020) and the NTP on Sustainable Forest Development (2006-2020)
* The National Green Growth Strategy (2011-2020 with vision to 2050)
* The National Strategy on Climate Change (2011-2020 with vision to 2050)

The primary law through which environmental impacts and risks are assessed is the Law on Environmental Protection (2014). The Law on Environmental Protection (LEP) clearly designates the MoNRE as the lead government agency responsible for defining environmental assessment and monitoring procedures in the country. Decree No. 40/2019/ND-CP outlines procedures for the conduct of SEA and EIA.

**SEA:** The LEP states that MoNRE shall be the government agency responsible for the appraisal of SEAs of national or regional programmes and strategies, provincial and sectoral development and land use plans. Of particular relevance to the project is the fact that according to Decree 40/2019 Land Use Planning is subject to SEA.

**EIA:** Decree 40/2019 also specifies the scale and type of projects subject to EIA and outlines the relevant procedures. MoNRE is responsible for appraisal and approval of EIAs of projects of national importance and/or having significant environmental impacts (e.g. large scale, affecting national parks, major industrial zones etc). The LEP sets forth that project proponents must submit an EIA report prepared by themselves or by consultants. The contents of the report are detailed in the LEP and subsidiary legislation. The LEP stipulates that the EIA is appraised by an Appraisal Committee formed by the Environmental Protection Division (EPD) of the Provincial Department of Natural Resources and the Environment (DoNRE).

**Safeguard Screening:** Decree No. 40/2019/ND-CP outlines procedures for the conduct of SEA and EIA. Under this Decree, safeguard categories are indicated in Annexes I and II of the **Decree, Circular 25/2019/TT-BTNMT).** The project proponent self-screens the project based on the categorization indicated in Decree 40/2019 and consults DONRE or Vietnam Environment Administration (VEA) for the appropriate classification and EA report requirement of the project, such as: (i) projects that fall into Annex I (programs, policies and plans): SEA is required; and (ii) projects that fall into Annex II: EIA or EPP required. High risk projects listed in Annex III of Decree 40/2019: Full Environmental Impact Assessment (EIA) is mandatory and subjected to MONRE appraisal for projects that: (a) are large scale for which investment decisions are made by the National Assembly, the Government and the Prime Minister; (b) use land falling within nature reserves, national parks, historical/cultural sites, biosphere conservation areas or classified sites with landscape values; and (c) have adverse environmental impacts and high risks. Substantial risk projects listed in column 3 of Annex II of Decree 40/2019 (exempted ones listed in Annex III): EIA required and reviewed by DONRE. Moderate risk projects listed in Annex IV of Decree 40/2019: EPP required and reviewed by DONRE. Low risk projects listed in column 5 of Annex II (exempted ones listed in Annex IV): EPP required and reviewed by People District Committee. Based on Vietnam law, safeguard screening has full equivalence with international norms

### Land and forest land and tenure

Vietnam’s legal framework does not define ‘land tenure’ but does clearly regulate land and forest land ownership, management, access and use. The State plays a strong role in land and forest management from national to local levels. A significant proportion of the forest estate remains under the ownership of State Forest Companies (FCs) and Forest Management Boards (FMBs). The institutions governing the way in which lands and forests are allocated, managed and used, as well as the rights and responsibilities of different parties in different contexts is clearly of considerable importance in determining outcomes – whether forest policies and REDD+ do indeed contribute to the stated economic, social and environmental objectives.

**Land Use Planning:** According to the Land Law (2013):

* In principle, national, provincial and district master land use plans should be based on various criteria, including existing land use status, land demands, socio-economic development strategies and master plans and natural and socio-economic conditions.
* Public consultation is required during the process of master land use plans and land use plans development, providing an opportunity to address concerns where a change of land use may affect forest lands or existing LURC holders, including households, individuals and communities.
* The appraisal board for master plans, plans on land use shall organise the examination and field survey of the areas for which the land use purposes are planned to change, especially changing of paddy land, land for protective forest and land for special-use forest. This provides a measure of protection for agricultural land owners as well as forests that are important for their protective functions or conservation.

A Law on Planning (2017) has been approved by the National Assembly will affect the implementation of the Land Law above, however, it is an exciting development since the law promotes an integrated and cross-sectoral approach to planning.

**Land use rights:** The Constitution of Vietnam states that all land and natural resources are public properties, coming under ownership of the entire people represented and uniformly managed by the State. The Constitution and the Land Law (2013) recognise the right of organisations and individuals to be assigned or leased land and recognition of the land use right by the State through the grant of a land use right certificate. Land users have the right to transfer the land use right, and practice related rights and duties in concordance with the law. Land use right is protected by the law.

For rural households living in or nearby forests, agricultural and residential land that are the most important livelihood assets. Households that have been allocated agricultural and residential land have rights safeguarded under the Land Law (2013), including rights to compensation in the event of appropriation of land by the state and resettlement. According to the Land Law (2013) compensation when State recovers land must be made in a democratic, impartial, equal, public, timely and lawful manner. Affected parties are eligible to receive various forms of support from the government:

* Support for stabilizing livelihood and production;
* Support for training, occupation change and job seeking for cases of recovery of agricultural land from households and individuals directly engaged in agricultural production, or of recovery of land which is a combination between residential land and land for trading and services of households and individuals that have to be relocated;
* Support for resettlement in case of recovery of land from households, individuals who have to be relocated;

Where the land recovered by the State is forest land, compensation is regulated under the Forestry Law (2017) with detailed regulations provided in subsidiary legislation.

Decree 43/2014/ND-CP detailing a number of articles of the Land Law provides details on appraisal procedures, on the contents of a dossier to be submitted on the proposed land use plan as well as detailed procedures concerning land acquisition, resettlement and compensation. Prior notification of affected communities is required and they have the right to complain under the provisions of the Law on Complaints (2011).

Decree 47/2014/NĐ-CP on regulations on compensation, support, and resettlement upon land expropriation by the state provides the details, procedures and valuations for compensation in the event of expropriation of land by the State. Decision 63/2015/QD-TTg on policy assistance in vocational training and job search for workers whose land is withdrawn by the state establishes additional support for citizens who have had their land expropriated.

According to the Land Law, ‘*for agricultural land which was used before July 01, 2004, of which land users are households and individuals directly engaged in agricultural production but have not been granted a certificate or not being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law, the compensation must be made for the land area which is actually used’*. This is an important article since Vietnam is frequently criticised as having no respect for customary land ownership. However, the Land Law provides a flexible framework that implicitly acknowledges the reality of customary land claims and as a basis for resolving the complex array of *de facto* versus *de jure* land conflicts/disputes that exist in Vietnam.

Vietnam does not, however, recognise collective customary land ownership of territories, for example communities that may practice swidden cultivation over long time periods and over large areas.

**Forest Land Allocation (FLA):** With respect to forest land tenure in Vietnam is governed primarily by the following laws: Land Law (2013) and Forestry Law (2017). These laws and associated decrees sanction the management of forests by local people and the private sector and allow legitimate title holders to lease, exchange, inherit, mortgage and transfer titles. The Forestry Law (2017) stipulates how forest lands are to be allocated by forest category, as follows:

* **Special-use forests (SUF**) are allocated to SUF Management Boards; Organisations operating in science and technology, training and education, vocational training in forestry; communities; and economic entities.
* **Protection forests** are allocated to Protection Forest Management Boards (FMB); organisations operating in science and technology, training and education, vocational training in forestry; Households and individuals; communities; and economic entities. Protection forests are generally allocated to a protection FMB. Where protection forests are not managed by a FMB, organisations, households or individuals can be allocated this forest land under contract for purposes permitted under the Forestry Law (2017), but this land must be used for forest protection and development activities and cannot be used to secure a mortgage or other financial instruments. The same provision applies to SUF.
* **Production forests** are allocated without levy to households and individuals as well as Protection and SUF FMBs with production forestland located in the area of forest allocated to them. The State also leases natural and planted production forests to economic entities, households and individuals, and collects rentals on a lump sum or annual basis.

**Forest Access and Usufruct Rights:** Almost all SUF and most protection forest and natural forest on production forestland are managed by government entities. These entities may “sub-contract” specific areas to local households for forest protection and planting. FMBs and FCs can sign protection contracts with households and individuals, but these contracts are limited (not long term, but renewable) and do not allow a change in land use.

The Forestry Law (2017) outlines the conditions under which forest products in protection and special-use forests can be utilised, including dead trees and non-timber forest products provided the protection capacity of the forest is not affected and in accordance with the management plan. Overall, Viet Nam has a robust legal framework with detailed provisions governing the management and use of particular forest categories and types. Whilst the primary Forestry Law (2017) provides the overall framework for how forests are to be accessed, managed and used, further details are provided in various pieces of subsidiary legislation, in particular:

### Policies to address deforestation and forest degradation

Recognizing the issues of forest loss and degradation and the need for combating deforestation and forest degradation, strong legal and political commitments to strengthen the conservation of forests and law enforcement implementation have been recently made. These legal documents are

* Prime Minister’s Decision No. 419/QD-TTg dated 5 April 2017 on Vietnams National REDD+ Action Program (NRAP) for the period 2017 to 2030.
* The Central Committee of the Communist Party Directive No. 13-CT/TW dated 12th January, 2017, instructing provinces to strictly control deforestation and urgently implement measures to improve forest protection and development (and Resolution 71 of the Government to implement Directive No. 13).

Directive 13 outlines the commitment to stop the conversion of natural forests. It highlights the key limitations and weakness in forest conservation and forest planning as: 1) deforestation, forest encroachment and illegal exploitation of forest products, especially of natural forests, persist and become increasingly complicated and the area of protection forest is gradually declining over the years; 2) planning, protection and development of forests are not well aligned with the planning of land use and economic and social development. Many economic development projects such as hydroelectricity, mining, and tourism services do not pay adequate attention to forest protection and development, seriously affecting the environment and causing forest degradation, especially to natural forests; 3) the conversion of natural forests and degraded forests into rubber plantation and agricultural production is not strictly controlled; and 4) actions against forest rangers and law enforcement officers have become increasingly fierce and serious. To resolve such limitations and weakness, it recalls responsible and active actions of the local governments and sectors. *Resolution 17* provides detailed requirements and tasks for the provinces to implement the Directive No. 13. Resolution 71 contains an Annex which provides details on the tasks of provinces for the implementation Directive No.13-CT/TW. It lists over 38 tasks and assigns coordinating agency, cooperating agency, outputs and implementing and finishing time. This provides very specific tasks that provinces must report on.

### Ethnic Minorities

There are a total of 54 ethnic groups identified in Vietnam, mainly based on their similarities such as common [ancestry](https://en.wikipedia.org/wiki/Ancestry), [language](https://en.wikipedia.org/wiki/Language), [society](https://en.wikipedia.org/wiki/Society), and [culture](https://en.wikipedia.org/wiki/Culture). Of the 53 ethnic groups, Kinh ethnicity is the ethnic majority and the other 53 ethnic groups are considered ethnic minorities. Ethnic minority people is official terms used in Viet Nam replacing for the term “*indigenous peoples*”.

Viet Nam’s overall policy and legal framework pays special attention to ethnic minority and other rural poor communities to promote their access to basic human rights and services in aiming to support economic development and poverty reduction in these areas. Viet Nam government also has department of ethnic minority affairs from national to local level to assure rights and voice of the peoples are respected and preserved.

Viet Nam’s legal framework explicitly recognises and protects several rights with regard to ‘ethnic minorities’ including the right of non-discrimination, the recognition and promotion of cultural rights and cultural inheritance of ethnic minorities’ cultural rights (implicitly recognising a degree of self-determination). Ethnic minority peoples are recognized as vulnerable groups in Viet Nam and are given special treatments by the government in all development projects. The Constitution affirm their equality, while the existing Law on Cultural Heritage recognizes values and need to protect culture of the people following their wishes.

The Constitution states that ‘all ethnicities are equal, unified and respect and assist one another for mutual development; all acts of national discrimination and division are strictly forbidden’, and that ‘every ethnic group has the right to use its own language and system of writing, to preserve its national identity, to promote its fine customs, habits, traditions and culture’. The right to non-discrimination is supported by the Penal Code 2010.

The GoV also has several policies and laws that aim to specifically promote economic development and inclusion for ethnic minorities and remote (often forest dependent) local communities:

* Resolution 88/2019/QH14 and Resolution 120/2020/QH14 by the National Congress and Resolution 12/2020/NQ-CP by the GoV on Overall Action Plan and Investment for socio economic development in ethnic minorities and mountainous areas 2021-2030.
* The National Socio-economic Development Strategy (2011-2020), Forest Development Strategy (2006-2020) and other sector strategies and development plans all place prioritise economic development and poverty reduction for ethnic minorities and the poorest households.
* Decision 1600/QD-TTg on approving the National Target Program on new rural development for 2016-2020.
* Decision 886/QD-TTg on approving the Target Programme for Sustainable Forest Development for the 2016-2020 period
* Decision 2085/QĐ-TTg dated 31/10/2016 approving specific policies to support the socio-economic development of ethnic minority and mountainous areas in the period 2017 – 2020 includes a range of framework targets and measures to enhance living standards of ethnic minorities in Viet Nam, including land.
* Decision 75/2015/NĐ-CP on the Mechanism and Policy of Forest Development Associated with the Policy on Sustainable and Rapid Poverty Reduction and Assistance to Ethnic Minorities for the period 2015 – 2020.
* Decision 419/2017/TTg mentions the requirement of respecting the ethnic minority in REDD+ activities.

Ethnic minorities’ land tenure rights are the same as for other Viet Namese citizens i.e. they may be allocated or assigned lands for use in accordance with the law (including based on customary use).

The Civil Code (2015) mentions that collective ownership within communities is possible, whether based on kinship, ethnicity, tribal or religious affiliation in accordance with customary practices insofar as these multiple owners contribute to the customary practices. Furthermore, it is stated that the members of these communities can jointly manage, use and dispose of such property in accordance with customary practice.

In addition, although the legal framework does not provide for customary land tenure, traditional knowledge of ethnic minorities and local communities is respected in the legal framework through the provision that local regulations can be developed to uphold community customs in compliance with State regulations. The practice of villages maintaining traditional conventions or regulations (huong uoc or quy uoc) has existed for centuries in Viet Nam – the term is widely understood and application in practice is widespread. “Huong uoc” have been discussed a lot (and piloted) in last 10 years or more in terms of community-based forest management, as a means/way of local negotiation. In line with Grassroots Democracy Decree, “huong uoc” can thus be considered a form of ‘grassroots democratisation’. There are several relevant pieces of legislation formally acknowledging the practice:

* Joint Circular No 03/2000/BTP-BVHTT-BTTUBTWMTTQVN of MOJ, Ministry of Culture and Information, Standing Committee of Fatherland Front dated March 31, 2000 guiding the development and implementation of conventions, rules of the villages, hamlets, residential
* Joint Circular No 04/2001/TTLT-BTP-BVHTT-BTTUBMTTQVN-UBQGDSKHHGĐ dated 09/7/2001 of MOJ, Ministry of Culture and Information, Standing Committee of Fatherland Front, National Population and Family Planning Committee Viet Nam on guidance to supplement the Joint Circular No 03/2000/TTLT-BTP-BVHTT-BTTUBTUMTTQVN;
* MARD Circular No. 70/2007/TT-BNN, 8/1/2007 guiding development and implementation of forest protection regulation at village community level; which Provide guidance on procedures, contents for development and implementation of Regulation on forest protection and development at village community level.

Forestry Law 2017 mention that community was recognized as one of the seven main forest owners; areas of spiritual forest and community-managed water protection forests have also been upgraded. This is considered an important step forward and opens up new opportunities in maintaining and promoting the community forest model, towards the sustainable management, protection and development of these forests in the future.

In summary, Viet Nam’s overall policy and legal framework pays special attention to ethnic minority and other rural poor communities to promote their access to basic human rights and services in aiming to support economic development and poverty reduction in these areas. Viet Nam’s legal framework explicitly recognizes and protects several rights with regard to ‘ethnic minorities’ including the right of non-discrimination, the recognition and promotion of cultural rights and cultural inheritance of ethnic minorities’ cultural rights (implicitly recognizing a degree of self-determination). Ethnic minority peoples are recognized as vulnerable groups in Viet Nam and are given special treatments by the government in all development projects. The Constitution affirm their equality, while the existing Law on Cultural Heritage recognizes values and need to protect culture of the people following their wishes. The Constitution (Article 5) states that ‘all ethnicities are equal, unified and respect and assist one another for mutual development; all acts of national discrimination and division are strictly forbidden’, and that ‘every ethnic group has the right to use its own language and system of writing, to preserve its national identity, to promote its fine customs, habits, traditions and culture’

### Climate Change Policies

Vietnam has been making actively its efforts to combat global climate change. Viet Nam has been a participant in the United Nations Framework Convention on Climate Change (UNFCCC) since 1992. At the 21st Conference of the Parties (COP21) in 2015, the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement.

Viet Nam submitted the INDC to the UNFCCC Secretariat in September 2015; signed and approved the Paris Agreement in April and October 2016, respectively. Viet Nam's INDC comprises two components, namely mitigation and adaptation. The mitigation component identifies the roadmap for GHG reduction in the period 2021- 2030 for the following sectors: energy; agriculture; land use, land-use change and forestry (LULUCF); and waste. Under the INDC Vietnam has pledged to reduce GHG emissions by 8% compared to the BAU scenario with domestic resources, by 2030. This contribution can increase by up to 25% with international support through bilateral and multilateral cooperation and the implementation of new mechanisms in the Paris Agreement.

The INDC of Vietnam has been developed with the participation and contribution of different ministries, non-governmental organizations, research institutes, business sector representatives as well as international development partners. Through this INDC, Viet Nam reaffirms its readiness to respond to climate change and contributes to UNFCCC objectives. The national implementation plan for the Paris Agreement identifies 68 priority tasks to be implemented from 2016 to 2030 by all ministries, agencies, communities and the private sector towards the achievement of the INDC of Viet Nam.

After the Paris Agreement entered into force, the Parties’ INDCs became Nationally Determined Contributions (NDCs). Since the submission of its NDC, Viet Nam has developed and issued several important policies on climate change response at the national level, such as:

* The Resolution of the Politburo of the Central Committee of the Communist Party of Viet Nam on the orientation of Viet Nam’s National Energy Development Strategy to 2030, with a vision to 2045 (2020);
* Viet Nam’s Renewable Energy Development Strategy to 2030, with a vision to 2050 (2015);
* The Revised National Power Development Plan (PDP) for 2011- 2020 with a vision to 2030 (revised PDP VII) (2016);
* The PIPA (2016); the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development (2017);
* The Target Programme for Climate Change Response and Green Growth for the period 2016-2020 (2017).

## International Agreements and Treaties

Vietnam is a signatory to several multilateral agreements and conventions that are relevant to the project; including but not limited to the following:

* 1966, International Covenant on Civil and Political Rights (ICCPR)
* 1966, International Covenant on Economic, Social and Cultural Rights (ICESCR)
* 1969, Convention on the Elimination of all forms of Racial Discrimination (CERD)
* 1969, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
* 1971, Convention on Wetlands of International Importance (Ramsar)
* 1972, Convention Concerning the Protection of the World Cultural and Natural Heritage
* 1973, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
* 1989, Convention on the Rights of the Child
* 1992, Convention on Biological Diversity
* 1992, United Nations Framework Convention on Climate Change
* 1994, United Nations Convention to Combat Desertification (UNCCD)
* 1997, Kyoto Protocol to the UNFCCC
* 2000, Cartagena Protocol on Biosafety on the Convention on Biological Diversity
* 2003, Convention for the Safeguarding of Intangible Cultural Heritage
* 2005, Convention on the Protection and Promotion of the Diversity of Cultural Expressions
* 2007, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

## UNDP’s Social and Environmental Standards

The Ba River basin Project covered by this ESMF will comply with UNDP’s Social and Environmental Standards (SES), which came into effect 1 January 2021. These Standards underpin UNDP’s commitment to mainstream social and environmental sustainability in its programs and projects to support sustainable development and are an integral component of UNDP’s quality assurance and risk management approach to programming. Through the SES, UNDP meets the requirements of the GEF’s Environmental and Social Safeguards Policy.

The objectives of the SES are to:

* Strengthen the quality of programming by ensuring a principled approach;
* Maximize social and environmental opportunities and benefits;
* Avoid adverse impacts to people and the environment
* Minimize, mitigate, and manage adverse impacts where avoidance is not possible
* Strengthen UNDP and partner capacities for managing social and environmental risks
* Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people

In accordance with UNDP SES policy, the Social and Environmental Screening Procedure (SESP) has been applied to the project during the project development phase. Through under this policy, a SES principle or standard is ‘triggered’ when a potential risk is identified and assessed as having either a ‘moderate’, ‘substantial’ or ‘high’ risk rating based on its probability of occurrence and extent of impact. Risks that are assessed as ‘low’ do not trigger the related principle or standard.

The screenings conducted during project development indicate that up to 3 Principle and 7 Standard social and environmental categories have been triggered due to ‘substantial’ or ‘moderate’ risks. Table \_\_ Table 5 shows the triggered Principles and standards and the applicable requirements to comply with each of them

| **Table 2. Requirements that apply to the Project based on UNDP’s Social and Environmental Standards** | |
| --- | --- |
| **UNDP SES** | **Requirements triggered by the 2021 UNDP SES that apply to the Project** |
| Overarching Policy and Principles | |
| Principle: Human Rights | * Compliance with the principles of accountability and the rule of law, participation and inclusion, and equality and non-discrimination, noting that prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. * Ensuring the meaningful, effective and informed participation of stakeholders on the Project formulation, implementation, monitoring and evaluation. * Monitoring compliance with UNDP Human Rights policies. |
| Principle: Gender Equality and Women’s Empowerment | * Promotion of gender equality and the empowerment of women, including advocating for women’s and girls’ human rights, combating discriminatory practices, and challenging the roles and stereotypes that create inequalities and exclusion, as applicable. * Identification and integration of the different needs, constraints, contributions and priorities of women, men, girls and boys into the project. * Establish efforts to reduce gender inequalities in access to and control over resources and the benefits of development. * Ensuring that both women and men are able to participate meaningfully and equitably, have equitable access to the Project resources, and receive comparable social and economic benefits. * No discrimination against women or girls or reinforcement of gender-based discrimination and/or inequalities. |
| Principle: Accountability | * Enabling active local community engagement and participation in decision-making, particularly those at risk of being left behind; * Ensuring transparency of programming interventions through provision of timely, accessible and functional information regarding supported activities, including on potential environmental and social risks and impacts and management measures; * Ensuring stakeholders can communicate their concerns and have access to rights-compatible complaints redress processes and mechanisms; and * Ensuring effective monitoring—and where appropriate, participatory monitoring with stakeholders—and reporting on implementation of social and environmental risk management measures. |
| Project-level Standards | |
| Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management | * Applying a precautionary approach to the use, development, and management of natural habitats, the ecosystem services of such habitats, and living natural resources. * Identifying and addressing direct and indirect impacts on natural resources, biodiversity and ecosystem services in the Project’s area of influence, considering: (i) risks of habitat and species loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution, and (ii) differing values (e.g. social, cultural, economic) attached to biodiversity and ecosystem services by potentially affected communities. * Using experts to ensure that qualified professionals assist in conducting assessments and in designing and implementing mitigation and monitoring plans for Projects actions that may adversely affect natural habitats. * Ensuring that in areas of modified habitat measures are adopted to minimize further unwarranted conversion or degradation of the habitat and resident species populations, and identification of opportunities to enhance the habitat as part of the Project. * Ensuring that Project activities have no adverse impacts on critical habitats. No Project activity will be implemented in areas of critical habitats, unless all of the following are demonstrated: (i) there are no measurable adverse impacts on the criteria or biodiversity values for which the critical habitat was designated, and on the ecological processes supporting those biodiversity values (determined on an ecologically-relevant scale); (ii) there is no reduction of any recognized Endangered, Vulnerable or Critically Endangered species, (iii) any lesser impacts are mitigated, and (iv) a robust, appropriately designed, and long-term Biodiversity Action Plan is in place to achieve net gains of those biodiversity values for which the critical habitat was designated. * Ensuring that under no circumstances will alien species known to be invasive be introduced into new environments and that no new alien species (i.e. species not currently established in the site of the Project) will be intentionally introduced unless it is subjected to a risk assessment to determine the potential for invasive behavior and carried out in accordance with the existing regulatory framework, if such a framework exists. * Regarding forests the Project activities have to: i) be consistent with the conservation of natural forests and biological diversity, ensuring that they are not used for the conversion of natural forests; ii). incentivize the protection and conservation of natural forests and their ecosystem services, and enhance other social and environmental benefits; iii) enhance the sustainable management of forests, including the application of independent, credible certification for commercial, industrial-scale timber harvesting; iv) maintain or enhance biodiversity and ecosystem functionality in areas where forest restoration is undertaken; and/or v) ensuring that plantations are environmentally appropriate, socially beneficial and economically viable, and utilize native species wherever feasible. * Prioritization of small-scale community-level management approaches where they best reduce poverty in a sustainable manner. * Promotion of an integrated water resources management approach that seeks the coordinated development and management of water, land and related resources in order to maximize the economic and social welfare in an equitable manner and without compromising the sustainability of ecosystems. * Sustainable management of living natural resources safeguarding biodiversity and the life-supporting capacity of air, water, and soil ecosystems, and ensuring that people who are dependent on these resources are properly consulted, women and men have opportunities to equally participate in development, and benefits are shared equitably. * Supporting the adoption of appropriate and culturally sensitive sustainable resource management practices. |
| Standard 2: Climate Change Mitigation and Adaptation | * Assessing the viability or longer-term sustainability of Project outcomes due to potential climate change. This will involve the identification of components that are sensitive or vulnerable to emerging or anticipated manifestations of climate change. * Assessing opportunities for (i) facilitating adaptation via synergies with existing or planned activities, (ii) combining mitigation (e.g. reduction in GHG emissions) and adaptation measures, and (iii) exploiting potentially beneficial changes in climatic or environmental conditions to deliver developmental benefits. |
| Standard 4: Cultural Heritage | * Avoid supporting activities that may lead to significant adverse impacts to Cultural Heritage * Where avoidance is not possible—ensuring that all viable and feasible alternatives have been explored—UNDP minimizes potential impacts per the mitigation hierarchy and adopts appropriate mitigation measures * Where potential adverse impacts may be significant, a Cultural Heritage Management Plan should be developed as part of the overall Environmental and Social Management Plan * Ensure that chance find procedures are included in all plans and contracts regarding project-related construction, including excavations, demolitions, movement of earth, flooding, or other changes in the physical environment * With potential adverse impacts, qualified and experienced Cultural Heritage experts and relevant stakeholders assist in the identification, documentation and * Avoid restricting access to Cultural Heritage sites and to the instruments, objects, artefacts, cultural and natural spaces and places of memory necessary for expressing intangible Cultural Heritage * Determine whether disclosure of information regarding Cultural Heritage would compromise or jeopardize its safety or integrity or endanger sources of information * Engage in meaningful consultations and inform affected communities of their rights under Applicable Law, the scope and nature of the proposed development, and the potential consequences of such integration and utilization. * Ensure respect for the dynamic and living nature of intangible Cultural Heritage and the right of communities, groups and, where applicable, individuals to continue the practices, representations, expressions, knowledge and skills necessary to ensure the viability of their intangible Cultural Heritage. |
| Standard 5: Displacement and Resettlement | The Project should avoid and mitigate economic displacement by:   * Developing a Process Framework to establish the procedures that will be followed to manage and mitigate access restrictions on local communities/peoples * Identifying Project options (including ‘no action’ and ‘in situ’ options), their potential impacts, and avoidance measures. Assessment has to include a survey of potentially affected individuals and communities and an evaluation of their relationship and rights to lands and resources used and occupied. * Public dissemination in accessible form and language of a written justification for the displacement activity and at least 90 days notice to affected persons prior to the date of displacement. * Providing access to effective remedies and to timely and affordable expertise, including legal counsel, to provide an understanding of rights and options. * Executing effective and informed consultations with affected populations and good faith efforts to secure negotiated settlements, even when expropriation options are available. * Developing a Livelihood Restoration Plan (including situations in which access to resources is restricted but no physical relocation is necessary) to be publicly disclosed at least 90 days prior to displacement activities. This Plan has the include all requirements as per UNDP SES and ensure the following:  1. Displaced individuals and communities are compensated for loss of assets or loss of access to assets at full replacement cost. 2. In addition to compensation for lost assets, if any, economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living. An independent review, considering baseline data, will confirm that capacity, production levels and standards of living have been improved or restored. Additional considerations include the following:    * For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost should be offered as a matter of priority.    * For persons whose livelihoods are natural resource-based and where Project-related restrictions on access apply, measures will be undertaken to either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where appropriate, benefits and compensation associated with natural resource usage may be collective in nature.    * If circumstances make it difficult for the Project to provide land or resources as described above, and if evidence exists of mutual agreement with affected people for alternative measures, alternative income earning opportunities may be provided, such as credit facilities, training, or employment opportunities. 3. Transitional support is provided to displaced persons and communities as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.  * Executing an ex-post evaluation of livelihood levels to examine if objectives of this Standard were met. |
| Standard 6: Indigenous Peoples | * Prohibition of any violation of human rights of indigenous peoples as affirmed by Applicable Law and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). * Ensuring that social and environmental assessments involve an assessment of indigenous peoples’ substantive rights, as affirmed in Applicable Law. * Identification of indigenous peoples * Recognition of indigenous peoples’ collective rights to own, use, and develop and control the lands, resources and territories that they have traditionally owned, occupied or otherwise used or acquired, including lands and territories for which they do not yet possess title. * Execution of a free, prior and informed consent (FPIC) of the indigenous peoples before implementing any activity that may result in involuntary resettlement or economic displacement, ensuring compliance with Standard 5: Displacement and Resettlement. * At the earliest stage of Project conceptualization and design, and iteratively throughout implementation and closure, mechanisms will be identified and implemented to guarantee the meaningful, effective and informed participation of indigenous peoples on all matters. Culturally appropriate consultation will be carried out with the objective of achieving agreement and FPIC will be ensured on any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the indigenous peoples concerned. Project activities that may adversely affect the existence, value, use or enjoyment of indigenous lands, resources or territories shall not be conducted unless agreement has been achieved through the FPIC process. * Developing a review and/or assessment of potential impacts and benefits to the indigenous communities, conducted transparently and with the full, effective and meaningful participation of the indigenous peoples concerned. * Ensuring that arrangements, evidenced in a documented outcome, are concluded with indigenous peoples for the equitable sharing of benefits to be derived by the Project in a manner that is culturally appropriate and inclusive and that does not impede land rights or equal access to basic services including health services, clean water, energy, education, safe and decent working conditions, and housing * Special considerations have to be taken about:  1. Gender: While respecting the norms, values and customs of the indigenous peoples and communities concerned, the Project will pay particular attention to the rights and special needs of women and girls, will not discriminate against women and girls and will ensure that women and girls have equal opportunities to participate and benefit. 2. Vulnerable and marginalized indigenous peoples: Particular attention will be paid to the rights and special needs of indigenous elders, youth, children, persons with disabilities, including consideration of special measures to improve their participation in decision-making and their general well-being.  * Elaboration of an Indigenous Peoples Plan if it is determined that the Project may affect the rights, lands, resources or territories of indigenous peoples, an “Indigenous Peoples Plan” (IPP) will be elaborated and included in the Project documentation. This plan will be developed in accordance with the effective and meaningful participation of indigenous peoples and in accordance with the UNDP Indigenous Peoples Plan Guidelines (“IPP Guideline”). The IPP will be integrated into the design and implementation of the Project, have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on indigenous peoples and their lands, resources and territories. In no case shall Project activities that may adversely affect indigenous peoples, including the existence, value, use or enjoyment of their lands, resources or territories take place before the action plan is carried out. * With the meaningful collaboration and contributions of indigenous peoples, methods will be developed and implemented for verifying and reporting that the Project has been designed and implemented in a manner consistent with this Standard. Transparent participatory monitoring arrangements will be put in place wherein indigenous peoples will jointly monitor Project implementation with the Implementing Partner |
| Standard 7: Labour and working conditions | * Identification and assessment of potential hazards and risks, particularly those that could result in serious ill health or death and those identified through worker health surveillance; * Elimination of hazards and minimization of risks through implementation of preventive and protective measures in the following order of priority; * Safety and health training, including on the proper use and maintenance of personal protective equipment; * Emergency prevention and preparedness and response arrangements to emergency situations; and |
| Standard 8: Pollution Prevention and Resource Efficiency | * Avoid use of pesticides in supported activities. * Integrated Pest Management (IPM) and Integrated Vector Management (IVM) approaches are to be utilized that entail coordinated use of pest and environmental information along with available pest/vector control methods, including cultural practices, biological, genetic and, as a last resort, chemical means to prevent unacceptable levels of pest damage. If after having considered such approaches recourse to pesticide use is deemed necessary * Adopt safe, effective and environmentally sound pest management in accordance with the WHO/FAO International Code of Conduct on Pesticide Management13 for the safe labeling, packaging, handling, storage, application and disposal of pesticides. * Hazards of pesticide use are to be carefully considered and the least toxic pesticides selected that are known to be effective, have minimal effects on non-target species and the environment, and minimize risks associated with development of resistance in pests and vectors. * A Pest Management Plan is developed where use of a significant volume of pesticides is foreseen to demonstrate how IPM will be promoted to reduce reliance on pesticides and describes measures to minimize risks of pesticide use. * Do not use pesticides that contain active ingredients that are banned or restricted under applicable international treaties and agreements, or meet the criteria of carcinogenicity, mutagenicity, or reproductive toxicity as set forth by relevant international agencies * Users of any pesticides shall be trained to handle pesticides in a proper and responsible manner and utilize appropriate application equipment and adequate personal protective equipment. |

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 establish higher standards and imply additional requirements compared to what is compulsory under national legislation. To avoid confusion and a potential discrepancy between stringency levels, the project shall follow UNDP SES requirements as the basis for its implementation (unless an instance is encountered where national law presents more strict requirements).

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 Table 3 below.

T**able.3: Summary of safeguards triggered based on screening conducted during project preparation**

| **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 | **✓**  **Substantial** |
| 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 | **✓**  **Substantial** |
| 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 | 8 |
| Low | 2 |
| Total number of project risks | 11 |
| Overall Project Risk Categorization | **Substantial** |
| Number of safeguard standards triggered | 11 |

The UNDP’s Social and Environmental Screening Procedure (SESP) has resulted in an overall “substantial” risk rating for the project. According to the 2019 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)”.*

The Project’s design has integrated many of the requirements triggered by the UNDP Social and Environmental Standards (SES) in order to ensure that its potential adverse effects can be avoided or mitigated during its implementation, and that the anticipated positive social and environmental outcomes are achieved. Nevertheless, there are some specific project activities that will be executed, and locations that will be fully defined, once the Project starts its implementation. Thus, this ESMF establishes a framework that guides the screening and categorization, level of impact assessment, required institutional arrangements, and processes to be followed for components or activities of the project that will be further specified during project implementation.

Given the nature of the project, several key project activities will require further/additional risk screening, assessment and management during project inception/implementation. The procedures required for this are outlined in Section 3 of this ESMF. In addition, concerning the initial identified risks associated with Indigenous peoples/ethnic minorities and access restrictions/economic displacement (both of which have been categorised as ‘substantial’) a list of activities for which formal community consent (following the requirements of FPIC as outlined in Standard 6 of the UNDP’s SES) and mitigation and/or risk management measures are in place has been identified. No activities which may cause economic displacement, or which may have adverse impacts on Indigenous People, can commence until agreed mitigation or risk management methods are in place. These activities require formal broad community consent, through a process of Free, Prior Informed Consent. Provisionally, these activities are preliminarily assessed as follows.

|  |  |
| --- | --- |
| **Activity No.** | **Description** |
| 1.2.3 | Preparation of BA River Strategy |
| 2.2.7 | Implement priority management activities for biodiversity conservation, SFM, etc. |
| 2.3.1 | Development of proposal for inclusion of forest areas into existing PAs |
| 2.4.3 | Development SFM plans for community forest co-management |
| 2.4.4 | Implementation of community enterprise development activities |
| 2.5.3 | Establish mechanisms for implementation of livelihood support for women |
| 2.6.2 and 2.6.4 | Development and implementation of forest restoration activities |
| 2.7.4 | Investigation of options for PFES extension into new areas |

Note that the above list is provisional, and may be amended as required, and as project activities and exact locations are established.

# Procedures for Screening, Assessing and Managing Social and Environmental Impacts

As detailed earlier, the project underwent an initial risk screening during the concept stage which resulted in the project being categorized as ‘Substantial’ risk. During the conduct of the SESP, a selection of further assessments and management tools were identified as necessary. In the case of this Project, assessments and the development of these specific management plans may need to take place during project implementation due to the fact that many site-specific activities are not yet known and that project resources from the budget are needed to complete the assessment and management plans for forthcoming project activities. As such, this ESMF has been developed to serve as a framework/tool that guides the screening and categorization, level of impact assessment, required institutional arrangements, and processes to be followed for components or activities that will be further specified during project implementation. The ESMF ensures that appropriate management measures that comply with the SES are adopted prior to implementation of the relevant forthcoming activities.

In addition to the ESMF, many of the initially identified risks were also addressed by including specific elements in the design of its activities. Four focused assessments were prepared during PPG phase: i) a Stakeholder Engagement Plan (Annex 8 of the ProDoc); ii) a Gender Analyses and Gender Action Plan (Annex 11 of the ProDoc); and iii) an Ethnic Minority Planning Framework (Annex 12 of the ProDoc. These assessments establish measures to manage the associated risks. In addition to the focused assessments/frameworks listed above (that were undertaken during the project [preparation phase), screening, assessment and management/mitigation for future upstream (i.e. via SESA) and downstream (via scoped ESIAs) will need to take place. The procedures and requirements for both of these are outlined below. .

3.1 Strategic Environmental and Social Assessment for Upstream Activities

A Strategic Environmental and Social Assessment (SESA) will be undertaken during the following:

|  |  |
| --- | --- |
| Activity No. | Description |
| 1.1.2 | Development of provincial statutes, as necessary that determine composition, mandates, decision-making, functions, reporting and role and responsibilities and operational management of the provincial coordination committees |
| 1.2.3 | Preparation of BA River basin forest management and restoration strategy |
| 1.2.4 | Guideline for HCVF assessment for all FMUs in Ba River basin. The assessment will highlight all HCVFs assessment steps and to guide future efforts to improve HCVF management, improve connectivity and potential upgrading of existing PAs and/or creation of new PAs within the basin. |
| 1.4.1 | Review of monitoring, surveillance and enforcement systems (including regulations, protocols, coordination, etc.) and capacities across the multiple existing entities at the Provincial level |
| 1.4.2 | Development of cross-sector plans, actions, protocols, procedures and baselines underlining roles and responsibilities of key provincial entities to improve joint monitoring, surveillance and enforcement ensuring the landscape level |
| 1.4.3 | Development and/or update of provincial level regulations that facilitate monitoring and enforcement |
| 1.4.5 | Development of appropriate protocols/guidelines and enforceable standards for biodiversity and/or SFM/SLM for landscape conservation and restoration. |
| 1.4.6 | Development and agreement on inter-provincial cooperation to cover wildlife offences alongside forest offences, initially between Gia Lai and Phu Yen provinces, and based on this success, its later extension to neighbouring provinces such as Quang Ngai and Kon Tum |
| 1.4.7 | Development of protocols for inter-provincial coordination, including sharing information, joint patrolling and monitoring, training and awareness creation |
| 2.3.1 | Undertake the development of a proposal as regulated by Viet Nam for inclusion the forest area of Dak Rong and Tram Lam FMUs into existing protected areas to improve connectivity |
| 2.3.3 | Prepare operational plan for the extended PAs including training to build capacity for the new conservation area and engagement plan for local community in forest protection and biodiversity monitoring |
| 2.4.3 | Development of SFM plans for community forest co-management |
| 2.7.4 | Investigation of options for PFES extension into new areas |

The SESA will be carried out by independent experts in accordance with UNDP’s SES policy and the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf) to identify and assess social and environmental impacts associated with the proposed regulations in a participatory manner with stakeholders as follows:

* 1. Identify social and environmental priorities to be included in planning and policy processes
  2. Assess gaps in the institutional, policy, and legal frameworks to address these priorities
  3. Identify potential adverse social and environmental impacts associated with policy options
  4. Engage decision makers and stakeholders to ensure a common understanding and broad support for implementation
  5. Formulate policy and institutional measures needed to close policy and legal gaps, address institutional weaknesses, and avoid adverse social and environmental impacts.

The SESA process will ensure that impacts to local communities, their livelihoods, rights, resources and the biophysical receptor environment are taken into consideration in the decision-making process while developing legislative tools and strategies. Any institutional and capacity gaps identified during this process will be addressed through the training that will be conducted for the specified activities.

The SESA will be comprised of a concise report that summarizes the main findings and results of SESA, including (a) SESA stakeholder engagement process; (b) key social and environmental priorities and issues associated with chosen policy/strategy initiative; (c) institutional arrangements for coordinating integration of social and environmental issues into chosen policy/strategy initiative; (d) legal, regulatory, policy, institutional and capacity recommendations to address any identified gaps for managing the social and environmental priorities and implementing applicable social and environmental policies; (e) results of assessment of social and environmental risks/impacts associated with the implementation of the proposed regulations; (f) identification of measures (e.g. policies, institutional strengthening, governance reform) to address and manage anticipated adverse social and environmental risks and impacts, including a summary Action Matrix (and (g) where applicable, final or advanced draft of ESMF as framework for managing social and environmental risks during implementation of the proposed regulations or strategies.

3.2 Scoped Environmental and Social Impact Assessment for selected sites/downstream activities

Four main project activities will require scoped ESIAs, and shall not commence until such reports have been produced and disclosed (following UNDP SES requirements on information disclosure periods). Scoped ESIA’s will be required for:

**Activity 1.2.1 Mapping of the Ba River basin forest cover and flagship species** (rapid exercise using existing available information with ground validation) that highlight strategic conservation areas, strategic watershed and headwaters protection areas, habitat connectivity and vulnerabilities to threats

**Activity 2.4.7 Assess environmental and social risks associated with the proposed value chains** and propose risk management and mitigation measures

**Activity 2.6.1 Identification and survey of locations for forest restoration** to improve connectivity (following mapping exercise in Output 2.2)

Activity 2.6.2 and 2.6.4 **Development and implementation of forest restoration activities**

Prior to the commencement of any of the above listed activities, a site-specific/scoped environmental and social impact assessment (ESIA) will be conducted in accordance with UNDP’s SES policy and the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf).

Each ESIA will be developed and carried out by independent experts in a participatory manner with stakeholders. The ESIA will further identify and assess social and environmental impacts of the project and its area of influence; evaluate alternatives; and design appropriate avoidance, mitigation, management, and monitoring measures.

1. Per the SES, the ESIA will assess project activities at the scale deemed appropriate for compliance with the SES.
2. The ESIA will identify environmental and social sensitive receptors within the activity’s area of influence.
3. It will address all relevant issues related to the SES Overarching Principles and Project-level Standards, as identified in the project’s SESP and any other issues identified in the course of the ESIA.

The output of the scoped ESIA will be an ESIA report, and an environmental and social management plan (ESMP) for each activity. The ESMP will define desired social and environmental management outcomes and specify social and environmental indicators, targets, or acceptance (threshold) criteria to track ESMP implementation and effectiveness. It will also provide estimates of the human and financial resources required for implementation and monitoring and identify organizational structure and processes for implementation.

3.3 Further Screening, Assessment and Management

The SESP undertaken in PPG phase and its findings are based on the broad scope of activities, outputs and outcomes of the designed Project. Thus, the potential impacts and management measures are designed to manage those impacts in their broadest sense, and the significance categorization of “Substantial” is based on a indication of three significant risks. The relevance of these risks may vary across sites or evolve in time, and the significance or likelihood of associated risks or impacts is not necessarily uniform in all demonstration experiences of the Project. Further screening is required to identify site-specific magnitude and intensity of risks, in order to effectively manage them. Further screening, assessment and management will be undertaken as part either; (i) SESA, for ‘upstream activities’ (see section 3.1) or (ii) the conduct of scoped ESIA(s), for downstream activities (see section 3.2).

Whilst the majority of project activities and demonstration sites are known at his time, there is the potential that certain project activities will need to change (either modality/focus or geographic location). This could be due to the evolving nature of the project/adaptive management, or if the project is unable to come to a mutually agreeable form of official consent (as required through UNDP’s SES requirements on FPIC). In such circumstances, any ‘new’/substantive changes to the project will require screening, assessment and management, using the SESP methodology to ensure that any impacts are identified, their significance is assessed, and any required impact-specific management actions are developed and applied

* **Screening** of further project activities that have not been included in the existing SESP, will take place as specific new activities are designed. Screening will use the SESP template, and rate foreseen impacts as “High”, “Substantial”, “Moderate” or “Low”.
* **Assessment** of further activities will be commensurate with the magnitude of the envisaged risk, and targeted specifically at the risk, especially taking into account risks to poor, vulnerable or marginalized communities and individuals. Full stakeholder consultation will be required at all stages.
* **Management** of identified risks will follow the “mitigation hierarchy” model. Management of additional site-specific activities will be integrated into the future ESMP. The ESMP is dynamic, and may require amendments as new project activities are identified, screened, assessed and implemented. When required, additional stand-alone plans for the activity may be developed, or addendums made to existing stand-alone plans, such as a Livelihood Action Plan or Indigenous Peoples’ Plan, or a site-specific addition to the Gender Action Plan.

After Project inception, and once the FPIC process with ethnic minorities is undertaken and are fully designed in detail, the current EMPF (Annex 11 of the UNDP Project Document) will be replaced by an Ethnic Minorities Plan (EMP) that reflect the findings and conclusions of the FPIC process. In addition, if required, Livelihood Action Plan(s) will be developed to manage any potential impact from economic displacement as a result of the Project PA or SFM activities.

As part of the annual report of Project advances through the PIR’s, the Project SESP will be reviewed and adjusted as necessary if new social and environmental risks arise.

Throughout the Project, participation of women and ethnic minorities will be ensured, through implementation and monitoring of the respective Ethnic Minorities and Gender plans. Depending on the implementation of these plans and the consultations with the participating communities, all necessary adjustments will be made to prevent or anticipate any new risks.

During implementation, the project will be re-screened with the UNDP SESP:

1. as prescribed by the project’s SESAs and ESIAs/ESMPs;
2. when determined necessary by the Project Manager (after consideration of the advice from PMU staff with responsibility for safeguards), the Project Board, or UNDP; and/or
3. when project circumstances change in a substantive or relevant way.

In addition to the above mentioned required assessments (and subsequent management plans), an indicative list of potential management and mitigation measures has been prepared The intent of Table 4 is to provide simple guidance to project staff on identification, assessment and management of certain risks. It does not serve as a substitute to the required SES assessments and management plans (as outlined in Sections 3.1, 3.2 and 3.3). No activities (as listed in both sections 3.1 and 3.2 respectively) can take place before the completion of the required SESA/scoped ESIA(s).

**Table 4: Indicative outline for additional impact screening and management for Proposed Project Investment Activities[[3]](#footnote-3) (in addition to the conduct of SESA, scoped ESIA(s) and subsequent management plans)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project Activity** | **Key Actions Planned** | **Possible impact to environment and social (risk)** | **Adverse and positive impact to environment and social aspects** | **Action for alleviating or enhancing measures** |
| 1. Expansion of existing protected area to include existing forest   1. Mapping and defining extended PA boundaries 2. Legislative actions to convert to Special Use Forests 3. PA management plan updated 4. PA management activities such as boundary survey, check points, protection, staff training, sign boarding, awareness and education programs, ecotourism, etc. 5. Monitoring threats, species populations, etc. 6. SMART patrols | This entails upgrading the two existing government owned forest company lands (Dak Rong and Tram Lap State-owned forest companies) to Special Use Forests (for conservation purposes) as forest logging operations have been banned by the government as part of extension of existing Kon Ka Kinh and Kon Chu Rang Nature Reserve | Environment Risk: The environment risk is positive as it will enhance protection in a biodiversity rich Central Highlands area and provide a connectivity between two existing PAs (Kon Ka Kinh NP and Kon Chu Rang Nature Reserve  Social Risk: Upgrading the status from a forest company to a Special Use forest will strengthen protection regimes that might:   1. Entail restriction of resource use within area and 2. Strengthen patrolling and enforcement to prevent illegal hunting and encroachments. | Environment Impact: The environmental impact is positive as it will   1. Improve conservation within the biodiversity rich area; 2. Provide connectivity between two existing PAs (Kon Kha Kinh NP and Kon Chu Rang Nature Reserve) that would enhance the conservation viability of key species; and 3. Strengthen staff capacity to manage and monitor the status of the reserve   Social impacts: Conversion to a special use forests can have the following social impacts:   1. Affect community access and resource use, such as NTFPs, fuel wood, honey, medicinal plants, etc. 2. Increase conflict between PA staff and communities; 3. Impact on IP cultural, spiritual and religious practices; 4. Reduced incomes to local communities from loss of access | Environment Management: To enhance conservation values undertake rapid mapping to:   1. Ensure that high biodiversity areas are included in new conservation area; 2. Boundaries are established to ensure key corridors and include to enhance viability; 3. Management plans developed to enhance conservation outcomes   Management of social impacts: To mitigate social impacts the following actions may be considered:   1. Undertake consultation, using FPIC procedures with IPs to ensure that the establishment of the special use forest is mutually acceptable that recognizes IP cultural, social and related practices 2. Undertake boundary demarcation through a consultative process so as to ensure that IP tenure and cultural consideration are considered when defining the boundaries 3. Management prescriptions for the expended PAs to be developed in consultation with IPs to ensure recognition of customary and traditional use; 4. In case of inadvertent loss of access to resource use prepare an alternate livelihood plan that is acceptable to those affected or agree on establishing community managed participatory forestry in buffer zones with defined resource sharing agreements 5. Establish grievance redressal mechanism for conflict resolution 6. Additionally, conduct a targeted ESIA and develop an activity-specific plan to address these impacts |
| 2. Improved management effectiveness of existing protected areas   1. Improved PA management and planning 2. Enhanced staff training in PA management planning, species monitoring, etc. 3. SMART patrols that are undertaken with community members 4. Improved enforcement and protection measures 5. Promotion of ecotourism activities 6. Awareness and education programs 7. Improving collaboration with buffer zone communities through community forest management etc. | This will entail strengthening the management of the 3 existing PAs in the Ba river basin namely Kon Ka Khin National Park, Kon Chu Rang Nature Reserve and Krong Trai Nature Reserve | Environment Risk:  Positive as it will enhance conservation, inventory and management  Social Risk:  Strengthened PA management, protection and enforcement can results in the following:   1. Entail restriction of resource use within area and 2. Strengthened patrolling and enforcement to prevent illegal hunting and encroachments. | Environmental Impacts:  Same as response to Risk 1 above  Social Impacts:  Same as response to Risk 1 above | Environment Management To enhance conservation values of existing PAs:   1. Integrate planning and management of buffer zones and connectivity with surrounding areas as strategy to enhance viability of species populations into management plans 2. Training of staff and enhancement of species monitoring and inventory 3. Enhance SMART patrols to reduce poaching and illegal wildlife activities 4. Strengthen ecotourism activities to build public support for conservation 5. Enhance PFES budget transfer for direct conservation action 6. Monitor the health of the PA and PA resources and wildlife populations   Management of social impacts: To mitigate social impacts the following actions may be considered:  Same as response for Risk 1 above |
| 3. Strengthening existing sustainable forest management programs  (a) Assessment of biological and environmental aspects related to FMUs  (b) Technical support to help Forest Management Boards to integrate biodiversity conservation consideration into SFM programs  (b) Support for annual work plans to add biodiversity priorities  (c) Advisory services for implementation of integrated SLM plans  (d) Strengthened standards for monitoring effectiveness of SLM implementation  (d) Training on biodiversity survey techniques | Current SFM plans for Protection and Production Forests by the Forest Management Boards focus on forest protection from illegal logging and encroachment rather than focus on conservation of the natural forests and sustainable forestry operations. | Environment Risk:  Lack on priority for protection of threatened species and ecosystems that the current models are not appropriate and run the risk of ensure protection of species and ecosystems within these areas. While commercial logging is banned in these forests, harvestable timber can be removed, but there is no acceptable model to allow this on a scientific basis and staff lack management skills and survey tools to undertake SFM planning and management. Data used for preparation of SFM plans is out-dated.  Social Risks:  Improved conservation and SFM practices in protection and Production forests can result in impacts of livelihoods and community resource use | Environmental Impacts:  Same as response to Risk 1 above  Social Impacts:   1. Potential restriction of access to resources 2. Non-participation of EMs | Environment Management: To enhance conservation values of existing PAs or enhance connectivity and increase in species and habitats   1. Promote cut and carry grasses for livestock rather than free grazing in consultation with communities 2. Develop maps to delineate forest land to ensure that people know the boundaries 3. Encourage planting of fodder trees along village boundaries, on homesteads, community lands, etc.   Management of social impacts:   1. Undertake consultation, using FPIC procedures with IPs to ensure that the establishment that SFM actions are mutually acceptable that recognizes IP cultural, social and related practices 2. Ensure community directly involved in decisions regarding SFM, species, locations, benefit sharing etc. 3. Give responsibility for resource distribution and benefit sharing to community organization 4. Ensure participation of landless, IPs and vulnerable communities 5. Develop grievance redressal mechanism to address any conflicts |
| 4. Forest restoration through artificial natural regeneration  (a) Mapping of forests condition and levels of degradation  (b) Identification of locations for restoration to build connectivity  (c) Technical support to FMBs for development of forest restoration plans  (d) Collaboration in forest restoration through complementary provincial programs  (d) Community participation in forest restoration  (e) Protection of restoration forests  (f) Monitoring of forest progress and impacts  (g) Manual of best restoration practices | Forest restoration activities will largely occur on critical lands to enhance connectivity or in buffer zones of PAs. Forest restoration will be supported by assisted natural regeneration with minimum working of the soil, no application of chemicals, some protection to induce artificial natural regeneration of natural species, in rare cases would some seeding be permitted using native species found within the locality | Environment Risk:  The expected outcome is positive because it would enhance natural regeneration and support conservation outcomes  Social Risk:  Conflicts might rise of communities are already using these areas either for grazing, fuel wood collection or other materials | Environmental Impacts:  Same as response to Risk 1 above  Social Impacts:   1. Loss of grazing land if this area being used for grazing 2. Conflicts may arise in accessing NTFP and other resources and issues of ownership claims 3. Alienation of local communities | Environment: Management To enhance conservation values of existing PAs or enhance connectivity and increase in species and habitats   1. Ensure selection of native species if assisted natural regeneration may be difficult 2. Select sites where there is adequate seed materials, satisfactory soil conditions, limited fire hazard for restoration 3. Regularly monitor regeneration to ensure avoidance of invasive taking hold 4. Maintain areas from external pressure, fires and grazing to facilitate regeneration 5. Develop appropriate fire lines around restoration areas 6. Develop and follow clear and tested guidelines for ANR   Social Management:   1. Involve local communities in selection of areas for restoration to ensure no resource use conflicts and tenure exists using FPIC procedures with IPs to ensure that the establishment of the special use forest is mutually acceptable that recognizes IP cultural, social and related practices 2. Work ownership and equitable resource accessing mechanism by involving the community and document this through a mutually agreed MOA 3. Encourage use of fuel saving devices in buffer zones to reduce dependencies on fuel wood 4. Promote participatory conservation approach for restoration areas 5. Involve local communities in monitoring and protecting regeneration areas through social fencing measures 6. Ensure sufficient alternative grazing areas in lieu of loss of grazing areas in restoration sites |
| 5. Community Forest Management Community  (a) Mapping of commune forests to identify options for community co-management and products to be shared  (b) Defining co-management protocols and procedures  (c) Training of communities on co-management practices  (d) Support for community-level participatory planning to allocate forest/forest land to communities and initial SFM aspects  (e) Technical feasibility of small-scale forest-based enterprise options  (f) Establishing linkages between community enterprises and markets and capacity development  (g) Assess risks with proposed value chains and risk management  (h) Support community level sustainable financial mechanisms through community resources and access to low interest credit | Under this approach, the community will be entrusted for management of certain patches on forests based on agreed benefit sharing arrangements. This might include, use of NTFP and forest products for small scale livelihood or value addition, bamboo shoots, honey, mushrooms, and local ginseng, capture fishing, cultivate medicinal plants, agro-forestry, intercropping, bee keeping, fruit planting, etc. | Environment Risk:  The expected outcome is positive because it would enhance community engagement in management of forests and support conservation outcomes  Social Risk:  Conflicts might rise of neighbouring communities are already using these areas either for grazing, fuel wood collection or other materials | Environmental Impacts:  Same as response to Risk 1 above  Social Impacts:   1. Loss of access to neighbouring communities who currently use such forests 2. Potential conflicts may arise in accessing NTFP and other resources of neighbouring communities | Environment Management: To enhance conservation values of these community managed lands:   1. Ensure community forest management planning and benefit sharing are conducted in keeping with sustainable resource management practices 2. Establish clear rules and MOUs for agreed management prescriptions and benefit derivation that is agreed with communities 3. Develop maps to delineate community managed areas 4. Establish participatory monitoring framework in consultation with local communities to encourage compliance   Management of social impacts:   1. Ensure community directly involved in decisions regarding management and benefits to be shared using FPIC procedures. 2. Give responsibility for resource distribution and benefit sharing to community organization 3. Ensure participation of landless, IPs and vulnerable communities 4. Develop grievance redressal mechanism to address any conflicts 5. During planning process work out arrangements with neighbouring communities to agree on joint resource sharing and protection arrangement 6. Training in management practices 7. Ensure gender sensitivity and role of women in such systems |
| 6. Agro-forestry, homestead gardens, silvipasture, etc.  (a) Undertake mapping to identify commune and community lands for promotion of agro-forestry, home gardens, etc.  (b) Technical and advisory services for planning of activities (species, planting techniques, management options, etc.)  (c) Facilitate coordination with provincial agencies and private sector for nursery development, seed souring and propagation  (d) Technical and extension support for development of agro-forestry and mixed-cropping systems | To strengthen measures to enhance environmental conditions and productivity for minor crops, fruits, etc. | Environment Risks:  Enhances ecological conditions, provides additional products, pasture and timber/fuel wood.  Social Risks:  Conflicts might rise of communities are already using these areas either for grazing, fuelwood collection or other materials | Environment Impacts:   1. Potential introduction of exotics and inadvertently invasive species 2. Threat to indigenous species if fast growing exotics are grown 3. Homestead forests may divert attention from natural areas due to higher incentives 4. Invasion of exotic species into PAs   Social Risks:   1. Conflicts may arise in accessing resources and issues of ownership claims 2. Loss of common grazing lands due to agroforestry | Environment: Management   1. Follow MARD guidelines for agro-forestry, home gardens and silvi-pasture 2. Encourage use of local grasses and timber and fruit tree species that less likely to become invasive species 3. Avoid dry deciduous species that are fire prone 4. Regular monitor natural areas (such as PAs) to eradicate any invasive species that may proliferate 5. Raise awareness of value of agro-forestry and multi-cropping systems 6. Involve local communities in monitoring of species in agro-forestry and home-gardens to demonstrate ecological values   Social impact management   1. Involve local communities ins election of area for agro-forestry and silvi-pasture and choice of species 2. Workout ownership and equitable resource access mechanisms by involving community and making collective decisions at village level to avoid conflict 3. Develop agreeable arrangements through community MOUs including community responsibility for resource distribution and participation of IPs and vulnerable groups 4. Monitor participation of IPs and vulnerable groups to ensure their involvement and sharing of benefits 5. Reach community agreements on closing areas on short-term to encourage pasture regrowth |
| 7. Improving productivity of household agriculture and crops by adopting new and appropriate technologies such as crop diversification, nurseries, improved seeds, etc.  (a) Technical and advisory support through existing provincial institutions for crop diversification and improved productivity  (b) Extension support for agricultural crops, disease prevention and management, post-harvest methods, marketing etc. | Use of fertilizers and agrochemicals (pesticides, herbicides and insecticides), soil treatment techniques, etc. possible | Environment Risks: Water and soil pollution caused by improper application in quantity and type of organic and inorganic fertilizers and agrochemicals. | Environment Impacts: Accumulation of harmful substances, pollution of surface and underground water, increased water erosion, rise of water table level.  Positive effect:  Rehabilitation and green cover and management of low productivity degraded lands. Improved productivity of land means better management of soil and water | Environment Management:   1. Use of recommended norms (MARD guidelines) of mineral fertilizers, wider introduction and adoption of crop rotation, 2. Use of appropriate procedures for, application, storage and disposal of agrichemicals (MARD guidelines) 3. Use conservation tillage, that follow land contour to reduce runoff 4. Selection of seeds with minimal level of pest and disease vulnerabilities. 5. Provide regular information and training to farming communities on all the aspects of protection of environment. |
| 8. Ecotourism  (a) Assessment of potential for promotion of community managed ecotourism  (b) Facilitate local community ecotourism planning  (c) Support business planning and financial management  (d) Promote PFES as an option for capture of benefits | Enhanced visitation to high biodiversity areas, potential for waste generation and disposal etc. | Environment Risks:  Risks on sensitive habitats and potential degradation due to over-visitation  Social Risks  Risks to cultural aspects related to EMs | Environment Impact  Loss of wildlife habitat and disturbance to species  Pollution of streams and habitats from poorly managed waste disposal  Social Impacts  EMs culture and lifestyles affected | Environment Management:   1. Support for environmental friendly ecotourism practices 2. Introduce solid waste management practices and safe disposal of wastes 3. Recognize area biodiversity carrying capacity to determine visitor numbers and ecotourism activities 4. Build local capacity for monitoring impacts of visitation 5. Avoid new infrastructure developed within sensitive habitats 6. Maintain carrying capacity requirements and strong visitor protocols   Social management:   1. Ensure that these activities are targeted to landless, poor and vulnerable groups 2. Apply FPIC procedures to reach agreement of socially and culturally sensitive ecotourism practices and rules and guidelines to ensure these measures 3. Develop activities only in consultation and participation of local communities, including EMs 4. Provide training and build capacity of communities |
| 9 Livelihood and small-scale enterprise activities  (a) Undertake gender analysis related to livelihoods  (b) Assess technical, economic, social and environmental feasibility of livelihoods appropriate to women  (c) Establish specific demonstration models  (d) Provide technical and training support for livelihood practice | These might include medicinal plants, NTFP, honey, fruit, bamboo and other value addition (including non-forest products) | Environment Risks:   1. Uncontrolled extraction from the wild 2. Poor harvest techniques | Environment Impacts:   1. Impacts of species and biodiversity 2. Change in forest condition 3. Expansion of cultivation areas leading to encroachment on forest lands   Social Impacts:   1. Elite capture 2. Failure to find markets may deprive communities of income | Environment Management:   1. Build capacity for scientific collection and appropriate harvest techniques 2. Map vulnerable areas and zone to manage exploitation in sensitive sites 3. Establish cultivation on village commons and/or village lands to prevent forest clearing’ 4. Undertake support demand assessment for ensure viability   Social Management:   1. Involve local communities in planning and management of enterprises 2. Establish village collective agreements for value addition enterprise development and management with defined sharing agreements 3. Train communities to monitor state of resources 4. Ensure special livelihood and value addition programs for women and EMs 5. Ensure activities selected are based on market demands |

### 3.5 Indigenous Peoples’ Plan/Ethnic Minority Management Plan

SES Standard 6 requires that where a project may affect the rights, lands, resources or territories of indigenous peoples, an Indigenous Peoples’ Plan (IPP), must be developed, and integrated into the design of the project.

After Project inception, and once the FPIC process with ethnic minorities is undertaken and are fully designed in detail, the current EMPF (Annex 11 of the UNDP Project Document) will be replaced by an Ethnic Minorities Plan (EMP) that reflect the findings and conclusions of the FPIC process

The PPG team identified identify the presence of these peoples at each of the specific sites and further establish the nature of the risk(s), including any gender-related issues specific to indigenous groups. Based on this an EMPF has been developed following culturally appropriate consultation with the objective of achieving agreement and Free Prior and Informed Consent (FPIC).

FPIC, for the purposes of the project, is defined as follows:

**Free** means the process will be self-directed by the customary landholders from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed. The process:

* Will be free from coercion, bias, conditions, bribery or rewards;
* Will ensure that the decision-making structure is determined by stakeholders;
* Will give information transparently and objectively;
* Meetings and decisions will take place at locations and times and in language and formats determined by the stakeholders; and
* All community members will be free to participate regardless of gender, age or standing. .

**Prior** means thatno project activity implementation takes place before a decision by the customary landowners and local communities has been made. The process will ensure that enough time is provided to customary landowners to understand, access, and analyse information on the proposed activities.

**Informed:** Information will be provided in a manner that is accessible, clear, consistent, accurate, and transparent. It will be:

* Delivered in appropriate language and format (including video, graphics, radios, documentaries, photos, etc.);
* Given to the landowner communities about their rights as relevant to the project and possible impacts;
* Objective, covering both the positive and negative potential of activities and consequences of giving or withholding consent;
* Complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
* Delivered in a manner that strengthens and does not erode indigenous or local cultures;

**Consent** is:

* Made by the customary landowners through their customary decision-making process.
* A freely given decision that may be a “Yes” or a “No”, including the option to reconsider if conditions agreed upon are not met, there are changes in the proposed activities or if new information relevant to the proposed activities emerges;
* A collective decision determined by affected people in accordance with their forms of decision making (e.g. consensus, majority, etc.);
* Based on full understanding of opportunities and risks associated with the proposed activity;
* Given or withheld in phases, over specific periods of time for distinct stages or phases of the project;

Ethnic Minority decision-making processes must be respected and allowed to operate in an open and transparent manner. Customary landowners’ right to choose how they want to live will be respected and

If consent is not given, this shall be respected.

The collective right to give or withhold consent applies to all activities, legislative and administrative measures and policies (and their associated processes and phases) that may directly impact the lands, territories, resources, and livelihoods of the customary landowners. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

FPIC consultations will be comprehensively documented. Ideas, questions and concerns raised by different stakeholders, including related government institutions, NGO, CSOs, and women’s groups, private institutions, landholder groups, local village community and/or resource-owners, shall be captured, well documented and shared with the relevant national government agencies.

FPIC Consultations shall be carried out in a culturally appropriate manner, be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers. Consultations shall be delivered with sufficient time to be understood and verified, and measures must be taken to ensure that consultations reach the most remote, rural customary landowners, women, marginalized and vulnerable and are provided on an on-going and continuous basis throughout the FPIC process.

### Additional Plans

The SESP has identified requirements for the following additional stand-alone management sub-plans:

* Stakeholder Engagement Plan: A SEP (Annex 9 of UNDP Project Document) has been developed and will be updated, informed by ESIA. Sequential updates of the Plan will enable project officers to ensure that selection is carried out in synergy with the related legal and policy governance structure and that the implementation and selection procedures meet the required norms and standards. The plan will specifically consider how to equitably and meaningfully engage marginalized and vulnerable populations including specific measures to include women within the project areas. The plan will also provide terms of reference and modalities for managing stakeholder engagement in project activities at each site and with each community.
* Livelihood Action Plans: Livelihood Action Plan(s) will be developed as and when required to provide access to reduced or loss of incomes or livelihoods, as part of the ESMP(s) where appropriate.
* Gender Action Plan: The plan is in place and included as Annex 12 of the UNDP Project Document. Updates will be informed by the ESIA/SESA, if required and progress against relevant benchmarks.

# Institutional arrangements and capacity building

## Roles and responsibilities for implementing this ESMF

The roles and responsibilities of project staff and associated agencies in the implementation of this ESMF is as follows. This ESMF does not cover the roles and responsibilities associated with implementation of the subsequent ESMPs and/or stand-alone management plans; those will be defined for each PA’s subsequent management plan that is developed in the project inception phase, as required per this ESMF.

**Implementing Partner:**

The national executing entity - also referred to as the national ‘Implementing Partner’ (IP) in UNDP terminology - for this project is FIPI under Ministry of Agriculture and Rural Development (MARD).

The FIPI is responsible for:

* Ensuring that the required assessment (ESIA or targeted assessment, as above) and assessment report and the required management plan(s) (an ESMP and/or stand-alone management plan, as above) are developed, disclosed for public consultation and approved, and management measures are adopted and integrated during project implementation;
* Project planning, coordination, management, monitoring, evaluation and reporting.
* Reporting, fairly and accurately, on project progress against agreed work plans in accordance with the reporting schedule and required formats;
* Maintaining documentation and evidence that describes the proper and prudent use of project resources in conformity to the signed Project Document and in accordance with applicable regulations and procedures (e.g. SES);
* Ensuring all requirements of UNDP’s SES and national regulatory/policy frameworks and relevant international standards have been addressed (e.g. mitigation of identified adverse social and environmental impacts);
* Procurement of goods and services, including human resources required to ensure compliance with this ESMF;

**Responsible Parties**

The Responsible Parties are the Provincial People Committees of Gia Lai and Phu Yen provinces, for which their representatives are members of the Project Steering Committee (or Project Board). Provinces also can delegate alternative individuals, for instance DARD leaders, to participate in the Project Board under nomination made by PPCs.

**Project stakeholders and target groups:**

**UNDP:**

UNDP is accountable to the GEF for the implementation of this project. This includes oversight of project execution to ensure that the project is being carried out in accordance with agreed standards and provisions. UNDP is responsible for delivering GEF project cycle management services comprising project approval and start-up, project supervision and oversight, and project completion and evaluation. UNDP is also responsible for the Project Assurance role of the Project Steering Committee. UNDP’s role includes the following:

* Provide oversight on all matters related to safeguards;
* Inform all the stakeholders and right-holders involved in, or potentially impacted, positively or negatively, by the GEF-financed projects, about the UNDP’s corporate Accountability Mechanism (described below);
* Ensure that the Compliance Review and the Stakeholder Response Mechanisms are operational during the lifetime of the projects;
* Ensure adherence to the SES for project activities implemented using funds channelled through UNDP’s accounts, and undertake appropriate measures to address any shortcomings;
* Verify and document that all UNDP SES requirements have been addressed;
* Provide technical guidance on implementation of this ESMF and administrative assistance in recruiting and contracting expert safeguards services (as required), and monitor adherence of each project to the ESMF and UNDP policies and procedures.

**Second line of defense**

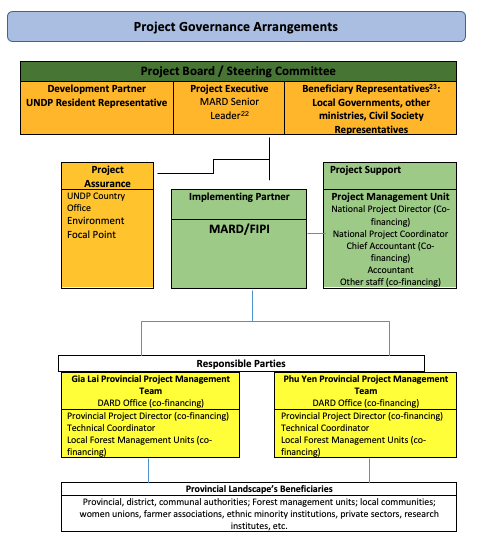
* + Regional Bureau oversees RR and Country Office compliance at portfolio level
  + BPPS NCE RTA oversees technical quality assurance and GEF compliance. BPPS NCE PTA oversees RTA function
  + UNDP GEF Executive Coordinator and Regional Bureau Deputy Director can evoke DOA/cancel/suspend project or provide enhanced oversight.

The UNDP Resident Representative assumes full responsibility and accountability for oversight and quality assurance of this Project and ensures its timely implementation in compliance with the GEF-specific requirements and UNDP’s Program and Operations Policies and Procedures (POPP), its Financial Regulations and Rules and Internal Control Framework. A representative of the UNDP Country Office will assume the assurance role and will present assurance findings to the Project Board, and therefore attends Project Board meetings as a non-voting member.

**Project Management Unit:**

* Supervise and manage implementation of measures defined in this ESMF;
* Assign specific responsibilities for implementation of this ESMF, including monitoring, and community consultations on the draft management plans to a staff member(s) of the PMU;
* Maintain relevant records associated with management of environmental and social risks, including updated SESPs, impact assessments, a log of grievances together with documentation of management measures implemented;
* Report to the Implementing Partner, the Project Steering Committee, and UNDP CO on the implementation of the ESMF;
* Ensure that all service providers are informed of their responsibilities for the day-to-day compliance with the ESMF.

As noted above, the projects’ subsequent ESMPsand stand-alone management plan**s** as required**,** will describe the roles and responsibilities in the implementation of those plans. Those new roles and responsibilities will be assessed and integrated, as appropriate, as part of the participatory decision making and implementation proceedings of the project. The project organization structure is shown below.

**

**Project Steering Committee:**

The Project Steering Committee provides strategic guidance to implementation of the project including oversight for safeguards and the implementation of this ESMF. It is also responsible for taking corrective action as needed to ensure the project achieves the desired results. In order to ensure UNDP’s ultimate accountability, Project Steering Committee decisions should be made in accordance with standards that shall ensure management for development results, best value money, fairness, integrity, transparency and effective international competition.

Specific responsibilities of the Project Steering Committee include:

* Provide overall guidance and direction to the project, ensuring it remains within any specified constraints;
* Address project issues as raised by the project manager;
* Provide guidance on new project risks, and agree on possible mitigation and management actions to address specific risks;
* Agree on project manager’s tolerances as required, within the parameters set by UNDP-GEF, and provide direction and advice for exceptional situations when the project manager’s tolerances are exceeded;
* Advise on major and minor amendments to the project within the parameters set by UNDP-GEF;
* Ensure coordination with various government agencies and their participation in project activities;
* Review combined delivery reports prior to certification by the implementing partner;
* Address project-level grievances;
* Review the final project report package during an end-of-project review meeting to discuss lesson learned and opportunities for scaling up.
* Monitor implementation of this ESMF and compliance with national and international regulations, and UNDP social and environmental standards;
* Decision making for the adoption of necessary measures including full integration of management measures within project Outputs and annual work plans;
* Establish and support GRM mechanism to address any grievances.

## Capacity Building

Specialists with relevant expertise in social and environmental safeguards will be engaged to support the completion of the targeted assessment(s) of economic displacement and other risks, and the subsequent development of ESMPs and any stand-alone management plans if required. These experts will offer an induction session for Project Management Units (and implementing partners, as needed) on safeguards responsibilities and approaches.

The UNDP-GEF Unit will provide advice to project teams as needed to support the implementation of this ESMF and the preparation, implementation and monitoring of social and environmental management plans/measures.

The Project Steering Committee will have the final responsibility for the integration of ESMP/stand-alone management plan(s) in the execution of the project. The integration of those plans will need to consider particular institutional needs within the implementation framework for application of the ESMP, including a review of the required budget allocations for each measure, as well as the authority and capability of institutions at different administrative levels (e.g. local, regional, and national), and their capacity to manage and monitor ESMP implementation. Where necessary, capacity building and technical assistance activities will be included to enable proper implementation of the ESMP.

# 

# Stakeholder engagement and information disclosure

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 9 of UNDP Project Document) and Gender Action Plan (Annex 12 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 and/or FIPI/MARD 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.

# 

# Accountability and Grievance Redress Mechanisms

## 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/>

## Project-level Grievance Redress Mechanisms

The FIPI 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;

The developed GRM must first provide detail guidelines for people to raise their grievances in different categories such as land use overlapping and conflict, access to NTFP, payment for provided service, etc. It must start with guidelines for addressing general grievances that could potentially occur during stages of ESIA, land use planning or project design. Full participant of local communities and full public consultation during these stages must be enhanced for instant grievance, if any. People could address their concern or grievance orally or under written form. Either way, there must be written records for each individual case with detail descriptions of how such grievance is solved.

GRM 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.

It is likely that grievances related to land use right might be the most popular, especially under Component 1 of land use planning and under Component 2 of Forest Allocation for communities and Forest restoration of the project. In this case, together with the mechanism described above, all other necessary procedures will have to follow regulations defined in the existing Land Law.

FIPI/MARD in cooperation with local two DARDs of Gia Lai and Phu Yen, PAMBs and FMUs will provide the necessary training to improve grievance procedures and strategy. The Grievance staff will maintain a database of complaints received related to the Project which will contain the following information: nature of the complaint, source & date of receiving complaints, name, gender, ethnicity and address of complainant, actions and current status. All written record must be confidentially stored to assure personal privacy will be strictly protected. The project management boards at all level must cooperate with related stakeholders to provide all necessary supports to people/organization so as they could deliver their complaints/grievance to responsible authorities at no cost, in time and under appropriate manner as defined by existing regulations.

The Project will have to provide additional guidelines to include gender inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. 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 prominent places for the information of the key stakeholders. The project’s grievance redress process will be disseminated through project brochures and project information listed in the offices of the commune/district people’s committees.

# 

# Budget for ESMF Implementation

Funding for implementation of the ESMF is included in the Project budget. The estimated costs are indicated in Table 6 below. Costs associated with the time of Project Management Unit Staff coordinating the implementation of this ESMF or UNDP support are not shown. It should also be noted that the budget presented in Table 6 does not include the costs associated with undertaking any primary ecological or social studies required as part of ESIA.

**Table 6: Breakdown of project level costs for ESMF implementation**

|  |  |
| --- | --- |
| National ESIA/ESMP specialist/s for scoped ESIAs/ESMPs  75 Days @ 192 USD/Day | $14,400 |
| National IPP Specialist (for turning EMPF to an EMPP/IPP)  40 Days @ 192 USD/Day | $7,680 |
| International SESA Specialist  70 Days at 800 USD/Day | $56,000 |
| National Gender consultant (short-term)  60 days at 192 USD/Day | $11,520 |
| Travel expenses for consultations (national consultants) | $3,000 |
| Awareness raising and capacity development around GRM | $6,000 |
| Total (USD) | $98,600[[4]](#footnote-4) |

# Monitoring and evaluation arrangements

Reporting on progress and issues in the implementation of this ESMF will be documented in the project quarterly reports and annual project implementation reports (PIRs). Until the ESMPs and stand-alone management plans are put in place, UNDP CO will be responsible for compiling reports on the implementation of this ESMF, for reporting to the Project Steering Committee. Key issues will be presented to the Project Steering Committee during each committee meeting.

Implementation of the subsequent ESMPs and stand-alone management plans (all projects, as required) will be the responsibility for the individual project management teams, and other partners as agreed upon and described in those future plans.

The ESMF monitoring and evaluation plan is outlined below in Table 7.

**Table 7: ESMF M&E plan**

| **Monitoring Activity & Relevant Projects** | **Description** | **Frequency / Timeframe** | **Expected Action** | **Roles and Responsibilities** |
| --- | --- | --- | --- | --- |
| Track progress of ESMF implementation | Implementation of this ESMF coordinated for each key activity, and with results reported to each Project Board on an annual basis | Quarterly (until ESMPs and management plans are in place) | Required ESMF steps are completed in a timely manner., in particular for activities that are moderate or low risk that can be mitigated by simple mitigation actions as described in Table 5 | National Project Director, with support from consultants |
| Implementation of mitigation measures and monitoring of potential impacts identified in impact assessment(s) and per the subsequent ESMP | Permanent and participatory implementation and monitoring of impacts and mitigation measures, in accordance with ESMP (to be prepared together with impact assessments) | Continuous, once targeted ESIA is completed and ESMP is in place | Implementation of ESMP; participatory monitoring of impact assessment findings (i.e. identifying indicators, monitoring potential impacts and risks); integration of ESMP into project implementation strategies. Monitoring of environmental and social risks, and corresponding management plans as relevant (tendered to national institute, local consultant, CSO or service provider) | National Project Director, Provincial Coordinators, oversight by UNDP CO, Project Board |
| Development of impact assessment and reports, and livelihood restoration plan as needed | Carried out in a participatory manner, impact analysis of potential livelihood impacts | Project Inception | Potential impacts related to economic displacement are assessed with support of external consultants and participation of project team and stakeholders; impact assessment report completed; if justified based on findings of assessment, a livelihoods action plan will be developed; management actions will be identified and incorporated into project implementation strategies. | External service providers (environmental and social)  With guidance from UNDP, National Project Director,, |
| Development of Indigenous Peoples’ Plan | Drafted in a participatory manner, commencing as soon as project-affected indigenous communities are identified. | First year of project implementation. | Detailed procedures for the implementation of FPIC are established, and incorporated into impact screening, assessment and management procedures and the ESMP. | External service providers (environmental and social)  With guidance from UNDP, Project Manager |
| Learning | Knowledge, good practices and lessons learned regarding social and environmental risk management will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project. | At least annually | Relevant lessons are captured by the project teams and used to inform management decisions. | National Project Coordinator |
| Annual project quality assurance | The quality of the project will be assessed against UNDP’s quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project | Annually | Areas of strength and weakness will be reviewed and used to inform decisions to improve project performance | UNDP CO,, with support from National Project Director |
| Review and make course corrections | Internal review of data and evidence from all monitoring actions to inform decision making | At least annually | Performance data, risks, lessons and quality will be discussed by the Project Board and used to make course corrections | Project Board |
| Annual project implementation reports | As part of progress report to be presented to the Project Board and key stakeholders, analysis, updating and recommendations for risk management will be included | Annually | Updates on progress of ESMF/ESMP/IPF will be reported in the project’s annual PIRs. A summary of the avoidance and mitigation of potential social and environmental impacts will be included in the program annual report, sharing best practices and lessons learned across the program. | UNDP CO, UNDP-GEF RTA, National Project Director, |
| Project review | The Project Board will consider updated analysis of risks and recommended risk mitigation measures at all meetings | At least annually | Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team will be discussed in Project Board. Recommendations will be made, discussed and agreed upon. | Project Board,  National Project Director, |

# Annexes

## Annex 9.1

## SESP Template

## (Refer Annex 6 of UNDP Project Document)

**Annex 9.2**

## Indicative Outline of Targeted Environmental and Social Impact Assessment (ESIA)/ Report

UNDP Social and Environmental Standards:

ESIA Report – Indicative Outline

Please refer to the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/Final_UNDP_SES_Assessment_and_Management_GN_-_Dec2016.pdf) for additional information.

An ESIA report should include the following major elements (not necessarily in the following order):

**(1) Executive summary:** Concisely discusses significant findings and recommended actions.

**(2) Legal and institutional framework:** Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under UNDP’s SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental framework and applicable requirements of UNDP’s SES (and those of other donors/development partners) and identifies any potential gaps that will need to be addressed.

**(3) Project description:** Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project’s primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project’s direct, indirect, and cumulative impacts. (i.e. area of influence).

**(4) Baseline data:** Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions;assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.

**(5) Social and environmental risks and impacts:** Predicts and takes into account all relevant social and environmental risks and impacts of the project, including those related to UNDP’s SES (Overarching Policy and Principles and Project-level Standards). These will include, but are not limited to, the following:

*(a) Environmental risks and impacts*, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards.[[5]](#footnote-5)

*(b) Social risks and impacts*, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

**(6) Analysis of alternatives:** systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives’ feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

**(7) Mitigation Measures:** Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan.

**(8) Conclusions and Recommendations:** Succinctly describes conclusion drawn from the assessment and provides recommendations.

**(9) Appendices:**  (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans.

## Annex 9.3

## Indicative outline of Scoped Environmental and Social Management Plan (ESMP)

UNDP Social and Environmental Standards:

ESMP – Indicative Outline

Please refer to the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/Final_UNDP_SES_Assessment_and_Management_GN_-_Dec2016.pdf) for additional information.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document.[[6]](#footnote-6) The content of the ESMP should address the following sections:

**(1) Mitigation:** Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b)describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c)estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, ethnic minorities).

**(2) Monitoring:** Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

**(3) Capacity development and training:** To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

**(4) Stakeholder Engagement:** Outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation; and (c) description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project’s social and environmental performance.

**(5) Implementation action plan (schedule and cost estimates):** For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

## Annex 9.4

## List of stakeholders consulted during the ESMF and EMPF development

| **No.** | **Full name** | **Position** | **Affiliation** | **Sex** | **Ethnicity (EMs)** |
| --- | --- | --- | --- | --- | --- |
|  | **GIA LAI PROVINCE** | | | | |
|  | Vũ Ngọc An | Vice Director | DARD | Male | Kinh |
|  | Hồ Thị Thuỳ Linh | Head | Finance and Planning Department, DARD | Female | Kinh |
|  | Trương Văn Nam | Head | FPD, DARD | Male | Kinh |
|  | Phạm Ngọc Bình | Staff | Forest Management and Protection Fund, DARD | Male | Kinh |
|  | Trần Anh Dũng | Coordinator | Kfw10 Project, DARD | Male | Kinh |
|  | Văn Ngọc Thiên | Department Head | Ethnic Minority Committee, PPC | Male | Kinh |
|  | Võ Đình Huy | Chairman | Kon Chieng Commune People Committee (CPC) | Male | Kinh |
|  | Jrớt | Famer Union | Kon Chieng CPC | Male | Banah |
|  | Đinh Thị Hoài | Woman Union | Kon Chieng CPC | Female | Banah |
|  | Nay Ú | Head | Chư Mố Protection Forest Management Board | Male | Jrai |
|  | Nông Văn Thiện | Technical Head | Chư Mố Protection Forest Management Board | Male | Nung |
|  | Hoàng Lan Thương | Staff | Chư Mố Protection Forest Management Board | Female | Kinh |
|  | Rah Ian Dam | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | Ksor Thơm | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | Nay Thoan | Household | Chư Mố Commune, Ia Pa district | Male | Jrai |
|  | Hiao Luang | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | R’ô Ktot | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | R’s e Chứ | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | Kso Hoang | Household | Ia Kdăm Commune, Ia Pa district | Male | Jrai |
|  | Đỗ Hoàng Châu | Chairman | Ia Tul CPC, Ia Pa district | Male | Kinh |
|  | Tăng Hồng Tuấn | Vice Chairman | Ia Tul CPC, Ia Pa district | Male | Kinh |
|  | Rơ Ô H’Đim | Woman Union | Ia Tul CPC, Ia Pa district | Female | Jrai |
|  | Trương Thị Hồng | Staff | Ia Tul CPC, Ia Pa district | Male | Kinh |
|  | Nay, H’ Mùi | Staff | Ia Tul CPC, Ia Pa district | Male | Jrai |
|  | Phạm Thị Tường Vi | Staff | Ia Tul CPC, Ia Pa district | Female | Kinh |
|  | Trần Thị Thảo | Staff | Ia Tul CPC, Ia Pa district | Female | Kinh |
|  | Trương Thanh Hà | Head | FPD, Kbang district | Male | Kinh |
|  | Ngô Văn Tân | Staff | FPD, Kbang district | Male | Kinh |
|  | Nguyễn Minh Sự | Director | Đắk Roong Forestry Company | Male | Kinh |
|  | Ngô Thanh Vũ | Staff | Đắk Roong Forestry Company | Male | Kinh |
|  | Lâm Quốc Trung | Technical Head | Đắk Roong Forestry Company | Male | Kinh |
|  |  |  |  |  |  |
|  | Lê Văn Quang | Chairman | Đăk Rong CPC, Kbang district | Male | Kinh |
|  | Đinh Thị Luân | Famer Union | Đăk Rong CPC, Kbang district | Female | Kinh |
|  | Đinh Thị Thuên | Woman Union | Đăk Rong CPC, Kbang district | Female | Kinh |
|  | Đinh Văn Chim | Head | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Miên | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Thị Hằng | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Female | Banahr |
|  | Đinh Thị Hới | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Female | Banahr |
|  | Đinh Xuân Khoăn | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Bơm | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
| 1. Đ | Đinh Thị Nuôi | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Female | Banahr |
|  | Phạm Văn Kệ | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Xuân | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Thị Yến | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Female | Banahr |
|  | Đinh thị Thuyên | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Thếch | Household | Kon Lanh village, Đăk Rong Commune, Kbang district | Male | Banahr |
|  |  |  |  |  |  |
|  | Lê Quý Truyền | Chairman | Sơn Lang CPC, Kbang district | Male | Kinh |
|  |  |  |  |  |  |
|  | Đoàn Văn Hợi | Director | Trạm Lập Forestry Company | Male | Kinh |
|  | Tú | Staff | Trạm Lập Forestry Company | Male | Kinh |
|  | Đình Ngaj | Head | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Thoen | Household | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Uông | Household | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh A Nhúk | Patriarch | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Quyết | Household | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Ngọc Mẫn |  | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Văn Hú | Household | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Male | Banahr |
|  | Đinh Thị Đót | Household | Đắk Tơ Nglong village, Sơn Lang Commune, Kbang district | Female | Banahr |
|  |  |  |  |  |  |
|  | Dương Quốc Điệp | Chairman | Kon Pne CPC, Kbang district | Male | Kinh |
|  | Nguyễn Thanh Lâm | Staff | Kon Pne CPC, Kbang district | Male | Kinh |
|  | Trịnh Viết Ty | Director | Con Chư Răng Nature Reserves | Male | Kinh |
|  | Lê Văn Vinh | Head | Planning Department, Kon Ka Kinh National Park | Male | Kinh |
|  | Đinh Khánh Toàn | Head | Center for Envionment Education, Kon Ka Kinh National Park | Male | Kinh |
|  | Hồ Ngọc Thọ | Staff | Kon Ka Kinh National Park | Male | Kinh |
|  | Nguyễn Quốc Luân | Staff | Kon Ka Kinh National Park | Male | Kinh |
|  | **PHU YEN PROVINCE** | | | | |
|  | Nguyễn Nghĩa | Vice Head | FPD, DARD | Male | Kinh |
|  | Phạm Văn Thành Đoàn | Staff | FPD, DARD | Male | Kinh |
|  | Trần Hữu Thuỷ | Staff | FPD, DARD | Male | Kinh |
|  | Trần Đình Sơn | Staff | FPD, DARD | Male | Kinh |
|  | Huỳnh Văn Mạnh | Director | Forest Management and Protection Fund, DARD | Male | Kinh |
|  | Nguyễn Đồng Thư | Vice Director | Forest Management and Protection Fund, DARD | Male | Kinh |
|  | Trương Anh Hoàng | Staff | JICA2 Project | Male | Kinh |
|  | Nguyễn Chí Hiếu | Staff | JICA2 Project | Male | Kinh |
|  | Trương Văn Phương | Head | Committee of Ethnic Minority Affairs (CEMA), PPC | Male | Kinh |
|  | Nguyễn Quốc Minh | Staff | CEMA | Male | Kinh |
|  | Nguyễn Thanh Hoà | Staff | CEMA | Male | Kinh |
|  | Nguyễn Thị Xuân | Chairman | Women Union | Female | Kinh |
|  | Trần Thị Bình | Vice Chairman | Women Union | Female | Kinh |
|  | Phạm Thị Yên | Staff | Women Union | Female | Kinh |
|  | Ngô Lê Hải | Director | Krong Trai Nature Reserve | Male | Kinh |
|  | Đinh Văn Thành | Staff | Krong Trai Nature Reserve | Male | Kinh |
|  | Phạm Xuân Khoát | Staff | Krong Trai Nature Reserve | Male | Kinh |
|  |  |  |  |  |  |
|  | Đặng Việt Dũng | Vice Director | Sơn Hoà Forest Protection Board | Male | Kinh |
|  | Bùi Văn Ca | Head | Technical Department, Sơn Hoà Forest Protection Board | Male | Kinh |

1. United Nations Development Program (2014). Social and environmental diagnostic procedure. Available at <https://www.undp.org/content/dam/undp/library/corporate/Social-and-Environmental-Policies-and-Procedures/UNDP-Social-Environmental-Screening-Procedure-SPANISH-1January2015.pdf.pdf> [↑](#footnote-ref-1)
2. UNDP SES, page 18. [↑](#footnote-ref-2)
3. The intent of Table 4 is to provide Forest and PA Management Boards that will be responsible for implementation of project activities in their respective forest management units a tool to identify potential impacts of their respective activities and design appropriate management and mitigation measures to avoid or reduce impacts and enhance positive outcomes. [↑](#footnote-ref-3)
4. As per the ProDoc budget, 33,600 USD for SES implementation shall be supported bv GEF funds (budget lines 14 c and d). The remaining 65,000 USD will need to be funded by the CO or implementing partner. [↑](#footnote-ref-4)
5. For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs contain information on industry- specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at [www.ifc.org/ehsguidelines](http://www.ifc.org/ehsguidelines). [↑](#footnote-ref-5)
6. This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions. [↑](#footnote-ref-6)