Ministry of Agriculture and Rural Development

VIETNAM

Forest Carbon Partnership Facility (FCPF)

Carbon Fund

Emission Reductions Program Document (ER-PD)

Annex 7: Feedback Grievance and Redness Mechanism (FGRM), Policies and Procedures

ER Program

Name and Country: Vietnam

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FGRM and Safeguard Policies and Procedures

Most of the ER-P interventions revolve around the ACMA and the ACMA is being designed to ensure that it can also deal with grievances and complaints that may occur during the ER-P implementation. However, where there are grievances related to involuntary resettlement such as poorly undertaken IOLs or DMSs that are not accepted by affected persons and substantive issues arise relating to the payment or compensation for land or other assets acquired or restriction of access to existing natural resources, which need to be addressed. The ACMA is not the legal vehicle to adjudicate on compensation, allowances or other income restoration measures affected persons are legally entitled to receive. Rather the ACMA would need to assist affected people receive any payments as reflected in the Entitlement Matrix of the RPF prepared for the ER-P and reflected in any RAP. This assistance would need to be extended to covering any costs involved – transport, accommodation, appellant fees – by affected persons seeking grievance redress as per the RAP or where relevant also the EMPF and also reflected in any EMDP. The ACMA would not have to pay costs associated with complaints that do not trigger either environmental or social safeguards.

The GRM process that is currently recognized and used in Vietnam, especially in relation to projects involving some form of involuntary resettlement (defined as compensation resultant from either permanent or temporary impacts for legal assets affected by projects such as land/crops/structures/businesses and for those severely affected and vulnerably affected livelihoods restoration support) is as follows:

First Step Commune People's Committee	The party seeking grievance redress or seeking to make a complaint concerning some aspect of the project or program lodges a written or verbal request with the CPC to resolve the grievance or complaint. This grievance or complaint is entered into the CPC Registry and includes the following date and time of complaint, name, address and contact details of the person seeking grievance redress of resolution of complaint. The Chairperson or his/her nominated representative will meet the person/s who have lodged the grievance or complaint in person and has by law 15 days to resolve the complaint. Actions taken to address either the grievance or complaint will be undertaken, dates and times when these actions were undertaken, the date, time and manner in which the outcome is transmitted to the aggrieved or complainant person/s and the latter's signature or thumbprint used for the GoV issued Identity Card affixed to the document.
Second Step District People's Committee	If after 15 days the CPC cannot resolve the grievance or complaint the aggrieved person/s are legally entitled to lodge the grievance either in written or verbal form with the DPC. The DPC has 30 days from the day of lodgement to respond to the grievance or complaint. Typically for complaints involving some form of involuntary resettlement the DPC will register the complaint in its DPC Registry and forward the grievance to the District Board for Compensation and Land Acquisition and for grievances/complaints related specifically to ethnic minority development issues District Board for Ethnic Minority Affairs is involved. These two boards will assess the nature of the grievance and complaint and inform the DPC of their suggested outcome and this will be relayed to the person/s seeking either grievance redress or complaint resolution. The processes involved with documenting the grievance or complaint are basically the same as for those processes followed by the CPC as per the First Step. With the increasing access to more reliable internet it is likely that documentation associated with FGRM will enter the public domain in digitized format.
Third Step Provincial People's Committee	If after 30 days the DPC either does not provide feedback or the measures suggested to resolve the grievance or complaint are not satisfactory for the person/s seeking redress the latter is entitled to

	lodge a grievance or complaint ether verbally or in writing with the PPC. Typically, the PPC will follow the same processes as were followed by first the CPC and then secondly by the DPC. From date of lodgement to date of outcome, satisfactory or otherwise the PPC has 45 days to consider the complaint or grievance and relay the outcome to the person/s seeking grievance redress. There is no requirement to relay this outcome in the language of a particular ethnic minority group but good practice dictates that most PPCs will try and ensure there is clear understanding of what decision has been made and why.
Fourth Step Court of Law	If after 45 days the PPC either does not provide feedback or the measures suggested to resolve the grievance or complaint are not satisfactory for the person/s that sought redress via the PPC, this person/s may take their grievance in accordance with the Civil Procedure Code of Vietnam to a court competent to adjudicate on such disputes. Typically, a Court of Law has 60 days to investigate the grievance or complaint and then hand down its judgement. The judgement must be communicated to the appellants, posted at the office of the People's Committee in the locality where the adjudication occurred within 5 days and within 10 days at the CPC.

The World Bank also has a Grievance Redress Service (GRS) that aggrieved persons or communities can utilize. The GRS ensures that complaints received are promptly reviewed in order to address pertinent concerns. Affected individuals and communities may submit their compliant to the WB's Independent Inspection Panel which determines whether harm has occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WB's attention, and Bank Management has been provided with an opportunity to respond. Information on how to submit complaints to the GRS can be accessed via http://www.worldbank.org/GRS and for the Inspection Panel http://www.inspectionpanel.org. It needs to be noted that neither the GRS or Inspection Panel are accessible for complaints that are not linked to WB policies and procedures.

ER-P Specific FGRM

The above GRM generally works very well in relation to a range of investment projects, but especially projects associated with hydro-power development (generating facilities, reservoirs, transmission lines and access roads), transport connectivity improvement projects (farm to market roads, intra-district and provincial road networks, national highways, expressways, and upgrading of rail networks and port facilities) and drainage and irrigation systems (canals, embankments, pumping stations and access roads) and a range of other infrastructure related projects. But as REDD+ is more a governance-based program and is designed to reduce emissions it may generate a range of grievances and complaints that are not similar to those that are associated with the above GRM. It is these REDD+ grievances and complaints that the ER-P has to design an effective FGRM for as highlighted above.

The UN-REDD+ completed analysis of GRMs in Vietnam makes the important point that where possible grievances should be resolved at the village and commune level and that for the most part this is what stakeholders prefer for grievances among households. However, there are two important issues here: 1) Existing GRMs at the village and commune level can favor village elites (including the recognized village leader, other persons with socially ascribed status, and representatives of mass organizations). Such GRMs do not necessarily favor women, especially among upland ethnic minority groups that accord women little or no influence in the public arena or perhaps the very poor and more vulnerable members of these local communities.

A similar situation exists at the commune level, even if women are to some extent represented through the Vietnam Women's Union but it is unlikely that there is representation from the very poor and more

vulnerable members of village communities within the commune; 2) There are some grievance issues, such as those between households and/or communities that simply cannot be resolved within either the village or commune. Such grievances included those involving forest management entities related to encroachment on forest land for agricultural cropping purposes, logging for individual household purposes (primarily for the construction of residential structures), harvesting and collection of NTFPs, and forest protection services.

To address the shortcomings in the first instance, and based on the recommendation of the UN-REDD+ analysis it is proposed that the following actions should go a long way to complying with UNFCCC and CF requirements vis-à-vis FGRMs:

- It is proposed that Grassroots Mediation Groups (GRGs) be established but UN-REDD has only identified the village head (normally someone and usually a male who is elected and trusted by other villagers), representatives of mass organizations (Vietnam Women's Union, Farmers Association, Youth Association and Veterans Association), and respected persons in the villages ("older men"). However, there needs to be mechanisms to ensure that hitherto excluded groups (women and poorer and more vulnerable groups) be accorded a greater voice in the GRMs than they have at present;
- Existing "GRMs" based on traditional cultural practices that are not "formal" to the extent that for instance, a written Registry of Grievances (to be referred to as the Mediation Monitoring Registry) is not maintained although resolutions disclosed on a village-wide basis primarily via meetings at in the Village Cultural House where one exists, including those practices that have been modified in recent times to take account of changes to access to and use of forests and other natural resources be retained.
- The ER-P will contribute to an improvement in transparency by preparing a written Registry of Grievances (which includes the names of villagers lodging the grievance, the date the grievance was lodged, a summary of the grievance, feedback from the GRM entity, description of actions undertaken to resolve the grievance, the date an agreement was reached, and if not, what was the next course of action, and the signature or thumbprint of all parties).

Where this FGRM differs from the FGRM proposed by UN-REDD+ in Vietnam is that all or most of the ER-P activities will revolve around the ACMA entity and the technical interventions proposed at the commune and district level to strengthen the existing FGRM processes are not relevant. As per the design of the ACMA commune and district representatives (Chairperson or her or his nominee: the DPC Chairperson or nominee will be the Chairperson of the ACMA entity, DARD (including agricultural and forestry officials and DONRE) will be *ex officio* members of the ACMA. Thus, for complaints and grievances relating to ER-P activities that do not trigger safeguard policies relating to negative environmental impacts, involuntary resettlement and ethnic minorities and identified in the various safeguard documents (ESMF, RPF, EMPF and PF) the following steps, building in part on the analysis of the UNREDD proposed FGRM for REDD+ programs and projects in Vietnam:

First Step **Village ACMA Representative**	For complaints and inquiries related to the ER-P and decisions that have been reached by the ACMA impacting on a variety of issues including tenure conflicts, benefit sharing, access to and use of the forest, land clearing and social inclusion (gender, ethnicity, poverty and vulnerability) those individuals or groups with complaints or inquiries that require a decision will lodge either in writing or verbally their complaint or inquiry with the village-based elected ACMA representative. The latter, depending on what time of the year this compliant or inquiry is made (e.g. where much of the working day involves the collection of NTFPs or seasonal wage labor) should respond in 5 days and clarify the nature of the complaint or inquiry. If the ACMA representative cannot resolve this complaint or inquiry s/he will request a village meeting to assess whether villagers s/he

	represents are able to resolve the complaint. For inquiries, the ACMA representative should determine whether a full meeting of the village is necessary.
Second Step **Village ACMA Meeting**	The village ACMA meeting should be convened within 10 days of the initial complaint or query but as for the first step this will also depend on the seasonal livelihood activities. However, the ACMA representative in conjunction with the village head and representatives of any mass organizations will need to ensure that such meetings are held at time when it is possible for all villagers to attend (e.g. at times of the day when it is convenient for women with children to participate). Depending on the outcome of such a meeting a decision will be made if the complaint will be forwarded to the ACMA for consideration.
Third Step **Submission to ACMA Entity**	The ACMA will be required to list such complaints on the agenda for the next meeting, which may be in 30, 60 or 90 days, but depending on when the ACMA has agreed such meetings should be held. In the event of a major complaint (e.g., illegal logging activities, deliberately lit forest fires, or blatant breeches of any NTFP quotas) the ACMA needs to act quickly and will need to convene an emergency meeting (dependent on what constitutional provisions exist) to resolve this complaint. Feedback to the complainant will be provided by the ACMA village representative within 5 days of the ACMA decision.
Fourth Step **Village Mediation Group**	If the complainant is dissatisfied with the ACMA decision the village mediation groups will be requested to mediate between the ACMA and the complainant to reach an acceptable compromise. This village mediation should take place within 5 days of the complainant indicating either in writing or verbally that s/he/they do not accept this compromise and will be assisted to forward the complaint to the Provincial People's Committee.
Fifth Step **Provincial People's Committee**	The PPC will receive and analyse the complaint to determine if the complaint merits a directive from the PPC to the ACMA that either upholds the decision of the ACMA, modifies the decision in a way that meets the expectations of both the complainant and the ACMA, or overturns the decision of the ACMA. The course of action decided upon will be relayed to both the ACMA and the village from which the complaint originated via the ACMA. Unless the complaint is of an urgent nature (e.g. construction of an illegal road into a forested area) the PPC will complete investigating the complaint within 45 days.
Sixth Step **GoV GRM Portal**	If the complainant is still dissatisfied with the response to the complaint after Steps 1 to 5 the complainant could lodge their complaint with the Government of Vietnam's newly established portal (www.nguoidam.chinhphu.vn). The GoV will then direct the relevant agency or entity to respond to the complaint and attempt to offer a solution acceptable to the complainant. The complainant can of course choose to bypass Steps 1 to 5 but in reality, the newly established FGRM portal would require the processes embedded in these Steps to be followed. However, all complaints and measures required to resolve these complaints will be posted on the appropriate website.