



## Mekong Region Land Governance Project

Funded by Swiss Agency for Development and Cooperation and German Cooperation  
Project Implemented by LEI, Gret & GIZ

### THE COUNTRY STRATEGY OF VIET NAM TIME LINE: FROM 2016 TO 2018

#### Background

From 2014 to 2018, Viet Nam will receive 1.5 million dollars from MRLG through three different operational and funding mechanisms, IF, QDF and L&A. The present strategy aims at providing a strong coordination of activities to support and build learning alliances across key thematic areas towards improved land governance in Viet Nam. Critically the revisions in Forest policy are at the forefront. There are also other areas of interest for MRLG in Viet Nam based around issues of land governance.

The common objective of the MRLG Project is to create and develop compositions of good land governance systems in order to protect the rights and interests of farmer households especially the poor households, ethnic minority households and the households owned by women in the process of land transition on a large scale to serve regional industrialization and urbanization relative to countries in the region. MRLG will continue to support partners in the following four areas: Forest governance and devolution, responsible investment by the private sector, policy and law monitoring and evaluation and equality of land rights.

#### Policy context

Since the Mekong Region Land governance Project focuses on influencing policy and practice, it is essential to understand the developments on policy in the country and thus follow key processes to identify opportunities to engage. One of the main topics of interest for MRLG in the current period is the drafting of a new Forestry Law, amending the existing Forest Protection and Development Law.

On the 29<sup>th</sup> July, 2016, in the closing session of the first session of the National Assembly (NA) XIVN, the NA voted to adopt the Resolution to adjustment Law building programs and Ordinances in 2016 and Law, Ordinances building program in order 2017 with nearly 94.53% of NA delegates voting for Resolution, and make sure NA will commit to follow through the Resolution. **In this Resolution, NA voting will give their opinion on 8 Law projects and of relevance to the MRLG project will be the Law on Forest Protection and Development (Amendment) (Forestry Management Law). The draft of the Law has on the table of NA at the second session, October in 2017 and it will be at the fourth session, (the session in the October 2017) NA will consider and will adopt 9 draft of Laws, specifically a new Law on Forest Management Law which expands on the Forest Protection and Development Law.**

MRLG and partners are committed to closely following the process of NA sessions largely in line with support towards VNFOREST and the National Assembly for submissions towards drafting the Forestry Management Law (The amendment of Law on Forest Protection and Development), with a tentative schedule:

- *September, 2016: VNFOREST have to frame of the Law*
- *October, 2016: VNFOREST have to complete the first version of the Law*
- *November to end of December 2016: Upload the first version on the website to receive comments from all people --> end of December they will collect all comments from people for the first draft.*

- *January, 2017: Submit the second draft to the Ministry of Justice (this ministry will audit all this version) and also submit for another relevant ministry for audit*
- *March 2017: Submit the third version (the version revise after MoJ had to audit) to the Government*
- *April, 2017: Submit to the National Assembly Standing Committee to audit*
- *May, 2017: Submit final version for the NA.*

With the Resolution on the 29<sup>th</sup> July, this Law will have implementation effect in 2018. This will be an important Act, and can potentially directly influence Forest land policies and the rights for Ethnic Minorities as well as small holders using forest land. Therefore, one of the key actions for the MRLG project in Viet Nam is the focus on the process building and promulgation of a pro-smallholder farmer and community user-friendly Forestry Law as well as present and future implementation.

An important issue in terms of implementation is the application of the policy of the State concerning the devolution of State Forest managed by State-owned companies. Past studies have shown that more than 2 million ha have been transferred to communal councils, but these councils have been slow to reallocate the lands to small holders, including a large proportion of ethnic minorities. Monitoring and follow up of what is happening at the local level is therefore an important approach to secure small holders and ethnic minorities rights.

Other opportunities for securing of smallholder's land rights are:

- The Land Law, passed in 2013, includes a significant opening for "peoples monitoring of the land policy" (Decree 199, 200). It is widely recognized in Viet Nam that many land conflicts affecting poor farmers result from inadequate implementation of the policy, diverging interpretations at local level, conflicts of interests, and other issues. There is therefore a big opportunity to develop mechanisms for civil society participation in land policy monitoring, especially at the local level, in cooperation with mass organisations, especially the Fatherland Front, but also VUSTA and others.
- The Viet Nam government in encouraging private investment in agriculture, both domestically and abroad. At the national level, this represents both opportunities and serious risks for smallholders. At the regional level, Viet Nam is a major source of Foreign Direct Investment (FDI) in neighboring countries, especially Laos and Cambodia. The fact that MRLG is organizing a regional L&A activity on FDI and Large Scale Land acquisition, in partnership with various organisations, notably Oxfam, makes it possible to address this sensitive issue in the Viet Nam context also.
- The Land Law recognizes equal rights to men and women in obtaining land certificates. However, in practice, this is not always properly implemented at the local level, especially in areas where culturally the women are not considered equal to men. There is therefore room for improvement in the policy implementation at the

grassroots and local level, through adequate sensitization, training and piloting of women rights recording activities.

### **MRLG strategy**

To achieve MRLGs objectives and provide good opportunities for stakeholders to collaborate and form alliance, the National Facilitator in Viet Nam will co-ordinate and follow up all thematic learning and alliance groups, working around the four identified priorities. Each multi-stakeholder group will be comprised of organisations who are implementing QDF and IF, as well as other interested organisations who share the same goal and wish to participate in the learning and alliance process at the national level. Specific additional activities will be developed by these L&A groups towards learning and joint advocacy at the national level.

Therefore, the National Facilitator will be involved to:

- Coordinate with all groups
- Support stakeholders to link/ connect together and identify and support the lead for each thematic L&A group to hold specific discussion based on report findings according to the individual project activities.
- Provide secretariat role for the coordination meeting within each of the 4 thematic groups every two months to share activity updates, lessons, and challenges.

The National Facilitator is supported by a technical advisor in the coordination work of the different IF, QDF and L&A activities as well as an intern working towards:

- Assisting members of the Forestry Law L&A to include gender and ethnic minorities issues in their activities
- Assisting the National Facilitator in the coordination and monitoring of all IF, QDF and LA activities providing also inputs on gender and ethnic minority issues
- Assisting the National Facilitator in the organization of stakeholder events

An outline of the four Learning and Alliance (L&A) activities MRLG intend to support are:

#### **1. Advocate the progress to build and promulgate Forestry Law (from September 2016 to 2018):**

- a. Support/Assist and influence VNFOREST, as the key agency with responsibility to write the draft the law.
- b. Develop strong evidences for VNFOREST on specific provisions for the law
- c. Broad consultation on content of this draft of Law and gathering recommendations for the draft of law
- d. Engaging and raising awareness for the NA
- e. Working with media to raising awareness and advocacy in the process to promulgate the law.

**Forland will act as focal point** for the Learning and Alliance group on the promulgation of the revision of the forestry law in strong partnership with RECOFT, Pan Nature, IPSARD and RIC.

For future planning (Phase 2) MRLG shall consider support of this critical focus and this could be continuing the advocacy process for the implementing of the law.

**2. Promote the devolution of State Forest Land to ethnic minorities and small holder farmers:**

- a. Evaluating shortcomings in implementation of policies on reallocation of forest land that transferred from SFEs.
- b. Building capacity of L&A group members on policy research, analysis, dialogues and land policies and promote joint advocacy for rights of ethnic minorities.

**Center for Rural Communities Research and Development (CCRD) acts as the focal point** for contacting and liaising with all participating organizations and government ministries and agencies.

**3. Development of M&E (Monitoring and Evaluation) frame for land and forestry laws:** In the New Land Law on 2013, there are two articles mention to the M&E system (M&E base on citizen and M&E by government agencies). And in the Law on Forest Protection and Development also mention to the M&E.

- a. Learning and sharing on M&E framework and indicator development for land and forestry law based on citizen
- b. Learning and sharing how to implement M&E with citizen's participation

**The lead focal point of this group is the General Department of Land Administration (GDLA, MONRE)** in collaboration with all project proponents developing M&E frames in their projects: IPSARD (IF Reallocation of State Forest), OXFAM-Landa (IF Peoples monitoring), Can Tho University (Small grant on land compensation and resettlement) and with those organizations that want to contribute on the indicators, like CSDP on land valuation.

**4. Engaging Private sector for responsible investment:** at the last national stakeholder consultation workshop in November 2015, a group of NGO started to discuss to investigate the impact of Vietnamese Investments on land security for small holders in the neighboring countries. Since there is a new IF small grant project developed by **IPSARD/AgroInfo to develop a code of conduct for Vietnamese Enterprises and there is an ongoing work by Oxfam** to learn how to engage private sector in the region, this organisations will join the L&A.

- a. Build up an open forum for sharing information on the status of cross border investment from Vietnam
- b. Visiting and learning from good and bad practices of Vietnamese investments in neighboring countries
- c. Build policy influence alliance for the amendment of the Decree on investment promotion for Vietnam that will start in 2016

**The lead focal point of this group is SCODE** in strong collaboration with Oxfam and AgroInfo.



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**MRLG encourages a coordination group for Land Rights:** Based on the priority thematic of MRLG and based on the equal right for women, special women in the ethnic minorities, it could be interesting to set up Land right thematic group. Two small grants one of RIC and another of CISDOMA could be linked and exchange with the same topic of another country with the regional levels.

There are linkages between many of the learning and alliance groups and facilitating cross learning and advocacy. Evaluation of activities, learning progress and achievements will be ongoing. Specific trainings can be developed to enhance effectiveness, especially in terms of advocacy and dissemination with media.

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