

CASE STUDY

Vietnam

Coalitions foster citizen participation in decision making over land

While industrialisation, economic growth and climate change are increasing pressures over land tenure in Vietnam, more public attention over land disputes is helping to reduce land-based conflicts. Oxfam has facilitated the formation of two land governance coalitions to foster civil society and media engagement in national policy reform processes. The coalitions bring together Vietnamese NGOs, state agencies at different levels, universities and research institutes, the private sector, and media. A consultation process involved more than 1300 people and nearly 300 local government officials in 22 communities. Many of the resulting recommendations were reflected in the Land Law passed in 2013.

PRINCIPAL ORGANISATIONS INVOLVED

Oxfam
Land Alliance (Landa)
Forest Land Coalition (Forland)

LOCATION

Vietnam

TIMELINE

2012-present

TARGET AUDIENCE

Civil society, public officials, legislators

KEYWORDS

Civil society organizations, multi-stakeholder platforms, public engagement

GOOD PRACTICES

Towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting **people-centred land governance**, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 1** Respect, protect and strengthen the land rights of women and men living in poverty
- Commitment 7** Ensure that processes of decision-making over land are inclusive
- Commitment 8** Ensure transparency and accountability

Case description

Background issues

In the 30 years since the Doi Moi reforms were introduced, rural agriculture in Vietnam has progressed substantially, helping the country to transition from food shortage to food security. One of the key factors contributing to this was the acceptance and fostering of household and cooperative economies in rural communities. Some 70% of the 90 million Vietnamese people are reliant in whole or in part on agricultural income and have indirectly benefitted from improved national land policies (Oxfam 2015). Since 2004, forest sector reform has generated some positive outcomes, such as an increase in forest areas, the involvement of economic stakeholders in forest development, and policies on effective forest land use. However, low quality forestry planning, illegal encroachment and forest use change, ineffective forest production business, and ineffective forest management of state-owned farms are issues that have become ever more urgent with the increasing impacts of climate change, population growth, and increasing demand for timber for domestic and overseas use (Oxfam 2017).

Nonetheless, during the last two decades, rapid industrialisation and economic growth have put increasing pressure on land tenure. Land in Vietnam is owned by the state, and state-owned farms and forest enterprises control large areas of land in rural and mountainous regions. Therefore, the state maintains the power to acquire land from citizens and local communities for public purposes and economic development projects. Land laws prior to 2012 did not elaborate nor limit the application of this right, leaving a legal grey area that was used by state agencies, private firms and foreign investors to convert up to one million hectares of farmland to non-agricultural purposes (Hirsch, Mellac and Scurrah 2015). Communities struggle because communal land rights are not recognized by the state and agricultural lands can be revoked from farmers for public purposes such as economic development. The state is not used to including citizens'

recommendations in the policy making process. Although Vietnamese law treats men and women equally, women in the land sector are disadvantaged in certification practices and inheritance customs.

Solution

While the government of Vietnam began a revision of the Land Law in 2012, Oxfam and its local partners increasingly took notice of the linkages between livelihoods and poverty reduction in Vietnamese communities. A political economy analysis conducted in mid-2012 identified land governance as a topic with a high level of public concern and strong potential for policy reform. This led Oxfam to support the formation and facilitation of two land-related coalitions, to raise attention on land policy and governance issues.

Oxfam's engagement with multi-stakeholder coalitions is designed to increase opportunities for Vietnamese citizens to participate in decision-making, by supporting them to engage in policy advocacy. These coalitions entail cooperation among Vietnamese NGOs, state agencies at different levels, media, universities and research institutes, and the private sector, bringing together diverse stakeholders' and communities' perspectives. Oxfam's work with advocacy coalitions in Vietnam has been supported by the UK Department for International Development (DFID), Australia's Department of Foreign Affairs and Trade (DFAT), the Ministry of Foreign Affairs of the Netherlands, and the Mekong Region Land Governance program.

Multi-stakeholder alliances, the influencing of policy reform processes and partnerships among multiple civil society, government, and private sector actors raised the profile of land issues nationwide and opened spaces to engage with policy makers on land policy development and implementation. The print and online media provided a forum for civil society to voice opinions, which helped preventing further land-based conflicts.

Activities

From August 2012 to June 2013, Oxfam facilitated partnerships with multiple civil society organizations and government allies, acting as a temporary coordinator of a land governance coalition. Oxfam and its partners initiated a process of public consultation on the Land Law in four provinces across the country. Citizens were invited to tell stories and present evidence of their experiences over land rights, land conversion, and registration procedures. The results were collected and presented to provincial and national government leaders, then published in hard copy and online.

A team of legal experts translated the composite consultation results into an initial set of recommendations for changes in the law. The increased cooperation among multiple partners through the consultation process resulted in the establishment of the Land Alliance (Landa) in June 2013, which since then has been at the forefront of advocacy efforts around the Land Law.

A government-initiated period of public commenting on the revised Land Law provided an initial opening for advocacy. After receiving an unprecedented scope and volume of comments, the government agreed to extend the comment period and invite further input. Landa and Oxfam urged for a delay in passing the law until it incorporated more of the recommendations made by citizens, especially during the grassroots consultation process carried out by Oxfam and local partners.

In August-September 2013, Oxfam supported Landa to carry out a second phase of community consultations, and the coalition presented these findings in media articles and reports circulated to National Assembly members. In October, the launch event for the report was held, which led to more than 160 media articles over the following month, including print, electronic, TV and radio coverage (Oxfam Vietnam 2013). In November, the Assembly passed the revised Land Law, incorporating some of Oxfam and Landa's recommendations. The new law, plus its guiding decrees, took effect from July 2014.

The second coalition supported by Oxfam is the Forest Land Coalition (Forland), which is coordinated by the Centre for Rural Development of the Hue University of Agriculture and Forestry and the Centre for Indigenous Knowledge Research and Development (CIRD), in Quang Binh province. Forland aims to reform State forest enterprises and promote community management of forest land, largely in indigenous peoples' areas. The coalition has consolidated recommendations on the reform of State forest enterprises and reallocation of forest land to ethnic minority communities. This is aimed at advocating for a revision of the Law on Forest Protection and Development. These efforts have led to increased media attention and commitment by officials, primarily at provincial levels.

Forland created a network of actors engaged in advocacy, including forestry experts, researchers, social activists, NGOs, media and policy makers, bringing their voices and influence to the drafting process. As the initial draft law did not address many underlying problems, the coalition successfully pressed the National Assembly to postpone the voting for five months.

Cooperation with the newspaper *Countryside Today* (*Nong thon Ngay nay*) resulted in a series of reports on land and forest topics featuring the voices of different stakeholders, including policy makers, experts, and communities. A grant from the Coalition Support Programme funded the costs of bringing journalists to Thua Thien-Hue and Quang Binh provinces to produce a video on compulsory acquisition by the State. This media engagement was supported by individual experts, notably a retired Ministry of Natural Resources and Deputy Minister of Environment. It also contributed to promoting people's voices and grassroots recommendations about the law, together with the opinions of experts and policy makers as evidence for the coalition's recommendations.

Oxfam facilitated and supported Landa and Forland to work effectively together around a common vision by:

- Organising joint workshops and meetings;
- Providing training and coaching to coalition members and coordinators to build and strengthen their capacity to lead partnerships, engage in advocacy, and link with the media and other actors;
- Convening coalition events, reflection and learning sessions, and cross-visits to successful coalitions;
- Providing core funding for coalitions, aiming at their sustainability; and
- Funding and giving technical support to issue-based projects carried out jointly by two or more coalition members towards jointly agreed objectives.

Importance of the case for people-centred land governance

The case study shows how to effectively address land issues through increased public involvement in policy making. A wide community consultation explored the status of land management and land-use, its impacts on vulnerable groups, and shortages in the enforcement of land policies and procedures in the 2003 Land Law. As a result, civil society made concrete recommendations for an amended Law.

The contents of the consultation on the Land Law included issues as land-use planning; the use of agricultural land; allocation of forest farmland for ethnic minorities and; land pricing; land acquisition, compensation, support and rehabilitation; the participation of the community in land decision-making and oversight of the enforcement of land laws. Transparency of land management and land-use is a cross-cutting issue to these areas.

In the forestry sector, Forland conducted studies in two provinces in 2016-17, including recommendations from local authorities and grassroots organisations. Thus, after six months of consultations and discussions, 11 out of Forland's 19 recommendations to the Vietnamese government were accepted into the draft forestry law.

Coalition recommendations included:

- Recognition of communities as forest owners;
- Removal of the article on contract-based assignment of forest protection from state-owned agro-forestry farms;
- Addition of the principle of securing the participation of organizations, households, individuals and community in forest planning with information disclosure and transparency;
- Replacement of the term "village population community" by "population community" to extend its definition.

"People say land is gold. But gold is a metal, not something we can eat. We can only grow things to eat if we have land. We don't need rice donations, we need the state to set conditions so we can have land to grow our own food." - Ms. Ho Thi Con, ethnic Van Kieu resident of Ben Duong village, Quang Binh province, January 2013

Changes

Baseline

Farmers' land holdings are small and fragmented throughout Vietnam. Over nine million farmer families depend on less than 0.5 hectares per household spread over several plots. Industrialization puts new demands on agricultural and forest land for urban-industrial expansion. This has led to a situation in which policies have become biased in favour of urban-industrial expansion and land grabs by domestic corporations against small-scale farmers, leading to unequal development and social problems. The most contentious land disputes have arisen around the clearing of land for investment projects and low levels of compensation paid to farmers.

Achievements

Direct beneficiaries of the Coalition Support Programme were 74 members of Landa and Forland, of which 36 were male and 38 are female. On the national level, Landa and Oxfam urged a delay in passing the Land Law until it incorporated more of the recommendations made by citizens, especially those made during the grassroots consultations carried out by Oxfam and its local partners. In November 2013, approximately 20 deputies cited recommendations made by Landa and Oxfam, many of which were subsequently reflected in the final revised Land Law.

Forland's advocacy has contributed to over 2000 ha of forest land in Thua Thien-Hue and Quang Binh provinces being returned to local community management. In Hoa Binh province, community consultations followed by workshops and media exposure visits resulted in local authorities returning 3000 hectares of land from state ownership to villagers' own use. Some 1533 people have received re-allocated land from state farms and forest enterprises (820 male – 713 female).

Landa and Forland have both achieved success through strategic media engagement. Landa's advocacy on the Land Law included working with three electronic media outlets to conduct opinion surveys, which resulted in 4890 readers responding to questions.

Evidence

Vietnam Land Law 2013 No. 45/2013/QH13

<http://vietnamlawenglish.blogspot.com/2013/11/vietnam-land-law-2013-law-no-452013qh13.html>

Oxfam (2013). *Aggregated outcomes of the community consultation supporting the improvement of the draft amended Land Law*

https://vietnam.oxfam.org/sites/vietnam.oxfam.org/files/file_attachments/Executive-Summary-consultationLandLaw_.pdf

This report presents the main findings from the community consultation process and recommendations of amendments to the draft Land Law. It is based on the consultation

with more than 1300 people and nearly 300 local government officials in 22 communes of 11 districts and four provinces (Hòa Bình, Yên Bái, Quảng Bình and Long An).

Lessons learned

Lessons for civil society

Building a coalition comprised by universities, research institutes, governments, media, and other actors with connections to policy making is extremely useful. Knowledge was shared and collective goals were reached in collaboration.

The active engagement of the media played a huge role. Media articles were an important tool in the process of creating the conditions for land policy reforms, as they reached many people and generated considerable attention. The use of media techniques such as online polls and roundtables made contents accessible to larger audiences.

Lessons for policy makers

Improvements in land policy development and implementation can be achieved through constructive dialogue between the people, local authorities and policy makers. It is necessary to build alliances at the national level to support and sponsor consultation processes.

Collective actions as multi-stakeholder coalitions have strong influential power. Policy recommendations from a coalition of actors in parallel with the mobilisation of communities have pushed for positive changes in the Land Law. The support of thematic experts also contributed greatly to the achieved results.

Challenges

Both Landa and Forland have shown improvements on their internal capacity and advocacy effectiveness since the beginning of the Land Law advocacy process. However, working with key government agencies and the private sector has been challenging for both coalitions.

In terms of sustainability, Forland has accessed some limited additional funding. International experience in working with networks suggests that a minimum of five years' donor engagement is typically necessary to reach maturity.

Many of Landa's recommendations on land policies have not been accepted by the National Assembly or the Ministry of Natural Resources and Environment (MONRE). However, Landa's ability to influence the public debate around this issues raises prospects for progresses in policy implementation.

Finding the right balance between professional leadership and internal coalition diversity including ethnic minorities, women, and community organisations can be challenging.

Even strong coalitions need many years to achieve their policy objectives, yet opportunities for reform tend to be time-bound and fleeting depending on political calendars and external events.

Follow-up

Greater collaboration among stakeholders on land governance is possible in Vietnam, if civil society actors and their international supporters adopt nuanced and sensitive advocacy strategies.

The CFS Voluntary Guidelines on Land Tenure¹ will be an overarching rationale for Oxfam's work on land governance. Meanwhile, the Vietnamese government has already indicated its support for the guidelines in principle, but has not yet taken steps to implement them.

Forming multi-stakeholder platforms relying on the full, independent participation from civil society and the private sector is a crucial step for states wishing to implement the Voluntary Guidelines.

This mechanism has strong correlations with Oxfam's multi-stakeholder coalition model.

Supporting material

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¹ CFS Voluntary Guidelines on Land Tenure (2012) <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

Photos, videos

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