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**Promoting Land Rights in Vietnam: A Multi-Sector Advocacy
Coalition Approach**

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Abstract

Land rights have become highly contested in Vietnam in recent years. Vietnam's land endowment is one of the lowest in the world: each agricultural household holds, on average, less than 0.5 hectare. Access to land is critical to social and economic development in the future. The national priority on "industrialization and modernization" has placed new demands on agricultural and forest land for urban-industrial expansion. The high level of public concern over land tenure and its links to political and social stability have led to widespread calls for revision of the 2003 Land Law.

This paper contributes to the conference thematic area of "Securing land rights and improving land use at the grassroots" by presenting the initial results of advocacy on the Land Law and land rights conducted by a multi-stakeholder coalition including Oxfam, Vietnamese domestic NGOs, government research institutes, and media. The paper begins with a political economy analysis of land rights in Vietnam, including an analysis of the draft revised Land Law, with particular focus on appropriation of agricultural land and protection of ethnic minority forest land. Next, the paper describes local and provincial consultation on the draft law conducted by the Oxfam-supported coalition and its initial results.

Key words: Vietnam, law, advocacy, civil society, ethnic minorities.

Introduction

Land rights have become highly contested in Vietnam in recent years, as the economy has grown rapidly, yet unevenly, from a system of collectivized agriculture after 1975 to a mixed model of state and private management described as a “socialist-oriented market economy”. Land has been a primary source of new wealth in Vietnam. Poverty rates have declined dramatically, from 58% in 1993 to 14.5% in 2008. Yet most of the gains from recent growth have been captured by the richest urban households, while 90% of the remaining poor live in rural areas and depend on agricultural and forest land for their livelihoods. From 2004-10, approximately half of increases in income went to the top 10% of the population (World Bank 2012a: 22). The patterns of economic growth and rising inequality are intricately connected to Vietnamese policies on land tenure and rights: continued progress on reducing poverty depends squarely on improvements in equitable access to land.

A narrow, mountainous country with a high population density, Vietnam has one of the lowest land endowments per capita in the world: each agricultural household holds, on average, less than 0.5 hectare (Oxfam 2012a). Since 70% of the population lives in rural areas, land is used extremely intensely. The State owns all land: according to Vietnam’s Constitution, land is the property of the “entire people” and is allocated or leased by the State to organizations, households or individuals for use terms ranging from 20 years (for agricultural land) to 50 years (for forest land) or indefinitely (residential land). The equitable reallocation of farming land to individual households based on family size in the early years of the *đổi mới* market opening in the 1980s proved the key to food security, rapid poverty reduction and the early success of Vietnamese reforms. As a result there are very few landless rural families in Vietnam, with the exception of the highly marketized Mekong Delta. By contrast, forest land continues to be managed by an increasing number of state enterprises (Sikor and Tan 2011). At present, 664 state farms and forest enterprises manage over 6.8 million hectares of land, while an estimated 326,000 minority households have insufficient productive land, according to official statistics (Nguyen Nga 2013, V.Thu 2013), and face poverty rates five times higher than the Kinh majority (World Bank 2012a: 21).

The pro-poor character of Vietnam’s recent economic growth has shifted since 2000, in part since land policies have not kept up with changing conditions. The de-emphasis of agriculture and rural land reform led to a slowing down of poverty reduction, especially among minorities and female-headed households with less access to non-agricultural income sources. A national priority on “industrialization and modernization” has placed new demands on agricultural and forest land for urban-industrial expansion (Adams 2012: 6). An estimated one million Vietnamese migrate to cities each year (Webster 2004: 14). Although more than 40% of the population continues to work in agriculture, the preponderance of growth has come from other sectors: between 2000 and 2010, agriculture grew at an average annual rate of 3.7% compared with 9.3% for the industrial sector and 7.5% for services (World Bank 2012b).

Over the past decade, nearly one million hectares of agricultural land have been appropriated from farmers for economic development purposes, including public needs such as infrastructure as well as essentially private projects: industrial zones, luxury housing estates, golf courses and beach resorts (Embassy of Denmark et al 2011: ix). Land disputes have arisen around the clearing of land for real estate and industrial investment projects, in

which the resale value of appropriated land may be ten times or more the value of compensation paid to farmers. Not coincidentally, one million petitions and complaints over land disputes have been filed in the same period, an immense number of which concern compensation and resettlement (*Tuổi Trẻ* 2012).

There is intense interest by the general public about land issues, largely informed by experiences of inequality in land use rights. The high levels of popular concern over perceived injustices and abuse in land tenure have led to widespread calls for revision of the Land Law. A draft revised law is currently being prepared by the Government and National Assembly. The revision of the Land Law this year is especially urgent since agricultural land was allocated in 1993 with a 20-year time limit. The expiration of leases for agricultural land in 2013 creates uncertainty among farmers, with potential consequences for political and social stability, although national leaders have given public assurance on the “automatic” renewal of leases. From the state management perspective, conversely, renewable land leases are a key instrument of social control with political as well as economic implications. Several informants interviewed suggest that rather than allow time to debate these issues, the state is rushing ahead with the revised Land Law in order to avoid potential complications from lease expiration.

For the past year, Vietnam’s state owned media and growing informal blogosphere have reported on land issues to the extent possible, despite efforts by some government agencies to restrict coverage or shut down the most outspoken blogs. By their nature, land issues are often “complicated” and “sensitive”, since they drive at the heart of the intersection between economic interests and political power. Asymmetries of information and power affect the framing of the Land Law as written, as well as its implementation in practice by authorities, investors and communities.

This paper contributes to the Land and Poverty Conference thematic area of “Securing land rights and improving land use at the grassroots” by presenting the initial results of advocacy on the Land Law and land rights conducted by a multi-sector coalition including Oxfam, Vietnamese domestic NGOs, government research institutes, and media, among other actors. This work has been partially funded through the UK Department for International Development (DFID)’s Vietnam Empowerment and Accountability Program (see Box 1). Through coalitions, Oxfam and DFID support civil society, state and private actors to influence policy-making and implementation at local and national levels.

The paper begins with a political economy analysis of land rights in Vietnam, including an analysis of the draft revised Land Law, with particular focus on appropriation of agricultural land and protection of ethnic minority forest land. This section of the paper is based on a longer analysis conducted in October 2012 (Wells-Dang 2012b). Next, the paper describes a process of local and provincial consultation activities conducted by the Oxfam-supported coalition as a contribution to public comment on the law. This includes the active involvement of print, broadcast and online journalists, both as dissemination channels and coalition members in their own right.

Outcomes in Vietnam are relevant to other developing countries with high levels of poverty reduction and pressure on land – notably neighboring China and Cambodia, which have also experienced intense conflicts over land appropriation in recent years. Advocacy on the

revised Vietnam Land Law presents an opportunity to increase public participation in law-making and implementation that, if successful, will reduce and mitigate land conflicts before they occur and bring more transparent and equitable land governance to farmers and forest users.

Box 1. The Oxfam/DFID Advocacy Coalition Support Program

The Advocacy Coalition Support Program (or “Coalitions Program”) is an innovative effort designed to increase opportunities for Vietnamese citizens to engage in decision-making, by supporting issue-based coalitions among Vietnamese NGOs, state agencies at different levels, media, universities and research institutes, and the private sector to engage in policy making, research, monitoring and outreach on key topics of public concern. There is compelling evidence that in the challenging political contexts of Vietnam and comparable states, multi-stakeholder coalitions that include civil society actors have brought about significant progressive policy change. While political space for civic engagement in these contexts is limited, it can be identified and expanded through ‘embedded advocacy’ techniques of working *within* a system by understanding and managing its interests, incentives and power structures (Wells-Dang 2012a). Coalition advocacy can also be supported in a policy context where rising inequalities are seen as a cause of concern amongst Vietnamese leaders.

The Coalitions Program implemented by Oxfam makes up one component of DFID’s Vietnam Empowerment and Accountability Program (VEAP). Funded by the UK Government from 2012-2016, VEAP contains two components: (i) the Coalitions Program (£4 million) and (ii) engagement of civil society with the legislative and oversight agenda of the National Assembly, in conjunction with DANIDA (£1.5 million).

The Coalitions Program aims to foster new or expanded coalitions of interest that bring together mixes of influential civil society (professional, urban and intellectual) elites and voiceless (geographically and socially excluded) interest groups. In this way the Coalitions Program recognizes both the positive role (in terms of challenging power relations and inequality) of inclusive forms of civic engagement as well as the importance of engaging the interest and influence of elites in reaching political settlements. The coalition topics selected for 2013 comprise extractive industries, forest land, land conversion and participatory urban development. Political economy analysis conducted during the Coalitions Program’s inception phase confirmed that these selected policy issues lend themselves to broad-reaching and inclusive network-based advocacy in the present context while also holding out the promise of progressive/redistributive policy impacts.

Source: Oxfam (2013a)

The Political Economy of Land Rights in Vietnam

Land is central to Vietnamese culture, history, livelihoods and identity, as captured in the saying *Tấc đất tấc vàng* – “an inch of land is worth an inch of gold” (Oxfam 2012b). As a consequence, land tenure has been contested throughout recent history (Adams 2012, Oxfam 2012a). During the French colonial period, most farm land was owned by French plantation owners or large Vietnamese landlords and communal land was privatized. Up to 60% of the population was landless and worked as tenant farmers or wage laborers on plantations. This was a key driver of political unrest and the war of independence (Do and Iyer 2008). After independence, the equitable distribution of land became a central tenet of policy in the Democratic Republic of Vietnam (DRV) and, to a lesser extent, the Saigon-

based Republic of Vietnam regime. In the north, the DRV banned tenant farming and redistributed land to around 73% of the population in the north between 1953 and 1956. This policy was reversed soon after and most agricultural land was transferred to state-owned cooperatives in 1959-60. Forest lands, which had traditionally been managed by ethnic minority communities in accordance with customary law, was allocated to state forest enterprises beginning in the late 1960s. Following national reunification in 1975, cooperatives in the north were consolidated and land in the south was nationalized. This proved disastrous economically, leading to the abandonment of agricultural collectivization in the 1980s due to spontaneous pressure from below on the part of individual farmers (Kerkvliet and Porter 1995).

Following the introduction of *đổi mới* reforms, a new Land Law was enacted in 1987, which ratified the ongoing de-collectivization of agriculture and began to allocate agricultural land holdings of cooperatives to individual households based on family size, in what came to be seen as one of the great early success stories of reform (Dang 2012). The second Land Law in 1993 granted five rights to land users – transfer, exchange, lease, inherit and mortgage - and extended lease terms to 20 years for annual crops and 50 years for perennial crops and forest land through the issuing of Land Use Rights Certificates (*Giấy chứng nhận quyền sử dụng đất*, or LURCs). The return to household-based farming formed the basis for broad-based poverty reduction and rural development during the 1990s and early 2000s.

The political economy of land shifted once again after 2000 as Vietnam embarked on a new policy emphasizing “industrialization and modernization” (*công nghiệp hóa, hiện đại hóa*). The 2003 revision of the Land Law allowed the State to appropriate land for economic development purposes, also serving to legitimize previous practices of land appropriation. In the view of a former Vice-Minister of Natural Resources and Environment (MONRE), this has led to a situation in which policy has become biased in favor of urban-industrial expansion and against agriculture, leading to unequal development and social problems (Dang 2009). The most contentious land disputes have arisen around the clearing of land for private real estate and industrial investment projects and the low levels of compensation paid to farmers whose land is appropriated (Pham, undated).¹ Rural Vietnamese are well aware of this situation (Box 2). “Industrialization is happening on the backs of the people”, one respondent told an Oxfam research team. Another reported hearing from a villager: “It used to be that leaders took the land of the rich and allocated it to us. Now they take our land and give it to the rich.”

Box 2. Local Stories of Land Management Practices

“From when planning [of an investment project] started up to now, we haven’t been told anything about where we can live or where we can work. There’s no plan for resettlement or compensation. How can we protect our lives, have stable income, secure work, and believe in the Party and State’s leadership?”

--Farmer, Quảng Bình province

¹ The Vietnamese term *thu hồi* is often translated as “(land) recovery” or “withdrawal”, which is misleading since the land in question is rarely if ever wasted or unused. In contrast, the phrases “land grabbing” and “seizure”, while perhaps accurate in some cases, suggest an element of violence that is rarely present in Vietnam. This paper uses the concept of “appropriation” as a more neutral description.

"When I submitted the application for a red book [LURC] for my garden, I had to pay a tax of 55,000 dong per square meter. But when the state compensated me for agricultural land, they only paid 36,000 dong per square meter to take the land."

--Farmer, Hòa Bình province

"When we saw _____ Company send workers here without telling the people anything, a few families let them come, but others didn't understand why they came to our land and what their purpose was, so they chased the workers away. What we want is that if any company wants to come and invest in developing this commune, they should have a meeting with the people before starting activities or measuring anything."

--Farmer, Hòa Bình province

"When we see how hard it is for everyone, we local officials who have to do land clearance don't feel comfortable at all, even though it's our job."

--Commune vice-chairman, Hòa Bình province

"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. We could grow the same trees as the state forest enterprise. Why are they allowed to grow trees and we're not? That's not fair. If we can't earn a proper living then we have to go around the law."

--Ethnic minority woman villager, Quảng Bình province

Sources: Reports from grassroots consultations conducted by Oxfam and partners, 2013.

Citizens have acted to defend their land rights through both formal and informal methods. The number of complaints filed over land disputes has increased dramatically in the last decade, now comprising between 70-90% of all petitions and complaints (VDR 2010: 44-5). In the first ten months of 2012, over 97% of the 3,193 petitions to the government concerned land issues; only 1,106 have been responded to (Loc Nga 2012). And of roughly one million land-related complaints since 2003, the National Assembly's Standing Committee reports that "only around half...were correctly, or partially correctly, handled" (*Tuổi Trẻ* 2012). These are only the officially-reported cases: the number of land disputes that are dealt with informally, or not at all, is certainly greater. Non-formal means of dispute resolution range from direct negotiations and bargaining to protest and group demonstrations, such as one that extended over a month in Ho Chi Minh City in 2007 (VDR 2010: 45; Wells-Dang 2010) and two high profile cases of resistance in 2012 in Hải Phòng and Hưng Yên provinces (Brown 2012).

Such conflict is not exceptional to Vietnam, but applies all over the world (Oxfam 2012c). The situation in neighboring countries is in some respects even more serious, with large grabs for "economic land concessions" in Cambodia and Laos, forced evictions and large-scale land protests in China. Almost all of the most controversial social and development issues in developing countries, including Vietnam, are linked to land rights.²

² This includes a number of tensions that are typically presented in the international press as religious, ethnic or human rights-based. If the land element in such disputes were resolved, much of the grounds for other grievances would also reduce or dissolve.

Land-use plans are made both for 10-year and 5-year durations; the longer period master plans (*quy hoạch đất*) link to socio-economic development plans (SEDP), while the shorter period plans (*kế hoạch sử dụng đất*) focus on implementation.³ Land use planning remains largely an internal government exercise, characterized by unclear relationships, hierarchy, timing, and accountability among different types of plans such as the Socio-economic Development Plan, Land Use Plans, Urban Development plans, and various sectoral plans, especially at the provincial and district levels. Land use plans are often formulated, revised and approved on the basis of investors' commercial plans (Adams 2012). The current land use planning methodology focuses exclusively on defining the total area of land to be used by each category in each administrative level, not taking into account the spatial location of the land. This results in fragmented and ineffective planning processes, and illustrated by the low level of implementation of many current land use plans (Oxfam 2012a).

Legal documents require that information on land use planning is provided publicly, including on the Internet. In practice, although some information is available, other mandatory items are publicized in less than 10% of cases, and the overall land administration system is difficult for laypeople to navigate. Thus, Vietnam's regulations on disclosure of information are not enforced and implemented consistently (DEPOCEN 2010: 7-11). In a 2011 survey on provincial governance, 79% of respondents said that they did not know about their local land plans, up from 73% in 2010 (CECODES et al 2012: 17). According to the survey's analysis, citizens' "lack of knowledge provides fertile ground for venal public officials to abuse their authority" (p. 16), but the reverse might also be the case: local officials' disregard of land and planning laws is both a cause and a result of citizens' lack of information.

The 2003 Land Law states that land use planning must be "democratic and disclosed publicly" but does not provide guidance on who should be consulted or how disputes should be resolved (Adams 2012). Current regulations require the participation of the community in land use planning only at the commune level, where few decisions are made. As a result, community participation in land use planning is still limited (Oxfam 2012d). According to the above-mentioned public administration survey, only 22% of respondents said that they had been given an opportunity to make comments about local land plans, and of these only two out of five said their comments had been taken into consideration (CECODES et al 2012).

Corruption in land management: Land has been evaluated as the sector most vulnerable to local-level corruption, with 86% of respondents agreeing that corrupt practices are widespread in their provinces (CECODES 2008: 26). Corruption in land management has been termed "the biggest and most frustrating issue in our society" (cited in Embassy of Denmark et al 2011: 4).

Vietnam's Law on Anti-Corruption (2005) focuses on individual violators who take advantage of their position for personal gain, but does not address systemic issues of transparency in land management (CECODES 2008: 17). According to joint research between foreign embassies, the World Bank and Vietnamese specialists, the key points at which corruption happens are in LURC issuance and in land acquisition / allocation (Embassy of Denmark et al 2011). The first of these is procedural, consisting of numerous steps citizens (or enterprises) must pass through to obtain legal approval for land use. The second issue

³ The distinction in Vietnamese between *quy hoạch* (general/long-term planning) and *kế hoạch* (specific/shorter-term planning) has no precise English equivalent.

involves the state's right to appropriate land and the level of compensation given those whose land is confiscated.

Conversion of agricultural land forms a major component of land appropriation cases. In most (but not all) cases this occurs on the periphery of urban areas – especially the growing megacities of Hanoi and Ho Chi Minh – either for industrial, commercial, or residential use. Examples of past agricultural land conversion include the vast industrial parks in and around Ho Chi Minh City, beach resorts in numerous locations, and construction of satellite cities and new urban areas. Some of this conversion is arguably for public purposes, while other cases are private commercial development. During the period 2001-2010, nearly one million hectares of agricultural land – an average of 100,000 hectares per year - were appropriated, making up about 10% of all land used for agriculture nationwide (Embassy of Denmark et al 2011: ix; VSS 2012: 4).

Table 1 Selected cases of agricultural land conversion

<i>Location</i>	<i>Year(s)</i>	<i>Claimants</i>	<i>Outcomes</i>
Thu Thoa district, Long An province	2003-05	1760 ha seized from 616 households for waste treatment facility, but actually distributed to 174 local officials instead.	Treatment facility never constructed. The Government Inspectorate investigated the case in 2009.
EcoPark satellite city, Văn Giang district, Hưng Yên province	2004-present (demonstrations in 2006, 2009, 2012)	4,900 farming households from 3 communes affected by allocation of 500 ha for residential development.	Most households have accepted compensation; 1,000 remaining holdouts were forcibly removed by 3,000 security forces in April 2012.
Tiên Lãng district, Hải Phòng	2009-12	Đoàn Văn Vươn and his family received eviction notices from district authorities for 40-ha farm with the reason given that the lease had expired.	Case achieved national prominence in early 2012 when Mr. Vươn fought back against army and police seeking to evict him. Both he and local officials are facing criminal charges.
Sông Hậu farm, Cần Thơ	2007-12	Local authorities attempted to seize state farm managed by Trần Ngọc Sương, daughter of a revolutionary leader, for industrial development and a golf course	Ms. Sương was convicted on trumped-up embezzlement charges in 2008. After a national campaign, her appeal was upheld in 2010. With support from VFF, all investigation against Ms. Sương was dropped in January 2012.
Đông Anh district, Hanoi	2004	400 villagers protesting seizure of land for a golf course built by Thai investors near the Hanoi airport.	Protestors threw gasoline bombs at police in attempt to block groundbreaking for golf course. Villagers received modest compensation and the course was constructed anyway.

Sources: Media reports.

The concept of land appropriation for public use exists in every legal system. The questions at stake in Vietnam are how “public use” is defined, how compensation is determined, and whether decisions can be contested (VDR 2010: 43). The purposes for which land can be confiscated include not only national defense or public infrastructure, such as roads (normal government powers of eminent domain in any state), but also economic development, including for private investors. Most land appropriation is conducted by provincial and district-level authorities, although some large projects require approval from the Prime Minister. This power has become, in one expert analyst’s words, “a way for authorities to support business interests.” Furthermore, laws and regulations are often written vaguely, allowing space for ministries and other officials to interpret in ways that serve their interests.

There are two types of land conversion: compulsory in which the state appropriates land from current users, and second voluntary, based on direct agreements between current users and investors. According to the Land Law, appropriated land is then allocated to investors through one of three types of voluntary allocation: land auction, project bidding and direct allocation/lease. In almost all cases, investors and local authorities prefer compulsory appropriation and direct allocation (Embassy of Denmark et al 2011: 37). The proximate cause of many land disputes is the difference between low compensation paid to farmers and high resale values (VDR 2010: 46); underlying this is the lack of an official and satisfactory mechanism for farmers to protect themselves against unfair land appropriation. Compulsory resettlement schemes are often poorly designed or poorly implemented. Survey data confirms that fewer than 10% of those who had lost land considered that the compensation received was close to market value (CECODES et al 2012).

Land conversion is occurring in the context of Vietnam’s rapid industrialization and economic development. The loss of agricultural land, coupled with increasing opportunities in the urban industrial sector, may be a driving force behind rural-urban migration. As long as new jobs are available for migrants, the net economic impact of rural transformation may be positive. The social impacts are likely to be much more serious. The issue, as advocates describe, is not the loss of some agricultural land in itself, but the ways in which farmers who lose their land are disadvantaged (Box 2). In research on perceptions of inequality conducted as part of the World Bank’s 2012 Poverty Assessment, focus group participants saw inequalities in outcomes related to land as an unfair source of disparities, “whereby people with power, connection, information and capital gain from land speculation while those without are unable to convert their land into income.” Commercial investors and others with access to power have made “huge profits from land speculation and trade,” while those who lose land have to struggle to meet their basic needs (World Bank 2012a: 138).

Some of the sources of farmers’ disadvantage stem directly from land policies and their implementation. There is an excessive reliance on compulsory land-use conversion, compared with voluntary alternatives that would better protect the interests of small-scale farmers and forest-users. Second, the economic growth model of export-oriented industrialization and investment leads provincial authorities to compete with each other to attract investment and in some cases to exploit rent seeking opportunities (Adams 2012). According to one study on sources of corruption in land management, “If the government would refrain from compulsory conversions and acquisition for projects that are essentially private in nature (e.g., land for a private company or a golf course), then it would eliminate most risks of corruption in compensation and resettlement related to these projects”

(Embassy of Denmark et al 2011: 44). Indeed, nearly all land disputes are related to investment projects that bring commercial benefits, while the number related to public, non-commercial, uses is negligible (VDR 2010: 46-7).

Ethnic minority communities have owned and managed land, forests and water resources for generations, in accordance with customary law⁴ and practices. As such, land, forests and water are central not only to their livelihoods but also to their ethnic and cultural identities. Agriculture is the primary livelihood activity for ethnic minorities across Vietnam (World Bank 2009: 52). According to the Vietnam Household Living Standards Survey (2010), poorer rural households (including a preponderance of ethnic minorities) actually cultivate more land on average than better-off households do, but their productivity is lower, as is the quality of land and availability of water (World Bank 2012a: 59-60).⁵ Particularly in mountainous areas where non-agricultural job opportunities are minimal, disparities in agricultural land distribution are perceived as very important in determining inequality of outcomes (Hoang et al 2012). Farmers with sufficient, quality land have multiple options to escape poverty; those with less land can only do so through high-value cash crops, which depend on local soil and weather conditions (World Bank 2012a: 106).

Up to the present, customary law continues to be a strong force in ethnic minority communities (Dang 2012). Yet minority access to and control over customary land and associated natural resources has come under increasing pressure as a result of in-migration, infrastructure development, large-scale resource extraction, agribusiness expansion and sequestration for military use, all of which have led to large-scale appropriation of land and resources by in-migrants, state and private sector actors (Adams 2012: 11). By 2010, around 10 million hectares had been allocated, with 40% allocated to state-run Forest Management Boards, 23% to state forest enterprises (*lâm trường*), 28% to households and less than 1% to communities, with the remainder under the management of Commune People's Committees (Oxfam 2012a). Some villagers have been leased land from management boards and State Forest Enterprises, or contracted through "payment for environmental services" schemes, but the level of rights, ownership and participation in such arrangements is usually low (Pact 2012).

Although the amount of forest land managed by villages is low, this communal land plays a crucial role in the livelihoods of farmers, especially in ethnic minority communities. Customary practices in land and forest management are critical for ethnic minorities – not only for livelihoods but also spiritual and religious practices (Oxfam 2012e). Despite laws and regulations with clear provisions about the use of communal land, this land is often vulnerable to appropriation by local authorities who are keen to attract private investments, contravening international principles of Free Prior and Informed Consent (Oxfam 2012b). Some forest land has been subject to what one Vietnamese NGO terms "hidden land grabs", often linked to mining and hydropower. Dam construction on hundreds of rivers has led to a severe shortage of land for resettled ethnic minority communities (Dao 2011). One such case involves 10,000 hectares of forest land planned to be converted for hydropower in

⁴ Customary law (*Luật tục*) refers to traditional rules and practices that have become an intrinsic part of the accepted and expected conduct in a community. Ancestral land includes agricultural as well as forest land; this section concentrates on forest land, since most agricultural land has been allocated to households.

⁵ Baulch and Vu (2012) find that land quality is one of the "unobservable factors" leading to the difference in returns to endowments faced by ethnic minority households.

Tuyên Quang province; affected people (from the Dao and Tay ethnic groups) with support of some local authorities have hired two lawyers from Hanoi to represent them and begun reaching out to journalists and NGOs. In southern Vietnam, disputed plans for dam construction on the Đồng Nai River threaten Stiêng, Chơ Ro and Mạ minority communities in a protected area near Cát Tiên National Park (Thu Suong 2012).

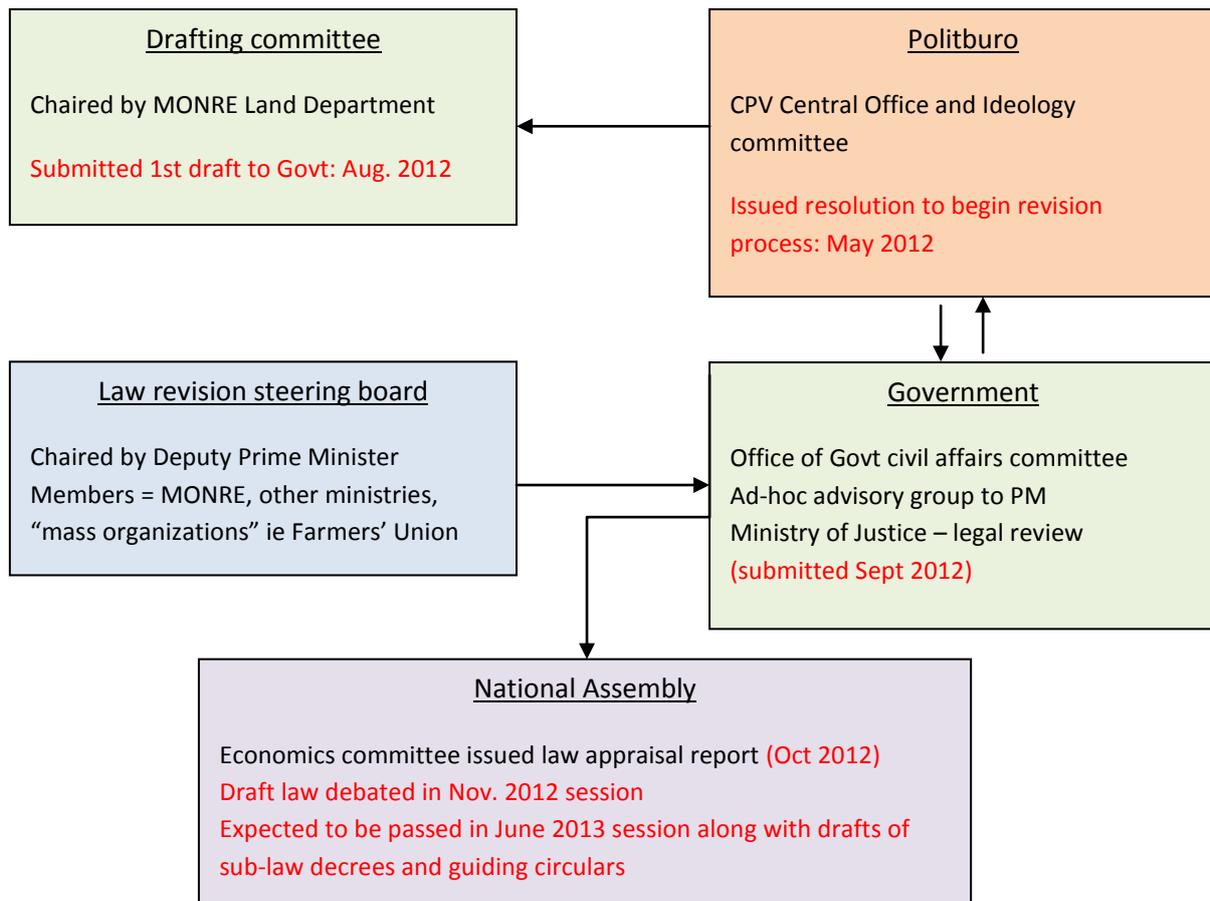
Perhaps the largest land issue in recent years in terms of level of activism and area potentially affected has been the controversy over bauxite mining in the Central Highlands, originally planned for nine provinces and now going forward in two. Numerous ethnic groups stand to lose land from these and other mining projects, however mining opponents have focused more on environmental impacts and sovereignty concerns than on ethnic minority land rights (Wells-Dang 2011). The mining and hydropower companies investing in these projects are domestic state-owned enterprises, sometimes with a foreign partner, such as the Chinese state enterprise Chalco in the bauxite case; multinational corporations have had little involvement to date.

Analysis of the Draft Revised Land Law

Revision of the Land Law is one of the major legislative initiatives in 2012-13; according to the deputy director of the National Assembly Economic Committee, it is “the second most important law after the Constitution.” This is the fifth revision since the first Land Law was issued in 1987, but the first since 2003. The revised Land Law is being drafted by MONRE and supervised by a board chaired by a Deputy Prime Minister and representatives of other line ministries (see Figure 2.1). A first draft of the law was released in September 2012; a second version was circulated in advance of the National Assembly session in October-November.⁶ MONRE’s impact assessment of the law has been made public, and an expanded, revised version of the draft law was released for public comment in January 2013. A public comment period on the draft law, established by Prime Ministerial decree (239-QĐ-TTg) extended from February-March 2013. The law is will be debated in the May 2013 National Assembly session and passage is expected, though the possibility of postponement still exists (Figure 1).

⁶ Vietnam’s National Assembly meets twice yearly. 458 of its 500 delegates are Communist Party members. Only one-third are full-time representatives; many concurrently hold other government jobs.

Figure 1 Process of Revising the Land Law



Source: Wells-Dang (2012b)

Law-making is carried out according to directions and principles set by the ruling Communist Party through Politburo resolutions. Resolution 7 (2003) forms the basis for Land Law revision. The 6th Plenum of the Party Central Committee in September 2012 revised this resolution; the full text of the new resolution has not yet been made public. In his concluding speech at the Plenum, the Party General Secretary indicated that the government will maintain authority for land appropriation, form a land fund, and directly implement clearance, compensation, and resettlement policies (Vietnamnet 2012). As a consequence of the Party’s leading role in the political system, these decisions are essentially non-negotiable by Government agencies or the National Assembly. The Communist Party Central Committee, in the words of General Secretary Nguyễn Phú Trọng, “leads and directs the work of revising the 2003 Land Law”, in the interests of “harmonising the interests of the State, land users and investors and contributing to socio-political stability”. The General Secretary’s speech at the conclusion of the September 2012 Party plenum made general note of “limitations, weaknesses and negative aspects” of land management, including “speculation, waste, corruption, conflicts and extended complaints”, noting only that these should be addressed by Party leadership (Vietnamnet 2012).

Among the proposed revisions in the law (National Assembly 2013) are:

- **Extend term of agricultural land use rights.** Since 1993 these have been set at 20 years for annual crops and 50 years for perennial crops and forest land. The draft revised law extends the allocation period from 20 to 50 years for all agricultural land and 70 years for forest and other categories of non-agricultural land (Article 120).
- **Expand quota limits** for individual allocations from 3 hectares to as many as 30, depending on the type and location of land. This is to facilitate land accumulation and what are held to be economies of scale in agricultural production. Lower limits apply in urban and peri-urban areas (Article 123).
- **Recentralization of decision-making power on land use planning** from the commune People's Committee to the district PC chair, from districts to the province PC chair, and from provinces to the Prime Minister's Office. The influence of Party-based elected bodies, such as local People's Councils, is weakened (Articles 37-39). The State no longer is given priority on all land purchases and transfers (L.Trang 2013).
- **Revocation of land leases to enterprises** that are not utilized for the approved purpose within 24 months after the lease date, in some cases sooner (Article 62).
- **Public consultation on land-use planning.** The current draft law contains a requirement for commune (sub-district) People's Committees to organize public consultation in land use planning (Article 41). Citizens have a role in monitoring of land use management (Article 193), but the process is not specified further.
- **Land appraisal system** established at provincial, district and commune levels to review land mapping, planning and surveys and review areas which are planned to change their land use purpose (Article 42). This system remains under local government control.
- **Establishment of Land Development Funds** at provincial and district level to manage land appropriation, compensation and resettlement (Articles 64-69). Affected people are to be informed and consulted, but there is no clear principle about obtaining prior agreement. The MONRE minister describes these funds as "professional organizations" (Vietnam News Service 2013), but their composition and function are unclear in the draft law.⁷
- **Resettlement plans** are to be developed by provincial governments before land appropriation. Resettlement areas must build infrastructure first that is equivalent or superior to the former site (Article 82). No mention is made of consultation, participation or monitoring of resettlement.
- **Vocational training for farmers who lose their land**, with details to be specified later by the Government (Article 80).
- **Provision for specific land policies for ethnic minorities**, "in accordance with the customs, traditions, cultural identity and the actual conditions of each region" (Article 26), not further elaborated. Community management is recognized as one form of land tenure (Article 3).

⁷ A state-owned English media article describes the purpose of the Land Development Funds as "to create a 'land fund' free from disputes relating to site clearance and compensation – thus making it immediately available to bids from investors seeking land-use rights" (Vietnam News Service 2013).

Other key aspects of previous law are not changed in the draft revision:

- **Ownership** still rests with the state, in the name of “the entire people” (Article 12). Land planning and management remains a top-down system. Inconsistencies between land-use planning, socio-economic and urban planning are unresolved.
- The reasons for **land appropriation** by the state are basically unchanged: land can be taken for defense, public security, public purposes and “socio-economic development” (no longer only “economic”). In response to arguments that appropriation for socio-economic development is inconsistent with the Constitution, Party leaders have proposed changing the Constitution! Specific cases for land appropriation are spelled out in Article 60, appearing to limit certain private uses (such as resorts or golf courses). Coercion for appropriation still lies with the state, but the draft states that enterprises will be responsible for compensation for farmers. 100% foreign-invested projects no longer benefit from state appropriation, but official ODA projects still do, and mention is added of mining and extractive projects. The basis for land appropriation is “the approved land use plan of the district” (Article 62). In cases not subject to state appropriation, investors will negotiate separately with land users (Article 67).
- **Agricultural land use** is still fixed. Farmers may exchange and transfer land, but they cannot decide to use land for other purposes without approval of the provincial People’s Committee (Article 56) – while investors can.
- **Land prices** are still set by the state (Article 73). The revised draft law makes less reference to market-based pricing than the previous version.
- **Compensation rates** will be decided by provincial People’s Committees every five years, with no independent price setting mechanism (Article 107). Compensation for appropriated land will be provided in the vague form of “land in the resettlement area or money based on the request of the land users and suitable to the local situation” (Article 76).
- **Dispute resolution mechanisms** are spelled out in greater detail in the revised law (Articles 194-202), however local authorities still have power to decide on disputes to which they are a party.

One of the key changes in the 2003 law was to allow joint registration of husbands and wives on LURCs, an important provision for inheritance, sale and economic equality. This provision is preserved in the draft Land Law revision (Article 93). However, progress on equitable issuing of LURCs has been slow: only 36% of existing LURCs for agricultural land are held jointly or in women’s names for the Kinh majority, and only 21% for ethnic minority women (Oxfam 2012a). Women also face disparities in access to land enabled by gaps in current law (Tran et al 2012). The unequal gender implications of land legislation have prompted involvement of gender-focused NGOs in advocacy efforts.

Vietnamese law applies equally to all of the nation’s 54 ethnic groups. However, implementation of laws has been slower in upland areas, particularly for small-scale ethnic minority farmers. Surveys report that satisfaction with the process of obtaining a LURC is low overall, but particularly among women and ethnic minorities, with only 30% of ethnic minority respondents claiming they were satisfied with the experience (CECODES et al 2012: 25-6). In recent years, small-scale farmers have seen little additional income from rice and other annual crops, and their ability to shift rice paddy land to other uses is limited by the Land

Law's restrictions on the use of agricultural land (World Bank 2012a: 59). Low returns to agriculture are not natural or inevitable, but are rather the result of specific provisions of law and policy.

In its current form, Vietnamese land policy benefits the interests of investors (foreign and domestic) and urban residents over those of farmers and forest users (Pham, undated). Leases for commercial projects are for periods up to 50 years; in housing and development projects the lease term is unlimited. Households who have been allocated residential land can exercise their rights on a "stable and permanent basis" that most closely corresponds with freehold title (Adams 2012). By contrast, Vietnamese farmers experience several disadvantages. Their lease terms for agricultural land have been limited to 20 years and unlike investors they cannot decide to use land for other purposes. Land can be appropriated by the State based on administrative decisions from which farmers are excluded. When this occurs, farmers are entitled only to receive the compensation based on its value in agriculture decided by the State (Oxfam 2012d). State agencies who have set agricultural land prices have kept these as low as 30% of the estimated market price in order to promote land conversion and investment (MONRE 2012).

Other land users have ever fewer rights in practice. Those leasing agricultural land from SOEs are able to exercise rights over assets that they own but have no rights over the land itself. If the lease is revoked, which can occur at the owner's discretion, compensation is based only on the value of the crops, tools and investments made, not the land itself. Forest users (who are often ethnic minorities) have the fewest rights: they can harvest timber but cannot exchange or monetize their leases (Adams 2012). Even more restrictive are "forest protection contracts" in exchange for payment by management boards or state forest enterprises. These disparities are both causes and effects of the weak public voices and organization of farmers and forest users. In particular, land users have not been present in the law drafting and revising process (Pham, undated).

One lawyer summarizes a common view: "As a scientist [objective observer], I have no great expectation for the new law because there is no change in ownership. The proposed revisions are in formatting, not content...Fundamental questions such as pricing and benefit distribution are not really addressed." Many land experts, both Vietnamese and international, share a belief that the draft law does not address many essential points and will not reduce the high level of conflicts over land.

To date, advocacy on the Land Law has come from two main sources: within the state system itself, and among primarily Hanoi-based non-state actors. In addition to the Oxfam-led coalition, SPERI and CODE, two research-oriented NGOs, have held a series of provincial and national-level workshops on forest land rights. Another local NGO, C&D (Cooperation & Development) has received funding from UNDP to conduct a series of provincial surveys on attitudes toward the draft revised law, with a primary interest in agricultural land.⁸ UNDP itself has coordinated a series of meetings among donors that has led to agreement on a joint set of policy recommendations, to which Oxfam has also

⁸ C&D and Oxfam have worked together to avoid geographical overlapping and shared working methodologies. The most significant difference between the two processes is in the methodology of consultation: survey questionnaires for C&D versus public dialogues with diverse stakeholders by the Oxfam-led coalition.

contributed (United Nations 2012).⁹ A World Bank report (2012c) provided similar recommendations.

Within the system, in addition to the comments of General Secretary Nguyễn Phú Trọng cited above, National Assembly delegates have questioned and criticized the draft revised law. In a meeting of the NA Standing Committee on 17 September 2012, for instance, the chair of the NA Law Committee, Phan Trung Ly said that “what has been presented to the NA is too broad to live up to the expectation that this law could make a breakthrough in helping to resolve land-related issues” (*Viet Nam News* 2012). Ho Chi Minh City-based NA delegates criticize the law for failing to provide for housing and livelihoods of people whose land is seized and recommend for restricting the scope of the state’s land appropriation powers (Duong Ngoc Ha 2012). Other NA members have attended Oxfam’s provincial land consultations (see below).

The main critiques and issues of debate that have been raised so far are:¹⁰

- **Changes in land appropriation and compensation policies.** This is the top item on UNDP’s (2012) list of recommendations as well as many others”. The key point here is the power to appropriate land for economic purposes, such as industrial parks or residential construction. Some argue that that the state should not force farmers to move out of agriculture.
- **Farmers and forest land users should have equal rights to investors and urban residents** in lease terms, land transfer, and other provisions. Some advocates call for term limits to be lifted entirely on residential and/or agricultural land (“freehold”) (Pham, undated; *Tuổi Trẻ* 2012).
- **Restrictions should be lifted on transfer of “rice designated land” to other agricultural uses,** in favor of clearer restrictions on uncontrolled conversion to non-agricultural uses (World Bank 2012c: 4).
- **Limits on investors’ rights.** In many cases, land has been appropriated from farmers and not used for investment, which is both a waste and an injustice. “In case an enterprise goes bankrupt or stops operating, land should be returned to the people” (VSS 2010: 46).
- **Market-based pricing** of land by an independent agency (*Tuổi Trẻ* 2012, VSS 2012).
- **Consistency in planning** between land use planning, SEDP, the “new rural areas” program, and other sector plans.
- **Maintenance, or increased distribution, of land for ethnic minority citizens,** to ensure their rights and livelihoods.

Instituting due process and changing the incentives around land appropriation is, according to lawyer and academic Phạm Duy Nghĩa (undated), “without doubt the most sensitive issue in revising the 2003 Law on Land”. He, as well as UNDP (2012) and interview respondents for this paper, recommend the following steps to minimize the chance of land conflicts:

⁹ The recommendations were drafted jointly by a group of development partners including the United Nations system in Vietnam, the World Bank, the Asian Development Bank, AUSAID and Oxfam, with the endorsement of the European Union Delegation to Vietnam and Embassies of Australia, Canada, Finland, Germany, Ireland, New Zealand, Norway, Switzerland and the United States of America.

¹⁰ Sources: Oxfam meeting notes with members of the land law appraisal team of the NA, 23 August 2012; interview notes; other sources as noted.

- **Appropriation of land for socio-economic development purposes must be voluntary**, acquired by negotiation and free and informed consent of the land user. “Public use” should be restricted to road construction, defense and other “pure sovereign acts”. In other cases, the investor or acquirer should purchase land use rights from farmers.
- **Public disclosure and open hearings** before local representative bodies should be instituted and required prior to land appropriation. Any administrative decision which may restrict farmers’ rights to agricultural land should be consulted with the community (and individual households) in advance.
- Changes in the **complaints procedure** to increase the role of People’s Councils and the National Assembly and allow for higher-level appeals. At present, the first destination of complaints is local authorities, and the 2003 Land Law restricts appeals by making second-settlement decisions by Provincial People’s Committees final (VDR 2010: 50). There is no binding guidance for how government should reply to complaints: many are ignored, responded to incorrectly, or responded using inappropriate means (such as a People’s Committee decision rather than a complaint response form).
- All **resettlement decisions** must not only provide fair compensation for land lost, but also guarantee livelihoods for people affected. This point has been raised in numerous media articles, by the Party-sponsored Fatherland Front and by NA deputies themselves (Phuong Ha 2012, Hoai Vu and Trung Hieu 2012).

Most experts believe that the core question of ownership cannot be considered for advocacy, as it is a key plank of the CPV’s legitimacy and power. Yet one activist believes that it is possible for a coalition to advocate on any issue, including ownership, as long as it has “good marketing for its ideas”. In the case of ownership, one possible argument would be to return to the pre-1978 classification of state, communal and private land, which was once Vietnamese law. Even if this is not possible to change at the moment, according to another analyst, experts should state their opinions to prepare the basis for future changes.

Grassroots Consultation on the Land Law

Beginning in October 2012, Oxfam¹¹ joined with a range of NGO partners, government agencies, mass organizations, media, and individual experts to conduct a series of grassroots consultations on the draft revised Law on Land in five provinces across Vietnam. The consultations involved female and male farmers, representatives of the local authorities and the private sector to highlight experiences and solutions in relation to five key issues: land planning; land use change; forest land for ethnic minorities; land pricing; and land appropriation, compensation and resettlement. Prior to this initiative, consultation on revision of the land law had been limited within government ministries, central-level mass

¹¹ Oxfam is an international confederation of 17 organizations networked together in 94 countries, as part of a global movement for change, to build a future free from the injustice of poverty. In Vietnam, Oxfam is recognized as one of the leading international non-government organizations, especially in rural development, disaster risk reduction and humanitarian response, civil society development, ethnic minorities and women’s empowerment. Since 2011, seven Oxfam affiliates in Vietnam came together to work as one Oxfam under a joint country strategy.

organizations such as the Farmer's Union and Women's Union, and to a certain extent among donors and international development organizations. Most farmers and other residents directly affected by the law have not had any effective channel to raise their voices (ILS and Oxfam 2013). Such active consultation is essential to realizing provisions for Free, Prior and Informed Consent (FPIC) for indigenous populations under international law and the associated principle of community consent for all affected communities (Oxfam 2010).

Having identified grassroots input as the key missing element in policy making, Oxfam then consulted with several existing partners to develop a plan for local consultations. These partners included the Center for Community Empowerment (a local NGO specializing in participatory training), the Institute of Soil Science (a government research institute) and the retired MONRE vice-minister. Together with Oxfam national and international program staff, this group designed a process for selecting priority topics and locations for consultation. In late October, a broader group of approximately 40 stakeholders, including media, NGOs and mass organizations gathered in Hanoi to discuss a long list of land-related topics, identify known examples of positive and negative local experiences, and then combine both lists in a matrix to select consultation sites in five provinces.¹²

The theory of change behind local consultation is that the Vietnamese system can be responsive to people's concerns if decision makers see evidence that innovative approaches can work. Law often follows practice, rather than the other way around (Kerkvliet 2005). On land tenure and rights, as other development issues, space exists for NGOs to pilot new models at local levels. In order to convince officials, whether in the Communist Party, ministries like MONRE, or the National Assembly, multiple examples and results grounded in both quantitative and qualitative data are generally needed, not only single anecdotes which can be dismissed as "not convincing" or "just a small group" (Wells-Dang 2012b: 15).

In each province, Oxfam selected one or two local partners to organize the consultations, either local NGOs or mass organizations. These partners' existing local relationships ensure high participation from residents and sufficient support from local authorities. As an overall implementing partner, the Institute for Legislative Study took the lead in linking to the National Assembly.¹³ Between November 2012 and February 2013, 1,080 farmers were directly consulted via focus group discussions, facilitated dialogues and public meetings with various land-user groups, ensuring representation of small-scale farmers, the poor, women and ethnic minorities. As the draft is 120 pages in length with over 200 articles, respondents were not asked for direct comments on the document, but rather to share their experiences in land management and tell stories of positive change as well as challenges they have faced relating to the priority issues described above. Issues selected for consultation varied to some extent among sites depending on local conditions. Oxfam and local partners conducted follow-up interviews with individuals who have important stories to tell, in order to understand a particular case in greater depth and to aid in monitoring and learning. A selection of responses is presented in Box 3.

¹² Five provinces were selected: Hòa Bình and Yên Bái in the northwest, Quảng Bình in the central region, and Long An and An Giang in the Mekong Delta, representing a diversity of regions, land types, and land issues. 2-3 districts and six communes were chosen in each province, for a total of 30 communes nationwide. The total budget for all five provinces was \$81,000.

¹³ The Institute for Legislative Study, under the National Assembly's Standing Committee, undertakes researches about the organization and activities of the National Assembly, organizes and provides scientific information to support the National Assembly, its offices and the deputies (Oxfam 2013b).

MONRE and National Assembly representatives were invited to participate in the consultation at local and provincial levels so that they can interact with people on the ground and understand their arguments. Each provincial consultation process lasted 2-4 weeks and concluded with a provincial workshop (held in January-February 2013), to which media were invited to take part. These outcomes were then consolidated by a group of legal and technical experts into specific amendments and recommendations to the draft law presented to the National Assembly, MONRE drafting committee and other government officials at two national workshops (northern and southern) in March. A final report will be submitted to the NA at the end of the public consultation process (Oxfam 2012f).

Box 3. Participants' Comments on Grassroots Consultation

"Women and men farmers spoke of their experiences and formulated concrete proposals to policy makers. The discussions highlighted people's challenges and aspirations in all their diversity and complexities. They illustrated deficiencies in the policies, but also – very often – shortcomings in their implementation."

--Vice Chairman, Hòa Bình province Farmers' Union

"People have been concerned about land issues for a long time. We did not know who to talk to, how to talk and who would listen to us.... So far, no one listened to us. Today, we have the opportunity to meet with the leaders from the Ministry, province and journalists. That is such good luck for us."

--Farmer, Quảng Bình province

"The opinions collected from the consultations with grassroots people are very useful. They reflect grassroots people's voices, experiences and aspirations. They provide the National Assembly with more information when revising the Law on Land. This also gives the functional agencies a basis to continue working on the improvement of the Law."

--Provincial Party Vice-Secretary and head of the National Assembly delegation, Quảng Bình province

Sources: ILS and Oxfam (2013).

The **role of the media** in the consultation process has been central to its effectiveness. By early February 2013, more than 40 stories and broadcasts about the consultation had appeared in national media; some of these have been re-posted on online news sites and blogs.¹⁴ Journalists with print and broadcast media have not only written stories and programs about the consultation; they have participated in local interviews and provincial workshops, taking part in public dialogues and debates as coalition members. Media plays a dual role in network-based policy advocacy strategies in Vietnam: both as a direct means of communicating with decision makers and opinion leaders, and also through framing public opinion to voice demands and pressure leaders to respond (Wells-Dang 2012a). Once land issues have been discussed and debated in the media for a sufficient length of time, they become part of a public agenda and change the terms of debate.

In the Land Law consultation, Oxfam selected four newspapers and websites as core implementing partners for direct reach to policy-makers; these include media owned by the Communist Party, Farmers' Union, and the National Assembly. An additional 7 newspapers,

¹⁴ For an example in English translation, see Dinh Son (2013).

2 national broadcast outlets, and 3 online news sites were identified as additional media partners with high readership and reach to public opinion; 4 of these newspapers are based in Ho Chi Minh City in the south (Oxfam 2013b). Finally, Oxfam has included information on the consultation process on its own blog (ex. Oxfam 2012e).

Although the Vietnamese media involved are state-owned, they nevertheless reflect and advocate different viewpoints within the political system and have (limited) autonomy to research and write their own stories. Some individual journalists are hesitant to take risks, but editors of some major publications are not afraid to report on the issues, although they do so with caution. Engaging media from the beginning in the consultation process and public debates not only raises public awareness about the Land Law but also holds lawmakers accountable for responding to issues and proposals raised at the grassroots. The process also builds knowledge and capacity among journalists about land issues and investigative reporting generally (Oxfam 2013b).

Policy advocacy in Vietnam's single-party political system is an inherently risky activity, depending on a careful mix of cooperation and targeted pressure on authorities and the formation of alliances with certain more sympathetic state agencies as a counterweight to potential opponents and vested interests (Wells-Dang 2012a). Land conversion advocacy combines community-level work and partnerships with policy level research and analysis. Influence will grow from smart and inter-linked strategies, and pressure for change will come by seeking the frontier of the debate (Oxfam 2013a). Understanding that work on land issues poses operational risks to all participating stakeholders, Oxfam has developed a risk register and mitigation strategies for perceived future contingencies that are shared with other coalition members. For instance, Oxfam shares information and complements activities with the UNDP donors group and the survey conducted by C&D mentioned previously.

Frequent and productive communication among stakeholders is one important factor determining success of the land rights coalition. Well-functioning coalitions are built on trust and constructive flow of information leading to action. Oxfam has developed a monitoring and evaluation framework to measure the results of land rights advocacy and ensure that program methodologies, documentation, results and lessons learned are shared both internally and externally for learning and maximizing impact. Quantitatively, Oxfam and coalition members are monitoring media coverage of the Land Law consultations and land issues generally, as well as website traffic and process tracing of policy recommendations. In addition, the M&E plan also sets coalition quality and effectiveness indices in which coalition core members self-assess their attitudes, behaviors and ways of working, and how these lead to tangible results (Oxfam 2013a).

Conclusions and Implications

This paper has presented an analysis of land issues in Vietnam and current advocacy to revise the Land Law through a multi-stakeholder advocacy coalition approach. Vietnamese citizens do enjoy limited land rights, as set out in the 2003 Land Law and subsequent regulations. These include the rights mentioned above to transfer, exchange, lease, inherit and mortgage land. However, this is not equivalent to full property rights, as ownership and key decisions on land use and management are held by state authorities. At best, citizens are consulted and informed about these decisions, but influencing or contesting them

remains difficult. Furthermore, the poorest and most marginalized citizens, particularly small-scale farmers, are at a distinct disadvantage in using land rights effectively to ensure their well-being. Increased information and access to land would not be sufficient to address growing inequalities and slowdowns in poverty reduction, but improved land rights are a necessary precondition to further progress. As the results of grassroots consultation demonstrate, the revised Land Law is an improvement over past legislation, yet does not satisfy many concerns of farmers and other rural Vietnamese.

It is too early to evaluate outcomes of the grassroots consultation process. According to a framework I have presented elsewhere, effectiveness of civil society advocacy can be assessed within three parameters: achievement of the advocates' immediate policy goals; growth or sustainability of networks, coalitions or other forms of collective action; and impact on political space for other actors and future cases (Wells-Dang 2012a: 181-2). Regarding policy impact, the results of land consultations will definitely be listened to by decision makers. Media coverage and public interest have been high, and numerous officials have made public statements and commitments to revise the law. Furthermore, National Assembly delegates and other government stakeholders have participated directly in the consultation process through attendance at community dialogues and provincial workshops.

The consultation results alone will not necessarily lead to changes in the language of the revised Land Law itself. Input from the land rights coalition is only one of many sources of information and influence affecting decision-making: state bureaucratic mechanisms, security concerns, and vested economic interests all play an equal or greater role in decision-making than citizens' voices, even if these are fully recorded and reported in provincial/national summary workshops and media reports. The political economy analysis suggests that even if some of the consultation recommendations are adopted, many land issues and disputes will not be resolved by the revised law. Progress on broader questions of land rights and tenure will require a longer-term strategy among multiple stakeholders (Wells-Dang 2012b).

A second outcome of Land Law advocacy, also still in process, is the consolidation of a land rights coalition including stakeholders from multiple sectors. The coalition, by design, brings together organizations and individuals normally categorized as "civil society" with government representatives, media and academics (most of whom are legally speaking state employees in the Vietnamese context). Private sector involvement would also be welcome, if interested actors are identified. At present, approximately 15 organizations/agencies and 20 individuals can be identified as participants in this coalition. Coordination is currently being conducted by Oxfam, with a plan to transition to local leadership by autumn 2013. In this scenario, Oxfam will continue to contribute, fill gaps, develop synergies and/or complement as appropriate. Here as well success is not pre-ordained: policy disputes or personal differences could split the coalition, particularly in the coordination transition. Failure or success at advocacy objectives could lead some participants to withdraw or lose motivation, or new issues could emerge. Coalition-building is an inherently risky and contingent process, and membership and structures may be expected to shift in response to political opportunities, available resources and outcomes (Wells-Dang 2012a: 187).

The emergence of the land rights coalition follows a model and theory of change that has been applied by Oxfam and other development actors in numerous countries (Commonwealth Education Fund 2007, Pact 2005). The mixed, multi-stakeholder makeup of the coalition, and the often indirect methods Oxfam and partners use to bring recommendations to the National Assembly and other decision-makers, are particularly relevant to Vietnam, where law-making processes are opaque and civil society involvement has historically been limited. In these conditions, a campaign or social movement led by independent organizations or institutionalized opposition parties would likely produce an unwelcome backlash from authorities rather than substantive policy change.

It is conceivable that the operating environment for the land rights coalition could alter due to external changes in political space. Overall, the space available for civil society advocacy in Vietnam has increased in recent years, though this process has not been consistent or uniform (Wells-Dang 2010). For instance, state-owned media has become increasingly vocal in its reporting about land issues such as those listed in Table 1. Journalists have been more able to report freely on 'sensitive' matters such as public and National Assembly debates on the Land Law, although the space for reporting remains controlled and can shrink. One possible explanation for expanding space is that policy-makers may see a social function in allowing media to report on land tensions in an orderly manner to channel the obvious public discontent (Oxfam 2013b). Regardless of censors' motivations, the net result is an opening of space for discussion. Whether or not this trend continues is contingent on broader political and economic trends: will factional disputes among state leaders continue to emerge into the open? Will concerns about corruption and increasing inequality lead to reforms, or rather to tightening of restrictions by authorities nervous about declining legitimacy? Will public concern about land appropriation, or security forces' efforts to contain it, spill over into violent confrontations? The outcome of debates on land policy will undeniably affect Vietnam's future development direction.

The findings of this paper have implications to developing countries beyond Vietnam as well. Over the past decade, Vietnam has been viewed by some donors (notably the World Bank) as a development success story, with high rates of economic growth, rising export-led industrialization and rapid poverty reduction (see, for instance, Vietnam Development Report 2004). It now appears unlikely that this pattern will continue, in part due to external and domestic macro-economic challenges, but also due to the inequalities in land and market access engendered by the nature of economic growth itself (World Bank 2012a, Pincus 2012). The 1993 Land Law, and its subsequent amendments, successfully contributed to millions of Vietnamese escaping poverty and the country becoming a major food exporter. Yet this same law is now, in many experts' views, unsuited for resolving current controversies over land appropriation and seizure, market pricing, compensation and resettlement. Reform of land policies is ultimately a political question, not a matter of economic fundamentals; while Vietnam has arguably shown some success at the latter, its political system has not yet been capable of answering the former. The same caveat may apply to other countries that are pursuing economic reforms without an equal focus on citizens' rights and the rule of law.

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