



Advancing Women's Land and Resource Rights

Possibilities for Gender
Equity in Land and Forest
Tenure in REDD+
Programming

Vietnam



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Introduction

The ER program area encompasses the entire North Central Coast region of Vietnam and covers 16% of Vietnam's land area with approximately 10.5 million people (around 12% of the total population of Vietnam). The North Central Coast region has the highest rates of poverty per capita in the country: nearly one third (29%) of the people live below the national poverty line. The region is hilly and mountainous and home to 13 ethnic minority groups. The largest ethnic minority populations (88% of the total population) are found in the two northern provinces of Thanh Hoa and Nghe An. The predominant groups in all six provinces are Thai (45%), Muong (29%), Bru-Van Kieu (6%), Tho (6%), Hmong (4%), Ta Oi (4%), Kho Mu (3%), and others smaller groups (Emissions Reduction Program Document [ERPD], 2018). Sixty-six percent of the North Central Coast region population is employed in agriculture, forestry, and fisheries (Ingalls et al., 2018).

Major direct drivers of deforestation and forest degradation in this area include forestland conversion to rubber and acacia plantations, encroachment for agricultural production, and illegal logging. Key indirect drivers include a limited legal and policy framework to engage local people in the sustainable management of natural forests, lack of coordination, and poverty of local rural population, especially of ethnic minorities in the region (ERPD, 2018).

Summary of Initial Recommendations

Land use rights.

1. To the extent that forestland use rights will be allocated to individuals and households, take proactive steps to ensure that women, especially from female-headed households, are allocated land with the same opportunities as land allocated to men.
2. To the extent that forestland use rights will be allocated to communities, ensure that women are included in definitions of community membership, especially as they relate to having rights to govern, manage, and share in benefits. Recognize that women within communities are not a homogeneous group and that while some are included, others may not be.

Governance and management.

1. If steps are taken to address governance and decision making of land and resources in the ER-P, take proactive steps to ensure that women can and do participate meaningfully, and that women's interest can influence the agenda. This may take capacity building for women and men, as well as practical steps to ensure that meetings are accessible to women. It may also involve addressing social norms that make it more difficult for women to act in leadership roles or to offer opinions when males are present.

Benefit sharing.

1. Explicitly state in the Benefit Sharing Plan (BSP) how and when women will receive a share in benefits that accrue to land users and local communities.
2. Carve out specific benefit streams, perhaps within the adaptive collaborative management approach (ACMA) protocols, that are only available to women as individuals.
3. Learn more about the gender-related success of ACMA from other contexts and integrate those lessons into the ACMA Manual and Procedures.
4. If benefits are linked to having Land Use Rights Certificates (LURCs) and they are limited for women (or some women), add another basis for sharing in benefits that are more inclusive and accessible to women, such as residence in a targeted community and/or current dependence on land in question.

National Legal Framework for Women's Rights



Photo by [Tron Le](#)

Under the Constitution of Vietnam, all citizens are equal before the law (art. 52) and discrimination against women is prohibited (art. 63). The Civil Code (2015) establishes that every person is equal in civil status (art 3). This is reiterated in the Law on Gender Equality (2006) and the Marriage and Family Law (MFL) (2014), which mandates equality between husbands and wives (MFL, art. 2.1).

Vietnam has a number of policies in place that promote women's political leadership, such as the Law on Gender Equality (2006) and the National Strategy on Gender Equality (2011-2020). The first objective of the National Strategy states that the percentage of women in the National Assembly and People's Councils at provincial, district, and commune levels should be 30% in 2011-2015 and more than 35% in 2016-2020 (Oxfam, n.d.). However, by 2014, only 24% of National Assembly members were women, and only two of 22 government ministers were women. Although the proportion of female leaders is higher at the local level, People's Councils will also not achieve the target of 35% women's representation without significant efforts. (Oxfam, n.d.).

National Legal Framework for Women's Land Tenure and Forest Management Rights



Photo by [Doan Tuan](#)

Land is owned by the State in Vietnam, which reserves authority to decide how land is categorized, how and to whom land rights are allocated and managed, and how land is used. Those who have been allocated land use rights may transfer and transact in those rights, but there is a ceiling of total amount of land per individual and household, as well as a limited, renewable term of 50 years. This tenure system covers all agricultural land, which is also defined to include forestland. Around 51.5% of land in the ER-P accounting area is categorized as forest (Ingalls et al., 2018).

Per the Land Law, the State can allocate land use rights to individuals, households, and communities, as well as to others. Those with allocated lands have the right to be issued land use certificates and the legal requirements are such that if the land use rights are jointly held between spouses, they must be jointly certified. However, these rules came into place after much of the land had already been allocated; to date, it is estimated that 13% more land has been allocated to men than women throughout Vietnam, and that number increases to 19% in rural areas (Ingalls et al., 2018). **It is not clear from the literature how much land in the ER-P area specifically has been allocated to women and men as individuals or as joint members of households.**

Over half the ER-P accounting area is under the management of the State (or state bodies), and nearly one third has been allocated to individual households or village communities (ERPD, 2018). While customary law is not recognized in Vietnam, recent changes to the Forest Law allow for use rights to forestland to be allocated to traditional communities; however the “traditional communities” are not defined in law. As of 2015, only a reported 2% of forestland has been allocated to communities in all of Vietnam (Ingalls et al., 2018). **It is not clear in the literature how much of the land in the ER-P accounting area has already been allocated to communities or could be allocated to communities in the future. It is also not clear in the law or literature how a community is defined, who is a member, or who defines membership of a community. Thus, it is not clear whether women are included, especially women who marry into a community that is patrilineal and patrilocal. A further question is whether there is a legal framework for how traditional communities should govern their forestland use rights. If the expectation that those lands should be governed along rules of custom, then it will be necessary to better understand the extent to which those customs allow for women’s full and meaningful participation.**

There is some suggestion in the literature that even where land has been allocated to state agencies for its management, traditional communities still govern and use the land under customary practices, even though customary law is not recognized in formal law. According to the ERPD and the BSP, much of the land in the accounting area is subject to this overlapping tenure, **thus understanding how the overlap relates to gender equity in results will be an important consideration in a deep dive.**

Questions of how land is allocated, to whom, and how much of the allocated land has been certified is an important consideration for gender equity because certified land rights are a criterion for sharing in the benefits outlined in the BSP.

Individualized Land

Under the Land Law (2013), land belongs to the entire people of Vietnam, though the State represents the owners by managing land and allocating land use rights (art. 4) to individuals, households, and others (art 5.2). The Land Law governs agricultural land, which is defined to include forestland (art. 10.1) (see below for more detail on forestland).

According to the Land Law, the State is obligated to protect the lawful rights to use land and land-attached assets of users (art 26). Land use is allocated for a limited term of 50 years (art. 126) and subject to a quota of two hectares in the provinces for annual crops (art. 129.1), 10

hectares for perennial crops (art. 129.2), and 30 hectares for land in protective or productive forests (art. 129.3). For lands allocated to households or individuals, the quotas do not apply if land was acquired by transfers, lease, inheritance, or donation of use rights (art 129.8), but even in these circumstances, total area cannot exceed 10 times the allocation quota for that category of land (art. 130.1).

Under the Land Law, land users can be domestic households and individuals (Art 5.2), as well as organizations (Art 5.1) and communities, including those who reside in the same village or share the same customs, practices, or family line (art 5.3) (see below section for more detail on community rights). Rules around use of land are prescribed by law (art 6.3). Heads of households are responsible to the State for the land use allocated to their household (art 7.5), and the head of household is defined in the Civil Code as male or female. Nevertheless, the Vietnamese system of household registration requires households to nominate a household head, and since it is most often men who go to perform the household registration, they are overwhelmingly listed as head of household. The exception is when women become head of household by default because of death, divorce, or abandonment by spouse (Strategic Environment and Social Assessment [SESA], 2016).

Data on prevalence of female heads of households was not located for this study and may be of interest in a deep dive. However, ideals and norms around feminine and masculine behavior would suggest that in practice where both spouses are present, men are the heads of household. This may have some influence on how benefits are shared under the program, how they are distributed within households, and whether women in male-headed households have access to and control over those benefits.

Land registration is compulsory for land users; registration of houses and land-attached assets are at the request of the land user (Land Law, art. 95). Land users have the right to exchange, transfer, lease, sublease, inherit, donate, and mortgage land use rights (art. 167), provided that they have a land certificate and are within the land use term (art. 188). All such transfers and transactions must be noted in the registry (art. 95.4). Likewise, when joint rights are split, this must be recorded in the registry (art. 95.4). If certificates do not reflect both spouses, a new certificate may be granted upon request (art. 98.4).

Within seven years of the major legal reforms that began in the 1980s and resulted in the Land Law's first iteration in 1993, about 11 million LURCs were issued (United States Agency for International Development [USAID], 2013). By 2009, the State had allocated 72% of the country's total land area and almost all its agricultural land (USAID, 2013). By 2010, it had issued

LURCs covering roughly half of Vietnam's land parcels and more than 90% of farm households (USAID, 2013). A problem for women in the first 10 years of land reforms was that there was only room for one name on the form, which was generally issued to the (usually male) household head; thus only 10%-12% of land use certificates were issued to women between 1993-2003 (USAID, 2013). In 2003, the Land Law was amended to require that the names of both husband and wife be listed on a LURC if the land use right is held in common.

According to the Ministry of Natural Resources and Environment, by September 2016, certificates had been issued for 90.1% of agricultural land and 98.1% of forestland that had been allocated (Ingalls et al., 2018).

According to the Land Law, when a land parcel is used by several people or when houses or land-attached assets are owned by several owners, the names of all persons must be recorded on the certificate and each person is granted a copy certificate (art. 98.2).

Forest Tenure

Under the Land Law, land categorized as forests is considered agricultural land, which is owned by the State with management and use rights allocated for a specific term. Vietnam's forests fall into three functional categories: 1) special-use forests used for national parks and nature reserves (about 15% of total forest area); 2) protection forests meant to protect the environment, regulate climate, and prevent erosion, desertification, and natural disasters (38%); and 3) production forests used for producing and trading timber and non-timber forest products (NTFPs) (46%) (USAID, 2013).

In Article 7, the Forest Law (2017) provides that "forest owners" can include domestic households and individuals (art. 8.5), as well as communities (art. 8.6). Presumably, the law in this translation refers to those who have legitimate use rights rather than "owners" as the term might be understood, since the State retains its superior right of ownership of all land in Vietnam; this is supported by interpretation of other articles which use the term "owner." Nevertheless, further inquiry may be needed in the deep dive to validate this interpretation, to assess the intent of the law, and to distinguish more clearly between the terminology used in the Vietnamese version (the term will be used in quotations for the remainder of this section to underscore this question).

The Forest Law prohibits discrimination against religions, beliefs, or genders when allocating or leasing forests (art. 9).

Under the Forest Law, “forest owners” are responsible for managing, developing, and using forests in accordance with regulations (art. 24). They have the right to have use rights recognized, enjoy the products of their efforts on reserve or protection forests, and use forests during the term of their rights, among others (art. 73). Forest owners are obliged to manage, protect, and develop forests in compliance with regulations and law (art 73). Article 73 also mentions that individuals, households, and communities have the right to enjoy benefits that come from the forest. **Thus, it will be important in the deep dive to know whether women have been allocated or are members of groups who have been allocated rights in the ER-P accounting area, as it will determine access to benefits.**

People’s Committees at the district level are responsible for allocating, leasing, repurposing, or appropriating forests of households, individuals, and communities (Forest Law, art. 23). People’s Committees are the level of administration at the district level, and while they have a quota of 35% for women, these quotas have not been met.

Approximately 30% of the forestland area of the North Central Coast region is allocated to households and individuals. Most of this is in production forestland with some in protection forestland.

State entities manage 56% of the total forestland in the ER-P accounting area: there are about 47 Protection Forest Management Boards (PFMBs), 17 Special Use Forest Management Boards (SUFMBs) and 16 State Forest Companies (SFCs). These have the option of sub-contracting land to households and individuals through forest protection contracts, and there are 38,297 recorded forest protection contracts in the ER-P accounting area covering 198,485 ha. Unallocated forestland that remains under the jurisdiction of the CPCs makes up approximately 12% of the area (EPRD, 2018).

Forestry LURCs cover 78% (2,464,368 ha) of the ER-P accounting area’s total forestland, and include LURCs allocated to state forest entities as well as to households and individuals (ERPD, 2018).

The ER Program will support re-allocation of forestland from state institutions to households and communities (ERPD, 2018), and there are strong policy and legal commitments to address deforestation within the ER-P area and across the country. Among them is Directive 13 of the Political Bureau on strengthening the sustainable management of natural forests (Resolution 13/2016), which states the necessity to involve relevant stakeholders, particularly local communities, in sustainable management of natural forests and benefit sharing. Also, the 2013 Master Plan for restructuring the forestry sector seeks to decentralize forest management by

allocating more forestland to households and individuals and increasing forest cover (ERPD, 2018), while also linking the forest sector development to sustainable forest reduction for ethnic minorities (Decree No. 75/2015).

According to the United Nations Development Program (UNDP) study on gender and REDD+ in Vietnam, forestry institutions are gender biased, even though forestry is one of the socio-economic sectors mainly consisting of women who carry out the majority of forestry activities (UN-REDD, 2013).

Marital property. According to the Marriage and Family Law, spouses have the right to choose the statutory or an agreed upon matrimonial regime (art. 28.1). Under the statutory regime, common property of the spouses includes, among other things, land use rights that were obtained after the marriage unless they are inherited separately (art. 33). Separate property of each spouse, under the statutory regime, is the property owned before the marriage, or gifts/ inheritances acquired during the marriage (art. 43). This means that land use rights (many which were granted in 1993) that were granted to either spouse before they were married are not considered common property of the marriage, but rather form part of the separate property of the individual spouse.

The Civil Code defines the ownership rights of spouses as divisible joint ownership (art. 213), where the share of each owner is not specified and where each joint owner has the equal rights and obligations on the property (art. 210). It provides that husband and wife must agree to possession, use, and disposal for their joint property (art. 213.3).

The Marriage and Family Law requires the State to adopt policies that abolish backward marriage and family customs and practices (art. 4). Marriages must be registered, and cohabitation between a man and woman as husband and wife is not recognized as a marriage (art. 9). **This means that any legal protections for spouses' property rights do not apply to marriages that are not registered. For the deep dive inquiry, it would be important to learn whether there is a large portion of people in the ER-P area who are not married formally, as this may have some bearing on whether women's land use rights are certified and therefore whether women may have the opportunity to benefit from REDD+ activities that rely on certified land rights.**

Reviewing allocation of rights instead of the prevalence of certificates, a nationally representative study analyzed the amount of land (use rights) owned by women versus men. Using data from the 2004 Vietnam Household Living Standards Survey (VHLSS), this study found that women own less land than men across different types of household structures (women in

both dual-headed and female-headed households are less likely to own land than men in dual-headed households); that they are likely to own even less land if a marriage dissolves; and that gender inequality increases with household landholdings (as households accumulate land, additional land is owned mostly by men) (Kieran, Sproule, Quisumbing & Doss, 2017).

The Marriage and Family Law shares the same rules on joint certification of use rights that were introduced in 2003. It provides that if common property of spouses (including the land use right) is required by law to be registered, the names of both husband and wife must be inscribed in the certificate (art. 34).

There is regional variation in the provision of LURCs in women's names. The proportion of women included on documents differs significantly among provinces, and those differences are most pronounced between the northern and southern regions due to variations in cultural norms as well as the history of land tenure and agrarian reforms (Scott, Belanger, Nguyen & Khuat, 2010). Data suggest that ethnic minority women may have lower representation on LURCs than women from the Kinh majority: in 2013, only 23% of certificates were held jointly by ethnic minority women (World Bank, 2006).

If benefit sharing options are based on formal land tenure, then women's names on LURCs have some bearing on their right to receive benefits from REDD+ activities (ERPD, 2018).

Further, in the original allocation of agricultural land to farming households in 1993, the application of seemingly neutral standards of land allocation led to unequal results for men and women. For example, one principle set by many localities for land allocation was related to the age of household members. Individuals of working age were allotted the largest area of land and young children the smallest. Since female-headed households often have fewer working-age adults, they on average tended to be allocated smaller area of land than male-headed households. Moreover, the legal retirement age in Vietnam is 55 for women and 60 for men. As a result, the amount of land allocated to women aged 55–59 was half that of men of the same age (Scalise & Wang, 2013).

When benefits share is based on total area covered, this may mean that women have a lesser share of benefits compared to men. Additionally, a woman-headed household may be left out of forest protection contracting because of labor shortages in the family (or unwillingness/unavailability to go on forest protection patrols) (ERPD, 2018).

Inheritance. The Civil Code (2015) provides that every individual has the equal right to inherit and bequeath property rights (art. 610). The estate includes individual property, as well as shares in jointly owned property (art. 612).

Under the rules of intestate inheritance (governing inheritance when the deceased did not leave a will), spouses, parents, and children of the deceased are first rank of heirs and inherit equally from the estate of the deceased (Civil Code, art. 651). Under the Marriage and Family Law, for common property, a surviving spouse manages the entire estate (art. 66.1) unless there is a request for a division, in which case the common property is divided in two and the deceased's portion will devolve according to the Inheritance Law (art. 66.2). If the division will cause undue hardship to the surviving spouse, she/he may request a restriction on division (art. 66.3).

However, per the Marriage and Family Law, only legally married persons are considered spouses, and this may mean that certain women who are in informal, polygynous, or customary relationships do not have the legal right to inherit. **A deep dive question might be what happens with inheritance in practice among the ethnic groups in the ER-P accounting area. It would also be important to understand whether the ethnic groups practice matrilineal, patrilineal, or bilateral inheritance under customary arrangements, and how common informal or customary marriages are.**

In the vast majority of cases in Vietnam, except for bilateral and matrilineal groups, families that divide property before death through *inter vivos* gift do so without regard to gender equity and do so based on a variety of factors, such as male preference and customary practice. Where there are both male and female children, sons typically inherit property while daughters may inherit a smaller share or be excluded entirely. Due to the prevalence of patrilocal residency (the practice of married couples settling with or near the husband's family) and expectations that sons maintain ancestral rites, daughters in families following patrilineal practices do not inherit land equally with their brothers (Hoàng et al., 2012).

Also, if a woman seeks to assert her inheritance rights with a local mediation committee, the committee is likely to look beyond the law to decide the resolution. For example, the customary designated successor to the ancestral line is often (though not always) the eldest son, and because of that, he enjoys authority over ceremonial and other matters that are tied to specific parcels of land. This can be used to rationalize excluding women from succession to property rights, and no doubt also comes into play when there are land-related disputes (Hoàng et al., 2012; Scalise & Wang, 2013).

Notably, female-headed households have a greater proportion of their land coming from state allocation and a smaller proportion from inheritance than male-headed households, which can be explained by the preference for male heirs, as well as preference in many localities to allocate land to widows who usually end up as the female head of the household (ERPD, p.151).

Common/Collective Land (Including Indigenous Community/Collective Land/Resources)

Vietnam's legal system has not recognized customary law since 1975, and traditional communities have ambiguous legal status (Ingalls et al., 2018). However, after recent amendments, the legal framework for land does recognize some community rights in a limited and slightly ambiguous way.

Recent changes to the Civil Code (2015) provides for "multiple ownership" (art. 212.3), which attempts to legally recognize the customary collective rights to property of a community (previously the law had been vague or silent on the rights of communities). Under the Civil Code, "multiple ownership" is ownership of property by more than one person (art. 207) and is indivisible (art. 212.3). It is further defined as "ownership by a family line, hamlet, village, tribal village, mountainous hamlet, ethnic hamlet, religious community or other community of property which is formed in accordance with customary practice, which is jointly contributed to and raised by the members of the community or which was given to the whole community, and property which is obtained from other lawful sources for the purpose of satisfying the common lawful interests of the entire community" (art 212.1).

Even though customary law is not officially recognized in Vietnam, the 2015 amendments to the Civil Code permit customary rules in the management and use by communities stating that "multiple ownership" rights can be created according to customary practice (art. 208). Under the Civil Code, members of a community with multiple ownership jointly manage, use, and dispose of property in the interests of the community in accordance with customary practice, but not inconsistent with the law or social morals (art. 212.2). The law does not define membership, or provide guidance on how decision making should be conducted for these communities. These legal reform changes mark a shift in the law towards some recognition of customary tenure on collectively held lands; however, there is no information on how and whether they are working in practice.

Similarly, under the Land Law, the State can allocate land to communities (or the State can recognize their land use rights of communities) to preserve national identities associated with

the traditions and customs of the people (art. 131.3.a). These rights are subject to the same terms and ceilings as rights that are allocated to individuals. The recent Forest Law (2017) expands on the idea of use rights for communities on land classified as forests (see below).

Under the Land Law, communities can acquire rights by donation (art. 169.1.c), inheritance (art. 169.1.d), allocation by the State (art. 169.1.d), or by state recognition of existing stable use of the land (art. 169.1.i). In these circumstances, communities (as land use rights holders) are obliged to use land for proper purposes prescribed by law, register land rights (including changes), fulfill financial obligations, protect land, and return the land at end of term (art. 170).

Under the Land Law, the State has the responsibility of adopting policies on land for housing and community activities for ethnic minorities in conformity with their customs, practices, and cultural identities, and the practical conditions of each region (art. 27.1). **A question for the deep dive is whether the State has in fact adopted policies for ethnic minorities per Article 27 and whether they have been assessed/evaluated for effectiveness of the community as a whole and for women within those communities.**

The Forest Law (2017) provides that the State can allocate forestland to ethnic minorities and communities whose incomes come mainly from forests or forest agriculture. The State also facilitates forest protection and development with forest owners, benefit sharing arising from forests, and aids culture and beliefs associated with forests according to government regulations (art. 4.6). This is a relatively recent change in the law, and there is little guidance in the law nor evidence from literature on how these formal allocations to communities work in practice. **Further exploration in deep dive might be to better understand the extent of allocation to communities, and the rules that communities are required to follow when they govern and use this land.**

While ethnic minority households generally have ownership over more land than ethnic majorities, the land they own is of much lower quality (Nguyen, Kompas, Breusch & Ward, 2017). Ethnic minorities generally possess forestland that is mostly unirrigated and low quality (Baulch, Nguyen, Phuong & Pham, 2010). In 2004-2006, only 44% of land held by ethnic minorities was irrigated (Baulch, Nguyen, Phuong & Pham, 2010).

The Forest Law also provides some guidance as to how forest rights are allocated. This includes that forest allocation shall include participation of local people; safeguard against discrimination of religions, beliefs, and genders (art. 14.7); respect living space and customs of communities; give priority to ethnic minority people, households, and communities with traditional customs, culture, or beliefs associated with forest; and ensure local community rules in compliance with

laws (art 14.8). According to ERPD (2018), so far, communities have been formally allocated approximately 2% of the forestland in the ER-P accounting area. This seems to indicate that even though it does not formally recognize customary law, it allows communities who have customary tenure on forestland to continue to use them as long as they comply with laws. **A deep dive question might be to understand gender dynamics in these traditions among the ethnic groups in the ER-P areas and whether they disadvantage women in any way. If so, whether the current legal framework is sufficient to ensure that protection of women's rights in these circumstances, and know what would happen in the event a conflict of customary laws and the formal law had a gendered impact.**

Technically, Provincial People's Committees can designate rights to economic organizations or other organizations, while District and Town People's Committees can designate rights only to households, individuals, and communities (art. 23).

Reportedly, community members have indicated that the land they are allocated is of poor quality, inaccessible from their villages, and/or entirely lacking in existing tree cover, making it next to impossible to earn a sustainable livelihood from forest management alone. State Forestry Enterprises, despite their recognized inefficiency, have been able to keep much of the best forestland for themselves (Wells-Dang, Pham & Ngo, 2016).

Traditional use of land (uses that are not formally allocated or recognized by the State) are not recorded or documented, but may occur by permission. The extent of this practice is unknown precisely because it is not recorded or tracked. Land allocation and recognition is decentralized to the commune level of administration (state administrative unit), and some communes allow for an allocation of land that they permit to be used communally, such as for grazing or collecting NTFPs and firewood. In these cases, the use is agreed upon in advance and is recognized by the commune administration. Communities apply traditional rules to that use but do not have documentation to support the approved use. Some traditional practices might also be applied on some forestland through alternative methods, such as through individual household Forest Protection Contracts. These allow the holder limited rights of use of a forest area, normally an area of protection forest, for the collection of firewood, some NTFPs, and a small payment to the householder in return for protecting the forest (ERPD, 2018).

Community Membership: How Membership in the Community is Defined, and How Decision-Making Structures are Formed for Collectively Held or Managed Land and Forest Resources

Data, literature, or legal definition on traditional/village communities and their membership and decision making have not been located for this case study. **For the deep dive, it would be helpful to understand in more detail across different ethnic groups in the ER-P accounting area how communities are comprised, how membership is defined and determined, and whether membership rules determine access to decision making for women and men.**

Governance of Common Resources: Existing Patterns of Use of Land and Forests, and the Legal and Customary Framework for Use and Management of Resources Including Trees and NTFPs

Despite the State not recognizing customary law since 1975, it has not disappeared. For example, in areas where the State does not have the capacity to administer formal law—such as areas that are remote or sparsely populated—customary rules can still be an important source of regulation of social relations, management, and use of land; disputes and issues of marriage; and inheritance. In minority and ethnic communities, customary rules are often the first choice for dispute settlements (Phan, 2011). One study from 2009 found that land was being allocated to households each year by a village elder rather than by the commune-level administration (USAID, 2013).

Even though women outnumber men in the production of agroforestry products, forestry institutions tend to be gender biased in Vietnam (UNDP, 2019). Women’s representation in decision making is limited due to a combination of factors, including cultural norms regarding social behavior. Additionally, officials who oversee forest programs lack understanding of gender issues. This results in avoidable oversights, such as failing to plan consultations around women’s work, household schedules, or in forums that women are socially permitted to attend. There is also a tendency to measure gender inclusion by a simple count of whether women were present in consultations rather than the quality of their inclusion. Consequently, women are often not fully included and their perspectives are not adequately reflected in forest management decisions (UNDP, 2019).

Evidence from a program piloting payment for ecosystem services identified a number of issues related to gender equity that arise within the context of governance of community resources. First, it found that it is misleading to assume that forest-dependent communities are homogeneous and that benefits paid to a village will “trickle down” to all villagers

equally, as this did not happen in practice. Second, it also found that that reliance on the head of household for any distribution of household benefits can exclude women (UN-REDD, 2013). The same pilot found that the community focus has a high risk of elite capture. It observed that if women are not clearly targeted as project beneficiaries, they will not likely obtain project benefits (UN-REDD, 2013).

Laws or Regulations Relating to Land Resources (Forests, Trees, NTFPs) and Women's Rights



Photo by [Ruslan Bardash](#)

Approximately 25 million people, many of them ethnic minorities in remote areas, live in or near forests, though access to forestland varies. Among forest dwellers, poverty levels are generally high, and most rely on forest resources to meet their basic needs or to supplement their income between agricultural harvests or during emergencies. Several ethnic minorities attach political, cultural, and spiritual significance to the forestland as well (UN-REDD, 2013).

Under the Forestry Law (2017), Provincial or District People's Committees can designate forest usage and management rights via a "levy free" assignment or by lease (art. 14) to the following persons and entities (art. 16) in Table 1.

Table 1. Permitted users and managers of forests under the Forest Law.

Special-Use Forest	Protected Forest	Production Forest
<ul style="list-style-type: none"> • Special-Use Forest Management Boards • Protected Forest Management Boards • Scientific institutions • Communities with established uses • Economic organizations with natural forest nurseries 	<ul style="list-style-type: none"> • Protected Forest Management Boards • Armed Forces • Households and individuals legally living there • Communities legally living there • Economic organizations, where interspersed with production forest 	<ul style="list-style-type: none"> • Armed Forces • Communities • Protected Forest Management Boards, where interspersed with protected forest • Households and individuals living in or adjacent* • Economic organizations*

* If for commercial purposes, required to take the form of a lease (art. 17).

Permitted Uses of Special-Use Forests

There are multiple subtypes of special-use forests, and the permitted activities vary slightly among them, as well as between the various zones in a special-use forest. Generally, timber harvesting, except salvaging “fallen” and “dead” timber, is not permitted in the service administrative zone of special-use forests (Decree 117/2010, art. 21). However, gathering of NTFPs on a sustainable basis and according to master plans is allowed (Decree 117/2010, art. 21).

Under regulations implementing the Law on Forest Protection and Development (the 2004 predecessor to the Forestry Law of 2019), timber harvesting is legal in protection forests with the pre-approval of the pertinent state agency or body and as long as it does not reduce canopy cover below 60% (Regulation 186/2006). NTFP collection is also legal under this regulation, as are hunting and fishing, except for endangered and other designated species (Regulation 186/2006). Finally, eco-tourism and agroforestry operations that do not impair the forests’ function in their roles of watershed management, soil stabilization, etc., are legal (Regulation 186/2006). The ongoing applicability of this regulation under the 2017 Forestry Law remains to be seen.

Permitted Uses on Production Forests

Permitted activities in production forests must support their intended purpose of providing sustainable timber harvests. According to the 2006 regulations, the Prime Minister sets the annual allowable exploitation. Provincial and district committees are responsible for overseeing timber operations to ensure they comply with those quotas (Regulation 186/2006).

When it comes to *natural* production forests under the 2017 Forestry Law, households/individuals are distinguished from economic organizations in that the latter are allowed to prepare a sustainable forest management plan, have it approved by the competent state authorities, and then harvest forest products (including timber) according to that plan. Households and individuals, on the other hand, must have each harvest approved by the District People's Committee (Forest Law, 2017).

Vietnam was the first country in Asia to mandate payment for ecosystem services at a national level (Vietnam Forest Protection and Development Fund, 2019). Governmental Decree No. 99 of 2010 provided the framework, mandating that users of ecosystem services pay owners of land or resource usage rights supplying those services. Some observers noted that payments appeared to be too low to compensate forest owners for the opportunity costs of not clearing forests (Vietnam Forest Protection Development and Fund, 2019).

Women rely more heavily than men do on common property rights to meet livelihood needs for themselves and their families. Women, for example, maintain a greater interest in the forest as a source for NTFPs and firewood, and more women than men enter forests to collect NTFPs for sale or domestic use. Ethnic minority women are more likely to have knowledge of different forest foods compared to men or to Kinh women (ERPD, 2018). Reportedly, women have expressed concern about the reduction of available NTFPs and firewood in their areas (ERPD, 2018). NTFP collection is arduous, often involving long treks into the forest, which become more difficult as forests are depleted. NTFPs do not result in large incomes for women the ER-P area, yet consumes a significant amount of time and effort (ERPD, 2018).

In the Lam Ha district, among different ethnic groups, certain patterns of gendered division of labor were evident in forests and dictated by tradition (UN-REDD, 2013). The role of women is linked to fulfilling subsistence needs for fuelwood, medicinal products, wild foods, fodder for livestock, and selling small quantities of fuelwood in local markets. Men's roles are linked to timber and NTFP extraction for commercial purposes (UN-REDD, 2013). Women's time and energy are tied with agricultural work for most of the off season, except during the harvest period when the bulk of work is done by men.

Social and Environmental Situation Analysis



Photo by [Krisztian Tabori](#)

Customary Laws/Social Norms

Economic opportunities. There is some evidence to suggest that the formalized land use rights have facilitated economic benefits for women in Vietnam. Research into the economic value of LURCs for women in Vietnam suggests that there is a positive relationship between a woman being named on a LURC (either individually or jointly with a spouse) and the potential to improve her economic situation through self-employment, reduce time engaged in housework, and increase in the maximum education attainment of girls and women in the home (Menon & Rodgers, 2013).

Compared with men, women, especially those who are middle-aged, have a lower rate of success in finding jobs and are less likely to be self-employed after they lose rights to use agricultural land (Scalise & Wang, 2013). The majority of Vietnamese women are concentrated in informal areas of the economy such as agriculture, forestry, and aquaculture (Vu, 2019).

Economic internal migration and urbanization are common trends all over Vietnam, in particular the movement of young women and men out of farming to urban centers. The likely impacts on forests of the changing labor structure within the economy are not clear. On one hand, it may lead to more landless poor farmers who may be forced to encroach on forested areas. On the other hand, if the excess labor force is employed elsewhere, this will overcome this problem. Therefore, youth employment opportunities are needed to absorb workers from the

agricultural sector and improve living standards for rural households in order to have positive impacts on forest resources management (EPRD, 2018).

Ethnic minorities, in general, have lower access to and poorer returns from markets, in comparison to ethnic majorities (Dang, 2012, p.2). Socio-cultural factors often keep ethnic minorities out of mainstream economic development. These barriers can include but are not limited to language, social pressure against “excess economic accumulation,” social and religious obligations of economic spending, gender roles, and community ownership of assets and land (World Bank, 2009, p.20). Minorities are less likely to engage in economic transactions, namely charging interest on loans or trading between neighbors and kin, as this goes against social norms and practices (Baulch, Nguyen, Phuong & Pham, 2010, p.38).

Gendered social norms. Women’s roles have been politicized to some degree over time in Vietnam. Today, women struggle to place themselves in the post-socialist society where being independent and embodying the ideals of the war era—rejecting familial piety and choosing to fight for freedom and revolution—is considered overtly masculine and frowned upon. The divergence from traditions emphasizing sacrifice and a Confucian sense of familial duty is relevant, and norms for women’s behavior grapples between two inconsistent ideals. If women act with traditional values, it is seen as being feudalistic, un-nationalist, and a personal fault for refusing to modernize. But if they act independently, they are painted as too western, anti-nationalist, and un-Vietnamese (Pettus, 2004).

Traditional Vietnamese culture puts the onus of social harmony on women more than on men, and so women are less likely to pursue matters that they believe will be antagonistic to men or to the status quo (Hoàng et al., 2012). Vietnamese women are expected to be the “interior marshal” (*nội tướng*) who take care of children and husbands, do housework, and manage family finances and property in addition to labor outside the home (Vu, 2019).

A common view among citizens is that women’s main domain is in the household and they are the main caregivers of children, the elderly, and the ill. This is a role that is continually supported by media, education, and folklore. Similarly, the view that a man’s domain is outside the home and that men are natural leaders is prevalent among both men and women (Munro, 2012).

Vietnamese customs, attitudes, and beliefs are largely influenced by Confucianism. This is a significant factor in the prevalent view that women’s main role is in the home and in childcare. It is also the backing for the belief that men are “natural” leaders and women are not and should not be leaders. Common Confucian quotes include, “A woman's duty is not to control or take

charge" or "woman's greatest duty is to produce a son." This type of messaging has influenced Vietnamese education, myths, and media (Munro, 2012). In this context, it is difficult for a woman to be in a more senior position than a man or her husband. In domestic life, the prevalent norm is that women are mainly responsible for domestic duties that take precedence over their careers (Munro, 2012).

Women's studies scholars have argued that with centuries of male hegemony, women have internalized the mentality of taking a secondary role in the public sphere. In addition, social problems are often blamed on "family disintegration" in the media and in political debate, and this is considered a result of increasing independence of women (Vu, 2019).

In large group settings, women are not likely to speak up when there are males present, especially older males. Also, women are often excluded from awareness raising and educational activities because they are often busy with other work burdens. Opportunities do not account for women's availability, their level of literacy, or the relevance of the subject matter to women's everyday lives. Women's involvement is measured in terms of number of male and female participants but not in terms of influence, and men are provided with more capacity building opportunities (UN-REDD, 2013).

Even in ethnic groups that are matrilineal, most of village decisions are made by men (UN-REDD, 2013).

Access to justice. Ensuring women's access to effective and responsive justice can play an important role in securing women's rights to land, especially when disputes arise within families or lineage groups. However, there are several factors that strongly discourage women from turning to legal institutions for help, which in turn affects their ability to exercise their land rights. These obstacles include literacy challenges faced by rural women; the fact that women are seen as "lower" than men in terms of social status and therefore less able to challenge the rights of a male, especially in a formal setting; prohibitive administrative and travel costs, which impact rural men and women; and women having less familiarity and comfort in dealing with bureaucratic processes than men (Scalise & Wang, 2013).

In addition, women have reported factors preventing them from accessing legal services, including a reluctance to deal with complicated bureaucratic processes and a sense of disempowerment when interacting with government representatives (USAID, 2013).

Education, information, and literacy. Women's education lags behind that of men at the higher levels, and when financial constraints compel parents to make choices for education at higher levels, they tend to prioritize the education of boys over girls (Vu, 2019).

Many older women in ethnic minority areas do not read or write Vietnamese (UN-REDD, 2013). In rural areas, women tend to be less well-informed than men, less literate, and less able to interact with government and bureaucracy than men (Scalise & Wang, 2013).

These concerns of rural women, whether Kinh or ethnic minority, have not made much progress in areas that greatly impact their livelihoods: land, agriculture, and forestry. These remain male-dominated professions. Women are structurally disadvantaged in the ER-P area in that they have less access to land information and formal credit (ERPD, 2018). Ethnic minorities are at a disadvantage in terms of making use of their landholdings because of a lack of knowledge about their rights over the land (Baulch, Nguyen, Phuong & Pham, 2010, p.39).

Decision making. Women tend to speak up less in mixed-gender groups than when they are in women-only groups because of the language factor. Ethnic minority women feel much more hesitant to speak up in part because of gender relations and expectations, but also because of their lack of command of the Kinh language (official meetings are almost always conducted in Kinh Vietnamese). A lack of confidence of Kinh language skills also affects ethnic minority women's mobility and their willingness to attend, for example, commune-level meetings. It also has implications for their active participation in local planning and other discussions that may have strong impacts on their livelihoods. For instance, they may attend a village meeting but be unable to give an opinion (without anyone noticing because it is usual for men to speak up more than women) (SESA, 2016).

Poverty. Although national poverty rates in Vietnam have decreased dramatically in recent decades, the poverty rate among ethnic minorities remains high and the gap between them and the Kinh ethnic majority has increased.

Poor households can face shortages of capital and may lack access to credit, resulting in low levels of investment in forests, including plantation forests. Limited alternative income opportunities and a scarcity of agricultural land makes encroachment into forested areas difficult to address (ERPD, 2018).

Female-headed households are reported to have higher percentages of residential land utilized for production, usually small-scale activities like raising livestock, growing vegetables, or planting medicinal herbs (ERPD, 2018).

Hunger and food insecurity rates were registered among the ethnic groups, ranging from 24.4% (Hmong) to 60%-66% (Muong, Bru-Van Kieu, and Ta Oi-Pa Co). 43.4% of female-headed households (both ethnic majority and ethnic minority groups) reported a hunger period compared to the 34.6% of male-headed households (SESA, 2016).

Weddings within certain ethnic minority communities can be expensive, with numerous gifts and offers made by women's families to that of the man to be married; this can place significant economic pressure on women's families (UN-REDD, 2013).

Customs on marriage and women's inheritance. Inheritance is passed along female lines in some minority groups. But this cultural norm may conflict with state policy that does not acknowledge women as the explicit owner of the land (World Bank, 2009).

Social norms of women's public life. Language and cultural barriers for women in ethnic minorities often prevent them from using and accessing public services and therefore prevent their participation in mainstream economic growth (Baulch, Nguyen, Phuong & Pham, 2010).

Governance, Decision Making, and Benefit Sharing on Land and Forests that Are Not Held Privately

Using Table 2 below, adapted from Agarwal's typology (2010), women's participation in governance and decision making appear nominal or passive.

Table 2. Typology of participation

Form/level of participation	Characteristic Features
Nominal participation	Members of the governing group
Passive participation	Informed of decisions <i>ex post facto</i> , or attend meetings and listen to decision making, without contributing to discussion
Consultative participation	Opinions are solicited in specific matters without guarantee of influencing decisions

Activity-specific participation	Asked to (or volunteer to) undertake specific governance tasks (treasurer or secretary, or provide facilities and refreshments)
Active participation	Express opinions, whether or not solicited, or other initiatives
Empowering Participation	Have voice and influence in agenda and in decisions; position as officer

Climate Change Programming and Gender Inclusion



Photo by [Kiril Dobrev](#)

According to the ERPD (2018), the ER-P aims at reducing emissions by 20% against the reference level during the six-year accounting and crediting period between 2019 and 2024. The ER-P has four components:

Component 1: Strengthening Enabling Conditions for Emissions Reduction (\$6.84 million)

This implies better control of natural forest conversion, forest law enforcement, land tenure clarification and strengthening of community rights to natural resources and forests, and additional options to improve forest management and governance, including through the ACMA process.

Potential gender equity issues in this component include:

- When land tenure rights for communities are clarified, women’s land tenure within those communities may not be given equal value with those of men.
- Women of different status (married-in, married-out, elderly, youth, literate, etc.) may have a different experience of forest rights, use, and management within the same community.
- Membership in the community may be defined in ways that exclude some or all women.
- Women may not be given positions of authority/executive-level positions in governing bodies because of social norms that put men in seniority relative to women.
- Women’s role in governance may be constrained by a number of factors, including social norms, rights to land, and lack of information, time, and forums for meetings.
- Without specific intervention, women may not regard participation in forest management and governance as relevant to their day-to-day lives.
- Involvement in ACMA or other related activities may overburden women who already bear significant burdens on their time.
- Women’s needs and perspectives from forest use may not be valued equally with those of men.

Component 2: Promoting Sustainable Management of Forests and Carbon Stock Enhancement (\$113.2 million)

This component includes activities to conserve existing natural forests, promote natural regeneration with no additional planting, reforest special-use and protection forests, enrich planting of poor natural forests, transfer plantations from short-term to long-term rotation models, and reforest by using indigenous species.

Potential gender equity issues in this component include:

- Women’s needs and perspectives from forest use are different from those of men and may not be valued equally.
- Possible negative impact to women’s forest-dependent livelihoods if certain uses are prohibited or changed.
- If women are not involved in public decision making or public forums, their interests and needs may not be reflected in management plans.

- Women's uses of forests for NTFPs, firewood, and medicinal products may be affected by these plans, which can impact opportunities for women to generate income and provide for themselves and their families.

Component 3: Promoting Climate Smart Agriculture and Sustainable Livelihood for Forest Dependent People (\$60.9 million)

This component includes promotion of climate smart agricultural production, establishment of agroforestry systems, sustainable development and use of NTFPs, promotion of deforestation-free commodity value chains, and support to alternative off-farm incomes for forest-dependent people.

Potential gender equity issues in this component include:

- Women's needs and perspectives from forest use are different from those of men and may not be valued equally.
- Possible negative impact to women's forest dependent livelihoods if certain uses are prohibited.
- If women's access to benefits from these activities is not called out specifically, they run the risk of being excluded from them.
- Men's activities typically dominate commercial areas of forest products, and a focus on commercial aspects may exclude value of and opportunity from women's use of NTFPs.
- Women's access to technical and other support may be limited because of time and literacy constraints if the support is provided at times or in forums that women cannot access, or if the topics are focused on matters that are of greater interest to traditional male activities rather than those of women.

Component 4: Program Management and Emission Monitoring (\$4.7 million)

The implementation of the ER-P requires dedicated capacities at the central and provincial level for management and coordination through the CPMU and PPMU, as well as financial administration capacities through the Vietnam REDD+ Fund (VRF). This component also includes monitoring and evaluation, as well as communication and knowledge management (BSP, 2019).

- Indicators and measurement of women's participation tend to only note presence of women, but not their meaningful engagement.
- Communication and information activities often exclude women, either because they are inaccessible, do not address literacy, are held at times when women cannot attend, or held in places where women cannot attend.

Benefit Sharing

Adaptive Collaborative Management Approach (ACMA) and Forest Management Councils (FMC) are core methods for how benefits will be shared to individuals and communities (BSP, 2019). ACMA was piloted in two locations with ethnic minority groups. **Deep dive question: can we access reports and/or evaluations of how these worked for women in the pilot? Also, can we access women's perspectives in the ACMA pilots (not just household perspective)? Annexes in the BSP provide some insight into how pilot programs were evaluated, but do not mention gender equity related results (BSP, 2019).**

Major beneficiaries in the BSP are local communities who are expected to receive 50% of net payments directly as a group under the FMC ACMA process, and will also be involved in implementing activities and FMC ACMA processes (BSP, 2019).

In addition to ACMA, local communities can benefit from other monetary benefits, including remuneration for forest patrols, allowances for participation in coordinating activities, and part-time supervision work (BSP, 2019). **A deep dive question might be whether women currently are expected to or want to participate in these activities. Are there any social norms that might limit women's participation in these kinds of activities and therefore benefit from the additional monetary benefits? Will proactive steps be taken to make these available to women?**

Also, in addition to ACMA, non-monetary benefits include small investment grants schemes, technical support packages for local communities on sustainable agriculture, agroforestry, management, and use of NTFPs. **Deep dive questions might be: what are the current gender dynamics among the target ethnic groups for these activities? What proactive steps will be taken to make sure that there is an allocation for investment and technical support that will be relevant and needed by women? This is especially important as women are key actors in agroforestry and forest use.**

ACMA is anticipated in forests that are currently special-use forests, protection forests, and production forests that are managed by Forest Management Boards (FMBs) and State Forest Companies (SFCs). These types of forests have typically suffered from have limited financial and human resources, which makes it difficult for them to effectively manage a large and sometimes remote area of forest. They are also subject to conflict of rights and interests between legal “owners” (SFCs and FMBs) and communities who have traditionally lived on and used the forest areas. The idea behind moving towards an ACMA process is to incentivize collaboration between legal “owners” and communities to improve management and use of forest resources (BSP, 2019).

The BSP states that the Forest Management Council (FMC) is an organization established by the chairperson of the District People’s Committee in order to administer and coordinate the implementation of the ACMA between the forest owner (FMBs and SFCs) and communities of one or several communes located in or around the area managed by the forest owner (BSP, 2019). **A deep dive question might be to what extent will proactive steps be taken to ensure that women can meaningfully participate in these FMCs? Will women’s interests be given the same weight as those of men in decision making?**

The area subject to ACMA is determined by agreement between the “owners” and the communities on how the ACMA will be conducted (BSP, 2019). Agreements must be in place for ACMA processes for benefits to be distributed to them and must align with the ACMA Manual and provisions of law (BSP, 2019). **A deep dive question might be whether the ACMA Manual is available for review, and if so, to what extent are women required to be meaningfully included in this agreement process?**

The BSP provides that an ACM Board organizes the implementation of the ACMA process between the forest owner and community. The ACM Board is an organization established by the chairperson of Communal People’s Committee in order to coordinate the implementation of the ACMA of one or several communities of participating communes under the direction of the FMC. In the case where there is only one commune and community entering the ACMA process with the forest owner, the ACM Board shall not be established and the FMC will organize the implementation of the ACMA process between the forest owner and that local community (BSP, 2019). Sixty-one FMCs involving 439 communes are being established to implement the ER-P (BSP, 2019). **Deep dive questions might whether the ACMA Manual is available for review, and if so, to what extent are women required to be meaningfully included in this agreement process? Is there room to integrate special protections for women’s forest uses, needs, and interests? Are there requirements that women be members**

of the FMC or the ACM Board? How do these two institutions interact and relate? Who has authority and jurisdiction over what kinds of decisions?

The BSP states that the plan “ensures gender equality, equality among participating parties, and incentivizes participation of vulnerable groups (women, ethnic minorities, poor communities depending on forest, etc.), which reflects results from aforementioned consultations of parties involved in M&E and Feedback, Grievance, and Redress Mechanism” (BSP, 2019). Yet it does not provide any insight into what steps are prescribed to ensure this gender equality.

According to the BSP, for local people to participate and access benefits, full information on the land is necessary, including who are the owners, managers, and/or use rights holders. This suggests that use certificates must be issued to these communities if they have not already done so. **Deep dive questions might include how much of the land in target areas has already been allocated? How much of it has been allocated to women, or groups that women are meaningfully involved in governance of? How much of the land has already received LURCs?**

According to the BSP, during the ACMA consultation process in the ACMA Manual, local communities decide on the type of intervention as well as the rights, responsibilities, and conditions to access benefits and what form of benefits they would prefer. They can choose to receive the benefits either in a non-cash form through a service provider for equipment, work, or financial instruments as listed in Component 3, or in the cash form under contracting modality as payment for forest patrolling, natural assisted regeneration, reforestation, etc. **A deep dive question is, to what extent is there an opportunity or a requirement to ensure that women can meaningfully participate in these processes of decision making that the community undertakes?**

The BSP states that ACMA funding will be sub-allocated to three groups of beneficiaries:

- 1) Local communities who implement ACMA on forests “owned” by FMBs and SFCs.
- 2) FMBs, SFCs, and companies with no land use rights contributing to emission reductions through implementation of some intervention packages in the area under ACMA Agreements.
- 3) Forest Management Councils, ACM Boards, Local Monitoring Teams, Communal
- 4) Mediation Groups, Village Mediation Groups (BSP, 2019).

As for distribution of benefits, Communal People’s Committees will open accounts to receive funds that will then be distributed to communities and households (BSP, 2019); however, it does not state how these funds will reach individual men and women. This raises questions of

intra-household distribution of benefits, for example, if benefits are distributed to household heads that are typically male. **What checks and balances are in place to ensure that funds make it to individuals whose uses must change to support ACMA activities?**

Other Projects

ACMA was successfully implemented in state forests in Vietnam from 2006-2013 as part of the World Bank Forest Sector Development Project (FSDP) to promote collaborative management approaches in SUFs. This approach supported, among other things, participatory boundary demarcation, formal agreement on land use and types, sustainable rates for the collection of NTFPs, and focused livelihood improvement (ERPD, p.41). The project planned to reduce gender disparities through access to secure land tenure and extension services. The project supported 43,743 households to achieve positive financial returns on smallholder plantation forest investments and positive livelihood outcomes. LURCs were issued jointly to the husband and wife in each household so benefits were shared and decisions jointly decided. Shared activities included LURCs negotiations, landscape planning, plantation design, extension services, training, and marketing. Men predominately undertook site preparation, thinning, harvesting, and trucking while women undertook nursery work, planting, weeding, fertilizer application, and family finances. Overall, employment was about 60% male and 40% female (VGSI Gaps Chain, n.d.). **A deep dive might conduct further inquiry into the gender equity related lessons learned of this project.**

The FCPF has funded a proposal implemented by a gender-based civil society organization (CSO). Multiple groups of ethnic minority youths and women in Thanh Hoa Province, an ER-P province with the highest concentration of ethnic minorities, will receive capacity building support to establish their local network or organizations that focus on the conservation of Indigenous knowledge for forest protection and climate sustainable livelihood. This enhances the value chain for their productive farming and collection of NTFPs, as well as the economic development in line with ER interventions. It is expected that the results from this work will feed into ER-P implementation in the long run (ERPD, p.152).

A Green Climate Fund project in Vietnam focuses on improving resilience of coastal communities to climate change related impacts. Operational from 2016-2022, its specific gender provisions include that at least 30% of women assume decision-making positions and 30% of women be direct beneficiaries of the project. The project also seeks to increase the role of Vietnam Women Union (VWU) in community planning and consultation processes. Engaging women through the community-based program activities also need to be conducted with the

participation of women in such directions as risk assessments, mangroves regeneration/monitoring, and housing (GSI Gaps Chain, n.d.). **Deep dive inquiry includes steps that the project is taking to increase women in decision-making positions and involvement of VWU. What lessons, if any, are learned at this stage?**

In other development projects focused on ethnic minority women, the organization CISDOMA (Consultative Institute for Socio-Economic Development of Rural and Mountainous Areas) runs a project that enhances “land rights for ethnic minority women in Vietnam via improved legal literacy and legal assistance.” It runs from 2019-2022 and is based on the success of a pilot program in 14 villages (Mekong Region Land Governance Project [MLRG], 2020).

A number of organizations have partnered to create the Alliance for the Recognition of Customary Tenure in Vietnam (MLRG, 2020). The alliance supports the allocation of forests to local communities, smallholder farmers, ethnic peoples, and women so that they can benefit legally from sustainable forest and resources management based on their customary practices. **This would be a good group to include in the deep dive inquiry, especially as it relates to customs of ethnic groups regarding land rights for women, group membership, and governance.**

Together with the Government of Vietnam and other stakeholders in Lao Cai Province, UNDP is working with ethnic minority women to help ensure REDD+ programming integrates a strong gender perspective. It first began with a gender analysis of REDD+ in Vietnam, and then used those findings to support activities, including improved integration of a CSO that works with ethnic communities on gender issues to better include gender in forest management activities. It also has helped develop markets for partnerships for forest-based economic models that can support women, such as with traditional medicines collected by women in forests (UNDP, 2019).

Existing Organizations Working with Women



Photo by [Steffen B.](#)

The **Vietnam Women's Union (VWU)** is a socio-political organization that represents and defends the legal interests of women in Vietnam. It has approximately 13 million members and 10,472 local women's unions in communes and towns throughout the country. It typically works the top-down method for disseminating information and support to women (Vu, 2007), and plays a role in policy advocacy and implementation at the national level. It has been involved in some work on land rights related reforms and climate change related projects as well.

Analysis and Recommendations for Gender Inclusion

This section includes a summary of possible deep dive inquiries as well as some initial recommendations based on available information.

Deep Dive Inquiries

- How much of the land in the ER-P area specifically has been allocated to women and men as individuals or as joint members of households, and how much has been allocated to communities that women and men are members of?
- How much of the land in the accounting area has already been allocated to communities or could be allocated to communities in the future?

- How a community is defined, who is a member of a community, or who defines membership of a community is unclear. Thus, it is uncertain whether women are included, especially women who marry into a community that is patrilineal and patrilocal.
- Is there a legal framework for how traditional communities that have management rights to land should govern them? If the expectation that those lands should be governed along rules of custom, then a deep dive should also assess the extent to which those customs allow for women's full and meaningful participation in governance.
- It would be important to learn whether there is a large portion of people in the ER-P area who are not married formally, as this may have some bearing on whether women's land use rights are certified and therefore whether women may have the opportunity to benefit from REDD+ activities that rely on certified land rights.
- Data on the de facto head of household was not located for this study, and may be of interest in a deep dive; however, ideals and norms around feminine and masculine behavior would suggest that in practice, mostly men are household heads. This may have some influence on how benefits shared under the program are managed within households and whether women in male-headed households have access to those benefits.
- A deep dive question might be what happens in practice with inheritance in Vietnam: is the intent of the law followed, and does this differ among ethnic groups, particularly those in the ER-P accounting area? It would also be important to understand whether the ethnic groups practice matrilineal, patrilineal, or bilateral inheritance under customary arrangements.
- Has the State adopted policies for ethnic minorities per Article 27, and have they been assessed/evaluated for effectiveness of the community as a whole and for women within those communities?
- Have women been allocated land use rights in ER-P areas, or are members of groups allocated rights in the ER-P accounting area, as it will determine access to benefits?
- What are the dynamics in these traditions among the ethnic groups in the ER-P areas and do they disadvantage women in any way? If so, are the current legal framework sufficient to ensure protection of women's rights in these circumstances?

- Can we obtain reports and or evaluation of how these worked for women in the ACMA pilot? What about women's perspectives in the ACMA pilots, not just household perspectives? Annexes in the BSP that provide some insight into how pilot programs were evaluated do not mention gender equity related results.
- A deep dive question might be whether women currently, are expected to, or want to participate in these ACMA activities. Are there any social norms that might limit women's participation in these kinds of activities and therefore benefit from the additional monetary benefits? Will proactive steps be taken to make these available to women?
- What are the current gender dynamics among the target ethnic groups for these activities? What proactive steps will be taken to make sure that there is investment and technical support set aside that will be relevant and needed by women?
- To what extent will proactive steps be taken to ensure that women can meaningfully participate in these FMCs, and that women's interests are given the same weight as those of men in decision making?
- Is the ACMA Manual available for review, and if so, to what extent are women required to be meaningfully included in this agreement process? Is there room to integrate special protections for women's forest uses, needs, and interests? Are there requirements that women be members of the FMC or the ACM Board? How do these two institutions interact and relate? Who has authority and jurisdiction over what kinds of decisions?
- How much land in target areas has already been allocated? How much of it has been allocated to women? Or groups that women are meaningfully involved in governance of? How much land has already received LURCs?
- To what extent is there an opportunity or a requirement to ensure that women can meaningfully participate in these processes of decision making that the community undertakes, as related to ACMA?
- Further inquiry is needed into the gender equity related results of the ACMA portion of the World Bank Forest Sector Development Project.
- A number of organizations have partnered to create an Alliance for the Recognition of Customary Tenure in Vietnam. This would be a good group to include in the deep dive

inquiry, especially as it relates to customs of ethnic groups regarding land rights for women, group membership, and governance.

Initial Recommendations

Land use rights.

- To the extent that forestland use rights will be allocated to individuals and households as part of these activities, take proactive steps to ensure that women, especially from female-headed households, are allocated land with the same opportunities as land that is allocated to men.
- To the extent that forestland use rights are allocated to communities as a whole, ensure that women are included in definitions of community membership, especially as it relates to having rights to govern and manage and to share in benefits. Recognize that women within communities are not a homogeneous group and that while some are included, others may not be.

Governance and management.

- If steps are taken to address governance and decision making of land and resources in the ER-P, take proactive steps to ensure that women can and do participate meaningfully, and that women's interests can influence the agenda. This may take capacity building for women and men, as well as practical steps to ensure that meetings are accessible to women. It may also involve addressing social norms that make it more difficult for women to act in leadership roles or to offer opinions when males are present.

Benefit sharing.

- Explicitly state in the BSP how and when women will receive a share in benefits that accrue to land users and local communities.

- Carve out specific benefit streams, perhaps within the ACMA protocols, that are only available to women as individuals.
- Learn more about the gender-related success of ACMA from other contexts and integrate those lessons into the ACMA Manual and Procedures.
- If benefits are linked to having LURCs and they are limited for women (or some women), add another basis for sharing in benefits that are more inclusive and accessible to women, such as residence in a targeted community and/or current dependence on the land in question.

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