

ENSURING GENDER-EQUITABLE CONSULTATIONS IN VIETNAM'S LAND AND AGRICULTURE LAW AND POLICY



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JULY 2024

This policy brief offers guidance for implementing gender-equitable consultations in Vietnam. **Gender-equitable consultations** refer to processes that involve participation of all genders in decision-making, policy development, and legislative processes.¹ This brief provides practical guidance to ensure that the forthcoming development of implementing regulations under the 2024 Land Law are gender equitable. The intended audience is government, Civil Society Organisations (CSOs), the Vietnam Women's Union, the Vietnam Farmers' Union, and others involved in the development of land and agriculture laws.

¹ Consultations should engage the diverse perspectives of different groups of men and women with a view to integrating a gender perspective at all stages of the law and policy cycle, from development, implementation, and monitoring, to evaluation (see Beijing Platform for Action, 1995; CEDAW, art. 14(2)).

KEY MESSAGES

Gender-equitable consultations are vital for creating a better legal framework. Women are a crucial element of the labour force in agriculture in Vietnam, yet they are under-represented in decision-making and in access to, and control over, land. Including a wide range of women in consultations can identify gender-specific concerns that may not have been considered. This facilitates the creation of laws that reflect the values and experiences of those affected and can enable greater compliance. Participating in consultations can also empower women to engage in further political activities, thereby building momentum to confront discrimination.

Efforts to strengthen the transparency and communication of law-making processes relating to land and agriculture should be supported and improved. Vietnam has recent robust laws that emphasise citizen engagement. These should be monitored, with a clear timeline for completion of the legal process as well as an indication of when and where public consultations will be held and how the views of different people will be considered.

Longer term, positive steps should be taken to ensure **the engagement of women**, particularly those who have not previously participated in agricultural organisations, to take up leadership roles in the Vietnam Women's Union (VWU), the Vietnam Farmers' Union (VFU) and other groups, so that women's voices can be reflected in high-level conversations.

Ultimately, **inclusive consultative spaces** are needed that incorporate a variety of views and knowledge. This participatory approach aligns with international human rights law relating to rural women. The aim is not to train local people to comply with pre-defined policies, but rather to base policymaking on their existing experiences and expertise, and to translate technical processes into locally relevant concepts.

WHY DO GENDER-EQUITABLE CONSULTATIONS MATTER?

Gender-equitable consultations promote the participation of women and men in the policymaking process to ensure their voices are heard and their priorities are reflected in policies and laws. This is not simply about having equal numbers of men and women in consultations but ensuring that women from diverse backgrounds—including ethnic minorities, youth, poor families and others—can actively participate and influence the content of laws and policies concerning land and agriculture.

Women play a vital role in Vietnam's agricultural sector, yet they are often marginalised in the formulation of land, resource governance, and agricultural law and policies. International human rights standards call for mechanisms to ensure gender equality by promoting women's participation.² The 2024 Land Law prohibits gender discrimination in land management and use. The Law on Gender Equality mandates gender-sensitive consultation processes to be carried out, provides for

the VWU to have an active role in policy development, and requires a National Assembly review of draft laws related to gender equality. Recent laws emphasise transparent communication and citizen engagement.³ Consultation is mandated during both the proposal writing period (30 days) and the drafting of the law (60 days), and generally includes workshops at local level, online notification through relevant ministries, and submissions from agencies and CSOs.

Despite this strong legal framework, women in Vietnam still face discrimination and limited opportunities to influence legislative processes relating to agriculture and land. Less than a quarter of agricultural cooperatives are led by women, and women (particularly from ethnic minorities) are significantly under-represented in agricultural decision-making. Ambiguity in defining when a draft law is 'related to gender equality' often leads to gender-neutral language that overlooks structural inequalities. For example, the 2013 revised Land Law stipulated joint land titles; however, studies suggest that in practice most land titles are still issued to men due to social norms and administrative hurdles.

² This includes the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the CEDAW Committee's General Recommendation no. 34 (2016) on the rights of rural women, the Food and Agriculture Organization of the United Nations' (FAO) Voluntary Guidelines on the Governance of Land Tenure (FAO, 2012), and the gender dimensions of the Guiding Principles on Business and Human Rights (United Nations Human Rights Council, 2019).

³ Such as Directive No. 43/CT-TTg, 2020.

Including a wide range of women in consultations can identify gender-specific concerns for better law-making. For example, in the MRLG regional study, women and men shared different concerns over land and agricultural issues, with women particularly concerned about environmental issues, food safety, and waste management. Ultimately, consultation processes that foster transformative gender relations can lead to better laws and help to address unequal power dynamics.

WHAT ARE THE CHALLENGES IN UNDERTAKING GENDER-EQUITABLE CONSULTATIONS IN VIETNAM?

The criteria for assessing whether or not legal drafting is gender-equitable is unclear. Interviewees noted that gender analysis of draft laws is not systematic and government reports find that gender mainstreaming has not been well implemented.

Law-making is top down, emerging from central government priorities. On paper, regulations on consultation have good gender mainstreaming provisions, but in practice these are not well implemented. Interviewees noted that commune and district-level consultation workshops for land and agriculture laws and policies are usually limited to local government and representatives from the Farmers' and Veterans' Unions. Meetings often occur once drafts are written, with limited ability for people to influence the process.

Consultation meetings often provide little opportunity for influence, and are marked by unclear, non-transparent processes. Farmers said that speeches and power-point presentations dominate local consultation meetings, with minimal dialogue and limited ability to ask questions or express their views. Furthermore, State representatives tend to selectively present only certain aspects of the law in consultation workshops, which hampers a full understanding and meaningful contribution from the participants.



Public consultation meetings to inform the 2024 Land Law lacked substantive attention to gender. Interviewees who took part in sub-national meetings said that little attention was given to gender, either in substantive discussion, or in process, and that there was little chance to meaningfully contribute: 'At the Land Law consultation, people just sat there and listened... Presentation doesn't solve anything.' (Vietnam Farmers' Union representative). However, a national consultation workshop on Mainstreaming Gender Equality in the Revised Land Law implemented gender-equitable participatory methods, including inviting a diverse range of women and men, plain-language presentations, small-group discussions, and female facilitators. These methods elicited lively discussion. Attendees' names and gender were recorded, but the specific details of who said what were not noted. This omission limits knowledge about who was able to raise issues in the meeting.

Women from marginalised backgrounds encounter specific challenges to meaningful participation in consultations. Factors such as age, political position, ethnicity, and wealth impact their ability to engage. Poorer women, and those lacking political networks and education, are often excluded from consultation processes. Additionally, ethnic minority women may struggle to fully participate in consultations conducted in languages other than their own.

Men often dominate consultation processes for land and agriculture issues – although this is changing. Interviewees observed that women rarely participate in the consultation process, and when they do attend meetings, they rarely share opinions. Common reasons cited for women's limited involvement included family responsibilities, time poverty, language barriers, illiteracy, lack of confidence, and limited knowledge. In central government, women's representation is increasing, but remains unequal.⁴

Officials facilitating consultation processes lack capacity. The ambitious schedule for local-level consultation meetings is difficult to meet and is often not followed in practice. District officials responsible for local consultation are often junior staffers with little experience in facilitation, and usually spend only a short time in the village, with the ground-level organisation conducted by the Village Head, who is often a man and who may not have the training, awareness, or resources to enable diverse participation from women.

⁴ Vietnam's National Assembly is currently 30% women, a 3.5% increase from the previous term, and higher than the global average of 25%.

Space for civil society influence has become more restricted, with some previously active NGOs now operating as 'social enterprises' with a depoliticised agenda.

NGOs do participate but lack confidence that their recommendations will be considered. Local NGOs work with international NGOs and donors to channel gender concerns into environmental policy through supporting relevant ministries in policy development, and by carrying out gender-related studies. The 'Green Livelihood Alliance' of environment- and land-related NGOs participated in Land Law consultation meetings, although interviewees were not confident their recommendations were considered.

Online submission processes available to give feedback on draft laws and policies are difficult to navigate and overly technical. Interviewees suggested that it is generally urban people and academics who provide feedback online, and that, in rural areas, men may have more access to online options than women.

Women-focused institutions lack authority relating to land and agriculture issues. While the Ministry of Labour, Invalids and Social Affairs (MoLISA) and the VWU are active in areas considered to be women's issues (such as domestic violence and hygiene), land is seen to be highly political, and VWU interviewees said they felt side-lined in discussions about land and agriculture. They also noted that gender equity initiatives are often introduced in a way that felt forced or foreign, rather than acceptable in the Vietnamese context. The Vietnam Farmers' Union (VFU) has legitimacy in agricultural and land decision-making, but leadership is male dominated. A female commune-level VFU leader felt that there would be greater discussion of gender issues if women were to be supported to become VFU leaders and empowered to speak out.



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How can consultations relating to land and agriculture law and policy reforms be more gender-equitable?

Ensuring consultation processes are participatory:

- **Develop clear guidelines** for gender-equitable consultations to ensure the diverse participation of women in the law-making process.
- **Develop online consultation tools for broad rural use.** Current online consultative processes are overly technical, and more user-friendly tools could be created. Social media is widely used and can be harnessed to spread information and gather ideas. Caution should be taken to identify barriers to access, and to overcome issues of censorship and safety.
- **Start documenting experiences of what works to ensure effective participation of women in consultations.** For example, keep records of what kinds of consultation methods were used, and record the gender of feedback providers in consultation processes (not only who attends meetings, but also what they say), making these records publicly accessible.

Ensuring women's voices are heard and influence content:

- **Support the VWU and MoLISA to ensure full inclusion of gender issues in land and agriculture in the consultation process.** In particular, the VWU's early involvement in the law and policy-making processes is vital to ensure that women's voices are meaningfully included. VWU representatives at all levels should be trained in the gender dimensions

of land and agricultural legislation. The VWU needs support to build capacity in analysing land and agricultural issues, communicating information to members, raising gender awareness in proposed laws, conducting inclusive meetings from local through to national level, and relaying concerns to ministerial-level VWU representatives.

- **Identify women who hold visible roles in local organisations (including the VWU and VFU), as well as in community networks, producer groups and kin networks, and support these women to participate in consultation processes.** These women should also be supported to empower others, to foster connections across communities, and to facilitate connections with others in similar spaces. Be mindful of potential challenges (e.g. increased labour burdens and negative reactions from male family members or authorities) for women to engage.
- **Leverage village and commune officials, and informal local leaders, as channels for conveying women's priorities on proposed law and agriculture reforms to higher government levels.** In the long-term, publicly accessible monitoring of the implementation of land and agriculture laws and policies is needed. This should acknowledge the intersection of land and agricultural policies with broader economic and social plans at the provincial level, enabling local officials to report on any overlaps and conflicts in legislation. When people can see how laws are being implemented, they may gain trust in the legal process and seek to engage in consultation processes.



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This brief consolidates the key findings from a larger Mekong Region Land Governance (MRLG) regional report *Towards gender-equitable land policy and law-making in the Mekong Region*. The report used consultation processes over the 2024 Land Law as a case study, and involved interviews, participatory consultation pilots, observations of national consultation workshops, and an extensive literature review.

Editor: Renée Chartres

Proofreading: Janet Taylor

Layout and Design: Watcharapol Isarangkul Na Ayuthaya

Full Citation: Beban, A., Hue, L. and Bourke-Martignoni, J. (2024). *Ensuring Gender-Equitable Consultations in Vietnam's Land and Agriculture Law and Policy*. Brief #16. Phnom Penh: MRLG



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The Mekong Region Land Governance Project (MRLG) aims to improve the land tenure security of smallholder farmers in the Mekong Region and has been operating in Cambodia, Laos, Myanmar and Viet Nam since April 2014. MRLG is an initiative of the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC), with co-financing from the Government of Germany and the Government of Luxembourg.

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