

## TERMS OF REFERENCE

### **Documentation Research on Land Rights and Civic Space in Vietnam: Case study of FORLAND in re-allocating forestland from State Forest Enterprises to ethnic minority people in Vietnam**

#### **1. Background**

Forestland rights of ethnic minority people in Vietnam have been being jeopardized. Many forestland areas owned by State Forest Enterprises (SFEs) were not effectively used and managed, while ethnic minority (EM) communities who live around these enterprises heavily lacked land or even had no land for cultivation. This requires active participation of advocates to defend these rights. Established since 2012, Forestland Coalition (FORLAND), a coalition of eight CSOs and NGOs that influence management and development of forest resources, advocates defending forestland rights of EM people a shifting civic space environment in Vietnam.

FORLAND creatively and effectively used policy advocacy strategies, such as building alliance, support communities by evidence co-creation, and setting up robust mechanisms to connect organizations and individuals working in the forestry sector in Vietnam to ensure forestland rights of ethnic minorities. They advocated the State to promulgate Decree 118 and Resolution 112 in 2015 in order to re-allocate *de jure* hundreds of thousands of forestland hectares from SFEs to the people. To increase transparency in forestland reallocation, in 2016, FORLAND cooperated with other stakeholders to develop and test a set of SFEs-originated land monitoring tools in two provinces. In 2017, FORLAND coordinated with the Ethnic Council (EC) of the National Assembly (NA) to continue testing this monitoring tool set in two other provinces. After 2 years of successful development and testing, the NA accepted this tool as an official tool applied in the monitoring of SFEs-originated land and 13 provinces now *de factor* uses the tool. These results contribute to resolving the situation of lacking land for farming to local people, especially ethnic minorities.

Documentation of FORLAND's case study in re-allocating forestland from SFEs to EM people will help understand strategies/approaches a forestland rights organization in Vietnam applies to be influential in a shifting civic space environment. Lessons learned from this case study can be applied in other Asian countries' context of shifting civic space to test if they help land rights organizations to remain influential.

#### **2. Research Objective and Work Description**

The research objectives for the documentation will be

- Provide adaptation strategies and tactics of FORLAND and forestland right advocates that work to stretch civic space and deal with civic space challenges;
- Deliver actionable lessons learned for CSOs about how successful advocacy on forestland protection is feasible in a restricted civic space context.

In this documentation, the following strategies of FORLAND in the 2012-2018 period can be specifically looked at: (i) alliance building and adaptation; (ii) legitimacy through community embeddedness, and (iii) legitimacy and effective advocacy through setting up robust mechanisms. Specific research questions for guiding the documentation will be:

*For alliance building and adaptations*

- Why and how is FORLAND seen as a legitimate partner?

- How does FORLAND members build trust amongst each other and how did collaboration between the CSOs that compose FORLAND help to keep influential and strengthen civil society and overcome the division in civil society
- How did FORLAND adapt to challenges on new laws, security, and approval of projects, which increase/change overtime, to become more influential.

#### *For legitimacy through community embeddedness*

- What does the tool monitor? How did evidence from communities through tool monitoring help to support the influence regulations?
- How does FORLAND succeed in holding community consultations in a restrictive civic space environment?
- How are community voices reach provincial and national levels of advocacy through FORLAND?

#### *For legitimacy and effective advocacy through setting up robust mechanisms*

- What are strategies/approaches used to ensure that the government is receptive to demands of FORLAND and communities?
- What are strategies/approaches used ensure constructive engagement of individuals, communities and CSOs to protect forestland rights?
- How does FORLAND maintain its independence while also having constructive relations with local and national government agencies?

#### *Lessons learned*

- What are the lessons learned for CSOs when protecting forestland rights of ethnic minorities?

The research should follow a Participatory Action Research (PAR) process to reflect on experiences, document the most successful strategies and present action-oriented solutions.

### **3. Expected output**

The output of the consultant or consultant group will include:

- A research proposal with detailed activities and research method for the documentation.
- Coordinating with Oxfam in Vietnam to organize a launching meeting to conduct a participatory exercise about forestland rights and civic space
- A summary (around 5 pages, in English) of the case study of FORLAND in re-allocating forestland from SFEs to EM people in Vietnam. This will include actionable strategies and adaptations, good practices of FORLAND, and lessons learned
- A PowerPoint version (in English) of the summary will be prepared for presentation to other CSOs. The main purpose of the output is to demonstrate action-oriented deliverables for CSOs working for forestland rights of EM people.

### **4. Tentative Timeline**

From the fourth week of July to the second week of September. Any adjustment on timeline will be discussed and agreed by both parties.

## **5. Research Support and Supervision**

This research is directly supported and overseen by Researcher and Right to Food (RtF) Lead at Oxfam in Vietnam, with technical discussions with Specialist in Impact Measurement & Knowledge and Policy Advisor on Civic Space & Strengthening at Oxfam Novib.

## **6. Application documents required**

- A research proposal (see the first output in expected output)
- CVs of the lead consultant and other member in the consultant group (if any)
- Related research publications
- Budget plan. The budget is required to be 6000 EUR or less.

Applications are sent to: [Hr.vietnam@oxfam.org](mailto:Hr.vietnam@oxfam.org) cc [thai.nguyenquang@oxfam.org](mailto:thai.nguyenquang@oxfam.org) before 5:00 PM on 21/07/2019. Preferred candidates have experiences in related research or/and experiences in working with Oxfam and priority is given to early applications.