

REPORT OF TheCenter for Sustainable Development in Mountainous Areas

For “THE UNIVERSAL PERIODIC REVIEW OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHT ON THE HUMAN RIGHT IMPLEMENTATIONIN COUNTRY MEMBERS (THE THIRD CYCLE)”

The Center for Sustainable Development in Mountainous Areas (hereafter will be called as CSDM) is a nonprofit organization being established in accordance with the Decision No 200/QĐ, dated 17th of October 2000. The Center has the obligation to operate in accordance with Working license granted by the Ministry of Sciences, Technologies and Environment, Vietnam. The Center has the legal status, stamp, and is able to open the accounts in Vietnamese Dong and foreign currencies at the State Treasure and national banks. CSDM has a central management board composed of Program Coordinators and individuals who carry out the management role of the organization. Since its foundation in 2000, CSDM has lived up to its name by providing direct assistance to Ethnic Minority communities in mountainous areas and in leading the important task of educating the public for the true meaning of EMs existence. CSDM is a leading institution in Ethnic Minority program services and advocacy work in Vietnam.

CSDM participation in REDD+ process in Vietnam. CSDM’s director is representative of EM people to participate in the UN-REDD Program Executive Board. The Prime Minister’s decision on a National REDD+ Action Plan - NRAP for the period 2016-2020 and Vision 2030 has included the phrase “ensuring the full and effective participation of stakeholders, including ethnic minorities and women from local communities” into the first part “Points of Views”. The recognition and participation of ethnic minorities and specifically CSDM have been included in the Report on Self-participatory Assessment of the Redd+ readiness Package in Vietnam submitted to the Forest Carbon Partnership Facility of the World Bank.

CSDM overview on Ethnic minority issue in Vietnam

1. It recognized that Vietnamese government identified Ethnic Minority groups is one of five vulnerable groups targeted for human rights protection in Vietnam (UPR 2 for 2014) .
2. It recognized that Vietnamese government gives priority for EM groups in implementing SDG and issued decision No 1557/QĐ-TTg date 10/9/2015 on Approval of objectives and indicators for ethnic minorities associated with Vietnam SDG. However, the process of drafting these target and indicator not referred to consultation of ethnic minority groups (documents on approval of requirement of Ministers of Committee of Ethnic minority and Ministry for Planning and Investment). Aiming to achieve the Goal 5, Target 5A and Target 5B “universal access to reproductive health in EM areas”, Vietnam has developed the proposal “Minimizing child marriage and consanguineous marriage in EM areas for the period 2015 – 2025” approved by the Government.
3. The Draft proposal on the development of the Law on Ethnic Minorities not approved by the National Assembly. This law proposal was once more rejected after more than 20 years since the 1st concept note on the development of the Law on EM was initiated.

4. It recognized that Vietnamese Government provided series of programs, more than 180 documents in the period 2011-2017, for poverty alleviation and development targeted ethnic minority group such as 135, 30a ...
5. All ethnic minorities have Vietnamese citizenship, and Vietnam's constitution recognizes that all people have equal rights. There is ministry-level agency, the Committee on Ethnic Minority Affairs, is in charge of ethnic minority affairs.
6. Land Tenure and Forest Land Allocation
In Viet Nam, the implementation of policies, laws and regulations related to land tenure and forests are not consistent across the country and vary considerably between provinces. Furthermore, the process of Forest Allocation and Forest Land Allocation (FA/FLA) not applied consistently. Forest cover and land management contexts differ significantly across provinces as well. The study in six provinces found that the area of forestland allocated to households and communities is considerably smaller than that allocated to State entities. The assessment also revealed the impacts of FA/FLA on forest conditions, on the livelihoods of forest dependent communities, the types and severity of conflicts, and other risks and challenges associated with the FA/FLA process. The summary of key findings is divided into those related to the legal and policy framework, to FA/FLA processes, and to FA/FLA practices.

Ethnic Minority Policies

Between 2011 and 2017, the EM-related legislation system with more than 180 legal documents institutionalized by the Government Decrees and Prime Minister's Decisions. However, this system still has the following shortcomings:

The existing legislation system remains overlapped in relation to content, target groups and valid terms.

- 1) Resources for the policy enforcement are not sufficient. Implementation also lacks coordination, leading to low effectiveness and very limited impacts.
- 2) The inconsistency in coordination mainly found in the implementation of policies on emigration, production development support and/or policies, which require a series of solutions, large-scale application and relevance of many sectors.
- 3) The unsystematic implementation of policies also reflected at provincial levels, where quite many provinces have not followed the guidelines of the central organs.
- 4) The legislation system is still focusing on supporting the well-being, the infrastructure and production development for EM areas but not focusing on socialized investment, technology transfer and environmental protectionspecially for EM.
- 5) The existing legislation system is not yet suitable for the specific features/condition of EM and their living areas.
- 6) The feasibility and efficiency of land policies targeted EM households with limited land availability and resettlement as well as land and forest allocation policies targeted at EM households, individuals and communities remain low.

- 7) Inappropriate laws and its implementation in relation to land, territories and resources of EM. Land law is applied for all Vietnamese citizen and there is no special law on land for EM
- 8) Increasing gaps in economic and social development or disparity between EM and other populations. Poverty incidence in whole country is lower than 5%, whilst in EM population the figure is more than 50%, in some places 60 - 70%. The EM poor households is more than 50% of poor households in the country, the average income of EM households is 1/6 to compare with income of the whole population (year 2015 report on poverty alleviation). The process of poverty reduction is unstable and there is a high poverty relapse rate.
- 9) In the new Law of Forestry, also not recognize contribution of traditional knowledge to forest management and the role of EM in forest management also neglected.
- 10) Inappropriate laws/policy and law enforcement and special measures to overcome marginalization against ethnic minority women (target 10.of SDG). CSDM desk study on policy for EM peoples, in recent 10 years, found that the word "EM women" hardly mentioned even in policies especially for EM peoples.
- 11) EM women trafficking continuously increased in the border provinces. In Dien Bien province it is reported that since 10/2014 – 5/2017 there have been 64 victims 89,83% are EM women.