



LEGAL ISSUES IN DEVELOPING AGRICULTURAL CULTURAL TOURISM: A CASE OF THE NORTHERN MOUNTAINOUS PROVINCES OF VIETNAM

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Abstract. Agricultural cultural tourism is emerging as a vital pathway for the sustainable development of cultural tourism in Vietnam, particularly in the northern mountainous provinces, due to their rich agricultural landscapes, strong national cultural identity, and high levels of community participation. Despite significant opportunities, the practical implementation of this model faces major legal and institutional challenges. Specifically, the current legal system has not yet established an integrated framework encompassing tourism, environment, land use, and cultural heritage; the regulations for recognizing agricultural tourism sites remain too rigid and inflexible; mechanisms for benefit sharing and community participation are not guaranteed; and tools to assess environmental impacts and carrying capacity of destinations have not been standardized. This paper analyzes relevant legal documents (the Tourism Law, 2017; The Law on Environmental Protection, 2020; The Law on Cultural Heritage, 2024; and related decrees and decisions), reviews international experiences and typical case examples from the region, and identifies the main legal gaps. On this basis, it proposes several solutions to improve the legal framework, including establishing an integrated legal mechanism for agricultural cultural tourism; creating a certification scheme for this model of tourism; adopting policies to support benefit sharing with local communities; applying land use regulations more flexibly; and introducing a mechanism for environmental restoration deposits/guarantees.

Keywords: agricultural cultural tourism, tourism law, environmental protection, local community, northern mountainous Vietnam

1. Introduction

In the context of globalization and sustainable development, tourism in Vietnam is no longer viewed merely as a service economy; it has increasingly become a strategic tool to enhance agricultural development, preserve cultural heritage, improve local livelihoods, and foster the growth of Vietnam's cultural industries. Agricultural cultural tourism refers to a form of tourism that combines three elements: agriculture, local culture, and tourism experiences,

with the aim of generating economic value for rural communities while preserving and promoting cultural identity and ecological environments. This form of tourism has emerged as a new direction, particularly in the northern mountainous provinces, which possess significant advantages in agricultural landscapes, ethnic cultural diversity, and distinctive farming traditions. The combination of agricultural experiences and local cultural identities generates unique tourism products, contributing to the diversification of tourism types and satisfying growing demand from both domestic and international tourists [1], [2].

Despite these potentials, this form of tourism faces numerous legal challenges. Although the current Vietnamese legal system includes regulations on tourism, environment, land use, and cultural heritage, it lacks an integrated, unified framework specifically tailored to agricultural cultural tourism. The fragmentation and weak coordination among regulations have caused difficulties in recognizing agricultural tourism sites, ensuring benefit-sharing mechanisms, enforcing environmental protection responsibilities, and securing participation rights for local communities [3]. These issues have been studied and highlighted by numerous authors in Vietnam [3], [4].

In addition, international research that analyses the experiences of various countries suggests that Bhutan's sustainable tourism model emphasizes the principle of "high value – low flow," thereby simultaneously generating economic resources and alleviating pressures on cultural-religious heritage sites [5]. Studies on sustainable livelihoods in remote areas of Bhutan also raise concerns over equitable benefit distribution, levels of empowerment, and the capacity of indigenous communities to maintain livelihoods through tourism participation [6]. In China, the Globally Important Agricultural Heritage Systems (GIAHS) initiative noted the rapid expansion of tourism at agricultural heritage sites but warned of the risk that conservation objectives could be compromised without a set of criteria and governance mechanisms aligned with sustainable standards [7]. At the same time, the integrated "agriculture–culture–tourism" approach associated with rural revitalization strategies highlights the importance of policy linkages, standardized assessment, and cross-sectoral coordination in securing long-term benefits [8].

Given that the Vietnamese government has issued key policies such as the Tourism Development Strategy to 2030 [9], the Rural Tourism Development Program for 2021-2025 [10], and the Strategy for the Development of Cultural Industries to 2020, with a vision to 2030 under Decision No. 1755/2016/QĐ-TTg [11], there is an urgent need to research and propose solutions to strengthen the legal framework for agricultural cultural tourism. This paper focuses on the

current status of development, identifies prominent legal issues via practical cases in the northern mountainous provinces, and proposes legal directions to facilitate the sustainable development of agricultural cultural tourism. Building on this foundation, an interdisciplinary legal research method is adopted to comprehensively analyse the existing regulatory framework across multiple legal domains, including tourism, environmental protection, land use, cultural heritage, business, and commerce in order to identify the scope of regulation applicable to agricultural-cultural tourism. In addition, a comparative legal approach is applied to examine international experiences in sustainable tourism governance and benefit-sharing mechanisms, thereby drawing lessons that may inform domestic reform. Furthermore, an empirical component synthesises local practices and challenges observed in several northern mountainous provinces to identify gaps and obstacles in the implementation of farmstay and homestay models-issues that stem from both regulatory insufficiencies and ambiguities in current policy. The integrated analysis of doctrinal, comparative, and empirical evidence enables the authors to propose coherent recommendations for enhancing the legal framework in ways that are flexible, contextually responsive, and conducive to the sustainable development of rural cultural tourism.

2. Current status of agricultural cultural tourism development in Vietnam

2.1. Potential and advantages

Vietnam has over 70% of its population living in rural areas, closely connected with agricultural landscapes and a rich system of traditional cultural values. Northern mountainous provinces such as Son La, Dien Bien, Lai Chau, Lao Cai, and Yen Bai, among others, possess many terraced fields; tea gardens; cardamom plantations; as well as practices of wet rice cultivation, animal husbandry, and traditional handicrafts of ethnic minority groups. These provide the foundation for tourism products associated with production labor experiences, indigenous culture, and typical customs and practices [12], [13].

Research by Wu et al. [2] indicates Vietnam has great potential for agritourism development, particularly in its midland and mountainous areas, where agricultural landscapes and cultural diversity are harmoniously combined. The case of tea tourism development in Thai Nguyen, analyzed by Lee (1), demonstrates that success depends not only on scenic landscapes and the quality of agricultural products but also on adequate policy support and active community participation. These findings suggest that agricultural cultural tourism in the

northern mountainous provinces could become a sustainable development model if properly promoted and managed.

2.2. Development practices in the Northern mountainous provinces

In recent years, several localities in Vietnam have leveraged their agricultural and indigenous cultural advantages to develop community tourism combined with agriculture. Notably, some areas in Son La (Ngoc Chien commune, Muong La district) have promoted community-based tourism featuring terraced fields, herbal baths, and the cultural identity of Thai and Mong ethnic groups [14]. A model combining agricultural production experiences, traditional cuisine, and ethnic cultural exchanges has developed. [15]. Finally, Yen Bai (Mu Cang Chai) has capitalized on its terraced landscape, turning it into a unique tourism product rooted in agricultural scenery and local customs [13].

However, this current development remains largely spontaneous, lacking a coherent long-term strategy and not governed by a specific legal framework. Many farmstay and homestay projects combined with agriculture face significant challenges in land procedures, business licensing, and ensuring compliance with environmental protection requirements [16].

2.3. Contributions of agricultural cultural tourism

First, this type of tourism generates a new source of income for farmers and local communities, thereby contributing to sustainable poverty reduction. Second, it helps preserve and promote traditional cultural values through the revival of festivals, local cuisine, crafts, and indigenous knowledge [17]. Third, agricultural cultural tourism stimulates transformation in the rural economic structure by shifting from pure production toward value-added services [18].

Experiences from the development of agricultural-cultural tourism in many countries demonstrate that socio-economic benefits are sustainable only when visitor thresholds and quality criteria are designed according to a “high value – low volume” approach, thereby avoiding the rapid-growth model that degrades cultural and ecological capital [5]. Studies in Bhutan indicate that, to transform tourism growth into sustainable livelihoods in remote areas, it is necessary to establish a fair benefit-sharing mechanism and to strengthen the participation of local communities [6]. Lessons from China’s Globally Important Agricultural Heritage Systems (GIAHS) program suggest that the development of sustainable agricultural-cultural tourism is possible only when adaptive governance tools are in place to preserve traditional

farming knowledge, supported by a set of sustainability criteria and periodic impact monitoring [7].

2.4. Limitations and challenges

Despite its contributions, the development of agricultural cultural tourism in Vietnam still faces significant limitations:

Spontaneous development: Many models are initiated in an ad hoc manner, lacking formal certification and often not fully compliant with relevant legal regulations.

Land use difficulties: Using agricultural land for farmstays and homestays remains legally constrained, leading to disputes and violations [19].

Lack of equitable benefit-sharing mechanisms: Economic benefits among businesses, households, and local authorities are often unequally distributed, which can lead to conflicts [14].

Environmental concerns: Many tourist destinations lack standardized tools for environmental impact assessment and resource/capacity planning, increasing the risk of environmental degradation and overuse.

Variation in service quality: Local communities often lack training in tourism skills, foreign languages, and management capacity, which leads to inconsistent visitor experiences and institutional weakness [3].

Bhutan's experience also shows that even when tourist traffic is strictly controlled, the risk of experience-industrialization still arises in the absence of rigorous cultural interpretation standards and mechanisms for protecting sacred spaces, thereby eroding intangible community values [5]. In mountainous regions, barriers to resource access and limited organizational capacity make it difficult for tourism benefits to emerge as sustainable livelihoods for impoverished households; thus, policies should prioritize benefit-sharing mechanisms and enhance local community participation and bargaining power [6]. Similarly, the case of agricultural heritage in China warns that sustainable agricultural-cultural tourism may falter if carrying-capacity thresholds and sustainability criteria are not applied, along with a dedicated assessment and monitoring system tailored to the agricultural-cultural tourism context [7].

These challenges not only hinder the sustainable development of agricultural cultural tourism but also underscore the urgent need to refine the legal framework for more effective guidance and management in the coming period.

3. Identifying legal issues in the development of agricultural cultural tourism through practice in the northern mountainous provinces of Vietnam

3.1. Lack of an integrated legal framework regulating agricultural cultural tourism

One of the biggest challenges today is the absence of a dedicated legal framework specifically for agri-cultural tourism. The current legal system governing tourism is primarily based on the 2017 Law on Tourism and its implementing Decree 168/2017/ND-CP [20], [21]. However, these regulations focus heavily on resort tourism, ecological tourism, and cultural-historical tourism, without offering a specific definition or legal criteria for agricultural tourism.

Consequently, many farmstay and homestay operations associated with agriculture in Son La, Yen Bai, and Lao Cai are functioning but have not been formally recognized as tourist attractions under the criteria prescribed by Decree 168/2017/ND-CP [9]. This legal ambiguity makes it difficult for business entities to access supporting policies and, likewise, complicates the capacity of regulatory agencies to inspect, supervise, and enforce compliance.

A study on farmstays conducted by Le Quang Dang [16] shows that this legal gap exists not only in the tourism sector but also in land management, investment, and tourism real estate. Therefore, the creation of an integrated legal framework linking tourism, land, environment, and cultural heritage is an urgent requirement.

3.2. Problems with land law and agricultural tourism real estate

Practice in the northern mountainous provinces reveals that many models of agricultural cultural tourism encounter problems relating to land use rights. According to the Land Law 2024 of the National Assembly, agricultural land's primary purpose is production, while tourism development often requires changing the land use purpose or integrating multiple uses. Such procedures are often complex, costly, and do not include a flexible mechanism for small-scale community-led projects [22].

Moreover, the current laws do not clearly recognize agricultural tourism real estate as a distinct segment. This ambiguity complicates efforts to mobilize capital and transfer or realize value from farmstays and homestays. Recent studies [19], [23] indicate that the absence of a clear legal corridor for agricultural tourism real estate is causing many projects to fall into a "gray area," potentially resulting in legal disputes and financial losses for both investors and local communities.

3.3. Issues of recognition and management of Agricultural Tourism Destinations

According to the 2017 Law on Tourism and Decree 168/2017/ND-CP, to be officially recognized as a tourist attraction, a locality or facility must satisfy many criteria related to infrastructure, services, safety, and environmental protection [20]. However, these criteria are relatively stringent and not well adapted to the specific characteristics of agro-cultural tourism.

For example, many villages in Son La and Lai Chau possess beautiful landscapes and rich agricultural experiences (such as terraced fields and ethnic farming practices), but their infrastructure and tourist service standards do not meet the required criteria. As a result, they cannot be officially recognized as tourist attractions. This limits their ability to access state support and to promote widely. Trong Khang [3] emphasizes that the lack of flexibility in criteria for recognizing tourist destinations causes many creative models to remain in a “grey area,” preventing them from fully exploiting their potential.

3.4. Limitations in benefit-sharing mechanisms and community participation rights

It is clear that direct involvement of local communities is a crucial aspect of agricultural cultural tourism. However, there is at present no well-defined legal framework governing benefit-sharing among businesses, households, and local authorities. In Ngoc Chien (Son La), economic gains are concentrated mostly in households that offer accommodation services, whereas many others that participate indirectly have not received adequate benefits [14]. Such imbalance risks generating inequality, vested interests, and tensions within local communities. Moreover, the current legal instruments relating to tourism and to the New Rural Development program [24] lack explicit provisions for community rights in decision-making, management, and oversight of tourism activities. This is inconsistent with sustainable tourism principles, which emphasize placing local communities at the heart of tourism development [18].

3.5. Lack of legal framework for environmental protection and carrying capacity assessment

A further concern is the absence of specific legal instruments to assess environmental impacts and carrying capacity for agricultural tourism destinations. Vietnam’s Law on Environmental Protection 2020 [25] includes provisions for environmental impact assessments (EIA), but these primarily apply to large-scale projects. For smaller-scale models such as farmstays or community tourism, there are no explicit regulations on capacity thresholds, environmental sanitation standards, or waste treatment criteria. This has led to situations where certain tourist destinations in Lao Cai and Yen Bai become overloaded during peak seasons, resulting in environmental pollution, diminishing visitor experience quality, and threatening

natural resources. In fact, sustainability criteria remain largely at the level of policy recommendations and are not yet formalized as mandatory legal obligations.

3.6. Issues in preserving and utilizing cultural heritage

Agricultural cultural tourism is closely linked to the utilization of indigenous knowledge, festivals, customs, and cultural spaces. While the Law on Cultural Heritage [26] and related legal instruments have expanded protection of intangible cultural heritage, including traditional crafts, cuisine, and farming knowledge, enforcement and regulation of heritage “use” for tourism remains inconsistent.

In some cases, festivals or traditional customs have been subject to distortion or over-commercialization, diminishing their original value [9]. This underscores the need for more specific regulations that balance preservation with sustainable heritage use in the context of agricultural tourism.

3.7. Gaps in inter-sectoral support and policy coordination

Although the state has issued the Rural Tourism Development Program 2021-2025 [24], much of the support remains at the orientation level, lacking concrete mechanisms for implementation. Coordination among the sectors of tourism, agriculture, culture, and environment is still limited, leading to overlap or gaps in management.

For example, licensing of agricultural accommodation facilities is subject to overlapping regulation under the Construction Law (2020) [27] and the Tourism Law (2017) [20], which causes procedural difficulties for households and cooperatives. Such lack of legal synchronization contributes to spontaneous and unregulated development in many mountainous localities in the North.

Thus, this section identifies seven major legal issues: 1) Lack of an integrated legal framework; 2) Land-use and tourism real estate issues; 3) Rigidity in the recognition of tourist destinations; 4) Benefit-sharing and community participation rights; 5) Absence of environmental protection instruments and carrying-capacity assessment; 6) Unclear regulations for the conservation and utilization of cultural heritage; and 7) Deficiencies in support policies and inter-sectoral governance.

4. Comments and discussion

4.1. Strengths of the current legal framework

It should be acknowledged that in recent years the Vietnamese legal system has made significant progress in establishing a legal framework that supports tourism development generally and cultural-agricultural tourism in particular. Below are some of the most notable strengths:

First of all, the foundational legal framework is now relatively comprehensive. The 2017 Law on Tourism, the 2024 Land Law, and the Law on Cultural Heritage 2024, together with implementing decrees and strategic decisions, provide a legal basis for regulating tourism activities, conserving heritage, and managing land use. These legal instruments enable mountainous regions in the North to formulate specific policies and incorporate cultural-agricultural tourism into socio-economic development plans.

Furthermore, policies promoting sustainable development have been advanced. National strategic documents such as Decision No. 147/2020/QĐ-TTg, Decision No. 263/2022/QĐ-TTg, and Directive No. 08/2024/CT-TTg on comprehensive, rapid, and sustainable tourism development in the coming time emphasize the principles of tourism development aligned with heritage conservation, preservation of cultural identity, environmental protection, and enhancement of rural livelihoods. This reflects an important policy direction, showing that the state has recognized the unique role of agricultural-cultural tourism.

Finally, there is growing recognition of the role of local communities. The 2017 Law on Tourism and several implementing decrees explicitly affirm the principle of encouraging participation of local communities, recognizing them as key actors in tourism development. This creates opportunities for ethnic minorities in the northern mountainous regions to participate in and benefit from their rich cultural and agricultural resources.

4.2. Limitations and shortcomings in practical application

In spite of these advantages, the existing legal system still exhibits significant limitations when applied to the specific domain of agricultural-cultural tourism:

First, there is no standalone legal framework for this type of tourism. Current regulations are dispersed across laws on tourism, land, heritage, environment, and agriculture; no single document directly and comprehensively governs agricultural-cultural tourism. This often

results in implementation confusion, leading to a ‘learning-by-doing’ situation in mountainous provinces.

Second, land-use issues remain problematic. Community tourism initiatives are frequently tied to agricultural or rural residential land. However, the Land Law does not provide a clear mechanism for converting land use to support farmstay, homestay, or tourist village models. This explains why many accommodation establishments in Ha Giang, Lao Cai, and Yen Bai operate in a quasi-legal or semi-formal manner.

Third, cultural preservation is still not effectively tied to benefit-sharing. Although the Law on Cultural Heritage and the Law on Tourism include provisions for preserving and promoting cultural values, a mechanism ensuring equitable benefits to indigenous communities—the creators and custodians of cultural traditions—has not yet been established. The over-commercialization of festivals, crafts, cuisine, etc., clearly demonstrates this gap.

Fourth, environmental issues are insufficiently specified. Current regulations on environmental impact assessment (EIA) under the Law on Environmental Protection 2020 require assessment mainly for large-scale projects with significant environmental risk. For many small-scale models, such as community tourism or agricultural tourism (farmstays, homestays), these often fall outside mandatory EIA requirements, which may result in waste and wastewater not being adequately treated. This creates a tension between tourism development and the protection of sustainable agricultural production.

Fifth, regulatory requirements for business are inflexible. The 2017 Law on Tourism imposes general standards for accommodation and travel service establishments, but many households in mountainous regions cannot meet these standards. As a result, numerous homestays operate in a semi-legal or informal manner, posing challenges for state management and potentially undermining tourist rights.

Sixth, support policies are limited and difficult to access. Preferential policies regarding credit, taxation, and human resource training have not effectively reached ethnic minority households due to cumbersome procedures and a lack of detailed guidance. Large enterprises tend to benefit more, while local communities often participate only in simple labor.

4.3. Tasks and requirements for improvement

The advantages and limitations identified above indicate that improving the legal framework for agricultural cultural tourism is significant not only for regional socio-economic development but also carries important legal implications:

Affirming the uniqueness of agricultural cultural tourism. Establishing a distinct legal framework would help distinguish agricultural cultural tourism from rural tourism, community tourism, or ecotourism, thereby avoiding regulatory overlap and confusion.

Protecting the rights of indigenous/local communities. A clear legal mechanism is needed so that ethnic minority communities can become genuine stakeholders—sharing benefits equitably and holding a legal status comparable to businesses and authorities.

Ensuring sustainable development. Integrating environmental protection, land-use planning, and cultural preservation provisions into law will help balance economic growth with the safeguarding of resources, the environment, and cultural heritage.

Creating a transparent and stable investment environment. With a clear legal framework, investors, businesses, and households would be able to engage with confidence and face fewer legal uncertainties. This is particularly crucial for attracting investment to mountainous regions, which often remain underserved.

Aligning with international trends. As agricultural cultural tourism becomes increasingly prominent globally, updating the legal regime will help Vietnam integrate more effectively into international practices while also enhancing the competitiveness of regionally distinct tourism products in the global market.

5. Conclusion and suggestions

Agricultural cultural tourism represents a distinct approach, contributing significantly to rural economic development, the preservation of indigenous cultures, the livelihoods of communities in Vietnam's northern mountainous provinces, and the sustainable growth of cultural industries. Experience in provinces such as Lao Cai, Ha Giang, Son La, and Yen Bai demonstrates the strong potential of this tourism form but also reveals multiple legal barriers related to land use, cultural preservation, environmental protection, business conditions, and access to support policies.

The current legal framework offers a reasonably solid foundation yet lacks sufficient specificity and coherence. Implementation weaknesses lead to quasi-legal situations, excessive commercialization of cultural elements, unsustainable resource exploitation, and inequitable distribution of benefits. Therefore, an urgent task is to refine the legal system so as to ensure both consistency and flexibility adapted to regional contexts.

Our study proposes the following solutions: First, to establish a dedicated legal framework for agricultural-cultural tourism, a specialized law, decree, or inter-sectoral regulation should define clearly the concept, scope, criteria, business conditions, and governance mechanisms for this tourism type. Such a document could be issued under the Law on Tourism or via joint circulars between the Ministry of Culture, Sports, and Tourism and the Ministry of Agriculture and Rural Development. Second, the Land Law 2024 should incorporate mechanisms to allow flexible conversion of agricultural or residential land for tourism services while safeguarding food security and environmental protection. Third, integrating spatial planning for agricultural cultural tourism should be aligned with national rural development, heritage, and sustainable development plans.

Additionally, tourism and heritage legislation must clearly stipulate local community roles and define how benefits from cultural assets (festivals, crafts, traditional architecture, and cuisine) are shared. Such mechanisms should be transparent, proportionate to community contribution, and impose responsibility on enterprises to prevent the community from being ‘used’ without appropriate returns.

Furthermore, environmental protection regulations tailored for small-scale tourism models should be included in the Law on Environmental Protection and relevant subordinate legal instruments. A ‘Simplified Environmental Impact Assessment’ regime could apply to homestays and small farmstays, along with clear standards for waste, wastewater treatment, and landscape conservation. Moreover, the Law on Tourism should distinguish clearly between large-scale enterprises and household or community tourism operators. Regulatory requirements for small-scale operators should be simplified while ensuring minimum standards for safety, hygiene, and visitor protection.

Lastly, Vietnam should implement preferential credit policies, reduce procedural burdens for ethnic minority and low-income households engaging in tourism, and develop targeted training in management, marketing, and cultural conservation to help these communities improve competitiveness and integrate internationally. Concurrently, government and local authorities should guide policy implementation toward sustainable cultural tourism, prioritize the application of digital technology in cultural services, enhance tourist experiences, and promote agricultural cultural tourism in publicity campaigns [28].

In short, agricultural cultural tourism in Vietnam’s northern mountainous region offers great opportunities but also presents numerous legal challenges. Completing the legal framework via a comprehensive approach that integrates economic, cultural, social, and

environmental dimensions will not only remove practical obstacles but also shape a distinctive and sustainable development model with Vietnamese identity. This will enable this tourism form to become a new engine for socio-economic development in the northern mountainous region in particular and for the country more broadly in the context of international integration.

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