

# Gains and Losses: Devolution of Forestry Land and Natural Forest

A Study of Forest Allocation  
in North Central Coast, Vietnam

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## Abstract

Responses to inefficiency of the state control over forests, has led to the enactment of a forest devolution policy to facilitate participation of local people in forest management. This thesis examines the processes of the making of forest devolution policy and its interpretation in practice through a study in Thua Thien Hue, North Central Coast of Vietnam. It analyzes the roles and power of the actors in implementing forest devolution. This thesis explores the influence of forest devolution on the distribution of the endowments, entitlements and thus on the livelihoods of different socio-economic groups. Through exploring the effects of the change in forest property rights, the research aims to contribute to the debates on the contributions and limitations of forest devolution to rural poverty alleviation as well as forest management practices.

The study applies both quantitative and qualitative approaches based on a household survey, focus group discussions and in-depth interviews. The theoretical underpinnings for the research draws from policy analysis perspectives, the extended environmental entitlement approach and property rights analysis.

The findings indicate that the process of making and implementing forest devolution in Vietnam is in the hand of state bodies with limited participation of beneficiaries. The forest devolution policy was enacted with expectations of increasing the rate of economic growth, reducing poverty as well as forest rehabilitation. The new institutional arrangement for forest management have brought different endowments and entitlements to the different social groups as a result of muddle in both policy papers and the interpretations of the external actors in implementation of the devolution policy.

The study suggests that in order to understand the influences of a policy, we need to explore a whole process and the dynamics of the policy over time. The study raises questions about the contribution of forest devolution to improving livelihoods of the rural poor, women and forest management status as well. This thesis suggests that in order to improve the contribution of forest devolution to rural poverty reduction and forest rehabilitation, it needs to expand the rights to the beneficiaries and requires development of a clear mechanism to ensure participation of people in making and implementing policy.

*Keywords:* Policy, forest devolution, institutional arrangement, endowment, entitlement, livelihood, poverty reduction, management practice

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I dedicate this thesis to my late aunt, Trinh Thi Dao.

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## Abbreviations

CARE	Humanitarian Organization Fighting Global Poverty
CBNRM	Community Based Natural Resource Management
CIFOR	Center for International Forestry Research
CPC	Commune People Committee
DARD	Department of Agriculture and Rural Development
DFPD	District Forest Protection Department
DFID	UK Department for International Development
DLAD	District Land Administration Department
DPC	District People Committee
FAO	Food and Agricultural Organization of United Nations
FLA	Forestry land allocation
FLNFA	Forestry Land and Natural Forest Allocation
FWG	Field Working Group
JFM	Joint Forest Management
LRC	Land Registration Council
LUPLA	Participatory Land Use Planning and Forest Land Allocation
MARD	Ministry of Agriculture and Rural Development
MOLISA	Ministry of Labour Invalids and Social Affairs
MONRE	Ministry of Environment and Natural Resources
NFA	Natural forest allocation
NTFPs	Non Timber Forest Products
PAM	World Food Programme
PFDD	Provincial Forestry Development Department
PFPD	Provincial Forest Protection Department
PRFOR	Multi-donor Partnership for Forest Rehabilitation
PPC	Provincial People Committee
SNV	Netherlands Development Organization
UNDP	United Nations Development Programme
5MHRP	Programme of 5 Millions ha of Forest



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# 1. Introduction

As a teacher and researcher at a university in Vietnam, the author often went to the field for research and supervising students. There she heard from local people about the differences in forest land holdings among the individual households and the conflict in forest land use between state organizations and farmers or between the farmers. The author also heard about and observed encroachment of and competition for forestry land in the communes she visited.

From different information sources (talking with forestry officers, attending workshops, accounts from people in the villages she visited), the author also heard that forest allocation in Thua Thien Hue was occurring very rapidly with the support of international organizations. This encouraged her to do the research to investigate the implications of the new institutional arrangements for natural forest and forestry land management. What will the implications be for the local people, especially for the poor in terms of accessing and gaining rights to land for their livelihood security? And, moreover, what will the implications be for future generations? These observations and reflections were a strong motivation for the research the author conducted and discusses here.

## 1.1 Background to the research issue

### 1.1.1. Shifts in forest management institutional arrangements on a global scale

Forests cover about 30 percent of the earth's area, of which tropical and sub-tropical forests comprise 56 percent of the world's forests. The role of forests is recognized to include supporting ecological balance, and maintaining economic, social and cultural values. The forests are very important material resources for people (especially for the poor) in developing countries

through providing foods, medicine, fuel-wood, charcoal, construction materials, production tools, traditional music instruments, hunting, cash income, and they are also a social and cultural resource for communities, especially for minority groups (Sunderlin *et al.*, 2005; Adhikari *et al.*, 2004; Saxena, 2003; Mogaka, 2001; Barham *et al.*, 1999; CIFOR, 1997; FAO, 1995; Jodha, 1995).

Vietnam is part of the Southeast Asian region. It has a large tropical forest area with high biodiversity. Over 70 percent of the total physical area of Vietnam is mountains and hills, with large tracts of forest and land devoted to forestry practices. As in other parts in the world, natural forest products are also important resources for the rural people, especially the ethnic minorities and poor people in terms of food (wild vegetables, meat of forest animals), firewood, medicine, construction materials, fodder, as well as eco-tourism (Markussen, 2008; Sunderlin & Huynh, 2005; Hoang, 2001; Sowerwine, 1999). The mountainous area in Vietnam is also the living space for part of the national population (Quy, 1995) containing 50 of the 54 different ethnic groups whose welfare and livelihoods depend directly on forest and forestry land resources.

In past decades, the forestry sector internationally has put effort into forest management through silvicultural technical methods such as forest inventory and planning, forest tree variety selection, enriching forests with the planting of selected species, bans on logging and re-forestation bare hills. However, this has not stopped deforestation and the degradation of forestry land (illegal logging, bare hills subject to erosion) remains a critical issue, especially in developing countries. The estimated net annual decline in forest area worldwide over the past decade (1990–2000) was 9.4 million ha. The forest area in Africa lost more than 9 percent in only 15 years from 1990 to 2005. There was an increase of net forest area in Asia and the Pacific region between 2000 and 2005. However, deforestation and forest degradation continues in most developing regions. Desertification that is one of results of deforestation becomes a global problem (FAO, 2007). The causes of this are poverty, wars and poor management as well as limited local empowerment (FAO, 2007; FAO, 2001).

The traditional forestry approach focused mainly on state production forestry, the forest industry and forest protection. It had few concerns for social issues and the interests of local communities. Thus local traditional users and their preservation capacity experienced in preventing forest fires in the community-managed areas in Southeast Asia and parts of Americas and Africa were ignored (FAO, 2001; CIFOR, 1997). In the Asia–Pacific region, local people were excluded from forest control from 1953 in India and from

1967 in Indonesia through the enactment of Forestry Laws. The consequences of central forest control were an increase in deforestation, forest degradation and loss of biodiversity leading to resistance by local people such as the Chipko movements in India, or resistance to logging by the Penan people in Borneo. In response to those problems, many governments introduced forest planting programmes and increasing protection efforts. However, those measures were still ineffective (Banerjee, 2000).

The centralized policies (state property rights in forest) increased the difficulties for governments to effectively exercise their authority (Edmunds & Wollenberg, 2003). Sustainable natural forest and forestry land management for local users is a worldwide concern. This fact is reflected in the international commitment made at the United Nations conference on Environment and Development in Rio de Janeiro (Brazil) to work towards the sustainable management of all types of forests. This conference also debated redefining the objectives of forest management (for what and for whom). Efforts for forest and forestry land management around the world are trying to achieve sustainability, an approach that balances social, economic and environmental objectives (FAO, 2001).

There is increasing recognition of the importance of the management process and institutions in the forestry sector. The institutional arrangements for forest management are shifting from central management by the state to management with involvement of private sector and people as seen, for example, with the establishment of “protection forest areas of people”, the “joint forest management model” and eco-development in India (Sarin *et al.*, 2003; Agrawal & Ostrom, 2001; Badola, 2000; Banerjee, 2000); Promulgating laws to recognize local ownership over land and natural resources based on historical claims has taken place in ancestral domains legislation in the Philippines, native title laws in Australia and indigenous land rights laws in a number of Latin American countries (Banerjee, 2000; Lindsay, 2000) and provided rights to harvest from 1979 in Thailand (Banerjee, 2000).

CBNRM (community based natural resource management) has been considered a new initiative by many governments in response to the inefficiency of top-down forest development and management planning of state traditional forestry. This approach is increasingly becoming mainstreamed through the work of development institutions (Mansuri & Rao, 2004; Cooke & Kothari, 2001). Decentralization and devolution of management of natural resources and forests is a particular focus of national

governments in many developing countries in the world (Springate-Baginski & Blaikie, 2007; Edmunds & Wollenberg, 2003; Agrawal & Ostrom, 2001).

#### 1.1.2. Forest devolution in the Pacific Asia region

As in other parts of the world, in the Asia-Pacific region, non-timber forest products are very important for subsistence and income (Badola, 2000; CIFOR, 1997; Jodha, 1995; Jodha, 1990). CIFOR (1997) reported a trend towards decentralization and devolution of forest management based on recognition of local management systems and the role of civil society in the Asia-Pacific region. This change also reflects the widening of objectives of forest and forestry land management from simply environmental aspects to include sustainable local livelihoods.

Decentralization and devolution of forest has been initiated by the governments in different countries in the Asia-Pacific region using a range of approaches. Reviewing the decentralization experiences in eight countries (Australia, Indonesia, Philippine, China, Fiji, Korea, Nepal and Vietnam) in the region, Ferguson and Chandrasekharan (2005) found that in the Philippines steps were taken from 1986 to transfer some conservation, management and protection functions to districts and reallocate staff to support the districts. In Indonesia, district government has been devolved responsibilities to manage forestry activities (except in some areas used for special purposes such as national parks, natural reserves, security affairs, etc.).

Compared with the Philippines and Indonesia, forest devolution and decentralization came earlier in Korea (from 1973) and in Nepal (from 1978). In Korea, the national government empowered village cooperatives to make voluntary decisions through carrying out the National Forestry Development Programme with technical support and some finance from the government. In Nepal, forest management was devolved to village government and then to communities (a household group who is dependent on forest resources) through the Local Government Act.

In Papua, New Guinea and Fiji devolution was different and implemented through guaranteeing customary landownership by the constitution. The government in those countries recognized ownership of 6,000 communities with a sharing of revenue from the customary community ownership's forest to cover the costs for revenue collection and monitoring of the Forestry Department. The revenue passed to the community is distributed based on the hierarchy of chiefs and then the community's members. In China, Laos and Vietnam, forest and forestry land have been devolved to both household and village levels (Fujita &

Phengsopha, 2008; Sikor & Tan, 2007; Dachang & Edmunds, 2003; Sikor, 2001).

Devolution policies for natural resources has occurred in “virtually every corner of the globe” (Edmunds & Wollenberg, 2003) (p. 1). In the Asia-Pacific region, forest decentralization is considered an experiment for negotiating the sharing of power between central government and lower levels and is in progress (Capistrano, 2008; Gilmour *et al.*, 2004). Natural resources devolution in general and forest devolution in particular has occurred on both a regional and global scale. How has forest devolution occurred in Vietnam? This is described below.

### 1.1.3. Forest devolution in Vietnam

Vietnam is part of the Southeast Asian region with an area of 32,924,400 ha and a population of 81 million people (in 2003) (De Jong *et al.*, 2006). Over 70 percent of the total physical area is mountains and hills, with large tracts of forest and land devoted to forestry practices. The mountainous and hilly areas are also home of one-third of the national population representing 50 of the 54 different ethnic groups, and whose welfare and livelihoods depend directly on forest and forestry land resources.

Because of its range of topography and climate, natural forest in Vietnam is evaluated to be very diverse in terms of different types and high value of biodiversity. The complexity of topography and climate with high annual rainfall (1,300-3,200 mm) is a cause of frequent floods. With a special history of more than 20 years of war, the forests of Vietnam were destroyed by bombs and dioxin. Deforestation was also the result of overexploitation for domestic use and export, as well as for agricultural practices (Vien *et al.*, 2005). Forest management in Vietnam, therefore, is a critical issue for both social and environmental objectives.

Traditional forestry approaches to managing forest and forestland are different from agricultural land, as all forest and forestry land are managed and controlled by state forestry institutions with top-down plans while agricultural land has been allocated to individual households. State control of large areas in the absence of human and financial resources made the state unable to implement forest plans or activities. The traditional forestry approach with high financial investment was implemented over a long time (from 1975 to 1990) but illegal logging and deforestation continued and the forest cover of Vietnam declined until 1999 (Vien *et al.*, 2005).

Vietnam has followed a socialist political system with a central planning economic mechanism. From the end of 1986, Vietnam introduced a Renovation policy (*Đổi Mới*) leading to changes from central planning to a

socialist-oriented market economy with an open door to international partnership. The introduction of market mechanisms required the local authority to deal with markets independently because the central government's capacity was limited and central government devolved the rights to local government (Trang, 2004).

In line with the renovation, forest management, therefore, has been shifting from a traditional approach with central management by the state to a social forestry approach with participation of other non-forestry organizations such as the army, schools and involvement of individual households. According to Sam and Trung (2001), the trend in forestry policy in Vietnam now is increasing the devolution of forest and forestry land management to beneficiaries by allocating natural forest to household groups and villages and forestry land to individual households or contracting people to plant and tend trees and protect forests. This devolution of forest and forestry land management occurred with the renovation (*Đổi Mới*), through setting up the first 1987 Land Law. This was then replaced in 1993 and revised and amended in 1998 and 2001 by the national assembly with a new objective to devolve land to individuals, households and organizations.

There is only one term for forestry land in the land law. However, there are two different terms for land that it intended for planting or rehabilitation. Vietnamese foresters or state officers often called them *rừng tự nhiên* (natural forest that is classified as group Ic; IIa,b; IIIa,b and IVa,b) and *đất lâm nghiệp* (forestry land that is bare hills and classified as group Ia and Ib for the planting of trees) (Vietnam Forestry Ministry, 1984). Natural forest can be devolved to household groups or villages or communities only (it is not private property) while forestry land can be devolved to individual households or non-forestry organizations such the army, school or university.

From 1993 until 2003, 628,900 land use right certifications were issued, of which 515,000 certifications were for households and for a total area of 3,546,500 ha (35 % of total forestry land area). Although devolution of natural forests came later than the forestry land devolution, from June 2001, 669,750 ha of natural forest has been allocated to the villages for management. This devolution occurred through project related mechanisms (the devolution activities of natural forest and forestry land were implemented through the project or programmes that were mainly funded by international organizations) (Du, 2003; Tuan, 2001).

There is still controversy over the concept of "community forestry" in Vietnam. In reality, there are some forest areas that have been collectively managed. For example, the areas that were contracted out by the state

forestry organizations or the areas devolved to village or household groups with a decision or the land use certification signed by the authority are often called formal community managed forest areas. Another type of collective management is the areas that were initiated by community themselves and maintained for a long time but without recognition by the state (without certification paper) and are often called “traditional community forest areas”. The amount of community forest area devolved to village or household groups by the state with land use certification or decision occupy more than a half of total area managed by community (Figure 1.). According to Ngai *et al.* (2005), this type of community management still occupy 56.1 % of the total area managed by community in 2005.

Devolution of forest management to communities has been supported by many provincial authorities and it has been disseminated throughout Vietnam (Tuan, 2001). However, the areas that were contracted with village, co-operatives or communes for protection are often made through the national programmes 327 and 5MHRF (programme 5 million ha of forest). This type of management is actually not devolution because communities have often just been assigned the responsibility of guarding forests and in turn they get some cash income; most no longer exist.

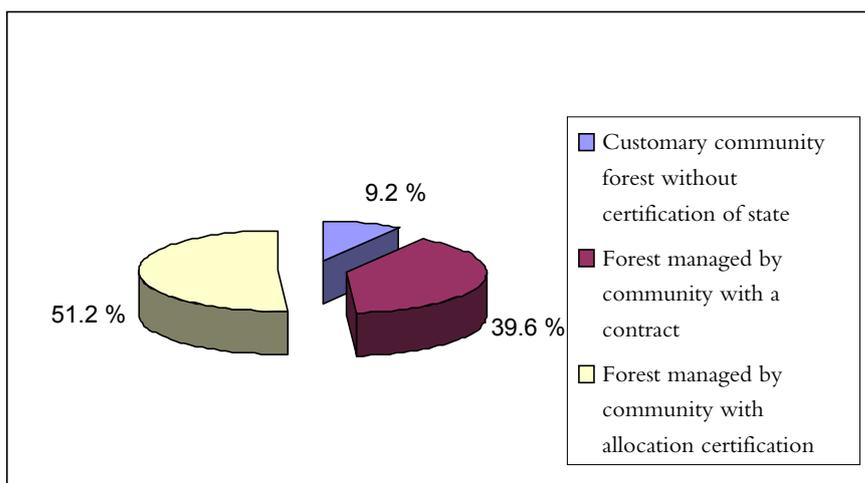


Figure 1. Type of community forest in Vietnam ( % of total area under community forest)  
Source: Tuan, 2001.

This thesis focuses on exploring only the devolution process of forest and forestry land to individual households, household groups and communities by the state by providing a certification or decision of the authority. It does not examine contract management.

#### 1.1.4. Devolution of forest management in Central Vietnam and Thua Thien Hue province

Vietnam has seven ecological regions. The North Coastal Central of Vietnam is one of the poorest regions of the country and 74 % of the total physical area is forest and forestry land (*Bộ Tài Nguyên Và Môi Trường* (Ministry of Environment and Resources), 2004). There are 188,144.4 ha of forest and forestry land managed by the communities in the region (8.01 % of total community based management area of the whole country).

Thua Thien Hue belongs to the North Coastal Central; there are six different indigenous ethnic groups that settled a long time ago in the upland area of the province. They are very poor compared to the Kinh group (the most numerous Viet group) and make a living based mainly on natural resources. Forest and forestry land occupies 72.12 % of the total physical area of the province (Thua Thien Hue Provincial people Committee, 2001). From 1997 to 2002, 14,229 households were allocated forestry land amounting to 18,085.2 ha and 4,800.2 ha of natural forest were devolved to villages for management. Almost all forest and forestry land area was allocated through programme or project funding arrangements such as the global Programme on Forests (PROFOR), the Project of Netherlands Development Organization (SNV) for Thua Thien Hue province (FORHUE-SNV), the United Nations Development Programme (UNDP), the Finland rural development project and the Social Forestry Support Programme. Forestry land (barren hills) was devolved to individual households for planting trees.

In summary, forest devolution to households and villages has been a tendency in forestry policy in many countries, both in the Asia Pacific region and in Vietnam (Sam & Trung, 2001; Tuan, 2001; CIFOR, 1997). Although forest devolution has occurred in many places it is still a policy model under development. What is the nature of forest devolution? Is it transference of administration functions or power? What powers or rights has the state devolved to individual households, household groups or villages? Does forest devolution improve local livelihood?

Studies on the impacts of forest devolution have been carried out in different countries (Colfer *et al.*, 2008; Sikor & Thanh, 2007; Edmunds & Wollenberg, 2003; Nghi, 2002; Agrawal & Ostrom, 2001; Sikor, 2001) and focused mainly on outcomes of devolution such as changes of forest condition, impact on household economies or livelihoods (Tan, 2008; Sarap, 2007; Dachang & Edmunds, 2003; Kumar, 2002). The variables used in studying impacts of forest devolution are often quantitative. A focus on the process aspect of devolution is still limited. The nature of the devolved

property rights and the reasons why states attempt forest devolution are also missing in current studies of decentralization (Agrawal & Ostrom, 2001).

In this research, the author looked at the process of making and implementing forest devolution policy and explores the changes in endowment of forest property rights (changes in statutory rights and customary rights) and examines how this change in rights influences entitlements (benefits) from the devolved natural forest and forestry land. It also examined management practices and the conflicts after devolution of forest. Agrawal (2007) stated that the common scholars on a global scale still are not concerned with examining the relationship between forest and livelihood. This research wants to explore the relationship between changes in forest endowment and entitlement and their influence on rural livelihoods by using both quantitative and qualitative variables.

There is controversy over the outcomes of forest devolution to local people in the literature on forest devolution programmes in the world. Some literature concluded that devolution of forest to community or village can contribute to rural poverty reduction while some others said this is limited (Markussen, 2008; Sunderlin *et al.*, 2005). Study on impacts of community forestry policy in the middle hills of Nepal, Prakash and Adhikari (2007) concluded that community forestry has the potential to improve household livelihood and empowerment of men and women in poor groups but this was not uniform across all sites and depended on various factors such as forest condition and type, accessibility to market, timber-sharing mechanism, and strategy of forestry department to ensure sustainable use of non-timber forest products (NTFPs). In some cases it made conditions of poorest and disadvantaged groups worse due to control by forest user groups. Kumar (2002) showed that joint forest management in India tends to meet the need of rural elite by focusing on accumulation of timber and ecological services values but it can not be assumed the gains go to all sections of the community. Investigation of the state programme on titling forest land to individual in Cambodia, Markussen (2008) found that it had a positive effect on agricultural productivity and security of tenure but these positive outcomes did not happen in the remote area. This author also concluded that the relationship between introducing private land property and decrease of common pool resource which is important for poor was not a clear relation.

In general, the contribution of forest conservation to poverty reduction is still a contested issue in the literature. Whether devolution of forest to people can help to alleviate poverty and improve forest condition is still a question that has not had any clear answer. This research wants to contribute

to knowledge on the relationship between poverty reduction and forest conservation. The author argues that forest devolution policy in Vietnam is complex and its implementation is not uniform. The outcome of the policy (the giving of endowments, changes in management practices, as well as effects on entitlements and rural livelihoods) has not been realized because of the influence of various factors.

## 1.2 Objective

This research explores processes and outcomes of natural forest and forestry land devolution with focus on Thua Thien Hue province, North Central Coast of Vietnam.

Forest and forestry land devolution in Vietnam in general and in Thua Thien Hue in particular is the result of institutional changes made by the state. This study aims to review the historical background of forest devolution policy papers in Vietnam. It was carried out to explore why the state formulated the policy to devolve natural forest and forestry land to individual household, to village and household groups (termed as beneficiaries). The review of the policy papers also investigates the relationship between policy and practice regarding the endowments of forest devolution.

The relation between policy and practice could not be understood without exploring how devolution process happens in practice. Central to this thesis is the examination of the process of implementation of the policy. It explores the roles, function and power of different actors in implementing the policy. Through two case studies in two communes with different natural and human ecological conditions, the research investigates how different actors interpreted the policy papers and how their interpretation influenced the gaining of endowments by different socio-economic groups. Both devolution of natural forest and forestry land are considered as test models in Vietnam; this research, therefore was interested in looking at both forestry land and natural forest allocation implementation processes.

Forest is considered a common pool resource (Ostrom, 1999). For sustainable management of this resource, the quality of the institutional building process by collective action can play an important role (Meinzen-Dick & Di Gregorio, 2004; Varughese & Ostrom, 2001). In the case of devolution of natural forest to household group or village in Vietnam, a new institution for management has been established. This research, therefore investigates how the institutions for village or household group based natural forest management were established and maintained and how they influenced the distribution of endowments and entitlements from allocated

natural forest as well as the efficiency of forest protection. It also investigates the involvement of the poor and non poor groups in the process of devolution to understand how their engagement in implementation of devolution link to their endowments and entitlements.

Natural forest and forestry land devolution in Vietnam is a change in property rights from state property rights to private and common property rights. Changes in land rights regimes can challenge equal distribution of endowments, inclusion of the poor, security of land tenure or endowments, as well as cause conflict in land use (Cotula *et al.*, 2006; Keeley J., 2001). Analyzing changes in property rights, therefore, should look at who gains or loses from the change (Ellsworth, 2004). A central emphasis of this study is to examine how different socio-economic groups gained endowments to and utilities (entitlements) from the devolved natural forest and forestry land. The author's concern is to explore who gained and who lost endowments and entitlements from these changes and how security of tenure or endowments to forestry land and natural forest was influenced in the transfer of state property to beneficiaries.

This thesis explores change in management practice of forestry land and natural forest after devolution by examining changes in plantation area, preference of investment in land development and forest protection. It also examines what types of conflicts were created after forestry land and natural forest devolved and the causes of those conflicts.

An important outcome of forest devolution is the gaining of utilities from the devolved forest. This research explores the types of utilities (entitlements) people gained from the devolved natural forest and forestry land. Entitlements from environmental services depend not only on gaining endowments and household resources but also on the process of converting those endowments to entitlements - an entitlement mapping process (Leach *et al.*, 1999) that is influenced by institutions at macro and micro levels and markets also play an important role in this. Understanding how and why endowments to devolved natural forest and forestry land were or were not transformed to entitlements of beneficiaries (the utilities or benefits from the devolved forestry land or natural forest) is another purpose of this research.

Improvement in a household's livelihood needs to look at the linkage of entitlements to livelihood activities. The opportunity in gaining entitlements creates further influences on a household's livelihood. The thesis further investigates how the opportunity of gaining or not gaining or losing entitlements from the devolved natural forest and forestry land through changes in property regimes links to livelihood options and maintaining livelihood activities of different socio-economic groups.

There are gender differences in roles, responsibilities and interests and because of the influence of social customs and norms, these gender differences affect the opportunities for men and women to gain endowments to forest and forestry land and hence their entitlements. The question about gender equity, therefore, should be addressed in assessing environmental actions (Agarwal, 2000; Agarwal, 1997b). This research investigates the participation of women and men in the process of devolution of natural forest and forestry land. It explores the endowments and entitlements they gain or lose from changes in the state forest property rights to devolution to households and villages.

### 1.3. Research questions

The new institutional arrangements for involving the beneficiaries in natural forest and forestry land management in Vietnam by implementation of land devolution is being challenged by the concentration, encroachment, and competition for land during and after allocation. The research ideas emerged from the practical problems observed in the field and this research aims to contribute to understanding these problems by examining the relationship between the policy and practice of the natural forest and forestry land devolution. It also aims to contribute to knowledge on policy analysis, on environmental entitlements from devolved forest environment services, as well as property rights regime and their gendered dimensions. The following questions structure this research:

1. What has been the forest devolution policy in Vietnam and how has it been put into practice?
2. How did forest devolution distribute endowments and how were these transformed into entitlements for different socio-economic groups
3. How did forest devolution affect management practices, community relations and rural livelihoods?

To answer those questions, the research looked at the whole process of devolution of natural forest and forestry land.

### 1.4. Research Process

As mentioned above, the research ideas arose from field observation. The author wanted to understand practical problems. These ideas have been motivated when the author registered as a PhD. student in SLU. From the knowledge the author gained from PhD. courses, she found the theoretical frameworks that are relevant for the research. These theoretical frameworks

helped the author to identify which variables and issues she should search to understand the practical problems. It seems to the author that this process is like a cycle to help her to develop and implement the research.

The research started with a review of written policy documents on forest devolution in Vietnam from the central level to the local level to see what the intentions of the state were when issuing the policies. It continued with examining how the policy has been implemented by conducting field work from the end of 2004. The field work started with searching primary information to understand the context of the problems and to initiate the process of selecting research sites. From December 2004 to April 2005 (working just part time), the author went to some different districts of Thua Thien Hue province to gain a preliminary understanding about forest devolution issues in the province.

From June to August 2005, she collected secondary data and selected two communes in two different districts with contrasting conditions in which to do the field data collection. One in the coastal area that is located along the main national road and closed to the Chan May Port Economic Zone and another one that belongs to the mountainous district is a remote area and more than 50 % of population are ethnic people. The reason for looking at two different communities that have different natural and human ecological conditions was to contrast implementation of the policy in the same political system and its outcomes. This also aimed at seeing how different social-economic groups were involved in and responded to the policy.

This helped the author to develop and pass defending her procedure paper which defined the methods of the research. Based on the methods developed, her field works formally started from December 2005 to August 2006. From January to March 2007, the author continued to search for more information after entering the primary data and trying to analyze some parts of the data when she was in Sweden from September to November 2006. She was back in Sweden in the middle of April 2007 to analyze the data and write the thesis. However, the author's strategy was not to stop understanding what has been happened after devolution to the year 2007; therefore, she went to the field every time she went back to Vietnam.



## 2. Conceptual and theoretical frameworks

### 2.1. Introduction

This research focuses on examining the transfer of state forestry land and natural forest management to individual, village, and household group management as evidenced by policy and practice. This change of land use rights through devolution by the state is different from the 1953 reform in Northern Vietnam, which took the land from the landowners and transferred it to the landless. In this case, the forestry land and natural forest owned by the state was devolved to the beneficiaries. This study analyzes the forest devolution policy papers and then explores what happened in the implementation process and the consequences of this. It focuses on issues of gaining and losing access to forestry land and natural forest of different socio-economic groups. This leads to an analysis of the consequences of the devolution and its implementation of security of tenure or endowment, management practices and the conflicts.

The research also examines how gaining or losing endowments to the devolved forest affected use of forestry land, entitlements from the devolved forest and then rural livelihoods. This chapter describes and analyzes relevant theoretical and conceptual frameworks to the study of forest devolution policy and its consequence with an emphasis on endowment, entitlements, management practice and rural livelihood outcomes.

The research examines the policy papers and the implementation process to understand why, what, to whom and how the state devolved the rights of natural forest and forest land management to different beneficiaries. The chapter starts with reviewing the concept of forest devolution and then an analysis of approaches to policy analysis.

## 2.2. Concept of forest devolution

The term decentralization or devolution has been used rather often in the literature on natural resource management, especially forest resources. “Decentralization can be defined as the relocation of administrative functions away from a central location” and “devolution is relocation of power” although they are often treated as synonymous (Fisher, 1999) (p. 3). This scholar thought that decentralization and devolution can be implemented at the same time, but in practice it has often been the transfer of administrative functions only with no devolving of powers of making decisions.

Blair (2000) did not mention administrative function or power as concepts by Fisher (1999) but he defined decentralization as a transference of authority from central government to local government. Bannerjee (2000) also pointed out a confusion that considers decentralization as geographical division (division of different levels from state into provinces and provinces into districts and districts into communes). It seems there is no separation between decentralization and devolution for Agrawal & Ostrom (2001) (p. 487) who state that “decentralization is redistribution of power, resources and administrative capacities through the units of government and local groups”. Here decentralization refers to redistribution of both power and administrative functions.

In general, there is common ground among the authors who talked about decentralization and devolution. They say that it is transference of something from the central government to lower management levels. However, the key difference between the concepts of those authors is conception of the nature of transference as an administrative function or power or authority. In this thesis, the author prefers the concept of Fisher that distinguishes between administrative functions and powers. The concept of devolution used in this study, adapted from the above authors, is that “devolution is relocation or transference of rights from the central government to lower government levels and to people”, and it is different from decentralization of administrative functions.

In the literature on decentralization and devolution of natural resource management, the authors also summarized different approaches that have been applied in different countries. Fisher (1999) identified three types of decentralization and devolution approaches in forest management: (1) enabling public participation in large-scale programmes by the government that gives the participants responsibility and some benefits in return for their participation in forest management (for instance the model of Joint Forest Management in India). This is an approach of decentralization with little or

no devolution; (2) Decentralization of forest management roles from central government to local government units but not to communities (a major theme of policy in the Philippines). This is a decentralization approach with a degree of devolution although responsibility and power of management are still not different; (3) The handing over of a degree of control to local communities (for instance the model of community forestry in Nepal). This approach includes both decentralization and devolution but the working examples are still limited (Ibid.).

According to Ferguson and Chandrasekharan (2005), in the Asia Pacific region there were four decentralization approaches: (1) Devolution of forest governance from national to district government; (2) Decentralization to village government; (3) Decentralization to communities by recognizing customary ownership of the communities; (4) Decentralization through privatization. The different approach types of decentralization and devolution of forest management from various sorts are summarized in table 1.

Table 1. *Approach types of forest decentralization and devolution*

Sort and author	Type of approach	Key characteristic	Country applied
Fisher (1999): 3 types	1. Devolution from national to district governance	- Enabling public participation in large-scale programmes - Giving some responsibilities & benefits - Decentralization with little or no devolution	- India
	2. Decentralization from central government to local government, not to community	A degree of devolution although responsibility and power of management are still not discrepant	- Philippine
	3. Involving amount of control to local community	Including both decentralization and devolution	- Nepal
Ferguson and Chandrasekharan (2005)	1. Devolution from national to district governance	Transferring functions and reallocated staff members to district government	- Philippine - Indonesia
	2. Decentralization to village government	Empowering village cooperatives or government to make decision with supports of techniques and some finance	- Korea - Nepal
	3. Decentralization involving customary ownership	Guarantying custom landownership by constitution	- Papua New Guinea - Fiji
	4. Decentralization through privatization	Devolving property rights for forest and forestry land to households	- China - Vietnam

Fisher (1999) and Ferguson and Chandrasekharan (2005) classified types of decentralization based on the subject of devolution (administrative level, civil organization or household). In the first approach by Fisher (1999) he did not specify the subject of devolution but just labeled them as “participants”. “District government” and “village government” were treated as the same type (“local government”) in the classification of Ferguson and Chandrasekharan (2005). These two researchers also did not separate the concept of decentralization and devolution although sometimes they presented these two terms in the literature. The terms of decentralization and devolution, therefore, are still often confused. This research, accordingly, just uses the term of devolution. It does not pay attention to decentralization of administrative functions from central to local government but just focuses on devolution of powers or rights over forest and forestry land to the people (individual household or household group or village – collectively called beneficiaries).

Devolution of forest is a strategy or policy of national government to involve people or communities in forest management for achieving both development and conservation objectives. To understand the impacts of the forest devolution policy, it is important to understand the policy both on paper and in practice and to consider approaches to policy analysis which is discussed in the next section.

### **2.3. Policy analysis approaches**

Policy analysis has emerged in the literature from different disciplines but what is policy?

#### **2.3.1. Concept of policy**

The term of policy is talked about in many places but the answer to the question of “what is policy?” is not easy to find. For Cunningham (1963, cited in Keeley & Scoones (1999): “Policy is rather like the elephant – you know it when you see it but you can not easily define it” (p.4); Paying attention to the complexity of policy, Blaikie & Sadeque (2000) stated that it is a process often messy and diffuse, while Pasteur (2001) and Apthorpe & Gasper (1996) mentioned the complexity of policy with its different aspects and features. SLIM (May 2004) used the concept of “policy term” as being a component of regular general agreements or principles that are helpful for the need of organized community and it extends from macro to micro level. Policy can be considered as a course for action of an organization.

Some scholars are concerned with the political characteristics of policy in its attempt to persuade through providing a gloss on events, its use of language for attracting and persuading and they see it “as a political process” (Keeley & Scoones, 1999; Apthorpe & Gasper, 1996). Others think that there is a difference between policy and legislation or regulations and they should be separated (Robert & Oberndorf, 2006; Kerkvliet & Marr, 2004). Dam (1996) terms policy as institutionalization of measures of a manager to achieve his planned objective.

A review of these terms in the literature shows an agreement that there is complexity in policy. For the researchers who raised a more specific concept, the common thought regards “policy” as making a decision for the actions of a political subject or an organization. In Vietnamese, the term policy is often called *chủ trương* or *đường lối* or *chính sách* but there is only one word “policy” (*chính sách*) in the Vietnamese- English dictionary.

What is forest devolution policy? It is difficult to find a normative concept for the term. However, there needs to be some understanding in order to identify what type of document to analyze what the devolution policy said. In the single party system of Vietnam, there is a relationship between the party, the state and the government in making decisions on the development of the country in general and for management of forests in particular. The term policy in this thesis, therefore is understood to be all the documents of the party, the national assembly and the government, which define and regulate a certain issue. This concept is just used for identifying the policy papers related to forest devolution in Vietnam and does not exclude the implementation process from being part of policy.

Given the agreement that policy is complex, how can forest devolution policy be understood? Approaches to policy analysis are discussed in the following section, noting Sabatier (1999) who stated that the frameworks of the policy process do not provide explanations for outcomes of policy but they help to organize inquiry in policy analysis.

### 2.3.2. Policy analysis approaches

The approach of the linear model (or instrumental perspective as termed by (Mosse, 2005) that considers policy as a rational tool for solving problems has dominated the policy research literature for several decades (Keeley & Scoones, 1999). However, this approach has been criticized by many scholars for separating the making and implementation process and for not taking account of the complexity of social life in policy execution (Mosse, 2005; Mosse, 2004; Keeley & Scoones, 1999; Sutton, 1999).

Sutton (1999) stated that there were different approaches in policy analysis but they generally come from five disciplines: political science, sociology, anthropology, international relations and management science. The political or sociology scholars have developed five different models of policy processes (Incrementalist, Mixed-scanning, Policy as arguments, Policy as social experiment and Policy as interactive learning). This also pays attention to the analysis of development narratives or policy networks and community. Anthropologists are interested in analyzing development discourses, looking at use of language in policy making while international relations scholars often analyze international regimes, interest groups and the interaction between them in the policy process. For management scientists, policy analysis needs to focus on barriers to change, power and influences or using an open system approach or models of change.

Unlike from the synthesis by Sutton (1999), Keeley and Scoones (1999) proposed three approaches to policy analysis (Linear model, Incrementalist perspective and a third approach that pays attention to issues of power that remains silent in the two other first). In the book “Cultivating Development”, Moose (2005) classified and discussed two positions in policy analysis: an instrumental view (seeing policy as problem solving tools – this is labeled as the “linear model” by other scholars) and a critical view (focusing on power issues and participation that is the third approach in the literature of Keeley and Scoones (1999)). Mosse (2005) develops an approach called New Ethnographical view that drew from his experience in working in a project of British Government in India.

The different literature on policy analysis discusses the various approaches. All agree on the limitations of the linear model. The scholars highlight the strength and weakness of each approach. Given the complexity of the policy process, a combination of different approaches in analyzing policy are needed (Keeley & Scoones, 1999; Sutton, 1999). Looking back at the themes in this research, the author followed this idea.

“Devolution can be defined as relocation of power away from a central location” (Fisher, 1999) (p.3). This research looks at roles and powers of different actors in the process of making and implementing forest devolution in Vietnam. Two approaches that come from the anthropology field, paying attention to power relations, were selected for inquiring about and analyzing Vietnam’s policy of forest devolution and are discussed below.

➤ *Critical perspectives (critical anthropology)*

The critical anthropology approach was developed by anthropology scholars who see policy as “political technology”. The approach advocates the necessity of analyzing written policy documents by examining the formation and use of concepts, working through language (Apthorpe & Gasper, 1996). This perspective considers that the analysis of language and discourse of policy is a key to understanding the architecture of power relations. Policy study needs to focus on “norms and institutions, knowledge and power”. The critical anthropology approach sees policy as “political phenomena” and the use of expert knowledge is central to the policy process (Shore & Wright, 1997).

Critical anthropology criticizes labels of participation or bottom-up approach of development projects as in reality it is a concealment of outsiders’ agencies (Chambers, 1997; Chambers, 1983). In this view, designing and implementing development policy needs to take into account the lack of voice and agency of the poor and disadvantaged groups. This perspective pays attention to the analysis of the web of power existing through practices of different actors in the policy process. It sees policy as rational discourse but its nature is political intent and bureaucratic dominance (Mosse, 2005).

Related to the presence of people in the policy process, critical anthropology criticized the dominance of high-status professionals who often have education, are more powerful and live in the urban area with controlled and standard working environments in policy processes that create barriers to the presence or agency of people. High-status professionals have a tendency to pay attention to *things* rather than *people*, see people as beneficiaries rather than partners. Programmes and projects dominated by professionals, therefore, tend to follow top-down approaches and rarely are concerned with people and consider people as beneficiaries who are not motivated in development process (Ervin, 2005).

Comparing the literature of the critical anthropologists in policy analysis, which sees power relations as central to their attention, seems to contrast with the interactionist view that emphasizes the importance of social learning (SLIM, May 2004). For analyzing natural forest and forestry land devolution policy in this research, a critical anthropological perspective on policy is a guideline to inquire about the agency as well as the nature of participation of the poor and disadvantage groups in the policy process. Analyzing the written forest devolution policy papers by looking at the use of language and concepts following Apthorpe & Gasper (1996) was also used

to understand whose knowledge and interests were reflected or taken into account in making policy.

Power is the capacity or ability of actors to 'have an effect' upon the context which defines possibilities for others (Hay, 2002). The critical perspective on policy analysis is therefore useful for the research to analyze which actor has the capacity to influence other actors in the process of implementing devolution of natural forest and forestry land endowments to beneficiaries.

A critical anthropology of policy with a power relation centered analysis compensates for the silence on power issues in the interactionist view. However, Mosse (2005) criticizes both these approaches as they do not pay attention to the complexity of institutional practices, the complexity of the project's and organization's social life and diversity of interests. It seems to the author that critical anthropology of policy analysis still pays more attention to the policy making process rather than its implementation. It spent more time for talking about power of expert knowledge and bureaucratic dominance but pays limited attention to development workers. An approach for the analysis of policy that is concerned more with the implementers of development work at the field level is found in the "New Ethnography of Development" by Mosse (2005). This is also applied to this research and it is discussed in the next section.

➤ *New Ethnography of Development*

This approach is drawn from the actor-oriented tradition of development sociology that focuses on interlinking intentions of development workers and those who are influenced by development (being developed). It emphasizes the importance of collaboration and compromises in setting up and implementing development models. Interactionist approaches emphasize the importance of ideas or interests of social groups in the policy process while critical anthropology focused on power relations. New Ethnography seeks to question the interaction between ideas and power and social practice. In his paper Mosse (2004) argued that ideas have to be understood in terms of the institutions and social relationships and the relations have to be understood in terms of ideas.

From working experiences in a development project of the DFID for eight years, Mosse states that the important issue in project implementation is control over interpretation of events, that "development projects need an interpretive community". Mosse concludes that the project can implement the plan but it can still fail in terms of interpretation. This author argues that the actors groups may have contradictory interests in the policy process but

they compromise them in doing the project because their relationship forces them to do that. Therefore, analysis of development policy should not question “whether a project succeeds but how success is produced” and should examine “the ways of producing policy interpretation” (Mosse, 2005) (p. 8). In contrast with the critical view, the New Ethnographical view focuses on arguments about the policy implementation process but rarely discusses the analysis of written policy papers and the process of making policy.

The natural forest and forestry land devolution policy in Vietnam was created to transfer forest management rights (endowments to forest) from the state to the beneficiaries. Which actors were involved in making the policy? Whose knowledge and interests were taken into account in the process of making policy? Who had the power in making decisions in the process of forest devolution making and implementation? How did different actors, especially disadvantaged groups participate in the process? Is it the rearrangement of institutions in forest management by involving the beneficiaries or is it a formality of participation as stated by the critical view?

However, as argued by the ethnographical view, policy analysis also needs to look at the interpretation of policy in the implementation of forest devolution. The practical evidence from the implementation process of forest allocation links, according to the arguments of the ethnographical perspective, to how the success and failure of forest devolution policy in practice is produced either through interpretation by different actors.

According to Agrawal & Ostrom (2001), current studies on decentralization and devolution, especially the studies on natural resource devolution, pay less attention to the nature of property rights that devolve to local actors by the state. This research analyzes the written policy papers about forest devolution and examines how the forest devolution process was implemented in practice. It also examines who gets and what types of rights or endowments to natural forest and forestry land the local actors got through devolution by the state. Moreover, the research wants to explore how the devolved rights were exercised in practice to transform to livelihood outcomes of the local actors. An approach that is called “extended environment entitlements” approach was applied in this research to argue about the process of transform of the devolved resources (specifically forestry land and natural forest) to outcomes from those resources. It is discussed in the next section.

## 2.4. Community, social difference, poverty – environment linkages and the environment entitlement approach

The extended environmental entitlement approach was developed by Leach *et al.* (1999) based on the entitlement analysis of poverty and famine of Sen (1981) and as a response to critiques of and attempts to improve practice in the CBNRM. The basic assumption for development of this approach was that there was a need to address social differences within communities and the ecological dynamics influencing the CBNRM. This approach also draws from analysis of the debate in the literature on the relationship between poverty and environment conservation. Before discussing the environmental entitlement approach, it is necessary to review the concept of community, social difference and the question of linking poverty and environment conservation.

### 2.4.1. Community and social difference

What the term of community means is still a question that is not clearly answered in the literature on natural resource management. There is diversity in definitions of the term “community” with geographers emphasizing its spatial aspects, economists considered it from a work or market perspective and the social interaction and networks aspects focused on by sociologists (Kumar, 2005). Lack of specification of the concept of community makes the meaning of community participation projects very unclear. Early sociology and anthropology scholars (19<sup>th</sup> and early 20<sup>th</sup> century) viewed a community as a unified or organic whole and as static and homogeneous entities with common interests and shared norms. Seeing a community as an organic whole is appealing for participatory conservation programmes in the eyes of conservationists but this view does not pay attention to differences within the community. Lack of attention to these differences leads to an ignoring of the influences of social differences on outcomes and the sustainability of the CBNRM (Agrawal & Gibson, 1999; Leach *et al.*, 1999; Leach *et al.*, 1997).

The current literature on natural resource management argues against the view of seeing community as a unified entity (Agrawal & Ostrom, 2001; Varughese & Ostrom, 2001; Agrawal & Gibson, 1999; Leach *et al.*, 1999; Leach *et al.*, 1997). These scholars stress that a unified community does not exist. A community is heterogeneous and is divided by caste, wealth, gender, age and origins. These differences lead to different needs and interests in natural resource management. This also creates different local actor groups with differences in interests, capacity and resources. These affect the opportunity in gaining endowments and the transformation of

them to entitlements. Understanding this social difference is an essential basis for effective policy intervention in the natural resource management field. Based on this argument, Leach *et al.* (1999) developed the extended environmental entitlement approach for analyzing the CBNRM and it is discussed below.

#### 2.4.2. Poverty - environment linkages

There are debates in the linkage between poverty and environment in the literature on poverty and natural resource management. In research on environmental entitlements from pastoral natural resource management in Mongolia, Mearns (1996) reported that some studies on the interaction between poverty and environment concluded that poverty is linked directly to environmental change. This assumed that environmental degradation causes poverty and in turn poverty has a negative impact on the environment. This researcher also stated that some other researchers have questioned the assumption that environmental degradation is a consequence of population growth and argue that the poor manage their environments in sustainable ways (Ibid.). In Mearns's paper, he showed that analysis of the linkage between poverty and the environment is a vicious circle because of a main difficulty in considering environmental problems in terms of relationships between the availability and the scarcity of environmental resources with total population.

Agrawal and Gibson (1999) reported that the early approaches to the CBNRM see the relationship among community, livelihoods and natural resource as one of harmony, equilibrium or balance. Communities were considered as homogeneous with common interest so that its members would be willing to collectively manage natural resources. People - environment relationships were seen as linear and simple (Agrawal & Gibson, 1999; Leach *et al.*, 1997). When traditional regulations for natural resource management were broken down by various factors, this was seen to require rebuilding traditional or collective management institutions. This is justification for a CBNRM strategy that is offered by many governments (Ibid.). However, recent work views community as composed of different social actors and people-environment relationships as dynamic. This challenges the perspective of static, linear and equilibrium communities and environments. The relationship between people and environment and the linkage between poverty and environment, therefore, are complex and influenced by a variety of factors that needs to be taken into account by the CBNRM (Agrawal & Gibson, 1999; Leach *et al.*, 1997).

In a debate on the linkage between poverty reduction and forest conservation, there is a series of articles (in *World Development* volume 33 No. 9) that showed different trends on the relationship between poverty and forest conservation. Sunderlin *et al.* (2005) synthesized key knowledge related to poverty reduction and forest conservation with a focus on two questions: (1) can the forest help to support poverty reduction and (2) can the forest resources be used for poverty reduction and conservation at the same time? These authors reported that chronic rural poverty is often found in locations with an abundance of forests and forest resources can be important for poverty reduction even in places where forest cover is low. They concluded that research and development activities related to forest-based poverty alleviation and forest conservation should be continued at site-level but with informed attention to regional, national and international levels. Those researchers also stated that it is impossible to assume that economic growth will bring about forest recovery, so it is important for research on poverty reduction and forest conservation to pay attention to various outcomes. Can forest conservation improve poverty alleviation and can economic growth help to conserve the forest and environment? They are still questions that are not easy to answer.

Dewi *et al.* (2005) reported that there are different findings on the linkage between poverty reduction and forest conservation. Some argue that forest resources can help to improve the livelihoods of the poor while some others stated that forests have limited potential for poverty reduction. In the case in East Kalimantan (Indonesia), those researchers found that the contribution of forest conservation to poverty alleviation is clearer in the villages that are rather remote with well endowed forests and limited economic alternatives. They also concluded that endowments of forests can help people to live well at subsistence levels but its contribution to lifting people out poverty is limited. Those researchers also showed that the resource exploitation projects did not benefit the local people. It is critical that to help people improve their well-being, endowments of forests to people need to be provided along with efforts to strengthen their capacity to transform these endowments effectively (Ibid.).

Discussion about influence of forest law on rural livelihoods, Kaimowitz (2003) stated that enforcement of forestry and conservation laws have the potential to negatively affect livelihoods of the poor, minority groups and women because those laws often prohibit small-scale illegal forestry activities such as collection of fuelwood and hunting that are the rural poor's jobs. The conservation programmes, therefore may sharpen poverty of rural people.

Analysis 61 cases of commercial NTFPs production in Africa, Asia and Latin America, Belchera *et al.* (2005) concluded that NTFPs can be useful to reduce poverty if it is commercially produced and traded. However, potential of NTFPs commercialization for biodiversity conservation is limited. In the case of Mexico, Brandon *et al.* (2005) concluded that to avoid conflict between conservation purposes with human settlements in the reserve, the reserve area should be reduced by the amount of land with high agricultural potential and provide some compensatory values to the community (capturing value of environmental services) such as more investment in alternative income sources by government and international organizations to achieve both conservation and livelihood improvement at the same time.

In general, knowledge on linkages between poverty and environmental or forest conservation found by the scholars in different parts of the world showed that this relationship is not linear or simple. Devolution of forest, therefore, can bring about different outcomes (including positive and negative consequences) for conservation and poverty reduction and attention needs to be paid to them.

A move towards greater concerns over social differences in communities and the controversial debate on linking forest conservation and poverty reduction through endowments of forest along with the theory of entitlements (Sen, 1981) were the basis for developing the environmental entitlement approach that is discussed in the next section.

#### 2.4.3. Environmental entitlements

The discussion on environmental entitlements used in this research is mainly drawn from the arguments of Mearns (1996), Leach *et al.* (1999) and some literature applying Leach's approach including Sikor and Tan (2007), Calamia (2005) and Post & Snel (2003).

The entitlement approach was initiated by Sen (1981) to explain why people can be still hungry even in the context of plenty of food. Sen argued that not only does food availability determine access to food but also other factors can influence it such as the labour market, market organization and price policy. Responding to the limited understanding of the influence of dynamic institutional arrangements on efforts in the CBNRM, based on a review of relevant theoretical literature (particularly the entitlement analysis developed by Sen (1981) and her own earlier work on the notion of "environmental entitlement", Leach *et al.* (1999) built a conceptual framework called extended environmental entitlements.

Mearns (1996) who is co-author with Leach *et al.* (1999) also started to come up with this idea through analyzing the approach of Sen (1981) and

developed a framework that he termed a simple entitlement analytical framework that included two components (people in place and structuring process). This later (in 1999) was developed further by Leach in cooperation with him and Scoones. In this thesis, the extended environmental entitlement approach is discussed mainly based on the paper by Leach *et al.*

In her paper, Leach *et al.* (1999) claimed that understanding the relationship between people and the environment needs to appreciate the dynamics of the environment as well as of the community in time and space. The framework aims to justify the influence of ecological and social dynamics on the natural resource management activities of a diverse group and how these activities produce different kinds of environments. Institutions are considered as mediators of people and environmental relationships and are central to this framework. Reviewing case studies in Eastern Cape's Wild Coast in Ghana and India, Leach *et al.* pointed to the influence of formal and informal institutions on access and control of resources.

The "environmental entitlement" approach developed by Leach *et al.* (1999) paid attention to social differences and its implication for the CBNRM. Communities are seen to be dynamic with divisions by gender, caste, wealth, age, origins. Ecological processes are also considered as non-equilibrium and as dynamic systems that are disturbed by the events. These dynamic and differentiated views are important for analyzing linkages between people and the environment. This is a basis for explaining the social differences of environmental consequences and access and control of resources.

"Endowment" and "entitlement" are key concepts of this approach. Revisiting works of Sen (1981), who defined entitlements as "the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that she or he faces" and endowment as "a person's initial ownership", Leach *et al.* (1999) stated that the term of "entitlement" of Sen did not refer to "normative sense" of people's rights - what they "should have" - but referred to what people "can have". Processes that transform from endowments to entitlements are called "entitlement mapping", and according to Sen are "the relation that specifies the set of exchange entitlements for each ownership bundle" (p. 46). Sen is concerned with explaining how, under a given "legal setting", people do or do not survive through examining how people "gain entitlements" from their endowments to improve their capacity or well-being.

Leach *et al.* criticized restrictions in the environmental context of some elements of Sen's framework: (1) Sen (1981) focused on how to gain enti-

tlements from endowments (entitlement mapping) but he had limited concern for how people gain endowments (endowment mapping); (2) Sen addressed formal legal property rights only. Leach argued that the ways of access to and control over resources of people are beyond formal channels and should include kinship, or customary regulations.

Adapted from Sen's view, in the "extended entitlement approach" of Leach *et al.* (1999), "endowments" are defined as "the rights and resources that social actors have" (p. 223) and "entitlements" refer to "legitimate effective commands over alternative commodity bundles", specifically "entitlements refer to alternative sets of utilities derived from environmental goods and services over which social actors have legitimate effective command and that are instrumental in achieving well-being" (p. 223). The relationship between endowments and entitlements, according to Leach *et al.*'s view, is a two way relationship. It means that not only can endowments transform to entitlements but in turn entitlements can enhance people's capabilities. For example, from forestry land and other resources, people can gain timber from the land (a utility or entitlement that came from the land) and timber can enhance the financial capacity of the owner by gaining cash income by selling timber. This view leads to a remark that some entitlements can become endowments at a particular point in time.

Leach *et al.* (1999), also pointed out the challenges for the "effectiveness" of command over resources because of contests and the power relationships of some actors in claiming resources and because some actors are unable to mobilize some endowments. A difference between the Sen and Leach views is the meaning of "legitimate". Sen refers to legitimate as command by a statutory system only while Leach refers to it as command from both statutory and customary systems. In this framework, changes in the ecological landscape are analyzed through processes of both endowment and entitlement mapping (processes in which social actors gain rights and access to and control over resources and then transform those rights and resources to utilities).

Institutions from the macro to micro level, therefore, are central to their frameworks. Different positions and vulnerabilities of social actors are analyzed in relation to macro structural conditions. This approach argues that a focus on "institutions" highlights power relationships in mapping processes (both endowment and entitlement mappings) that are missing in Sen's analysis. The "extended entitlement" approach, therefore, sees entitlements as the outcome of negotiations among social actors rather than as a simple result of fixed rules in the laws.

Considering institutions as central to the analysis framework, this approach conceptualizes “institutions” based on themes emerged from the work of different knowledge fields (new institutional economists, new economic history and public choice): (1) institutions are “the rules of games in the society” which is distinguished from “organizations” as the players existing through a “set of working rules”; (2) “transaction costs” are an important factor that influences change in institutions; (3) institutions are not “the rules themselves” but as “regulated patterns of behaviour”; (4) formal institutions are rules enforced by a third party, usually the state, while informal institutions are supported by agreement among social actors.

In summary, the extended entitlement approach analyzes relationships between people and the environment through examining the process of endowment and entitlement mapping that is influenced by the dynamic institutions at different levels. This approach points out the importance of people’s capacity to make claims to gain the entitlements. A strong point in this approach is an examination of the linkages between endowments (rights and capabilities) and environmental outcomes (entitlements) that can help to better understand the influences of resource devolution processes on environmental outcomes for both ecological and livelihood objectives. However, although this approach pays attention to institutions from the micro to macro levels, the analysis of the endowment and entitlement mapping process seems to focus mainly on the social differences of local actors at the micro level. Discussion about the influence of the power relationships of external actors in the process of devolving endowments and transforming these endowments to entitlements is limited. This approach sees entitlements as outcomes of negotiation between social actors.

Sikor and Tan (2007) applied the “extended entitlement approach” to evaluate the effects of forest devolution in the central highland of Vietnam. Adapted from this framework, those researchers modified the approach in three ways: (1) considering the actors as the center of the approach and focusing on social differences of actors to highlight how they have different capacities to gain endowments and entitlements; (2) they consider “endowment as rights and responsibilities that social actors have with respect to multiple goods and services provided by forests” (p. 2012); (3) they define entitlements to include “sets of utilities irrespective of whether or not social actors have legitimate command over them” (p. 2012). In their research, Sikor and Tan developed four sets of variables for analyzing the influence of forest devolutions:

(1) Statutory rights include “a forestry land title holding”, “devolved forestry land and natural forest area”, volume of timber devolved with the

assumption that all household members are holding the devolved forestry land equally.

(2) Forest endowments are analyzed through differentiation of types of rights to forestland and trees among local households

(3) Forest entitlements are measured by cultivated land area, values of agricultural and timber products from the devolved forestland (both for selling and home consumption).

(4) Resources of the actors are measured by both qualitative and quantitative variables, including wealth, number of adult labourers, and political position.

Those authors use both qualitative and quantitative strategies for analyzing the collected data. A combination of analyzing qualitative information with descriptive and regression analysis were used to examine distribution of endowments among households and to investigate entitlement patterns. However, there is limited concern in the research in exploring the further influence of formality (the state's regulations) on the process of gaining entitlements (timber and agricultural fields in the devolved forest areas). In Vietnam, clearing the forest for farming and cutting timber are often not allowed to be freely done even in the devolved forest areas and this may also be a factor that can influence gaining entitlements by the actors. The process of mapping endowments has also received limited attention.

Assessing the impact of decentralized forest management on charcoal production, Post & Snel (2003) also used the environmental entitlement framework of Leach *et al.* (1999). Those authors focused on the influence of informal institutions (informal contact between charcoal commercial producers and merchants and the forestry service) on the loss of entitlement to wood fuel for making charcoal for the rural council and local people. In this research, the concept of endowment and entitlement was also adapted from Leach *et al.* (1999). However, interpretation of those concepts in the case study of charcoal production was not clear. The endowments in the study addressed only the statutory rights of charcoal production passed by the 1998 forestry law. The specific variables of entitlements and resources and the difference of groups in the local community were hardly discussed.

Calamia (2005) used the extended entitlement approach to evaluate the impacts of establishment of community-based marine conservation areas in southern Fiji. This author used qualitative methods to highlight endowments and entitlement mapping. However, the case study did not explore the specific utilities of the villager groups from the conservation area so the entitlement mapping process did not go far enough.

The literature that applied the extended environmental entitlement approach of Leach *et al.* (1999) used the original definitions of endowment and entitlement to analyze the impact of natural resource management devolution or decentralization. However, specific interpretation of those concepts in these case studies was not consistent. The process of endowment and entitlement mapping of that research was also discussed in relation to institutions at different levels.

In this research, the author used the concepts of Sikor and Tan (2007) adapted from Leach *et al.* (1999). However, she does not separate the variables of “statutory rights”, endowments and resources. In this study, there are two sets of variables: endowments and entitlements. The types of variables (for each set of variables) may also not be changed to simplify the analysis of transformation from endowments to entitlements (entitlement mapping). Because of difficulty in collecting quantitative data (the devolution process was started long time before the author’s data collection) and direct benefits coming from the devolved natural forest areas are still limited, qualitative analysis was a major strategy for this research. However, some quantitative variables such as land area, cash income from collecting NTFPs or selling labour for planting and harvesting, as well as estimated timber harvesting values were also examined in the research. Related to applying the extended entitlement approach, this thesis mainly focuses on a discussion about the entitlement mapping process because the process of endowment mapping is discussed based on a policy analysis approach and property rights school. Nevertheless, the author will try to analyze the entitlement mapping process in relation to the discussions of the devolution process in which people gain the endowments.

## **2.5. Feminist environmentalist approach**

Examining the influence of forest devolution from a gendered perspective is one of the objectives of this research. Therefore, theory in relation to gender and resource management is useful for the author to debate how gender factors influence participation of the village’s members in the process of forestry land and natural forest devolution and how this impacts the opportunity of gaining endowments for women and men and then to entitlements or utilities from the forest after devolution.

Gender is one of type of social difference highlighted by the institutional scholars in the literature on natural resource management as discussed in the section 2.3.1. However, the researchers who are interested in gender analysis in natural resource management developed deeper arguments on the

relationship between gender difference and opportunity in gaining access to resources and benefits from environmental services.

Gender is a social construction that shapes the roles and relationships of human beings across all dimensions of activity. It is one of the key variables defining access to and control over natural resources and sustainability (FAO, 1997; Quisumbing, 1994). Gender refers to social relationships between men and women. Those relationships are influenced by class, race, age and other social factors and it can vary with a change of political and economic situations.

The scholars who work with gender or feminism and resource management (Rocheleau & Edmunds, 1997; Jommo, 1993; Leach, 1992) argue that in many places in the world, both men and women are resource users and managers. Because of different roles, responsibility in the household, community as well as in society, women and men often have different knowledge, interests, opportunities and constraints in managing resources (Westermann *et al.*, 2005; Bajracharya, 1993). However, due to influences of norms, customs and other social factors there are disparities between men and women in participation and their access to benefits and resources (including land and forest) (Ahmed & Laarman, 2000; Parpart *et al.*, 2000; Toulmin & Quan, 2000). There are some different approaches developed by the scholars who work with gender issues. The Feminist environmentalist approaches are appropriate, therefore, to discuss gender and natural resource management.

Feminist environmentalists (Agarwal, 2001b; Agarwal, 2000; Agarwal, 1997b) emphasize the everyday dependence of women and men on natural resources. Therefore, their presence in making decisions on natural resource management (especially forest resources) is very important for equal cost and benefit distribution as well as the efficiency and sustainability of natural resources management initiatives. In their research on the devolution of water management in South Asia, Meinzen Dick and Zwarteveen (1998) pointed out that women were excluded from the water user groups because of the formal and informal membership criteria. This led to negative influences for women in terms of time cost and social risks. They claim that enhancing women's participation can enable them to bargain as resource users and can improve effectiveness of water user organizations.

In research on joint forest management and community forestry in India and Nepal, Agarwal (2001b; 2000; 1997a) argued that common resources (for example, forest resources) are important sources for rural people in developing countries, especially for the poor and women, in terms of providing firewood, fodder and medicinal plants. Dependence of women on

a village's common land was higher than men because of their limited access to and control over the private land. When the new initiatives of joint forest management or establishment of forest user groups were introduced, rights to the forest's resources depended on membership in the local forest management organizations with the new institutions. However, women were excluded or had limited participation in forest protection committees (initiated by the state) or self-initiated groups (Ibid.).

Excluding women's participation is the result of different factors as social norms and perceptions, which are vary and depend on the specific context. This scholar argued that exclusion or limitation of women's participation led to an inequity of benefits and cost distribution between men and women, such as increasing the time spent for collection of firewood by women. Also, women did not have rights in accessing and controlling the funds of forest user groups. Agarwal claimed that lack of women's participation reduced the efficiency of forest protection because women could not prevent illegal collectors because they have no rights to that. Moreover, exclusion of women's participation in forest user groups prevented the male guards from excluding female illegal collectors due to religion and cultural reasons. Agarwal (2001b) also pointed out that efficiency of the conservation or forest management programmes may be limited when excluding women's participation because women's knowledge of the forest's plants is not used in plan making.

This research investigates the presence of women and men in the process of implementation of forest devolution. It also explores the benefits they gain from the devolution such as attending the meetings or training activities, gaining endowments of forest devolved by the state or direct and indirect utilities or entitlements they gain from the devolved forest area. A feminist environmentalist approach is a framework used here to argue about the presence of women in the process of arranging new institutions for household group or village-based natural forest management, how this is influenced by the customs and social norms and how this affects the distribution of endowments and entitlements for women and men. This is used in combination with a gender analysis framework that will be presented in the methods section.

Devolution of natural forest and forestry land in Vietnam is a change in management institution from the state's ownership to devolution to beneficiaries at both the individual and community levels. This is also a change of property right regime (specifically change of land rights) or devolution of forest endowments to beneficiaries by the state for achieving improvement of entitlements of people and conservation as well. As

discussed in section 2.4 above, the extended environmental entitlement approach focused only on arguments about the CBNRM. The extended environmental entitlement approach does not help to analyze the effects of introducing private forestry land property. It is necessary for the author to look at the theory of property rights. Understanding property rights concepts and approaches can help in analyzing enabling conditions for sustainable management practices, security of tenure or endowment and the conflicts appeared after devolution that were not paid attention to in the entitlement approach. This approach is discussed below.

## 2.6. Property right and tenure security

### 2.6.1. Concept of property right, tenure security

“Property rights refers to full and despotic dominion over something” (Devlin (2001), cited in Ellsworth (2004). The full dominion implies the rights to trade, sell, buy, mortgage and inherit. Devlin (Ibid.) terms property rights with tenure rights as referring only to “right of use, access and those rights’ duration over time and across generations”. Demsetz (1998) states that “property rights are instruments of society” and he also agrees with Devlin that they are a bundle of characteristics or rights. However, Demsetz points out the relationship of those rights to laws and customs of society that are called “enforcement mechanisms” are also included in the concept of property rights (Demsetz (1973 cited in Feder & Feeny (1991) and (Demsetz, 1998). Different from the thoughts of Devlin, Meinzen-Dick & Di Gregorio (2004) stated that “rights do not necessarily imply full ownership and the sole authority”. In reality, bundles of rights are identified by the institutions (both legal and customary institutions), so what is the meaning of “full dominion”? The implication of a bundle of rights is different from place to place.

There are some overlaps between the concept of “property rights” to land and “land tenure rights” within the literature. According to Schlager & Ostrom (1992), land tenure is the legal right to access, manage, exclude, transfer, get benefits from that land, as well as the responsibility of the people who own. This concept is similar to the implication of bundle of rights to a resource as mentioned above, except it adds the “responsibility” aspect of the resource holder. FAO (2002) sees land tenure as the relationship among people (individuals or groups) with respect to land and it is defined legally or customarily. However, it also agrees that land tenure is an institution that defines how rights to land are allocated in a society. The

distinction between the concept of FAO compared to that of Schlager and Ostrom (1992) is that FAO recognizes the customary institutions in land tenure.

Reviewing the literature, the author adapted the thought of Devlin (2001, cited in Ellsworth, 2004) that “tenure rights” should be understood to be narrower than meaning of “property rights”. Property rights implies a bundle of rights including rights to use, access, transfer, sell, buy, inherit and mortgage and being defined by both legislation and custom while tenure rights refers to use or access rights to a resource.

There is a broad agreement that when the rights to a resource are clearly assigned to a holder, tenure rights to that resource will be more secure. Tenure security arose from the idea of a deal between a peasant and lord to grant a means of life for the peasant. There is a unity among many researchers that land tenure security is a defensible claim of rights. It has two basic components: “bundle of rights” and the matter of defending those rights (Ellsworth *et al.*, 2004; FAO, 2002; Bruce & Migot-Adholla, 1994). According to the Leach *et al.* (1999), endowments are rights and resources of social actors. Sikor and Tan (2007) included the variable of statutory rights in their case study as one type of endowment. As classified by the scholars who work with land right property, tenure is rights of access and use of a resource. There is, therefore, an overlap between the meaning of tenure and endowment. In this research, security of tenure also is understood as security of endowment.

Meinzen-Dick & Knox (1999) emphasized a central role of property rights in natural resource management. Those scholars argue that assigning property rights to a holder of a resource will encourage the holders to be more confident in investing in its management. Moreover, it gives the holders authority and control over the resource and it can reinforce collective action.

There is a common classification of property rights into three types: public property (held by the state), common property (held by the community or a group) and private property (held by an individual) (Meinzen-Dick & Knox, 1999; Demsetz, 1998). However, in the literature of some scholars, there was one more type of property that is called “open access” in which the rights are not assigned (Feder & Feeny, 1991) or non-property in which access is not formally regulated (Kissling-Näf & Bisang, 2001; Bromley & Cernea, 1996).

Forestry land and natural forest devolution in Vietnam is a change of property rights regimes from the state property to private property (devolution to individual households in the case of forestry land) or to

common property (devolution to household groups or villages in the case of natural forests). Did those new property regimes encourage the beneficiaries to invest more in managing forest land and natural forest? Did they create more security for the holders? The theories of property rights that are discussed below are useful for this research.

## 2.6.2. Property rights approaches, tenure security and economic development

### 2.6.2.1. Private property rights school

“The Property Right School is an old one in academia” (Ellsworth, 2004; p. 10). It came from ideas of economists and originated from analyzing the influence of population growth and commercialization of hunting products on evolution of rights of control over land (Demsetz, 1998). This school argues that private property rights encourage credit transactions and promote land productivity through the use of more labour and an increase in management efforts and investment levels ((Feder & Feeny, 1991). The scholars of this school believe that titles to a resource or to land are very important to economic growth and development. Based on the literature on the history of land use in Europe, it concludes that private property rights were the cause of the prosperity of western countries. This school states that individual title to land will encourage development of the land market (buying, selling as well as leasing land) that leads to better and more efficient production. Therefore, this school argues that private rights should be devolved to all types of resources and a resource that can not be individualized (for example, natural forest), has to become public property (holding by the state). It believes that private holding is the best choice and no other type of ownership can be better. In the case of natural forest, the Property Right School believes that it must be managed by the government because other property rights regimes (private, commons regimes, etc.) can not produce public good values (Ellsworth, 2004).

Studies on the influence of private land rights mainly focus on the questions of credit transactions, input amounts (fertilizer, labour) invested in production, expenditures for production, and output of land (Hare, 2008; Do & Iyer, 2003; Lund, 2000; Li *et al.*, 1998; Feder & Feeny, 1991). Almost all these studies use quantitative models (regression analysis) to analyze the relationship between private land rights and input or output (productivity) of production. There is a broad agreement from these studies that security of individual land rights will increase incentives of land related investment and enhance productivity. This is similar to the conclusion of Deininger (cited in Ellsworth, 2004) in his review of the evidence of the Property Right story

from a wide range of data from different countries. However, this relationship was not uniform for some variables such as an increase of productivity (Hare, 2008; Do & Iyer, 2003) and this relationship depends on the duration of rights (Li *et al.*, 1998).

What is missing is any qualitative evidence to better understand why introducing private property rights encourages investment in land development. The literature also does not analyze the relationship between private property rights and production input and output in relation to other aspects, such as infrastructure or input services, that also contribute to decisions of land holders. The literature also does not analyze whether security of tenure is ensured after titling. It seems to me that these scholars also forgot to mention the influences of the social aspects resulting from the introduction of private property rights, such as the creation of conflict.

Because of the complexity of the investment situation (at different points of time and from different sources) in the forest planted on the devolved forestry land, this research could not quantify the influence of introducing private forestry land rights to investment in forest planting, but it looked at only preferences for investment after titling and the proportion of households that invested in planting trees. Also, because of the long duration of the devolution process (nearly 20 years in the coastal area) and weak system of documentation at the grass roots level, previous data (before titling) could not be collected. Therefore, this research could not quantify the influence of private forestry land rights on the productivity of land and just looked at change in planted forest areas after devolving forest land to individual households. However, some social aspects, such gender equality and conflicts, were integrated into analyzing the influence of introducing private forestry land rights.

As mentioned above, the devolution of natural forest in Vietnam is a change from a state property rights regime into a common property regime (natural forest was devolved to villages (community) or household groups). Common property theory is relevant to this research and is discussed next.

#### 2.6.2.2. Common property rights school and common pool resource theoretical approach

Studies on common property resource management have been done by various disciplines (sociology, anthropology, economics, history and political science) (Bromley & Cernea, 1996). The scholars supporting common property regimes criticize the confusion between open access and common property regime and the confusion between “everybody’s property and “nobody’s property” made by planners and administrators, as well as in the

traditional studies of political scientists. These groups consider that in common property systems, resource users independently harvest, sell and act (Ostrom, 1999; Bromley & Cernea, 1996; McKean & Ostrom, 1995). It is argued that common resources can be invested in and managed effectively without tradable title and there is a difference between unmanaged, open-access and managed common resources.

In their paper, McKean and Ostrom (1995) argue that common property is not open access but is limited to groups of users who share rights of a resource, and common resources are managed collectively. These two scholars also point out “it is erroneousness to consider that common property does not share attributes of private property” (Ibid., p. 4). They conclude that common property is “shared private property” and with legal support from the government, this type of property is secure. Ostrom *et. al.* (1999) also remind us that to avoid confusion, it is necessary to separate the concept of “common” resources (which describe the physical or biological aspects of a resource) and “common property” (which refers to institutional arrangement). Criticizing the view that considers common property regimes as open access, Poteete & Ostrom (2004a) concluded that “the data clearly indicate that forest users are not all trapped in overuse of forest resources” (p. 453).

The scholars of the common property school pointed out the important role of common resources for providing fuel, animal grazing, food and medicinal plants that are emergency and back-up sources for the livelihoods of the poor in many parts of the world and so should not be privatized all (Jodha, 1995; Jodha, 1990; Ostrom, 1990). Common property is not a story of the past; it has been successfully managed and has a place in the world (Potter & Bun, 2008; Baland & Platteau, 2000; Bray, 2000; McKean & Ostrom, 1995).

Common property scholars agreed with the private property rights school that well-defined property rights help to promote efficient use of resources and long-term responsibility for the resource base, but they argue that private property rights does not mean that they must be held by individuals; they may also be devolved to groups of individuals (McKean & Ostrom, 1995). The common property school also advocates that imposing individualized tradable title systems can increase inefficiency and inequity in resource use, especially where there is existing communal management of resources (Ellsworth, 2004).

The common property scholars pointed out advantages of common property regime that the private property rights school does not see. Those advantages include:

- Some types of resources such as the sea, forests not only have economic value but also the common value of environmental services, so they should not be fragmented. Therefore, the common property regime can keep the integrity of the resource for managing it collectively to achieve common values and the reduction of management costs.
- Common property regimes can share risks and benefits, so it can avoid imposing the total risk on some members.
- Common property regime can strengthen social linkages among the members of a community through creating a physical and cultural space.
- A commons can reduce risk of livelihoods when other means fail through providing wild survival resources such as mushrooms or wild bamboo shoots.

Common property regimes are arranged for the management of common pool resources that have the characteristics of high cost for or difficulty of exclusion of beneficiaries, and these are dilemmas and problems for sustainability of the common property regime. Therefore, restricting access and creating incentives for the users to invest in the resource are two critical issues for solving the problems of this regime (Ostrom *et al.*, 1999). Responding to challenges for sustaining “commons”, some institutional economists studying the commons (Ostrom as the first, Poteete, Agrawal, Meinzen-Dick) have developed “predictable variables” or “design principles” to achieve sustainability of the common property regime. In the process of building institutions for management, attributes of user group and resources are the central to the “common pool resource theoretical approach”.

According to common pool resource scholars, common property is often managed by institutions based on collective action. Collective action can be defined as voluntary action taken by a group to achieve common interests (Meinzen-Dick & Di Gregorio, 2004). However, how can one build institutions for management of common pool resources through collective action? Is it possible for all the members of the group to participate in collective action to control common pool resources? Because of the complexity and heterogeneity of interests, needs and the capacity of different actors, the efficiency of common resource management institutions, which are constructed by collective action, depends strongly on the quality of the process of building the institutions. Varughese and Ostrom (2001) stated that the resource governance system is self-organized where actors are involved over time in making and adapting rules within collective choice. Those rules include achieving the inclusion or exclusion of participants, obligations of

participants, as well as mechanisms for monitoring, sanctioning, and resolving conflicts.

Ostrom (1999) and Varughese and Ostrom (2001) point out that there is agreement in the recent theoretical developments that the users may be autonomous in making their own access and harvesting rules because they rely on the resource and intend to use it long term. However, it should not be expected that the users always self-organize to make the rules, especially when the common resource is scarce and they may continue to overuse the resource unless putting efforts are made to change one or more of the variables that affect these costs or benefits of institutional change (Ibid.).

There is argument about the impact of heterogeneity on the capacity of individuals to self-organize and sustain a common pool resource management regime. The socio-cultural composition of a user group may result in a difference of interests among them and this influences the organization of management. Differences in social class and ethnicity can challenge building of consensus and norm-enforcement. In that situation, reaching agreement with every one of the rules may create conflict. For the groups that are of diverse socio-cultural backgrounds, the key question affecting the possibility of self-organized solutions is whether the views of the multiple groups take into account the structure of the resource, authority and interpretation of rules. The difference in the interests of users can challenge achieving a self-governing solution to common pool resource problems.

Explaining the importance of heterogeneity in user groups, Poteete & Ostrom (2004) stated that this influences co-ordination and distribution problems in setting up the rules. Arguments about the influence of heterogeneity on self-organized capacity and maintaining collective action for management of this theory are applied when discussing the issue of management practice of the devolved natural forest in chapter VI and in relation to the process of building village or household group rules in chapter V of this thesis.

Shanmugaratnam (1996) (cited in Varughese and Ostrom, 2001) argues that heterogeneity of wealth or power can relate to a difference of interests. So, achievement of common pool resource management is more difficult in a community that is highly unequal compared to one that has a more equal distribution of private wealth. It is argued that to overcome high heterogeneity for success of collective action, innovative institutional arrangements need to be well matched to their local circumstance. Location and socio-cultural differences have to be taken into account in negotiating and sustaining agreements regarding to the benefit and cost of those involved.

In collective action, if the members capture the benefits of values and monetary resources, they are willing to contribute their efforts. Location differences are also considered barriers to continued organization of labour for maintenance and protection activities and can not be overcome if rules governing membership are incomplete. The differences among users can lead to differences in interests and then multiplicity of outcomes. This difference is difficult to predict if there is lack of knowledge about institutional arrangements that manage user behaviour and expectations. Users like to organize themselves when they have the autonomy to change the rules, as well as when they can obtain substantial net benefits from the resource.

Another issue in the argument of the common pool resource theoretical approach is the attributes of user groups with a broad consideration of the size of the group. Reviewing the findings and arguments about the size of user group by common property scholars, Ostrom (1999) concluded that most commons scholars agree that a small size of user group is better, but some scholars argued that the problem of small size is that there is less capacity for monitoring and moderate size is better. She also shows various impacts of the size on other variables, so she suggested that a medium size may be a better hypothesis for success of common resource management.

However, Agrawal (2001) criticized the existing studies of common pool resources in their focus on institutions and relative neglect of the effect of resource systems, external social, physical, and institutional environment to sustainability of internal institutions and long-term management. He synthesized the facilitating conditions identified by Wade, Ostrom, and Baland and Platteau and then supplemented some aspects of components of facilitating conditions (structure and name of the components similar to the synthesis of Wade, Ostrom, and Baland and Platteau) and he argued that this could address the problem of method in existing common pool resources studies (see table 2).

It is a good idea to take into account more variables in the design principles for achieving sustainability of common pool resource management, as argued by Agrawal. However, it is a challenge for an empirical study to capture all those variables and also a more challenge for analysis because of unclear concepts such as “appropriate level of external aid” or “net level of appropriation”.

Table 2. *Critical enabling conditions for sustainability on the commons*

1.	Resource system characteristic
(i)	Small size
(ii)	Well-defined boundaries
(iii)	Low levels of mobility
(iv)	Possibilities of storage of benefits from the resources
(v)	Predictability
2.	Group characteristics
(i)	Small size
(ii)	Clearly defined boundaries
(iii)	Shared norms
(iv)	Past successful experiences
(v)	Appropriate leadership: young, familiar with changing external environments, connected to local traditional elite
(vi)	Interdependence among group members on resource system
(vii)	Low level of poverty
1.	and 2. Relationship between resource system and group characteristics
(i)	Overlap between user group residential locations and resource locations
(ii)	High level of dependence by group members on resource systems
(iii)	Fairness in allocation of benefits from common resources
(iv)	Low levels of user demand
3.	Institutional arrangements
(i)	Rules are simple and easy to understand
(ii)	Locally devised access and management rules
(iii)	Ease in enforcement of rules
(iv)	Graduated sanctions
(v)	Availability of low cost adjudication
(vi)	Accountability of monitors and other officials to users
1.	and 3. Relationship between resource systems and institutional arrangements
(i)	Match restrictions on harvests to regeneration of resources
4.	External environments
(i)	Technology:
(a)	Low cost exclusion technology
(b)	Time for adaptation to new technologies related to the commons
(ii)	Low levels of articulation with external markets
(iii)	Graduated change in articulation with external markets
(iv)	State:
(c)	Central governments should not undermine local authority
(d)	Supportive external sanctioning institutions
(e)	Appropriate levels of external aid to compensate local users for conservation activities
(f)	Nest levels of appropriation, provision, enforcement, governance

Source: Agrawal (2001, p. 1659).

To sum up, the commons scholars support the importance of CBNRM, especially for management of common pool resources. Common property regimes are important for both livelihood of the poor and conserving the resource base. However, those researchers also point out the challenges for sustainability of this property regime and the need to have the enabling conditions. There are different arguments about facilitating conditions for sustainability of common resource management. However, there is agreement as to the importance of the resource size and user group size and its heterogeneity, and especially the importance of institutions for management.

Devolution of natural forest to villages or household groups for management in the North Coastal Central Vietnam with the diversity of social, economic and cultural characteristics of the communities who live in the mountains near the forest, the common pool resource management theoretical approach is useful for the analysis of the process of establishing the village's or household group's institutions for management of the forest. It is also applied to the debate on the organizations, coordinating and monitoring of management activities after devolution. Where do the institutions come from? Who are involved in the process of institutional building? Is the difference among members of the community accounted for in the process of institutional building? Do the state foresters and local leaders have knowledge about institutional arrangements to help overcome heterogeneity in developing the rules? Is there intervention by the state organizations in the process of developing the village's rules and what is the quality of the rules and the quality of devolved endowments to natural forest resources and then on entitlements and livelihood of the different groups in the community?

This approach also offers a conceptual framework for debating the efficiency of the model of village or household-based natural forest management introduced by the state. Is the natural forest devolved to a village or household group managed better than the one held by the state before devolution? What factors influence maintenance of the management regime? How are tenure rights or the endowments of people ensured under the regime of the village or household group-based natural forest management introduced by the state?

The Common Pool Resource approach is also applied to debate the importance of the size of groups and resource sizes for sustainability of the management regime. In Vietnam, natural forest devolution is initiated by the state and the process for developing the regulations and organizing management activities are implemented in relation to local and state policies. It means that the political environment may influence the functions of the

village or household groups in natural forest management because almost all activities require approval by the authority. So, examining the external enabling environment in and after the devolution process is also very important in this research. This means that the enabling conditions for sustainability of a village or household group-based forest management, which are suggested by Agrawal (2001) need to connect with the practical evidence from the study sites because they are synthesized from ideas of many scholars.

However, in table 2, some things are not clear and some are missing: for example, what is meant by small size of resource or user group (How much of the resource area means small one and how many members of the small group?). What is considered to be fair in terms of responsible distribution among user groups? The research will try to address these issues.

Another issue is that there are too many variables (31) offered in table 2. It is very challenging to look at all of them because of limited the scope and time of the research. This study, therefore, pays attention only to the size of resource and group, clearly defined boundaries, past experience, location of resource and leadership issues.

Forestry land and natural forest devolution in Vietnam is a change from the state property regime to the private property and common property regime. Do these endowments of forest create more security for land use and forest resources utilization? Does holding the paper granting title to forestry land ensure the security of tenure or influence other factors? The property rights schools are conceptual frameworks for debating the management practice, sustainability of the property rights regimes that were introduced by the state, as well as equality in gaining endowments and conflicts after devolution.

## 2.7. Summary

This chapter presented a discussion on theoretical and conceptual approaches that are used for debating the practical evidence found by the author.

It started with a discussion about the concept of decentralization and devolution and how it will be used in this research. Two different approaches in policy analysis were then discussed. The first, critical anthropology, focused on the analysis of power relationships through looking at language, forming the concepts in the written policy papers and participation of different actors in making and implementing policy. It also criticizes imposing expert knowledge in the policy process. The second, the new ethnographic perspective, does not focus so much on analyzing the

written policy papers, but it pays attention to interpretations in policy implementation. Those approaches are frameworks for the author to debate the process of making forest devolution policy and its implementation.

The “extended entitlement approach” was a second theoretical framework described and discussed. Before addressing this, the views of the scholars on community, social differences and its influence on the CBNRM were discussed. The debate on the links between poverty reduction and forest conservation as a basis for the development of the environmental entitlement approach was then presented. This approach was applied to explore how the endowments of devolved forestry land and natural forest were transferred to the beneficiaries in the context of state and customary institutions. It is also a framework for investigating how the endowments of forestry land and natural forests were or were not transformed to entitlements and how entitlements from the forestry land and natural forest could be gained and lost and the effects of this on rural livelihoods.

Gender issues in and after forest devolution were examined under conceptual frameworks of the Feminist Environmentalists who argue that social differences between men and women, because of the prevailing norms, lead to different needs and interests in natural resources and this difference needs to be taken into account in the forest devolution programmes.

Devolution of forest in Vietnam is a change in the property rights regime. Two property rights schools (Private Property Rights, Common Property Rights) were found to be useful for the debate and were presented in this chapter. Those schools make claims about the type of property rights that they think are good for the owner and for society. Private Property Rights think that individual title is best while Common scholars argued that common property regime benefits the poor, and it does not fragment the resource and this has special value for environmental services. This school also shows the challenges for overcoming social differences to achieve sustainability of collective management. These approaches provide guidance for the debate on efficiency and sustainability of the property rights regimes introduced by the state through the forest devolution process

The next chapter discusses the methods of the research and the study site’s background.

## 3. Methods and background of the study sites

### 3.1. Introduction

This chapter describes the methodology used for carrying out the research. The reasons for choosing the study sites (two communes in Thua Thien Hue, North Central Coast of Vietnam) along with background information on them are presented. The evidence used in this thesis is both qualitative and quantitative and this chapter describes the methods of data collection as well as the difficulties faced in doing the fieldwork. The last section discusses the strategy of analyzing the data including some tools for analyzing policy, gender issues and livelihood aspects.

### 3.2. The study sites

#### 3.2.1. Selection of the study sites

There are seven ecological regions in Vietnam. This study was conducted in the North Central Coast region. The region is divided into three sub-ecological zones; mountainous and hilly, plains and coastal zones. Each zone has its own forest and forestry land resources. The North Central Coast has been considered as the poorest region of the country in terms of both natural and socio-economic conditions. This research focused on both the coastal and the mountainous and hilly zones of the North Central Coastal region in which forest and forestry land are resources for livelihood of the local people (See figure 2.).

The North Central Coast region of Vietnam has five provinces. Thua Thien Hue is the narrowest. Although it is a narrow area, the ecology is

very diverse with mountains, hills, plains and ocean. The terrain is divided by streams and river systems and it is very steep. The total physical area of the province is 505,399 ha of which 337,004 ha are forestry lands (occupying 67 % of the land area). Agricultural land is limited (only 70,247 ha - approximately 14 % of the land area) and is mainly concentrated close to the ocean. Forest land is still an important resource for the people as it provides timber and non-timber products, grazing land, farming for ethnic groups and developing eco-tourism.

Thua Thien Hue province has eight districts and one city that serves two main ecological zones (the coastal and plain zone and the hilly and mountainous zone). To choose the study sites for doing the fieldwork, the author went to nine communes (located in three districts that have forestry land and natural forest) to do the preliminary survey and talk with farmers and commune leaders to gain a preliminary understanding of the issues of forest management and devolution.

Discussions with project officers and leaders at the district and provincial levels were also held to gain an overview of forest devolution in practice in Thua Thien Hue province. After the preliminary survey, one commune in the Phu Loc district (Loc Tien) and another in the Nam Dong district (Thuong Quang) were selected for conducting the field work (Figure 2). The first reason for selecting two these communes is they both had implemented natural forest and forestry land allocation. Another reason is that Loc Tien commune has common characteristics of the coastal area zone and Thuong Quang is representative of the mountainous and hilly zone where the ethnic community resettled a long time ago. The livelihood of the people in these two communes still relies on the forestry land and natural forest. These two communes have contrasting of natural and human ecological conditions as summarized below (table 3):

Table 3. *Basic characteristics of Loc Tien and Thuong Quang communes*

Characteristic	Loc Tien	Thuong Quang
Ecological zone	Coastal	Mountain and hills
Number of villages	8	7
Number of households	1,747	301
Ethnic group	Kinh (Vietnamese)	Kinh and Ktu
Distance to district town and industrial zone	6 km and 2 km	25 km and 60 km
Market access	Good	Difficult
Proportion of natural forest and forestry land	75.1 %	98 %
Resettlement history	More than 75 years	100 years for Ktu group and 30 years for Kinh group

Source: Secondary data at the communes, 2005.

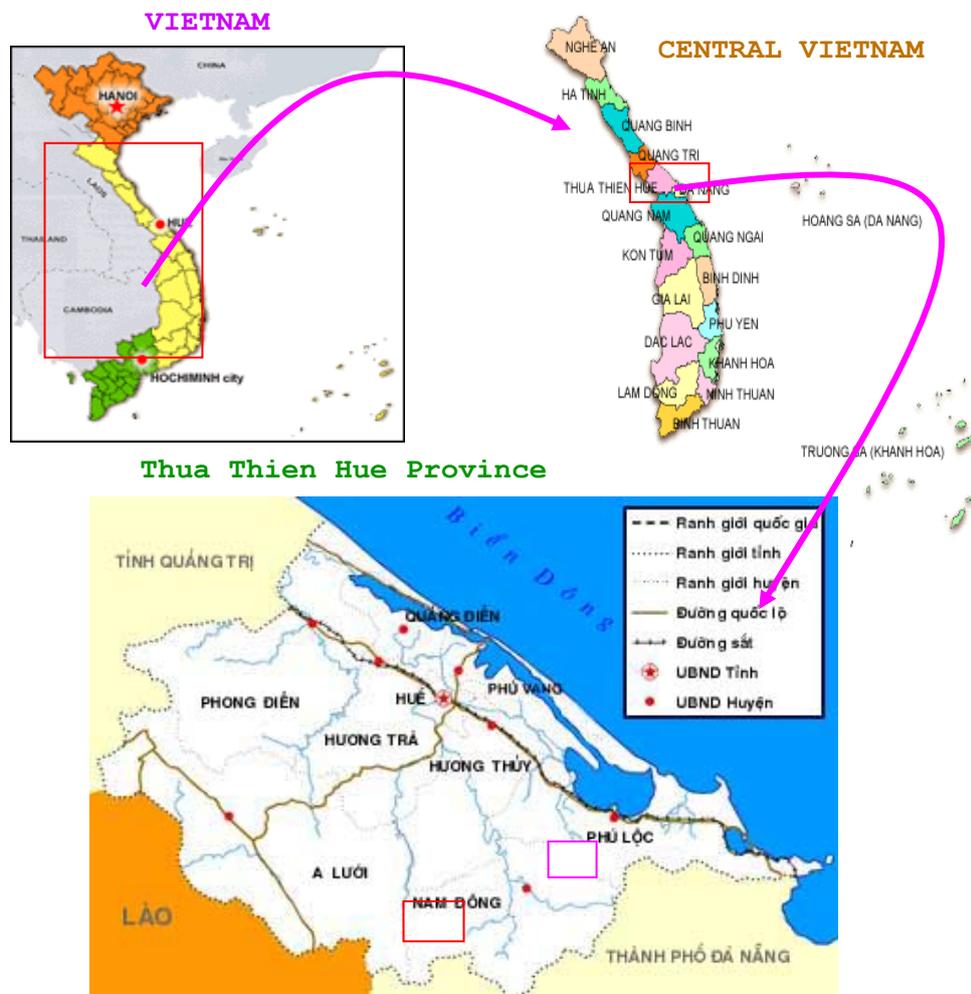


Figure 2. Location of the study sites.

Loc Tien is located in the coastal area and Thuong Quang has the characteristics of a hilly and mountainous zone of Thua Thien Hue province and Central Coast of Vietnam. Contrasting the natural and human ecological conditions of these two communes is part of the research to compare the implementation processes and consequences of the forest devolution policy in different contexts with the same political system, but having different leading management groups. The contrasting characteristics of these two communes can also help to understand the influence of different factors on the distribution of the endowments and entitlements from the devolved forest.

The field work in the mountainous commune was conducted in all seven villages of the commune while it was only done in one village in the coastal area. However, secondary data was collected at the commune level. Background information on social and economic conditions of these two sites are presented in the next section of this chapter.

### 3.2.2. Social and economic contexts of the study sites

#### ➤ *Loc Tien commune*

Loc Tien belongs to the Phu Loc district which is the most diverse ecological zone of the province (having ocean, plains as well as natural and planted forests) and is located along the national road No.1, about 60 km from Hue city. Total physical area of the commune is 5,724 ha, of which 4,299 ha is natural forest and forestry land (statistic data in December, 2005). Occupying 75 % of total physical area, natural forest and forestry land are still important resources for the livelihood of the local people.

The commune has eight villages with 1,747 households (in 2005), and has a large population compared to the communes in the mountainous and hilly zone of Thua Thien Hue. There are 85 poor households<sup>1</sup> occupying 22 % of the total households of the commune. All people here are Kinh which is the major group in Vietnam.

Wetland rice is a major crop in the commune and the cultivated area exceeds that of other communes of the province. Home gardens are very limited with low fertility soil and no high value crops or trees. Buffalo are the main animals, but the grazing area is increasingly limited. There is ecotourism service from the Elephant stream in the forest of the commune. This service was initiated by the Song Thuy cooperative, established in the period of collective production in Vietnam. A commune is the lowest administrative unit in the political system in Vietnam. The commune authority is responsible for managing all the activities with assistance from

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<sup>1</sup> Households have an average income of less than 200.000VND per person per month.

the heads of the villages. The cooperative's management boards' activities mainly focus on economic services<sup>2</sup> such as irrigation, seeds or fertilizer services.

This area is part of the Chan May economic zone that is developing with the new port and some industrial factories, of which one wood chip processing was built in 2003. Because of the influence of Chan May economic zone establishment and being located on the national road No. 1 and close to Da Nang city, access to markets (including markets for planted forest timber) seems to be good and there is high competition in land use (for both settlement and forestry land).

This commune is considered by the district Forest Protection Department (DFPD) to have experienced serious deforestation. Before 1994, all forest and forestry land area belong to management of the DFPD and Phu Loc forest enterprise. Forestry land allocation in the commune started from 1994 to 2004 (but not continuously) through the PAM (World Food Programme) and 327 programmes for planting forestry trees and the international projects (SNV). However, natural forest was allocated to only one village (Thuy Duong) from 2001 (only a part of natural forest area in the commune: 511.9ha) through the FROFOR project (funded by UNDP). This is summarized in the table 3 in comparison with Thuong Quang commune.

There are 1,747 households in the commune with eight villages, so the field work focus was mainly in Thuy Duong village which has 178 households (2005). This village is poor compared to other villages of the commune with 56 poor households (occupying 31 % of total households in the village). There are both natural forest and forestry land allocation activities in the village. However, to understand influences of the forest devolution policy on the livelihood of rural people, qualitative information was also collected in Thuy Tu village, which is a neighbour of Thuy Duong.

➤ *Thuong Quang commune*

Thuong Quang commune is located at the end of the Nam Dong mountainous district, which was separated from the Phu Loc district from 1990 due to its specific social and ecological conditions. The commune was ranked as a specially disadvantaged commune of the country (in terms of low income, poor social services and infrastructure) and got the support of the government through the 135 programme. This is a remote area and 60

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<sup>2</sup> Selling production inputs to the villagers.

percent of the total population is Ktu people (the indigenous ethnic group) and the rest are Kinh (Viet group) who moved from the lowland to settle there in 1976. Total physical area of the commune is 15,630 ha, of which 10,301.8 ha are natural and planted forest and 5,025.1 ha are barren hills, which is unused land. With more than 90 % of the total physical area of the commune as hills and mountain, forestry land and natural forest are a very important resource for the livelihood of the local people, especially for the indigenous group (Ktu people) who have lived there for a long time and have a long history of using and managing forest.

There are seven villages in the commune with 301 households, which is very small compared to LocTien. The number of the poor in the commune is 97 households occupying 32 % of the commune's total household. Most of poor belong to the ethnic group (89 ethnic poor occupying 92 % of total poor of the commune). The ethnic group has their own culture and language. Ktu people can speak Kinh but almost all Ktu people who are able to speak the Kinh language are young people. Most older and even Ktu people who are at the medium age could not speak Kinh or can speak only a little. The customary regulations for forest management and utilization of the Ktu people were very strong in the past, but it is affected now because of introducing the state management system.

Wetland rice production in the commune was introduced in 1976 when the Kinh people settled. Shifting cultivation is the traditional farming practice of the ethnic group. However, it is prohibited by the government at present because the state considers it as a cause of deforestation. Because of the limitation of flat land, upland cultivation is still continuing and the major crops are cassava and upland rice. Cattle are the major domestic animals, but the grazing area has been reduced. Because of the isolation and limited infrastructure, access to information and markets in the commune is limited.

Rubber planting was started in Thuong Quang in 2002 through the agricultural diversification programme of the government. Rubber plantation has been done on the steep land, but it has been planned for the lower part of slope compared to forest plantation. Rubber was also classified as an agricultural crop (perennial crop) in Vietnam. Therefore, in this research rubber plantation was not considered as forest plantation and it is used only for discussion about broader livelihood issues.

Forestry land allocation also had been implemented in the commune through the PAM and 327 programmes but it does not have any meaning in terms of getting rights to use the land of the villagers at present. Both natural forest and forestry land was allocated to the people at the end of 2003 through the SNV project (funded by the Dutch). The forestry land is

allocated to the individual households and the natural forest is allocated to the household groups.

The field work was carried out in all the villages of the commune because the number of households in the commune was only one third of that of Loc Tien. It was hard for the author to work with the ethnic group because she could not speak the indigenous language and the Ktu have limited Kinh. The strategy of the author was to find some resource persons in the commune to communicate with Ktu informants.

The types of forestry land and natural forest devolution projects or programmes in Thuong Quang and Loc Tien are summarized in table 4 below:

Table 4. *Types of forestry land and natural forest devolution project or programme*

Commune	Name of project & funding organization	Type of forest land devolved	Duration of implementation	Note
Loc Tien	PAM or WFP	Forestry land	1987-1992	- No basis for claiming
			1993-1997	- Used for claiming
	Programme 327	Forestry land	1994-1997	Used for claiming
	PROFOR project, funded by UNDP	Natural forest	2001	- Formal decision
Thuong Quang	SNV project	Forestry land	2004	Red Book
	PAM or WFP	Forestry land	1992- 1995	- No basis for claiming
	Programme 327	Forestry land	1994-1997	- No basis for claiming
	SNV project	Forestry land & natural forest	2003	Red Book

Process of devolution of these programmes is discussed further in chapter V.

### 3.3. Research methods

#### 3.3.1. Methods of data collection

##### ➤ *Collecting secondary data*

The research was done to understand what Vietnamese forest devolution policy is and how it is made. To answer these questions, the written policy papers such as resolutions, laws, government decrees, decisions, and sector strategy papers related to forest and forestry land management at central and

provincial levels were collected at the Information Center of the National Assembly office, Ministry of Agriculture and Forestry (MARD), Ministry of Natural Resources and Environment (MONRE), the archives center of the provincial people committee (PPC) and other sources.

The objective of this study was not only to understand the content of the forest devolution policy papers and the process of making the policy, but also to investigate the implementation process. To address this objective, the project documents (PAM programme, PROFOR project, project 327, SNV project) were collected at the forestry development and forest protection departments at both district and provincial levels, at the SNV project office, at the commune people committee (CPC) and from the commune and village's heads because all the devolution programmes in the two study sites were implemented through projects.

Some other secondary data such as background information (land area, population and labour force, livelihood activities) of the district and commune were collected at the district commune people committee (DPC) and CPC.

➤ *Interview by questionnaire*

The aim of household interviewing by questionnaire was to collect quantitative information such as forest land holding, household resources and entitlements from planted forest and devolved natural forest, and the time women spent collecting firewood. These quantitative variables have been used to examine how social-economic status (difference in well being, gender and ethnicity) influenced gaining endowments of and entitlements from the devolved forestry land and natural forest. However, some qualitative variables (such as why the household gained or did not gain the forestry land, how they attended the process of devolution, people's comments on situations of forest management after devolution, change of livelihood activities and resources used, etc.) were also included in the questionnaire.

➤ *Sampling methods*

In Thuong Quang (the mountainous commune), 30 poor households were selected by the quota randomly sampling method from poor<sup>3</sup> group of seven different villages of the commune (occupying 30 % of total poor households in the commune). For the non-poor<sup>4</sup> group, 29 households were also selected by the quota randomly sampling method from better-off and

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<sup>3</sup> Households have an average income of less than 200.000VND per person per month.

<sup>4</sup> Households have an average income of 200.000VND per person per month.

medium groups of the seven different villages of the commune (occupying 14 % of total non-poor households in the commune).

In Loc Tien (the coastal commune), because of the population size of the commune, the interview by questionnaire was carried out in Thuy Duong village only because the natural forest devolution was only implemented in this village. The quota random sampling method was also applied to select 29 poor households from all locations of the village (occupy 51 % of total poor households). Thirty non-poor households were also selected by the quota random sampling method from all locations of the village (occupying 25 % of total non-poor households).

Poverty ranking in this research followed the national poverty line by the MOLISA. The sample households were selected from the commune's secondary data. The author intended to select 60 households in each commune for doing the survey. However, one poor in Loc Tien and one non-poor household in Thuong Quang had to be cancelled because the appointment could not be done.

Of the 118 interviewees in the two communes, there were 50 female farmers (24 female interviewees in Loc Tien and 26 interviewees in Thuong Quang). Sixty eight interviewees are men.

➤ *Focus group discussion*

This type of discussion focused on different topics. It was conducted with different groups in the two communes to explore different aspects in the process of forest devolution as well as its output and outcomes. The strategy for discussion with different groups was to explore their experiences and views in different research issues. However, some discussion topics with different groups were similar for the objective of cross-checking information to understand different comments or points of view of the actors in the research issues.

*Discussions with poor women's groups* were conducted in both communes. The issues were discussed including opportunity in attending the devolution process and reasons, time spent for collecting firewood, quality and quantity of firewood collected, income generation activities by gender before and after forest land devolution; the difficulty of women related to living earning activities and the trend of their livelihood activities.

*Discussions with key informant groups* (farmers who have experience and representatives of the village's leaders) were also carried out in both communes, one group in each commune with seven people for each group. The topics discussed with these groups were making a land use sketch, devolution process implemented, and income generation activities before

and after forest land devolution, seasonal calendar, risks of flood, drought, and diseases of crops and animals, as well as people's diseases.

For discussions with *Natural forest protection groups* (the groups were devolved natural forest or taking care forest protection directly in the case of allocating natural forest to the village in Loc Tien), six groups were organized (one group in Loc Tien and five groups in Thuong Quang: one of Kinh people and four with the ethnic group) to discuss how forest land devolution was implemented in the communes, institutions for management after devolution, and the activities of the groups after getting the forest for protection.

*Commune and village leaders groups* (one group in each commune) were organized to discuss which state institutions were involved in implementation of forest devolution and their roles and powers. These groups were also asked to give their comments on forest land devolution (difficulty in implementing forest devolution at the commune, land use efficiency after devolution, current problems in the devolved forest land use).

➤ *In-depth interviews*

While focus group discussions were used to get common ideas and views of the members in the research issues, in-depth interviews were conducted to understand some issues in more depth. They were carried out with five commune and village leaders about initiation of allocation, the devolution process (monitoring mechanism, way of transferring information, building the institutions for devolved forest management).

This type of interview was also done with some heads of natural forest protection groups (four people) about the group's activities after devolution, co-ordination mechanisms, advantages and difficulties of the group and conflicts in forest land use. Discussions with village elders were implemented to understand the history of the village, as well as the custom of traditional land tenure and management (two people in village 1 and three in Thuong Quang commune)

In-depth interviews were also done with 20 farmers in each commune about their comments on the institutions for the devolved forest management, benefits from and difficulties in forest land allocation, change of livelihood activities after devolution, power of making decisions of the households on the devolved forestry land and conflicts in forest land use. The strategy of the author to select the farmers (who are not involved in village or commune management positions) for in-depth interviews was based on observation and listening when doing the household surveys to understand who the farmers are that have more knowledge on forest

devolution. Their names were recorded in the notebook and then the author came back to talk with them later. Some interviewees of the in-depth interview were introduced by the farmers who spoke with the author.

Some qualitative questions were included in the questionnaire of the formal survey. These questions were either explored or ignored depending on the interviews. If the author met the people who had experience with the issues and were willing to talk, the author tried to speak with her or him as long as possible.

Along with doing in-depth interviews with people in the communes, open discussions were held with some government officers at the districts, provincial and national levels to investigate forest devolution processes, their roles, or general comments on the policy documents, as well as the process of making sector policy papers and developing the legislations (four officers at the district level, three people at provincial and three people at national level (One is a member of the National Assembly; two people from MARD).

At the time of doing the field work, only an international organization SNV (Netherlands Development Organization) has been running the activity in Thua Thien Hue. Therefore, the author could interview only one person from the SNV.

Besides the formal discussions and interviews, the author's strategy was to have informal discussions as much as possible. The author tried to talk with people whenever and wherever she met them, in the village or commune or district or provincial and national officers, who know forest devolution. The table below (table 5) summarizes the types of informants, number of informants and issues discussed.

Table 5. *Type of informants*

Type of interview	Type of informant	Number of informant	Issues of discussion
Focus group discussion	Poor women	Seven people for each group (one group in each commune)	Attending meeting of devolution; reasons, time spent collecting firewood; quality & quantity of firewood collected; livelihood activities & difficulty
	Natural forest protection groups	Three to five people, five groups in Thuong Quang & one group in Loc Tien	Implementation of forest devolution; institutions for forest management after devolution; activities of group devolved forest
	Key informant group	Seven people (including women and men) for each group (one group in each commune)	Mapping land use sketch; implementation devolution; income activities, seasonal calendar, risks of flood, drought, diseases of crops, animals, and human
	Commune and village leaders group	Five people for each group (one group in each commune)	Roles & powers of the actors; difficulty in implementing devolution; land use efficiency & problems in using devolved forest
In-depth interview	Commune and village leaders	Five	Initiation of allocation, devolution process (way of transferring information, building the institutions)
	Heads of natural forest protection groups	Four people	Group's activities after devolution, co-ordination mechanism, advantages & difficulties of forest protection group; conflict in forest land use
	Village elder	Two	History of the village, custom of traditional land tenure & management
	Farmer	20	Comments on institutions for devolved forest management, benefits from and problems in forest land allocation, change of livelihood activities after devolution, power of making decisions on the forest land devolved, conflicts after devolution
	Government officers (at districts, provincial & national levels)	Four officers at district level, three people at provincial & three people at national level	Implementation of devolution, roles of state institutions, general comments on the policy documents, process of making policy papers
	International organization	One officer of the SNV	Principle of the organization, roles, authority in forest devolution project

### 3.3.2. Data analysis

#### ➤ Data processing

##### ➤ Quantitative variables

Descriptive statistics were applied to analyze simple quantitative data such as basic information about the households interviewed (land holdings, the average income and expenditures, etc.), forest land area allocated to each household, average land holdings and decision making on land use by gender or socio-economic groups.

For comparison between forestry land holdings and income from natural forest and forestry land allocated between socio-economic groups and by gender, data were analyzed through a mean test of difference by using a “t test”, specifically following:

Hypothesis  $H_0: \mu_1 - \mu_2 = 0$

$H_1: \mu_1 - \mu_2 \neq 0$

Calculating T value

$$T = \frac{\bar{Y}_1 - \bar{Y}_2}{S(1/n_1 + 1/n_2)^{1/2}}$$

Where  $\bar{Y}_1$  and  $\bar{Y}_2$  are two population means,

+  $\bar{Y}_1$  and  $\bar{Y}_2$  are two population means,

$$+ \text{Where } \bar{Y}_1 = \frac{1}{n_1} \sum_{i=1}^{n_1} y_i; \quad \bar{Y}_2 = \frac{1}{n_2} \sum_{i=1}^{n_2} y_i;$$

$y_i$  is the value of the number of observation  $i$

+  $S$  is standard deviation;  $n_1$  and  $n_2$  are numbers of observations of first and second populations respectively.  $S$  is calculated following:

$$S = (S^2)^{1/2}$$

Where  $S^2$  is variance which is calculated by follow formula:

$$S^2 = \frac{(n_1 - 1) S_1^2 + (n_2 - 1) S_2^2}{(n_1 + n_2 - 2)}$$

$$\text{Where } S_1^2 = \frac{1}{n_1} \sum_{i=1}^{n_1} (y_i - \bar{Y}_1)^2 \text{ and } S_2^2 = \frac{1}{n_2} \sum_{i=1}^{n_2} (y_i - \bar{Y}_2)^2$$

are variances of the first and second population respectively.

After calculating the T value, by comparing calculated t-value to table t-value ( $t_\alpha$ ) taken from “t probable distribution table” using the following two standards:

Significant level  $\alpha = 0.05$  and DF (Degree of freedom) =  $n_1 + n_2 - 2$

If the calculated t-value is greater than the table  $t_\alpha$ -value, then  $H_1$  hypothesis is accepted, and if calculated t-value is smaller than  $t_\alpha$  then  $H_1$  hypothesis is rejected and  $H_0$  hypothesis is accepted.

The SPSS software was applied to analyze descriptive statistics and test of mean difference (using a “t test”).

➤ *Qualitative analysis methods*

Qualitative analysis methods such as data reduction (process of selecting, focusing and simplifying raw data), content and thematic analysis were applied to analyze qualitative information from focus group discussions, or in-depth interviews.

A theme is a recurrent unit of meaning. Thematic analysis is a way that is used to analyze information from unstructured interviews with questions that are not standardized. However, Aronson (1994) noted that the outline of process of thematic analysis is still insufficient in literature and he suggested that thematic analysis started with listing the patterns of information.

In this research, the author identified the pattern of qualitative information by reading the notes of the group discussions and in-depth interviews to identify the common ideas of the group discussions or in-depth interviews. Then these patterns are expounded based on all data or information related to the patterns.

The next step is to combine related patterns into sub-themes. The major theme is identified from related sub-themes. This type of theme is identified from emerging ideas from the information gained from the in-depth interviews or focus group discussions or open dialogues (for example, from asking informants about how they understand the benefits of forestry land allocation, they described how is it difficult for them to listen to the presentation of the foresters in the allocation process for different reasons. From that the author analyzed and identified that an important reason for not understanding the benefits of devolution were because there is a problem of information transfer by the foresters due to poor communication skills).

However, some themes were identified from the research. These included the role and power of the actors, reasons for attending or not attending the meetings or building institution for natural forest management in the process of forest devolution implementation, reasons for getting or not getting forestry land or natural forest devolved, the conflicts happening after devolution, endowment of forestry land and natural forest and forest management after allocation. For analyzing these themes, titles of the identified themes were used to code the qualitative information of group discussions or in-depth interviews to see how the contents of the discussions linked to the themes.

For the focus group discussions, the author used not only a thematic analysis approach to look at the content of the information given by the members of the group but also looked at their interactions and the process of raising their ideas to avoid the problem of generalization of the answer to the research questions with overlooking the interaction of participants in the discussion as suggested by Sim (1998). Analysis of a focus group discussion, therefore, is done sometimes in the discussion process, too, not just after finishing the discussion.

However, this challenged the author because of a great number of group discussions and in-depth interviews. The qualitative information also used to quote as the evidence for proving the author's claim.

➤ *Policy analysis*

Policy and policy making is not the same everywhere but it is conditioned and shaped by the specific political, social and economic environment, as well as historical factors or bureaucratic and administrative regimes (Pasteur, 2001; Blaikie & Sadeque, 2000). For its complexity, policy analysis, therefore calls for systematic methods of examination (Apthorpe & Gasper, 1996). Systematic thinking for understanding policy refers to a set of questions that need to be answered: how is the policy formulated? Is it always put into practice? What is the policy saying? What is included and excluded in the policy? How is it informed? How is it implemented and monitored? What are its consequences?

It is important to acknowledge that policy is made and implemented at a variety of levels (from central to local levels), so understanding of the linkages between these levels is also significant for understanding policy. Policy analysis is a complex process and it requires attention to informal logic and tactics in argument and it also requires an examination of the whole process (from the formulation, informing, implementation, to monitoring and evaluation), and a study on the ground to experience practice and not only study the statute book (Blaikie & Sadeque, 2000).

Forest allocation to the beneficiaries in Vietnam is a result of a shift in forest management policy of the state. This is an important evolution in institutional arrangements for forest management. Why did it appear? What are its implications? How was it put into practice and how does it impact the efficiency of management as well as the lives of rural people? To understand forest devolution policy and its impacts, the author applied a holistic approach to analyze it by looking at the whole process: the context for formulating the policy, the process of making and informing the policy, evidence in the policy papers and its linkage to the practical evidence to

claim or criticize the policy. The author also looked at how the policy has been implemented and monitored and how to measure its impacts.

Besides applying a holistic approach to analyze the policy, the author used some general tools that Apthorpe & Gasper (1996) called “informal logic” (practical argument analysis) by “specifying the contents and structure of a real and untidy position and assessing them” (p. 37). The discourse analysis method was also used as a way of looking at the “concepts”, “language”, “terms”, and “linguistic structure” used in the policy papers and the time line in making policy (Pain, 1996) and some other researchers used to analyze policy documents for analyzing the Vietnamese forest devolution policy.

➤ *Stakeholder analysis*

Stakeholder analysis is a potential tool for analyzing natural resource management policy. One of objectives of this study was to examine the process of implementing forest devolution policy through analyzing the function and roles of the actors who were involved in implementation of the policy. Stakeholder analysis is a useful tool to answer this question.

The stakeholder analysis approach started with identifying the key actors (or stakeholders who are defined as having common interests) and then assessing their interests or influence on the system (Mayer, 2001; Grimble & Wellard, 1997).

Mayer (2001) developed a series of nine tools for analyzing stakeholders in natural resource management policy. In this research, tool three (*The Four Rs*) and tool five (*Stakeholder Influence Mapping*) were applied to understand the role and influence of the actors.

+ *The Four Rs (tool three)*

This is a tool to look at the roles of stakeholders by exploring their rights, responsibilities, relationships and revenues in the process of implementing natural resource management policy.

Stakeholder Roles

Rights	Responsibilities
Relationships	Revenues

+ *Stakeholder Influence Mapping (tool five)*

Stakeholder influence mapping is a visual tool so it is very useful in aiding discussion among people. For analyzing the influence of stakeholders on

making and implementing natural resource management policy, the facilitators map out the figure in which the policy is put at the top and the participants who are invited to a meeting to discuss and make agreement and then arrange the stakeholders on the map. A closer stakeholder is to the top, the more influence on the policy he or she has. The size or diameter of the circle that is used to put a stakeholder in represented the size of the stakeholder (Figure 3).

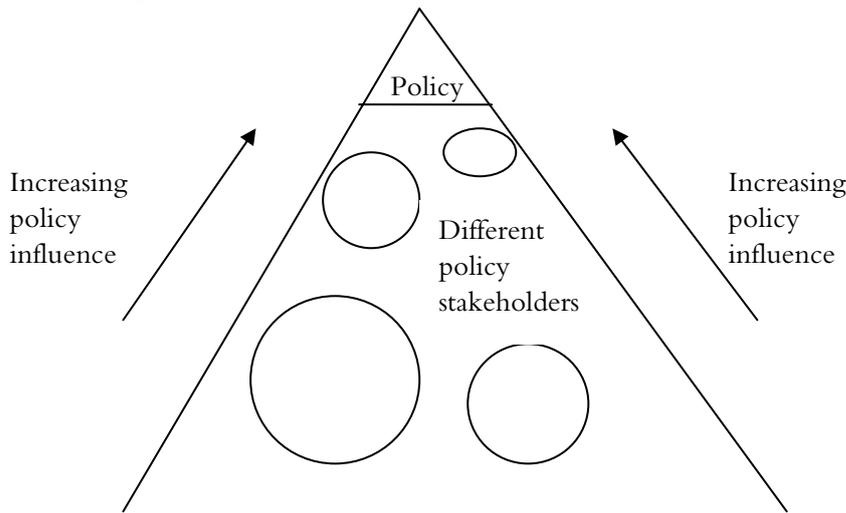


Figure 3. Stakeholder Influence Mapping

Because of the challenge to organize a meeting of the informants who are government officers at the central level, tool three and five for analyzing the stakeholders were just used for discussion about roles and influences of the stakeholders on the process of forest policy implementation.

➤ *Gender analysis*

The research focused mainly on analyzing the gender gap in gaining endowments to natural forest and forestry land and some other resources such as education, technical knowledge, information, and attending to forest devolution implementation and management practice after allocation.

A gender gap was also investigated using Gender Analysis Framework. Gender analysis aims at examining differences between men and women and causes that create differences between them for improving sustainability of development programmes or activities and policies.

According to Moffat *et al.* (1991) gender and development theory contain a number of analytical tools that can help to address gender issues in development works:

- The sexual or gender division of labour
- The types of labour: Productive, reproductive, and community
- Access to and control over resources and benefits
- Influencing factors
- Condition and position
- Practical needs and strategies interests
- Levels of participation: as participants, as beneficiaries, and as agents
- Transformative potential

Related to forest devolution programme, tools no. 3, no. 4 and no. 7 – (Access to and control over resources and benefits; Influencing factors; Levels of participation) were applied for analyzing gender gaps in the forest devolution process. Specification of these three tools is presented below.

★ *Tool 3: Access to and control over resources and benefits*

- What resources and benefits of the programme do women and men each have access to?
- What resources and benefits of the programme do they each have control over?
- What are the implications for the programme?
- How to improve access to and control over the resources and benefits of the disadvantaged group that has more constraints?

★ *Tool 4: Influencing factors*

- What key factors influence gender relations and access to and control over resources and benefits?
- How to minimize influencing factors for promoting gender equality?

★ *Tool 7: Levels of participation*

- What is the nature of women's and men's participation in the programme?
- Who are the active agents (planner, manager, organizer, advisor, committee member, and educator) in each stage of the programme?

➤ *Sustainable livelihood framework*

As discussed in chapter 1, this research does not only look at entitlements from the devolved forestry land and natural forest, but also explores how forest devolution influences rural livelihood. The sustainable livelihood framework is applied as an analytical tool to explore this.

The livelihood framework is a conceptual or analytical tool. It does not describe a reality but focuses on people and what they do rather than what

they produce. It also does not have a single logical point of entry (Pain & Lautze, 2002) because all the components in the framework have their own relationship to a livelihood.

The sustainable livelihood frame approach is expressed by many authors (Ellis, 2000; Scoones, 1998; Chambers & Conway, 1992) with different languages, but the central to all these models are “assets” or capitals of people and their capacity to use them as means for making a living. The assets are conceptualized in terms of human, social, natural, physical, and financial.

Besides emphasis on the importance of internal assets, the sustainable livelihood approach is also concerned with the external environment such as the vulnerability context, policy, institutions and processes as well as their relationship and interdependences to internal assets and thus to livelihood strategies and results. Therefore, understanding the dynamics of rural development for improving sustainable livelihood requires looking at all aspects in and outside of the rural life.

Murray (2002) argued that all livelihood research should combine both approaches of looking at the present and being retrospective. Rural livelihoods are diverse and change overtime, so research needs approaches that acknowledge the dynamics of livelihoods. Research on the influence of natural forest and forestry land devolution on the livelihood of the rural people explored livelihood practices before and after devolution. It also examined not only the activities in the forestry sector, but also on all other sectors of local rural life to understand the relationship among the sectors and their influence on local people’s livelihood practices and sustainability.

This research does not intend to use the livelihood approach as a theoretical framework to discuss the issue because of its limited research scope. The livelihood framework, therefore, just be used as an analysis framework focusing on analysis of three components: (1) household resources (or assets); (2) vulnerability context; (3) livelihood activities; in relation to change of forest endowments and entitlements.

### **3.4. Difficulty in collecting data and doing fieldwork**

The first challenge faced by the author was finding the policy documents. The policy documents are rarely published or sold in a book store, especially the new policy documents. At the provincial level, archives of policy documents were also poor in both term of type of documents and the way of storing and management. There was no electronic system to manage and lookup the documents in the archives center of the province. At the national

level, it was very difficult to access to the information center of the Party, Government and National Assembly offices. The policy documents in this study were mainly found based on help from the author's colleagues and friends who work for the state organizations.

In the process of doing the fieldwork in Loc Tien and Thuong Quang, the author also faced difficulties in arranging the meetings with the state officers and leaders because of their busy schedules. This was made more difficult because the authors had to work part time for the university in the process of doing the research. It was not easy to find the time suitable for both the researcher and the state officers to meet together. To overcome this, the author had to plan the meetings early and contact the informants regularly to catch their plan revisions so that the meetings could be arranged again.

The third difficulty in doing the fieldwork was the sensitivity of the information related to the conflicts that occurred after forest devolution. This information is often not discussed in public. People know and talk about it privately and they were hesitant to tell outsiders, especially the outsiders who visited the village for the first time. To be involved in this discussion, the author had to build the trust with the informants by carefully introducing about the objectives of the discussion and about the position of the author as a researcher.

### **3.5. Summary**

This chapter presented the methods used for the research. The process and reasons for selecting the study sites were also introduced. The background information of the two selected study sites were discussed to highlight the issues related to the forest devolution practice to be a basis for the discussion of the issues in chapters V, VI, and VII. The chapter also presented various methods used for collecting data and for triangulating the information gathered from the different sources. The qualitative and quantitative methods applied to process the data were discussed. The specialization analysis tools, such as policy analysis, stakeholder analysis and gender analysis that were applied to both processes of collecting and analyzing the data were also discussed. The chapter was closed with a presentation on the livelihood analysis framework and reflections on the difficulties faced in the process of doing the fieldwork.

## 4. Policy of Vietnamese forest devolution and forest administrative system

### 4.1. Introduction

As discussed in the introductory chapter, natural forest and forestry land devolution in Vietnam is a result of changes in the forest management policy in Vietnam. This chapter discusses the Vietnamese forest devolution policy. Given the complexity of the policy as stated by scholars, the author's thought is that it is not so important to have a clear definition of what the policy is but rather to consider what types of policy papers we should look for to see how they might influence practical action and bring consequences for individuals or groups in society. Therefore, in this thesis, the term of policy is understood as all the strategies, orientations, or regulations of all organizations of a political system that are written to frame practical action on a certain issue.

In the political system of Vietnam, the state is led by one Party that is the leader and directs all the action and ideas of the National Assembly and the Government. Although the election process party members and the National Assembly members are done separately, many members of the Party are also members of the National Assembly and the Government. The Party sets the direction for managing and developing the country. The National Assembly makes the law while the Government is responsible for formulating the papers for guiding the implementation of law. Although the political organizations of the Party, National Assembly or government have their own mission, they have to follow the lead of the Party (discussed further in section 4.3.). In this context, policy in general and Vietnamese natural forest devolution policy in particular in this thesis are understood as all the written documents of the Party, the Fatherland Front committee or National

Assembly and the Government at both the central and local levels that direct, orient or frame forest devolution action in Vietnam. Thus the statement of Sam & Trung (2001) that “forestry policy in Vietnam is issued by the State (the National Assembly, Government and ministry) only ” does not entirely reflect reality.

This chapter aims to examine why the state formulated the policy of forest devolution to the beneficiaries. How was the policy formulated? What are its objectives? What are its contents? For whom was the policy made?

This examination provides the basis to connect the empirical evidence on the process of implementing forest devolution to its consequences. The evidence used to support the argument in this chapter is drawn from the written policy documents related to natural forest and forestry land devolution. They have been collected from both the central and local levels. At the central level, the documents were collected at the offices of Government organizations (as presented in chapter 3). Searches were also made on the websites of the Party, Government and National Assembly and other sources.

At the provincial level, the policy documents were collected at the the document archives center of the PPC and the peoples’ council office. The study is also drawn from some literature on policy issues in general and forest policy in particular in Vietnam, as well from interviews with government officers at both the central and provincial levels and project officers of international organizations.

The chapter includes seven parts:

- 4.1. Introduction
- 4.2. The context for issuing Vietnamese devolution policy
- 4.3. Political system of Vietnam and central-local relations
- 4.4. Process of making the forest devolution policy
- 4.5. Objective of the policy
- 4.6. Vietnamese forest land allocation policy’s contents and some issues of formulation
- 4.7. Explicitness of the policy papers and inclusion related to pro-poor, gender and ethnic subject
- 4.8. Summary

## **4.2. The context for the Vietnamese forest land devolution policy**

The key policy papers (resolutions, laws, decrees, decisions, directives and circulars) related to devolution of natural forest and forestry land to the beneficiaries are summarized in table 6. The earliest paper is the Resolution

of Vietnamese Fatherland Front (December 30<sup>th</sup>, 1985) on mobilizing people to plant and protect forests and develop economic gardens and the Joint Resolution of the Forestry Ministry (termed MARD at present) and Central Union of young people (March 3<sup>rd</sup>, 1985) on encouraging young people to plant, protect the forest and to develop the forest economy. Those resolutions expressed the concern of the political organizations in involving people and other social organizations in forest land use.

As noted, the first 1987 Land Law initiated the allocation of land to individuals and households (one year after starting *Đổi Mới* in 1986). In 1993, the second Land Law was promulgated (with the decree No. 02, a document for guiding implementation of the law) to replace the 1987 Land Law after many resolutions of the Party and the National Assembly. This 1993 Land Law is considered as the keystone for agriculture and rural development in Vietnam. This came along with de-collectivization to further expand the rights to individuals in the 1987 Land Law by introducing official land titles and permitted land transactions for the first time since communist rule began (Ravallion & Van de W., 2003).

Other policy papers related to forest devolution in Vietnam are the first Law on Forest Protection and Development in 1991 and Tropical Forestry Action Programme (December, 1991), and the Programme 327, approved by the National Assembly in 1992 for putting effort into vegetating waste and barren land and developing mountainous areas.

The above examples showed that the forest devolution policy to the beneficiaries was mainly formulated in the renovation period (*Đổi Mới*) from 1986 to 1996. *Đổi Mới* was the result of a response to a long period of central planning with a socialist orientation and collective production that made the Vietnam economy closed and underdeveloped with high inflation, low GDP and poverty. This was an important institutional reform that started in 1986, the landmark of which is the Resolution 10 (April 1988) and the Resolution 22 (1989). This reform shifted the country from a central planning mechanism to a market economy with recognition and encouragement of the development of the private sector, liberalization and opening to foreign investment and international trade. This was a turning point of institutional reform in all aspects of the economy including a shift from state forest management to involving people and non-forestry organizations.

Moreover, the liberalization of trade (especially opening to international trade) in the first stage of *Đổi Mới* motivated the export of timber and contributed to deforestation. By the end of the 1980s, the forestry sector of Vietnam was in crisis and was warned by the Tropical Forestry Action Plan that the policy of direct state management had failed (Sikor, 1998). At that

time, State Forestry in Vietnam was not able to manage the forest effectively because of a lack of both financial and human resources. A conflict in use objectives between the State and local people also occurred. Only from 1990 was a clear responsibility for local stewardship of forest defined and established (Boothroyd & Pham Xuan Nam, 2000).

The opening of mechanisms for international co-operation brought by *Đổi Mới*, created opportunities for Vietnam's forestry sector to get finance and technical support from some international organizations such as PAM (World Food Programme), UNDP, FAO, Australia and Sweden through the Project GCP and the Project 3352 (Viet Nam Forestry Ministry, 1991). This international co-operative relationship required Vietnam to commit itself to conservation of tropical forests and tropical ecosystems at the meeting on Tropical Forest Action Programme Round II (Viet Nam Forestry Ministry, 1991). As a response to the extent of forest degradation linked to the weakness of state management and with international commitments to environmental protection, some additional policy papers related to forest devolution to individual households and communities were formulated. These included the Forest Protection and Development Law (August 19<sup>th</sup>, 1991) and Tropical Forestry Action Programme (December, 1991).

Along with the devolution of forest management was the devolution of power to the party at commune level. This overall devolution process occurred as a response to failures in centralized management and the need for decision making autonomy since entering the global economy (Trang, 2004). This process was implemented through Decree 29 on "Regulation on Exercise of Democracy in Communes" issued in 1998 to emphasize people's rights and the 1996 Ordinance on the "Tasks and Powers of People Councils and People Committees" to clarify the authority, power and responsibility of local authority at different levels (Ibid.).

To sum up, the forest devolution policy papers in Vietnam were formulated in the context of important institutional reform (*Đổi Mới*), a shifting from socialist orientation with a central planning mechanism to a market economy involving private economic interests including individual households. At the same time there was an overall devolution of the party. The forest devolution policy was also formulated in the context of international concerns with environmental protection and the weakness of the state forest management. These contextual changes were important drivers for formulating and setting the objectives of the policy. The policy papers were issued to address the technical and economic problems (low growth of the economy in the pre-period of "*Đổi Mới*" and serious

degradation of the forest in the late 1980s decade) consistent with an *instrumental* view (Mosse, 2005) or (SLIM, May 2004) of policy making.

### 4.3. Political system of Vietnam and central-local relations

Vietnamese political system including four administrative levels is described in the figure below.

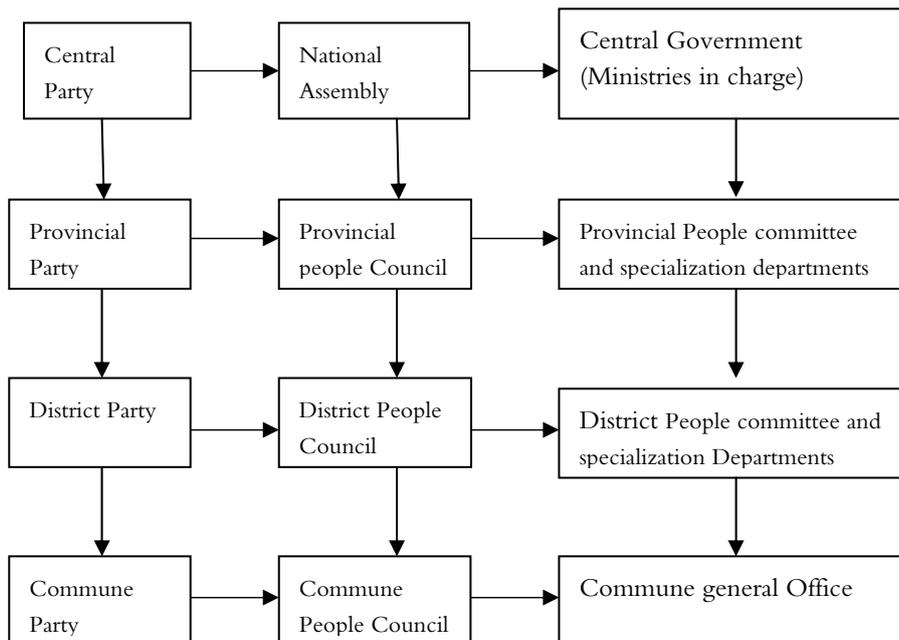


Figure 4. Political system in Vietnam

- Notes:
- Some people are members of Party, National Assembly as well as Government
  - Some people are member of both Party and National Assembly
  - Some people are member of both National Assembly and Government
  - Some people are member of both Party and Government

At the central level, the Party has a horizontal relationship with the National Assembly and Government, but it is an effective leader. For vertical linkages, under the Central Party (*Trung Ương Đảng*) is the provincial Party (*Tỉnh Ủy*) and then the district Party (*Huyện Ủy*) and the last level for the Party is the commune Party (*Đảng Ủy xã*). The central Party is in the position of leader to all authorities and organizations as well as mass organizations that have a vertical linkage with the central Fatherland Front. The central Party directly leads the Party at lower levels.

The roles of the central Party are as a leader and it develops resolutions to set up directions for development of the country in all dimensions. The parties at the local levels (from province to commune) have the duty to develop the resolutions to direct development for the same level based on the resolution of the central Party (for instance, the provincial Party is developed the resolution for development of the province based on the resolution of the central Party). The local Party is also responsible for disseminating the resolutions of the central Party to all its members at the same level for implementation.

The National Assembly has the function of approving the laws and the national programmes. It also has rights to monitor law enforcement of the Government. Kerkvliet & Marr (2004) reported that in Vietnam, government refer to the prime minister and national ministries and departments. It also includes the National Assembly and local governments (local people committees from provincial to commune levels, figure 4). However, in Vietnamese there is a difference between the terms National Assembly (*Quốc Hội*) and Government (*Chính Phủ*). Although the activities of the Government are monitored by National Assembly, the Government is considered as the body for implementing the laws and has the function of approving the documents for specifying the laws. For the vertical relationships, the National Assembly is the direct leader of the People Councils from provincial to commune levels to implementing their monitoring function to Government at the same levels (for example, at the national level, the Government is monitored by the National Assembly and at the provincial level, the PPC is monitored by the Provincial People Council).

Government has the function of implementing the resolutions of the Party and the laws through a vertical linkage to the Peoples Committee and the line departments (figure 4). In general, the Government and its line People Committees and departments hold the rights of directly coordinating social-economic activities of the country based on the resolutions of the Party and the laws approved by the National Assembly.

Kerkvliet & Marr (2004) used the terms *government* and *authority* to include all political institutions of Vietnam (Prime Ministers and ministries, National Assembly as well as the Party and Fatherland Front). From the meaning of the terms often used by the Vietnamese and different functions of those organization, the author did not agree with Kerkvliet & Marr. To cover all these terms (Prime Ministers and ministries, National Assembly as well as the Party and Fatherland Front), she used the term *State*.

The Fatherland Front is not described in figure 4 because it is too difficult to show its relation to other organizations in the system. The Fatherland Front, in reality, is a political organization directly implementing the activities that are devolved by the Party. It has horizontal linkage with the mass organizations (Women's union, Farmer Associations, Young Union and so on) at the same level. Its structure is also set up from central to grass roots level (commune). Those organizations have the function of implementing political activities to support the members of their organizations in the life following directions of the Party. However, the Fatherland Front sometimes also develops the resolutions to motivate their members to do something to support to social-economic development of the country such as the resolution to mobilize people to plant trees for environment protection.

Although the commune is the lowest management level in the system, the village is also recognized as a local representative unit under management of the commune authority. However, at this unit there is only a head and vice head of the unit who are managers of village. There is no committee or council in the village.

Because of the complexity of structure with three different organizations at the same levels along with four levels with vertical linkage, both vertical and horizontal relationships are very complex. Shanks *et al.* (2004) also showed these complex relationships because many officials in the system may holding positions simultaneously in two spheres (e.g., the provincial Party Secretary may also be the Chairman of the Provincial Council or the Chairman of the PPC may also be chairman of the Provincial National Assembly Delegation).

For central-local relationships, it is difficult to say that the nature of this relationship is centralized or decentralized (Shanks *et al.*, 2004). Communication of policy ideas between local and central levels is maintained through the meetings that can inform some issues to the formulation of national policy (Ibid.). In theory, there can be local policy setting up by the local Party, People's Council and People's Committee. However, in reality, the local levels (from provincial to commune levels) often are the bodies to implement the central policy with some specifications for local circumstances. The central policy is often implemented from provincial to commune levels based on the decrees, decisions, directives and the national budget distributed and approved by the central level.

#### 4.4. The Process of formulating the forest devolution policy

Vietnam is a single party state. In this system, the Party decides the orientation for development of the country. It often produces resolutions that mention general directions for future actions in a period based on the discussion and agreement of the Party's members. The National Assembly is the institution that has the function of developing the constitution and legislation. The policy papers, which are approved by the National Assembly, include the constitution, codes, laws and these have to be linked to the resolution of the Party. To guide implementation of the laws, ordinances and resolutions of the National Assembly, the Government develops decrees, directives, and decisions that are approved by the Prime Minister. Ministries and other institutions at the same level with ministries (e.g. the National Mountain and Ethnic Committee) are responsible for developing circulars, decisions and directives within their mandate as regulated in the Law of Making Legislation Document.

At the provincial level, the policy papers are developed by the provincial party, people's council and people's committee (see figure 5). The people's council and committee issue the policy papers (decisions, resolutions) based on regulations that are stated in the Law of Organizing People's Council and Committee (Trung tâm thông tin-Văn Phòng QH (Information Center of the National Assembly Office), 2004) and in the Law of Making Legislation Document (Quốc Hội Nước Cộng Hòa Xã Hội chủ nghĩa Việt Nam (Vietnam National Assembly), 1996). Nevertheless, the Party and People's Council at the local level often develop resolutions at the annual meetings (they are called resolution producing organizations) and the People's Committee is responsible for developing decisions and directives.

Except for the resolutions that are produced from the periodic or extraordinary meetings, other policy papers in general or forest devolution policy papers in particular are made by the draft writing committees (a template committee). This committee is established by the Government for developing the land law, the forest protection and development law and some decrees or inter-ministry circulars. For the other decrees, decisions and circulars, the draft writing committee may be established by appointed ministry (e.g., for forest devolution policies, the appointed ministry was previously the Forestry Ministry now part of MARD). So almost all policy papers (including the laws, decrees, decisions and circulars) related to forest management and forest devolution were formulated by a draft writing committee. The head of this committee comes from the Forestry Ministry and is at ministerial or vice-ministerial position. Its members are scientists from the institutions or organizations who have a specialization in forest

management. This ministry is also responsible for organizing formulation of policy papers and reporting the activities and progress of writing to the government members. As Shanks *et al.*(2004) stated that this process is similar and followed in each sector at the national level.

When the draft of the policy is finished, it will be approved by the National Assembly (if it is a law). For some laws (the land law, forest protection and development law for instance), they will be presented in the media for comment before being presented in the meeting of the National Assembly. The decrees or decisions on forest devolution or management will be examined by the cabinet. This type of paper is often drafted by the appointed ministry (MARD) and then presented in the meeting of the members of the government for approval (at least 50 % of total members have to agree). According to Mr. T. (an official of MARD), some decrees or circulars are sent to the professional institutions (such as national forestry institution, forest planning and inventory institution or provincial Agriculture and Rural Development Department - DARD) for getting comments before being presented to the government for approval. This was also confirmed by Mr. Tu. (an officer from provincial DARD).

Shanks *et al.* (2004) concluded that interaction and dialogue between sectors in making policy in Vietnam is limited, especially in the forestry sector. However, the information from a discussion with some state officers at the national level (Mr. M. a member of the National Assembly, Mr. T. from MARD) indicated that this depends on the type of policy paper. For example, inter-ministry or joint circulars or laws are formulated by members of different ministries in a joint drafting committee. Shanks (Shanks *et al.*, 2004) also stated that it is difficult to conclude that the process of making policy in Vietnam follows a top-down or bottom up approach. However, interviews with some officers who are members of the National Assembly or from the MARD and provincial DARD showed that the central government appoints the members of the drafting committee at the central level and these come usually from the central institutions only.

The provincial departments are invited to comment on draft documents. The drafts of forestry policy papers also get comments from some scientists or experts through invited specialists at meetings. The involvement of representatives of different social organizations or grass roots level in drafting and consultations on policy drafts is limited.

The types of forest policy papers that are offered for guiding implementation of laws such as the decree of the Prime Minister or decisions of the Ministry are also sent to the provincial forest department. The laws and national programme (e.g., the programme 327 or the 5MHRP)

are reviewed and approved by the National Assembly with the hope that participation of different social groups through their representatives in the Assembly will increase participation in making the policy. However, the time reserved for discussing the draft by the National Assembly's members before approval is very limited and almost all the representatives are the leaders of social and political organizations from the district level only. Involvement of the grass roots level is still limited.

According to a member of the National Assembly, some laws (the land law for instance) were presented in the public media such as on television or newspapers, but only about one or two weeks before approval. All the decrees, decisions and circulars have never been presented in the media. Specific local contexts and the interests of different groups in the society, therefore, may be excluded from forest devolution policy making. Similar comments have been made by contemporary policy analysts in relation to the design of regulations to govern and manage common pool resources utilizing largely a top-down direction (Ostrom, 1998).

The process of making the forest devolution policy in Vietnam can be summarized as follows:

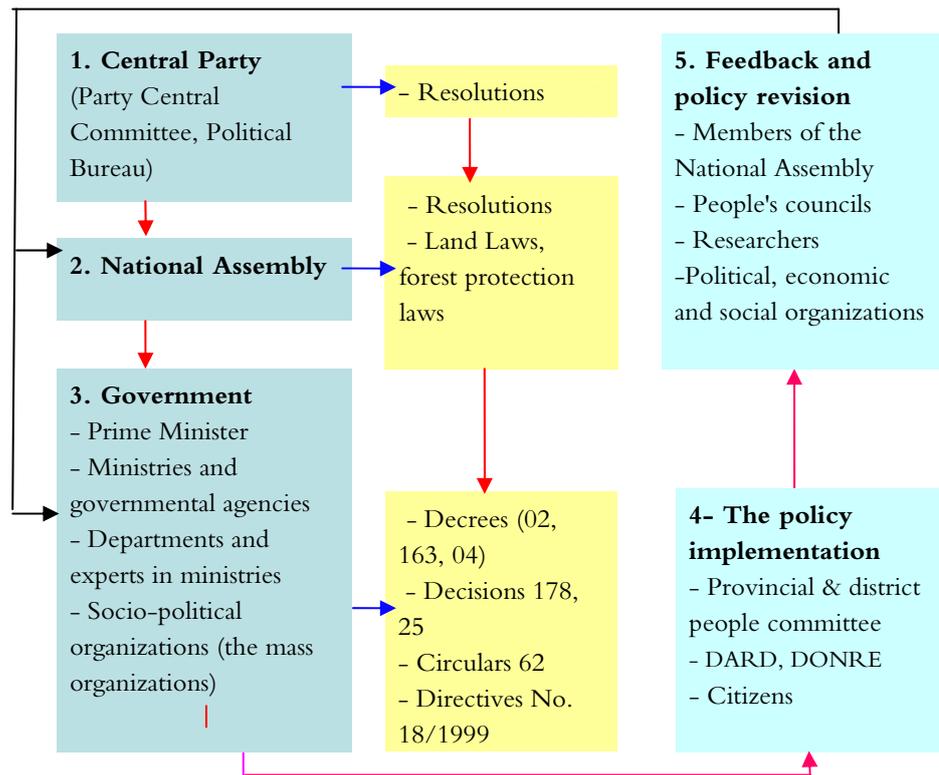


Figure 5. Summary of process of making forest devolution policy in Vietnam

Interaction between foresters (especially at the central level) with local actors (commune officers and local people) was not found in the process of making forest devolution policy. A lack of public participation or extensive discussion was not also found in the process of making environmental policy in Vietnam (Phuong, 1996). In a study on livestock policy, Vu (2003) stated that livestock policy making in Vietnam used a central planning method that determines policy issues based on political needs and bureaucratic rationale. Although participation at the grass roots level in making forest devolution policy is limited, the evidence found in this research showed that the main reason for enacting the forest devolution policy was for what were seen to be technical objectives (degradation of forestry land and deforestation of natural forest) rather than political reasons because the policy makers were aware of the importance of conserving forest. However, methods to determine the issue of forest devolution policy were found in line with comments of Vu (2003). In a case study on the process of making the Law on Foreign Investment in Vietnam, McCarty (2002) reported that people's comments were included in the draft of the law before sending it to the National Assembly. This was not found in forest devolution policy making.

The National Assembly delegates of the province often go to the communes for feedback on the general issues on the social-economic life of the people. For feedback for the drafts of the laws, the provincial national assembly delegate also invites the lawyers and specialists from the provincial DARD to a meeting to get their comments to bring to the national assembly meeting. The evidence showed a practice of using expert's knowledge in formulating forest devolution policy at both the national and provincial levels. This reflected the power of using expert knowledge as a central factor for influencing the making of policy that is criticized as "political technology" through the use of rational language (Shore & Wright, 1997). This is similar to the finding in Nepal that knowledge of local users was not taken into account in Joint Forest Management policy (Springate-Baginski & Blaikie, 2007).

Devolution of the forest to the beneficiaries in Vietnam is a change of property rights that needs to be based on context and the social aspects of devolution. Does the use of knowledge of the forestry and land management experts who have background in technical fields generate a policy that can be implemented effectively? This is discussed further in section 4.6.

According to McCarty 2000 cited in Shanks *et al.* (2004) and Shanks *et al.* (2004) there is vertical and horizontal consensus building in the policy process in Vietnam (internal sector consultation from the central level to the provincial level and cross-sector or cross-institutions consultation at the same

level in making policy papers). However, the practical evidence from this research showed that the forest devolution policy making process in Vietnam still follows a top-down approach rather than the bottom-up. It is not denied that involvement of specialists in developing Vietnamese forest management policy is very important. However, practical issues at the localities are better understood at the grass roots level and from the local people. In reality, consulting with local people in making policy on how natural forest and forestry land is used and managed effectively or how it should be devolved to local community is still limited. As argued by SLIM (May 2004), the value of social and human capitals in collective action is often not considered in traditional approaches of policy making. The policy, therefore, may not take into account the needs and interests of different social groups because of lack of understanding of the local situation. And, as Mosse (2004) notes, the success of the development programme or model depends on the involvement of supporters and beneficiaries.

To sum up, Vietnamese forest land devolution policy has been formulated mainly by the specialists at the central level with limited interaction among sectors and local levels, especially local people. The practice in making forest devolution policy in Vietnam is still top-down. This is similar to India where the style of forest policy making procedures is considered very top down with a little attention to user groups who might directly be influenced by the policy (Springate-Baginski & Blaikie, 2007). The process of policy making is also rather muddled because of the development of too many types of paper by the different institutions with varying authority depending on the type of policy paper. Use of expert knowledge dominates the process of formulation. The role of local knowledge and human resource as well as collaboration has still not been considered in formulating the policy.

Why did the state formulate the forest devolution policy? The next section (section 4.5.) discusses the objectives of the policy.

#### 4.5. Objectives of policy documents

As shown above, the forest devolution policy papers in Vietnam were formulated in the renovation (*Đổi Mới*). What are the objectives of the policy? Reviewing the policy papers, it was found that Vietnamese forest devolution policy papers contain objectives of improving economic, environmental, and social conditions.

#### 4.5.1. Economic objective

The resolutions of the Party and the National Assembly emphasize the critical role of agricultural and forestry development in the economic development of the country through using effectively the waste and barren land (“...*Land, forest and ocean have not been used effectively...., 8 million ha of barren hill is not greened yet...focus on the first objective is food production through efficient combination of labour and land, forest and ocean in order to exploit these resources with maximum level...*” -(the Report at the Sixth Party Congress – dated 18<sup>th</sup> December, 1986; p. 3.) or “...*Protecting and exploiting the existing forest area and using 10 million ha of barren hills effectively will be a strength for economic development...Development of agriculture and forestry is the first important mission for stabilizing economic situation...*” - (the Resolution of the Seventh Party Congress, dated 27<sup>th</sup> June, 1991; p. 2). This reflected an objective of improving land use efficiency to increase output of agricultural and forestry production to contribute to food security and growth of the economy.

Policy expectations of using land effectively for improving food output of the policy is also reflected in the resolutions of the National Assembly: “...*using land must link closely to economic and social development, ensuring food security, ...ensuring land use to be effective, reasonable and with the right objective...*”- (The IX National Assembly dated 10<sup>th</sup> May, 1997; p. 2) and in the land law (dated 14<sup>th</sup> July, 1993) : “*the state will take back the land if the receiver does not use continuously the land in 12 months*” or “...*encouraging organizations and households to use waste land for agricultural and forestry production....*” (p. 7). This expectation may have resulted from a review of the situation of the economy at the time of starting the *Đổi Mới* when lack of food was one of the key problems.

From 1996 to 2005, although the Party and National Assembly did not consider agriculture and forestry development through using land effectively as the most important strategy objective they still expected forestry production could contribute to mountain development: “... *facilitating bringing forestry to be a strength for development of the mountainous areas...*” with an expectation that “...*complete allocation of the remained forest land to organizations, households and individuals*” (The directions and missions for economic and social development at the Eighth Party Congress, 28<sup>th</sup> June, 1996- p. 7). The policy expected that offering priority to people who live in rural areas will mobilize resources of people to use forestry land effectively to contribute to economic growth of mountainous areas. An objective of the strategy of forestry sector in the period 2001–2010 is that “...*Focusing on investment in developing forest with participation of different economic sectors (state, people, private sector) to create diverse products of forestry sector for domestic use,*

*as well as export...*” (MARD, September, 2001- p. 17). This statement reflected the objective of mobilizing people’s resources for forestry development to contribute to national economic development, too.

#### 4.5.2. Environmental objectives

Besides the economic objectives of using forest land effectively to gain higher output of forestry production, the policy also aimed at improving the environment through intensifying forest planting and rehabilitation by identifying the forest’s owner and mobilizing human and financial resources from people: *“mobilizing people and social organizations to plant and protect forests”* (the Front Fatherland’s resolution- dated 30<sup>th</sup> December, 1985- p. 151) or *“Speeding forest planting and rehabilitation,...Ensuring that all forest areas and all types of forest have to have an owner...”* (the Seven Party Congress’s resolution- dated 27<sup>th</sup> June, 1991- p. 6). The environmental objective of the forest devolution policy is also reflected in the strategy of reserving land in the devolved forest area for people to do agro-forestry with the objective of getting their interest in protecting forest and contributing finance to forest planting: *“... in the allocated forest land area have to reserve the plan for the household to do agroforestry to get the interest of people in protecting forest and contributing financial resource to forest planting...”* (The strategy for forestry sector development in the period 2001-2010- p. 34).

Environmental objectives are also shown through encouraging efficient use of land in the land laws: *“the state encourages investing labour, material, capital and techniques in protecting, improving and increasing soil fertility...”* (p. 2) and *“...reward to land users who have good performance of improving soil fertility, greening barren land....”* and *“... the people who destroy land will be punished by the state...”* (p. 20). This is also reflected in the forest land policy section of the forestry sector’s strategy which emphasized ensuring efficient use of devolved land and paid attention to environmental issues: *“... Ensuring that allocated forest land is used effectively and need to set up indicators for assessing impact on the environment...”* (p. 35). Item 2 of the Article 12 of the decree 02/CP (dated 15<sup>th</sup> January, 1994) stated that *“households, individuals who are allocated natural forest, planted forest must be responsible to the state for protecting the devolved forest or flora”* (p. 5). The regulation expressing responsibility for keeping the flora in the devolved forest area reflected environmental concerns of the policy.

To sum up, environmental objectives of the forest devolution policy papers are reflected in the concerns of the efficiency of using devolved forestry land, encouraging investment in improvement of soil fertility and

awarding people who use devolved land effectively. It is also shown by giving responsibility to land users and punishing them if the land is damaged.

#### 4.5.3. Social objectives

Social concern of the policy is reflected in the direction of integrating forest development and mountain development of the Party and the National Assembly: The resolution of the Seven Party Congress on 27<sup>th</sup> June 1991 stated that *“Using and greening barren hills have to be associated with stabilizing settlement and life of people”* or *“Forest development must accompany with improving the life of people in the mountainous area”* (resolution of the Seven Party Congress) or in the resolution of the IX National Assembly (Eleventh Meeting on 10<sup>th</sup> May, 1997- p. 6)) that *“... Implementation of land use plan must integrate with social development objectives...”* (p. 2).

This concern is also shown in the strategy of the forestry sector through paying attention to integration between forest protection and production objectives of forest devolution and giving priority to allocation to households (especially from ethnic groups): *“reserving an area in the allocated forest land to household to do agroforestry will contribute to poverty reduction, especially poverty reduction in the remote and mountainous areas”* and *“...the local authority have to have a solution to help the households, especially from ethnic group who do not have forestry production land to get land to do production for stabilizing their life”* (The Forestry Sector Strategy in the period from 2001-2010, MARD, September 2001- p. 34-35). Even in the period 1991-1995 when economic growth was still a critical objective because of the need to address food insecurity and inflation, the policy stated concerns with the people who live in rural area and do farming: *“the state have policy to ensure the people who do agriculture, aquaculture and forestry have land to cultivate”* (in the 1993 Land Law - p. 1).

The most important aspect of social objectives is reflected in the policy papers concerned with devolving the rights to land receivers. Although the land law ruled that land belongs to all people of the nation and is owned by the state, the land users are rewarded with the rights of long term use, transferring, lease, inheritability, and mortgage. These rewards are seen to create self-control rights of people in making decisions on land use. The rights of land users are also protected by the state through providing land use right certification. This was expected to contribute to livelihood security of people.

In summary, the forest devolution policy has been formulated with the objectives of contributing to the country’s economic development. It is also aimed to improve the environment and reduce poverty, especially poverty

in the remote and mountainous areas. Those objectives of the policy reflected expectations of sustainable forest management of the state through devolution of forest to people. However, the idea of using forestry land and conserving natural forest effectively for economic growth after the failure of central plan economy and for environmental improvement was a greater concern in the policy papers as reflected by the numbers of statements related to these issues in different types of policy papers. Paying attention to poverty reduction was still limited because there was no regulation that defined priority to devolve forests to poor people and poor regions.

How are those objectives interpreted and implemented in practice? This is discussed in chapter V.

To understand how the forest devolution policy has been implemented and interpreted in practice, there is a need to analyze the policy papers to see their content and changes over time. The next section (section 4.6) discusses about the content of the policy.

#### **4.6. Vietnamese forest devolution policy's contents and some issues of formulation**

As presented in the introduction, forest devolution policy documents in this thesis are all the resolutions, laws, decrees, circulars, decisions related to forest land allocation of the party, national assembly, and government at both central and local level. Based on the period of the implementation of forest land allocation at the research sites (from 1986 to 2003 in the coastal commune and from 2003 in the upland community) the author collected and analyzed the policy papers that related to forest devolution from 1985 up to 2003.

Although the research limited the period of issued policy papers, it took considerable effort to find the documents because there are so many types of policy documents that have some statements related to forest devolution and they could not be found in one single documentation centre.

##### **4.6.1. Content of the forest devolution policy**

What is the content of the Vietnamese forest devolution policy? Table 6 summarizes these from the papers that have statements focused on natural forest and forestry land devolution to community or village and households. Because the latest devolution activities in the two study sites were implemented by the middle of the year 2003, this research analyzed the policy papers issued before 2004.

Table 6. *Content of Vietnamese forest devolution policy*

Time line	Name of paper and source	Content
1985-1990		
<i>Dec., 1986</i>	Resolution of the Six Party Congress	Encouraging people to plant & protect forests and develop garden economics by prioritizing investments for using forestry land effectively to improve environment & people's lives.
<i>Dec., 1987</i>	Resolution of the National Assembly on development plan for period 1986-1990	Encouraging use of land and autonomy in production
<i>Dec., 1987</i>	The first land law approved by the national assembly	<ul style="list-style-type: none"> <li>- Allocating land to enterprises, co-operatives, army units, state, mass organizations, and individuals for stable and long term use</li> <li>- Encouraging investment in land use and prohibit fallowing or destroying devolved land</li> <li>- Devolving rights of harvest, use and sell the products that are produced on the land.</li> </ul>
<i>March, 1989</i>	Decree 30 of the Cabinet Council (renamed to government)	Specifying some regulations of the land law for implementing such as procedure for getting devolved land (application, land use plan...) or term of devolved land use
1991-1995		
<i>June, 1991</i>	The resolutions of the party on the strategy for social and economic stability and development at the Seven Congress	<ul style="list-style-type: none"> <li>- Continuing to emphasize role of agricultural &amp; forestry production &amp; warn of deforestation</li> <li>- Offering an opinion about sustainable development: "<i>Economic growing must accompany with social equity and environmental protection</i>" (p. 3).</li> <li>- Continuing to emphasize mission of protecting and developing the forest and importance of identifying forest's owners: "<i>Ensuring that all forest areas and all types of forest have to have owners.</i>" (p. 6)</li> </ul>
<i>August, 1991</i>	The Forest protection and development law approved by the VIII national assembly	<p>Promoting participation of people and non-forestry organizations in forest protection and development for improving efficiency of forest management by:</p> <ul style="list-style-type: none"> <li>- Devolve forest &amp; forestry land to organizations &amp; individuals for protection, development and long-term use based on the state's plan</li> <li>- Ensure legal rights of forest's owner</li> <li>- Encourage investment in use of devolved forestry land and in forest protection</li> <li>- Limit waste of devolved forestry land by offering regulation of taking back the devolved land if it is not used after 12 months of allocation</li> </ul>

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January, 1992	The decree No. 17/HDBT of the minister council on implementing forest protection and development law	Guiding implementation of the forest protection and development law with specific regulations of rights and functions of forestry sector and provincial committee in planning forest protection and development areas and devolving forest land to people, co-operatives and other organizations
July , 1992	Decision No. 264-CT on encouraging investment in forest development by Chairman of Minister s' Council	Encouraging people to plant forest by policy of providing credits with free interest or low interest to forest planters
Dec., 1991	The resolution of the VIII National Assembly on the Mission of Social and Economic Development for the period 1991-1995	- Giving instructions for implementing the forest devolution policy: "...Implementing policy of allocating land including water surface, forest land to households..." (p. 3)-
Dec., 1992	The resolution of the VIII National Assembly on revision & addition to the 1987 land law	Giving reasons for revising and adding to the land law 1987: For improving efficiency of land use and for solving the conflict in land use
July 1993	The Second land law by the national assembly (replacing the first 1987 land law)	- Expanding the rights of land user: giving rights of transfer, exchange, lease, inherit and mortgage land use right - Grant certification of land use right to ensure legal rights of the users - Exempt land use tax for agricultural and forestry production - Giving opportunity of getting land to producers by setting up some regulations to ensure devolution of land to producer: "...The state has policy to ensure the people who do agriculture, aquaculture and forestry have land to cultivate..." (p. 1)
January, 1994	The decree No. 02/CP of the government on devolving forest and forestry land	- Guiding implementation of the second land law in 1993 with specific regulations of objectives, foundations, budget source, the objects and terms for forest devolution - Giving investment policy to land user for motivate use of the devolved land effectively.

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1996-2000

<i>July 1996</i>	The resolution of the VIII Congress of the Party on directions and tasks of the 5 years 1996-2000	<ul style="list-style-type: none"><li>- Identify forest economics is one of major directions of the country in the period 1996-2000</li><li>- Emphasizing in balance of environmental and social purposes in forest development: speeding greening bare hills and waste land along with stabilizing and improving the life of people in the mountainous areas</li><li>- Motivate devolution of forest to farmer households: Completing devolution of forest and forestry land to farmer households</li></ul>
<i>May, 1997</i>	The resolution of the IX national assembly on the plan of land use for 5 years 1996-2000	<ul style="list-style-type: none"><li>- Setting indicators for achieving planted and rehabilitation forest areas to get forest cover rate of 40 %.</li><li>- Mention in ensuring devolution forestry land to farmer and encourage investment in using the bare land for planting forest</li></ul>
<i>Dec., 1998</i>	The Revised and Amended Land Law approved by the X National Assembly	<ul style="list-style-type: none"><li>- Complementing some new regulations to specify some issues in allocation and lease of land in the 1993 land law .</li><li>- One important amendment regulation supported to farmers is that “<i>people who directly do agricultural and forestry production do not have to pay fees for using devolved forest and forestry land...</i>”. (Article 22, P. 2)</li></ul>
<i>Nov., 1999</i>	The Decree 163/1999/NDCP of the government on allocating and leasing forest land of the government	<ul style="list-style-type: none"><li>- Replacing Decree 02 (1994) with only a new regulation that those who are devolved forest land without payment for land use (Article 4).</li><li>- Another new issue was a regulation on devolving land to people who do agricultural and forestry production only (limited the objects for devolving land)</li></ul>
<i>Feb., 2000</i>	The decree 04/2000/NDCP of the government on implementing the 1998 revised and amended land law	<ul style="list-style-type: none"><li>- Regulating state institutions who have right to allocate and lease land</li><li>- Regulating foundations for providing land use right certification.</li><li>- Did not specify who are allocated forest land with payment for land use</li></ul>
<i>June, 2000</i>	Joint Circular No. 62/2000/TTLT of MARD & National land management Department on guiding for forestry land allocation, lease and provision of use right certification	<ul style="list-style-type: none"><li>- Continuing to encourage household to get bare hills for doing forestry production (Item d. of article 10)</li><li>- Encouraging farmers who do agriculture and forestry directly by exempting tax of devolved land use</li><li>- Regulations on procedure of forest devolution &amp; responsibility of the state institutions in allocation process (Devolution of land to household is coordinated by the DPC with participation of the DLAD &amp; DFPD)</li></ul>

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2001-2005

<i>April, 2001</i>	The resolution of the party in the IX Congress on the Directions and Missions for socio-economic development for 5 years (2001-2005)	<ul style="list-style-type: none"><li>- Recording progress of forest planting, rehabilitation and protection which increase the forest cover rate from 28.2 % in 1995 to 33 % in 2000.</li><li>- Concluded that there were still many critical social and environmental problems, especially poverty of the people in the remote areas.</li><li>- The resolution reconfirmed the sustainable development objective of the country as the period before (1995-2000).</li><li>- Forest protection and development along with poverty reduction and stabilizing the life of people in the mountainous area was still a development direction in the five year plan 2000-2005 for both objectives of agri. and rural development &amp; environmental protection</li></ul>
<i>Dec., 2001</i>	The resolution of the X National Assembly on the plan for five years 2001-2005	<ul style="list-style-type: none"><li>- Specifying the directions of the party by setting up the indicators and implementation measures for the 5 years plan</li><li>- One of the key solutions of the plan is developing based on potential of the regional natural resources to reduce the development gap between major and minority groups</li><li>- Mentioned in forest protection and development for reducing damages by natural calamity, but not mentioned in poverty reduction based on forest.</li></ul>
<i>June, 2001</i>	The second revising and amending Land Law approved by the national assembly	<ul style="list-style-type: none"><li>- This law mainly complemented the regulation on who are responsible for valuing land (Article 12)</li><li>- Adding some terms such as lease land (Article 23 and 24) or replacing the term of <i>economic and technical plan</i> with <i>Investment project</i> (Article 19, 63 and 81).</li></ul>
<i>Sep., 2001</i>	Decree No. 66/2001/NDCP by the government for revising & amending some articles of Decree 04/2000/CP	<ul style="list-style-type: none"><li>- Amending some regulations related to rights of some state institutions in land allocation and lease or rights of household and individuals when changing the objectives of using the land</li></ul>
<i>Nov., 2001</i>	Decision 178/2001 of Prime Minister on benefits and rights of household and individual who are devolved and leased forestry land	<ul style="list-style-type: none"><li>- Specify &amp; expand benefits to forest's owners to motivate people participating in forest protection and development (especially for watershed protection and special use forest):</li><li>- Giving benefit of getting timber to people who are devolved forest with a rate that depended on type of forest</li><li>- Providing capital for planting &amp; rehabilitating forest &amp; allow to use a part of devolved forestry land for agricultural production</li></ul>

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A review of the collected documents showed that the resolutions seeking to encourage involvement of individual households in forest land management or related to forest devolution are often formulated by the Party or the National Assembly or the Fatherland Front who often do not directly

implement the policy. These include *the Resolution of the central Fatherland Front (December 30<sup>th</sup>, 1985) on mobilizing people to plant and protect forests and develop garden economic or the Resolution of the National Assembly (December 12<sup>th</sup>, 1991) on Economic and Social Development Plan for 5 years: 1991-1995 or the Resolution of the second Congress of Party Central Committee of term VIII (Dec. 25<sup>th</sup>, 1996).*

The decrees, decisions, directives or circulars are developed by the Government or ministry or inter-ministry, for example *the Decree No. 163 of the Prime minister on Guiding implementation of the 1998 revised Land Law of the Prime minister or Decision No. 327 (Sep. 15<sup>th</sup>, 1992) on Some Policies for using barren hills, coastal land & waster surface or the Cross- ministers Circular No. 62-TT/ LB (June, 6<sup>th</sup>, 2000) of MARD and Central Land Management Department on guiding land allocation, lease and providing forestry land use certification or Directive No. 18/1999/CT-TTG on measures to speed up providing land use right certifications (Jul. 1<sup>st</sup>, 1999).* A decree and decision of a national programme is often signed by the Prime Minister while decisions are signed by the ministers. It is difficult to consistently attach weight or significance to these different policy documents because it depends on the objective and position and authority of the signatory.

At provincial and district levels, the resolutions are developed by the Party and People's Council and the decisions or directives are conceived by People Committee. There are not any decrees and circulars made at local levels (from province to commune). This is consistent with the law of formulating legislation documents (Quốc Hội Nước Cộng Hòa Xã Hội chủ nghĩa Việt Nam (Vietnam National Assembly), 1996) and comments of the Information Center of the National Assembly Office that province and district levels just issue the decisions (Trung tâm thông tin-Văn Phòng QH (Information Center of the National Assembly Office), 2004).

The summary of the key policy papers shows that the statements in the resolutions talked about general issues such as: *“Strengthen propaganda and explanation to make people understand benefits of forest planting”* (The Resolution on mobilizing people to plant and protect forests and develop economic gardens of the Fatherland Front and Forestry Ministry dated December 30<sup>th</sup>, 1985- p. 150) or *“Implementing policy of allocating forest land to households for long term use”* (Resolution of the National Assembly on Economic and social development for 5 years: 1991-1995 dated 12<sup>th</sup> December, 1991- p. 3). These statements are often presented in the resolutions without explaining the reasons why they were offered and without specific measures for implementation. Therefore, this type of policy document just develops the overall direction or orientation for forest devolution action. The language

used for this type of document seems to contain political intention rather than framing practical action (*propaganda and explanation, or try all effort, etc.*). For the laws, they mention the regulations for implementing forest land allocation with the order of chapter, article, and item. The decrees and circulars are the documents under the laws for specifying some articles or items in some chapters of the laws or for emphasizing some issues in the implementation of the law. The decrees and circulars are often offered for the same law to guide implementation. The directives are also types of instructions under the law to offer some more regulations to force the actors or beneficiaries to implement, but are just related to a specific issue like the directive for speeding up land use rights certification (the Instruction No. 18/1999/CT-TTG of Prime Minister on measures to speed up providing land use rights certifications dated 1<sup>st</sup> July, 1999).

The collected forest devolution policy papers reflected the concern of the Party, National Assembly and Government on devolving rights to the users. The rights were expanded according to the time line from the benefits of getting the products that are produced on the devolved land to rights of transfer, inheriting, mortgage and lease in the long term (50 years). Besides devolving rights of use and management to the users, the state also formulated some support policies to encourage them to effectively use the devolved forest and forestry land. These included providing capital or credit at low or no interest, exempting land use tax, or the benefits of getting timber of forest's owners even for watershed protection and special use forests. Devolution of the rights along with other supports implied encouraging people in forest and forestry land management to improve the environment and their lives.

#### 4.6.2. Some issues in formulating the policy

##### ➤ *Complexity of policy paper type*

Reviewing the time line and contents of the key policy papers revealed a complex mix of policy paper's types (many different types of paper even though they were developed at the same level). For example, the Revision & Adding Law from land law 1993 was enacted on 2<sup>nd</sup> December, 1998 and along with this the government issued the Decree 163/CP (Nov. 16<sup>th</sup>, 1999) on forestry land allocation and lease and the Decree 04/2000/NDCP dated 11<sup>th</sup> February, 2000 on implementing the 1998 revised and amended Land Law. Moreover, the Instruction No. 18/1999/CT-TTG on measures to speed up providing land use right certifications (July 1<sup>st</sup>, 1999) and the Joint Ministry Circular No. 62/2000/TTLT on guiding forestry land allocation, lease and use rights certification provision (June 6<sup>th</sup>, 2000) were also issued to

enhance forest devolution. These multiple layers of policy made even the state officers confused. This was also raised by people in a direct dialogue on line with the Vice chairman of the National Assembly Nguyen Van Yeu on 3<sup>rd</sup> May, 2007, that “*why issuing the law must offer more decisions, decrees, circulars, etc. How can I access and understand when we have too many types of policy papers like that?*”, a person raised the question for the vice chairman of the National Assembly (TuoiTreonline, 2007).

The character of decisions is more complex: some decisions are documents for guiding implementation of laws through regulating some issues related to forest devolution as *Decision No. 264-CT on Encouraging investment in forest development (Jul. 22<sup>nd</sup>, 1992)*. Some decisions are not documents for guiding the laws but are under national programmes to specify the tasks of the programmes (e.g., the *Decision No. 327 on Some Policies for using barren hills, coastal land & water surface dated 15<sup>th</sup> Sep. 1992*). The structure and statements in the decisions are also complex. Some decisions combine both general statements and specific measures such as the *Decision No. 327 in 1992 or No. 661 in 1998* (under two of the biggest national programmes on forest protection and development) but some others have a simple structure (only the regulations for implementation) such as *the Decision No. 178 on Regulating benefits of forest managers or the Decision No. 145 on policy for managing and using the planted forest by the PAM*.

The complex mix of policy documents are also reflected through the formulation of many different types of decrees and circulars that guide implementation of a law. For example, to guide implementation of the 1998 revised and amended Land Law, there were two decrees (Decree 163 and Decree 04) and the cross ministries Circular No. 162 to provide guidance in allocating and leasing land. All these guidance papers were longer than the amended law. How could the state organizations that are responsible for devolving forest spend time to understand the policy papers to implement them without confusion? How do the people, especially rural people and people from ethnic groups, who are directly influenced by the policy but have limited access to education and information, understand these policy papers?

➤ *Slow formulation of documents for specifying law*

Another remarkable issue is that the decrees and circulars are formulated for guiding implementation or for specifying the content of the law but they were developed at least six months later after the announcement of the law because the government institutions do not have enough time to make them. For example: the first Land Law was promulgated on 29<sup>th</sup> December,

1987 but the Decree No. 30/HDBT for guiding implementation was issued on 23rd March, 1989—nearly one and a half years later; the second Land Law was issued in July, 1993 but the Decree 02/CP for guiding implementation this law was issued six months later (January 1994) and the Revision & adding Land Law from the 1993 Land Law was announced in December, 1998, but the Decree 163/CP for guiding this law was issued in November, 1999 (11 months later).

One member of the National Assembly told the author that at present the Government has not yet developed a big pile of documents for guiding implementation of the laws. This is similar to the comment of Mr. Nguyễn Sỹ Dũng (09:03' 16/10/2006 ) that “*Many laws which are issued by the National Assembly have been not implemented yet (Treo) because the Government has not made one hundred decrees for guiding implementation of the laws*”. The question is how will the law be implemented and interpreted in six months or one year without the guiding decrees? This problem may lead to confusion or different interpretations in implementation in case of practicing without published guidelines or delays in implementation in the case of waiting for the decree or circular guiding implementation.

➤ *Changes over time*

Another interesting fact is that the legislation has changed over time. The revision or addition or replacement is often carried out after five years. The first Land Law, for example was issued in 1987 and was replaced in 1993 and then revised and added to in 1998 and 2001. However, even for the replacement, the policy was developed based on the previous one, in both terms of structure and content of the article or item. The duration for revising or replacement is often about five years. This duration is rather short so it may create complexity and challenges for implementing because the implementers do not have enough time to understand the documents (the interviewed officers at both provincial and district levels complained that: “*Oh they are changed too fast we can not follow*”). This also reflected that the contents of the policies are not appropriate to practice so they have to be revised. However, this may also showed the effort of the State to make the policy be more suitable in practice.

Shank *et al.* (2004) concluded that everyday resistance at the grass roots level was a cause that led to changes in land policy in Vietnam. This appears not to be the case with respect to forestry land. Changes in the forest devolution policy originated from the ideas of policy makers when practical conditions changed (e.g., adding limitation of allocated area in the 1998

Revision and Amended Land Law was a result of reducing the forestry land after a period of implementing the 1993 Land Law).

In brief, the forest devolution policy documents in Vietnam are a very complex mix of type, structure, and change over time. The documents under the law for specifying the contents and guiding implementation are often developed some time after the law. In general, the policy reflects the intentions of the state to encourage participation of the people in developing and protecting the forest by devolving a bundle of rights along with other support (providing capital, allow to use for agricultural production) for using the forest land effectively. Development of the different types of policy papers, the detail structure and the revision over time for fitting with the new circumstances confirms an effort of the state to encourage people to get forest land. However, too many types of papers, complex documents and changes over time create difficulties for policy implementers leading to different interpretations. How is the policy interpreted in the implementation given the poor specifications and complexity, and how does it influence endowments, entitlements and management practices after devolution?

As Kerkvliet & Marr (2004) (p. 1) said: “Bad policies equal bad governance and good policies mean good governance”. Policy papers are formulated to frame practical actions so good policy documents should be clear, specific with thorough enough explanations to provide actors clear regulations for implementation. Proper policy documents should also be linked together (Robert & Oberndorf, 2006) and accountable to achieve their objective. The next section of this chapter discusses explicitness and inclusion of the forest devolution policy papers.

#### 4.7. Explicitness<sup>5</sup> of the policy papers and inclusion<sup>6</sup> related to key concepts of pro-poor, gender and ethnic subject

As mentioned earlier, the development of the forest devolution policy in Vietnam started alongside *Đổi Mới* in 1986. Based on the time line of forest allocation policy papers and the time of implementing the policy in the two study sites, the arguments here are also drawn out from the policy papers written from 1986 to 2003.

Examining the formation and use of concepts in a policy paper is one of the aspects needed for analyzing policy (Apthorpe & Gasper, 1996). One of the objectives of forest devolution policy, which is repeated in the

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<sup>5</sup> Clear meaning of the terms and language used in the policy papers.

<sup>6</sup> Mention of poor, ethnic group and gender issue in the policy papers.

resolutions of both the Party and the National Assembly, is to stabilize the life of people in the mountains. These are the homes of ethnic groups and are evaluated as being poor and difficult compared to other areas. So, analysis of explicitness and clarity of the terms and concepts used in the forest devolution policy papers, and in particular the concept of poor and gender and ethnic subjects to see what and who is included, ignored or excluded in the policy, is crucial to understand the policy (Apthorpe & Gasper, 1996).

As discussed in section 4.3, it is a challenge in terms of time to look at the terms and concepts used because of so many types of forest devolution policy papers. Therefore, in exploring explicitness and inclusion related to pro-poor, gender and ethnic subjects of the policy, the analysis focuses on some key papers that are concerned directly with the regulation of forest devolution. These are the land laws, the forest protection laws and the decrees or decisions and circulars related to the laws. The following analyzes terms and concepts that were used in the policy papers.

The terms “*households and individuals*” are used and repeated in many resolutions, decrees, laws and decisions related to forest devolution including in the 1993 Land Law and the Decree 02 (1994) for guiding implementation of this law. This reflects recognizing them as subjects for devolving natural forest and forestry land. However, in the regulation of who will be entitled in the certification, the subject in the decrees and circulars is always said to be *Chủ hộ*, the head of the household. Who is this person? Is this husband or wife? Mother or father? Boy or girl? This is not clear and in the context of traditional culture in Vietnam, the head of household often is male. This may lead to different interpretations by policy implementers and may limit opportunities for women to gain endowments of the devolved forest.

The terms “*households and individuals*” are also not specific in terms of social and ethnic identity. Who are they? Are they the poor or better-off? Do they belong to the majority or minority group? Are they farmers or officers in the city? So everybody (even if they are officials or officers or people who live in the city and do not make living from forest production) can receive devolved forest. How can policy implementers interpret these terms? This lack of clarity may limit the opportunity for farmers, especially the poor, in receiving forest. It also does not support the claims in the resolutions or decrees, for instance: “*ensure that the farmers have land for agriculture and forestry production*” (the Resolution of the National Assembly on National Land Use Plan for five years: 1996–2000 dated 10<sup>th</sup> May, 1997–p. 2). The policy therefore may not bring endowments and entitlements to the poor.

The concept of agricultural land in the land laws is “the land which is identified to be used for agricultural production such as crop farming, livestock raising and aquaculture or use for doing research on crops and livestock” (Article 23 of the 1987 Land Law and article 42 of the 1993 Land Law- p. 7 and p. 8). Article 25 of the 1987 Land Law or article 43 of the 1993 land state that “forestry land is the land which is identified to use for forestry production such as forest planting, forest exploitation, rehabilitation or doing research on forestry....” (p. 8). Who is responsible for identifying the land as use for agricultural or forestry production? It is difficult to classify which area is agricultural land or forestry land in the mountainous areas where people do farming on the upland or grazing cattle in the forest, so this land area can be called both agricultural or forestry land as the concepts in the land laws.

The concept of forestry land in Article 1 of the 1991 Forest Protection Law (“*forestry land is land which have forest and land without forest but is planted for forest planting*”- p. 1) is more confused because many land areas without forest have been used for farming by people in the mountains, especially ethnic minorities. So, whose plan and knowledge is accounted for in this regulation or concept? What is the meaning of “*without forest*” because even forest is an abstract word? How can policy implementers interpret this concept?

One of the criteria for devolving forest land mentioned in the land laws and also in the decrees is based on the “*need*” and “*capacity*” of the household or individual. What is the “*need*” and “*capacity*”? This concept is also unclear. How do the state institutions that have responsibility for approving the applications of the households and individuals assess who has “*need*” and “*capacity*” in order to decide whether to devolve forest land to them? How can the policy implementer measure need and capacity of households? This may lead to approval by the state organizations who implement forest land allocation based more on influences of power and social relationships. It may also lead to the exclusion of the poor because they often are considered as the people who do not have capacity (very few labours, no financial resources, lack of skills, etc.). This is similar to the arguments of Shank *et al.* (2004) that the land policy may not be pro-poor because of the regulation of allocation based on criteria of having more labour and capacity to use land effectively.

Questions of power relationships may occur in the regulation of providing forest land use right certification: “*The organizations, households, and individuals who are using the forestry land that is not allocated or leased before enacting this policy, if there is no dispute, and the land use purpose is appropriate,*

*will be considered for allocation of this land and will be provided the land use right certification*” (Decree 163/CP, p. 6). What is the concept of “*appropriate land use purpose*”? The forestry land allocation policy also emphasizes the purpose of land use but it seems there is a contradiction in identifying forest land use purpose. In almost all parts of the policy papers it is said that the forestry lands that are devolved to households and individuals are planned for forestry production and it will be taken back if that allocated land is used for the wrong purpose. However, sometimes (example in Article 15 of the Decree No. 163/ CP) it is stated that the allocated bare land can be used for planting perennial crops. So, it is not clear what the right or wrong purpose is for devolved forestry land. The slope of the forestry lands that are planned for forestry production purpose in the policy papers is greater than 25<sup>0</sup> but according to the tradition of the ethnic groups, the sloping lands are often used for crop cultivation. So, the customs of ethnic people were not taken into account in the policy. This may prevent land use by ethnic groups for cultivating food crops.

An important requirement of the policy papers for applicants to get natural forest or forestry land is have to have an “*economic and technical plan*” (*luận chứng kinh tế kỹ thuật*) to justify effective use of the devolved forest land. It is very difficult to understand this term even for officers. This term was replaced by the term of “*investment project*” (*Dự án đầu tư*). However, the word of *project* is still very strange for people, especially for ethnic people. How can the poor and ethnic people who are often illiterate or limited in education understand this to meet the requirements of land allocation? The land laws regulated that one of the conditions receiving land is that the household or individual must submit a *plan* or *project* to the state institutions that are responsible for land allocation for approval. How can people, especially the poor and ethnic group make a plan or project to get the land? The laws also require that households or individuals can be devolved land only when the plan or project is approved by the functional institution. Without clear explanation of this term, which one can be approved?

The resolutions of the Party and the National Assembly in all periods mentioned that forest protection and development along with the allocation of forest land to households are to contribute to poverty reduction and stabilizing the life of the people. However, all the land laws and decrees or decisions that set up regulations for forest devolution did not mention anything about these vulnerable groups. The poor and ethnic people, therefore, may be excluded from the policy because no priorities in the laws and decrees or decisions are given to them and because of their limited capacity to meet procedures for obtaining land. This can easily happen in

Vietnam because there are few service providers to help people follow the procedures to get land.

#### 4.8. Summary

The forest devolution policy papers in Vietnam have been mainly formulated in line with the *Đổi Mới*. This was a very important change in the development orientation of the country shifting from state forest management to involving individual households and villages. It was expected that the natural forest and forestry land will be managed better and the forest cover will be increased through mobilizing human and financial resources from non-state sectors, especially the private sector, for protecting and developing the forest. The policy is also expected to contribute to the economic development and poverty reduction of the country.

The process of making the forest devolution policy papers indicated limited interaction among sectors and among different social groups. Similar to making the environmental and livestock policy, extended public participation in making the policy is also limited. There was a tendency to use experts' knowledge (through involving mainly specialists and experts in policy making and the use of scientific terms and concepts in the policy papers). This process showed the power of the central Government in making the forest devolution policy.

The policy papers are muddled because of many different types and revisions overtime. It is different from the comment of Shank *et al.* (2004) that everyday resistance or informal negotiation influenced the pro-poor policy change on land as the change of the forest devolution policy overtime was the result of ideas pushed by policy makers. The muddle was also reflected through complexity of the institutions involved in the policy making process that is also found in the health sector policy by Shank *et al.* (2004). This may create confusion and different interpretations of implementers giving room for inequalities in allocation.

The policy indicated the intents of the state in devolving different rights to everybody for using natural forest and forestry land effectively to improve economic growth, poverty reduction and environment as well. However, economic and environmental objectives were still rather dominant. There are terms and concepts that relate to the opportunity of getting forest land are imprecise and may lead to exclusion. These may also lead to different interpretations, allow informal power relationships to influence the implementation of devolution and may limit the opportunities for women,

the poor and ethnic groups to gain endowments to the devolved natural forest and forestry land.

To examine these claims, it is necessary to explore not only the papers but also the implementation process. This issue is analyzed in the following chapters based on practical evidence from the study sites.

## 5. Implementation of forest devolution: Process and nature

### 5.1. Introduction

There is a view of policy analysis that is critical of the linear model with its focus on policy making processes and its emphasis on solving technical problems. This view argues that there is a need to look at both policy making and the implementation process (Springate-Baginski & Blaikie, 2007; Keeley & Scoones, 1999; Sutton, 1999). Understanding outputs and consequences of policy is seen to require not only analysis of the written policy papers but also an examination of the implementation process including monitoring and implementation (Blaikie & Sadeque, 2000).

Forest devolution in Vietnam has been ongoing since 1987 and was implemented in different stages. To understand how natural forest and forestry land devolution influences endowments, management practices and entitlements of rural people, this research not only looked at the policy making process but also examined how it was implemented in practice.

Chapter IV presented an overview of the forest devolution policy. This chapter examines how the devolution process was implemented and who was involved in this process. It also explores the roles and functions of the state organizations, local authority, and donors as well as the role of local people in devolution implementation. Examining roles and powers of the different actors relates to gaining endowments of social groups in chapter VI.

The forest devolution policy in Vietnam resulted from both the government's intention and international interests as almost all the allocation activities were implemented through support of international organizations. Frameworks of policy process do not provide explanations for outcomes of policy but they help to organize inquiry in policy analysis (Sabatier, 1999).

The implementation process of forest devolution in this research is discussed based on conceptual frameworks of the critical anthropological scholars and the new ethnographical view. The critical anthropological view was applied to look at how different social groups (poor and non-poor, women and men) participated in the implementation of devolution and what the nature of their participation was and asked “Who had the power or made decisions in the implementation process?” Implementation of forest devolution is an interpretation of policy in practice and an ethnographical perspective was used to inquire into how different actors produced their interpretations and what relationships, compromises and concessions were made in implementing the policy. Discussing interpretations of the policy implementers and people’s participation in implementation of forest devolution can help to highlight the process of mapping the endowments of forest of the beneficiaries.

Implementation of forest devolution in Vietnam is a process of transferring policy into practice by the state organizations. The chapter discusses the ways of disseminating policy information used by the state officers in the devolution process and then it argues how these ways influenced the effectiveness of informing people about the policy and how this may link to the opportunity for gaining endowment of different social groups.

There is agreement by many scholars on the importance of collective action for developing institutions for common pool property management (Agrawal, 2001; Varughese & Ostrom, 2001; Ostrom, 1999). In the case of devolving natural forest to village or household groups, the new regulations were developed for forest management after devolution. This chapter explores how the institution was established, who was involved and the nature of their involvement. The structures and roles of the established institutions are also discussed.

Practical evidence discussed in this chapter was found in reports collected at the DFPD of Phu Loc and Nam Dong districts and the CPC of Loc Tien and Thuong Quang, as well as in Thuy Duong village, and some project reports on the national level searched on the internet. Discussions with groups of forest protectors or key farmers and in-depth interviews or open discussion with some local leaders and farmers were also important sources of material. Some quantitative and qualitative data about involvement and the reasons for attending the allocation activity by local people came from the household survey in Thuy Duong village (Loc Tien commune) and Thuong Quang commune.

This chapter includes 5 sections:

*Section 5.1.* Introduction

*Section 5.2.* Implementation processes and the involvement of the entities or stakeholders present in the steps of devolution, the roles, functions and powers of the state organizations, the international donors in the implementation process of devolution, as well as interpretation of the policy implementers.

*Section 5.3.* Involvement of local people and the nature of their participation discusses how different social groups (poor and non-poor, women and men) were involved in the forest devolution process, their roles and the nature of their participation.

*Section 5.4.* Institution building for village or household group based natural forest management: It reflects on how the new institutions for village or household group based natural forest management was established and how it works and is maintained.

*Section 5.5.* Summary of the chapter

## **5.2. Implementation processes and the involvement of the entities or stakeholders**

After unification of the country, all natural forest and forestry land in Vietnam were managed by the state. All activities related to exploiting, protecting, planting and rehabilitating forest and forestry land were implemented by state forestry organizations. People were allowed to exploit some NTFPs. However, in reality, illegal logging occurred in many places in the country including Thua Thien Hue province because agricultural production of the country and for households was not enough for the full year. The economy was also underdeveloped at that time, so the state budget was not able to invest in greening the bare land area. By the late 1980s the Vietnamese forestry sector was estimated to be in crisis and the policy of excluding local people from forest management of the state had failed (Sikor, 1998). Since the end of 1980s, the state has paid attention to involving people in forest management (Minh and Warfvinge, 2002; Phuong, 2000). Both natural forest and forestry land (bare land) have been devolved to household or household groups or villages (generally termed beneficiaries). This research examined both the processes of devolving natural forests and forestry land (barren land area for planting forests).

There is no policy paper in Vietnam that describes the process of forestry land and natural forest allocation (FLNFA). The policy papers related to forest devolution also do not separately regulate for devolving natural forest

and forestry land (bare land). The field work in the two study communes showed that the initiation and implementation of allocation activities were very different in terms of reasons, time, financial sources, and methods of allocation.

#### 5.2.1. Implementation process of forest devolution

Studies of the influence of forest devolution on management practice and people's livelihood have been carried out in many countries of the Asian Pacific region such as Korea, India, Nepal, China, Indonesia, Philippine, Laos and Vietnam (Colfer *et al.*, 2008; Springate-Baginski & Blaikie, 2007; Edmunds & Wollenberg, 2003). However, exploring the implementation process of forest devolution was found only in the study in Laos by Fujita & Phengsopha (2008). Almost all of the other studies focused on analysis of the outcomes of devolution (change of forest condition, change of household economy, social and economic implications, etc.). How can one discuss the outcomes without connecting these to the implementation process of devolution? This sub-section presents the steps and activities of forest and forestry land devolution in the two study sites in Thua Thien Hue province. Gaps between the designed process and implementation in practice are also discussed to highlight how the policy was interpreted in practice and the power of different actors involved in the process. This discussion is a basis for raising the questions and interpreting how they link to gaining endowments of forest and forestry land in chapter VI.

##### 5.2.1.1. Implementation process of forestry land devolution

###### ➤ *In Loc Tien (the coastal commune)*

Before 1987 when forest devolution had not been implemented in Loc Tien, all the natural forest and forestry land areas belonged to the management of the state forestry organizations. A part of the forest area was managed by Phu Loc forestry enterprise and tasks of timber exploitation and development of forest on the bare hills were assigned by the provincial DARD. The part of forest area that belongs to the buffer zone of Bach Ma national park has been managed by the park for environmental protection. The remaining areas not assigned to the park and Phu Loc enterprise had been managed by the Phu Loc DFPD. However, the DFPD was also assigned the task of controlling all the activities of forest exploitation and only the DFPD had the right to punish illegal logging even in the forest areas that were assigned to Phu Loc enterprise or Bach Ma national park.

The activity of forestry land allocation (FLA) in Loc Tien (the coastal commune) was started in 1987 and implemented separately from the natural forest allocation (NFA).

*- Forestry land allocation through the PAM and 327 programmes*

The first FLA in Loc Tien was initiated in 1987 through the support of the World Food Programme (abbreviated to PAM in French), and was called the PAM programme. This activity started with a top-down project plan from the central level to the district level. Donor funding was provided food (rice) and input (seedlings) for planting the forest in the PAM programme. These were sent to the programme management board at the central level and were distributed to the province and then to the district level. The DFPD was appointed as project manager and was assigned to manage and use this funding.

The rule of the donor was to give priority to the poor to attend to planting and tending forest to get food based on the amount of the working day spent in the programme. The donor also required that planted forests be allocated to the households to ensure a long term benefit. The benefit sharing mechanism was that 70 % of the total value of the product would be paid to the planters and 30 % reserved for management fees of the state organization in terms of support to the farmers. However, the 1987 land law (the first land law) and the 1992 forest protection and development law that directly regulated forests and forestry land allocation had not yet been formulated when the PAM programme started in 1986 (then called PAM 2780). Therefore, the functions and responsibilities of the state organizations in forest land allocation at that time were still not regulated.

In order to meet the principles of the donor to get the funding for planting forest and food for people, forestry land was allocated to households through the co-operative (as the household was a member of a cooperative) although the land law and the forest protection and development law did not specify this. In this context, implementation of forest planting and allocation was coordinated by the PAM programme management Board (with the organizational structure from central to the grass roots (commune) level (Thua Thien Hue Agricultural and Rural development Department, 1998) - (See figure 6).

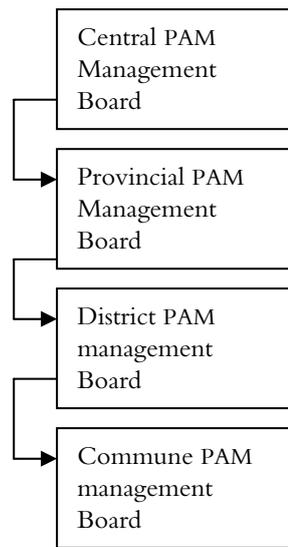


Figure 6. Organizational structure of the PAM program

At the provincial level, the vice chairman of the PPC was the head of the board. The director of the provincial forestry department (now being DARD) was the deputy head who is responsible for coordinating all activities and the three other members from the finance department, planning and investment departments and the food company.

For the management board at district level, chairman of the board was also the chairman of the DPC and vice chairman of the board was the head of the DFPD. However, the members came from some units of the DPC and protection department who were the key people for implementing the PAM program (Thua Thien Hue DARD, August, 1998).

Although the report of Thua Thien Hue province DARD (August, 1998) said that there was a board at the commune level, the in-depth interviews with some commune officers in Loc Tien commune and the head of Thuy Duong village indicated that the role of the board at this level in the PAM project was not clear:

*There was no management board at the commune level in the PAM programme. We (commune and co-operative) worked for the DFPD based on the plan they assigned to us. (Mr. Đ., 18<sup>th</sup> May, 2006).*

The implementation of the PAM's activity at this level was mainly coordinated by the co-operative management board (under administrative management of the commune authority). As the vice head of Song Thuy co-operative said (26<sup>th</sup> July, 2006):

*The DFPD was the owner of the PAM project. We went to ask for their help (creating relationship) to get the plan from them to guide people to plant and nurse the forest.*

And the land administrator of the commune reported (18<sup>th</sup> May, 2006):

*In the PAM programme, the district transferred all the rights to the DFPD so the commune did not participate in anything because there was no invitation from the DFPD for attending. They just gave seedlings and trees to the co-operative for planting. The*

*documents of land allocation were not kept at the commune. We did not know where they were.*

In the stage from 1987–1991 (PAM 2780), the process of devolving forestry land under the PAM programme was not clear and not documented in the project's documents. The local people and even the village leader and commune officers who were directly involved in coordinating the PAM activities in Loc Tien told that this programme came to the commune and village through being informed by the DFPD to plant forests for getting food. The implementation of the project activity followed a top-down approach with the target assigned from central to district levels. At that time, the agricultural activities in the country were still in the form of collective production. Devolution of forestry land to individual households was not clear in the process of implementing the PAM 2780 programme. This was also confirmed in an assessment by CARE International in Vietnam that there were ambiguities and disputes in land allocation accompanying the forest planting of the PAM programme (CARE international in Vietnam, February, 1994).

In the stage from 1993–1997 (PAM 4304), after the formulation of the 1987 land law in December 1987 (then replaced by the 1993 land law), the PAM programme was implemented along with the programme 327 on the greening of barren land which was supported by the state budget and planned from the central level with a top-down approach. The budget was distributed to provinces and then districts like the PAM programme. The DFPD was also assigned to manage and use this budget for implementing the programme. In a study on forest land allocation in Lao, Fujita and Phengsopha (2008) did a comparison of the implementation process between the programme led by the government and the donor-led programme. Those authors found that the financial source of the donor-led programme was provided to the commune authority. This is different from the case of the PAM donor-led programme in Loc Tien where the financial resource of the donor was managed by the DFPD. This may create more power for the DFPD in devolution implementation.

According to the report on the output of implementing the 327 programme, the planted forest area by the PAM programme was about twice that of the programme 327 (for instance, in 1993 the planted forest by the PAM programme was 2000 ha while by the programme 327 was only 1033 ha). It was also reported that the planted forest by the programme 327 was mainly owned by the state forestry organizations. The local people were contracted to plant and tend the forest of the programme 327 to get

payment in cash from the state forestry organizations who were the project implementers. However, forestry land allocation was also one of the components of this national programme. The individual households that belonged to the resettlement component of the programme were allocated from one to two ha per household (Thua Thien Hue provincial people committee, January, 1994 ; Thua Thien Hue provincial people committee, December, 1994). This research, therefore wanted to explore how the forestry land was devolved to the households in Loc Tien through the programme 327.

The information from an open dialogue with the village leader and household interviews confirmed that only some households who were living in the resettlement area of Thuy Duong village were allocated forestry land by the programme 327 with an area from one to two ha. The certifications of the allocated forestry land in this period by both the PAM and the 327 programmes were also informal (the white decision paper of the DPC). However, this informal decision could be used for claiming to get the formal certification (the Red Book).

For this period (1993-1997), the organizational structure of management for both the PAM and 327 programmes was similar in the first stage (1987-1991). According to the report of the DFPD, the process of devolving forestry land (for both the PAM 4304 and 327 programmes) was implemented through two main stages: (1) preparation and (2) the stage of implementing at the field and completing the allocation document as described below:

*Step 1: Preparation stage*, including three activities as follows:

*Activity 1:* Establishing the co-ordination board at the district level with the members mainly coming from the coordination board of the PAM project who were officers of the district DARD, the district land administration department (DLAD) and the DFPD. The head of this board was the chairman of the DPC. (The open interviews with the officers from the DFPD)

The coordination board was responsible for coordinating devolution activities and approving the plan of forestry land use and documents of the land receiver to be the basis for providing the land use rights certification.

*Activity 2:* Establishing the field working group (FWG) that included three people from the DFPD, one person from the commune (land management officer), and one officer of the district DARD. The head of the group was from the DFPD. This group was mainly responsible for devolving forestry land in the field by implementing all the activities at the field level including

completion of the documents of the land receivers and reporting on the plan and outputs of forest devolution to the district.

*Activity 3: Meeting and giving short training for the FWG*

The coordinating board organized the meeting with the officials of the communes in the district to disseminate objectives of the forest land allocation policy (the 1993 Land Law and Decree 02 of the government) to the commune officials and asked them to disseminate this policy to the local people.

A short training on the method of allocating forestry land in the field (a way of dividing block, plot and identifying the border of the allocated area and mapping to describe the location of the allocated plot) was given to the FWG. After this, the FWG had to prepare maps of the forest condition, map of land use of the commune, and economic-social background information to be the basis for devolving the forestry land in the field.

*Step 2: Informing the people on forestry land allocation*

After the training, the FWG (but mainly implemented by the officers from the DFPD) informed the heads of the commune and village about the policy of devolution. Those heads were responsible for informing the people about the policy and asked people to submit the application form for getting land if they were interested in using forestry land. This activity was not carried out formally through holding the village meeting and it was called a short cut step to save the costs of the implementation.

*Step 3: Planning land use and sending to district authority for approval*

According to the regulations of the law and the decree of the government, before devolving forestry land there is a requirement to document the existing forestry land area to plan for use and allocation. However, this activity had a high cost (comments by foresters). In the period of 1991-1997, the costs for planning forestry land in Thua Thien Hue came mainly from the PAM project. The budget of the programme 327 could not cover this and was just used for investing in forest planting. Even now, the expenditure for this activity also comes from the funding from international organizations. Therefore, the activity of land use planning before allocating forestry land in the PAM project and the programme 327 was based on the general planning of the forestry sector and the data of the commune to map the location of the allocated land area on paper. It was not really planned before allocating.

*Step 4: Allocating in the field, including three activities*

*Activity 1:* Informing time and location to individuals or households: Based on the list of households who were approved, the FWG was required to inform them of the time and location to come to get the land.

*Activity 2:* The FWG measured and identified the boundary of the forestry land area with the village's head and the land management officer of the commune who was also a member of the FWG as witnesses. The minutes were also prepared and the representatives of the household, village, commune and the forestry officer signed the minutes.

*Activity 3:* The FWG recorded the situation of the devolved land area and drew the sketch to show the location of the plot.

*Step 5: Completing the documents to send for approval and providing certification*

After finishing the activity of allocation in the field, the FWG drew the sketch of the allocated land position on the general forestry land map of the DFPD and design devolved land use plan and then submitted this map with the application of the households to the DPC for approval and certification.

Copies of the documents were kept at both the DFPD and the co-operative and were submitted to the district to get the signature of the DPC's chairman.

The process for implementing forestry land devolution under the PAM and 327 programmes presented above was regulated by the co-ordination board. This was reflected in the report of the DFPD and also confirmed through in-depth interview with both the forestry officers at the district level and commune officers who were involved in the implementation process at that time. However, the information from in-depth interviews and focus group discussions with local people in the coastal commune showed that they did not record any step in the process. They just knew about the FLA through asking by the co-operative and the forest protection officers to go to plant the forest. The local people were interested in planting the forest at that time to get rice (PAM 2780) or cash (PAM 4304 and programme 327) to feed the family because the lack of food was a serious problem for many households. This programme, therefore did not achieve sustainable objective through creating the income from the forest planting.

Some people knew about planting trees or forest from their neighbours

*I heard from the neighbour that the forest protection officers were hiring people to plant forest. Those who are involved in planting forest will be paid rice. And then I followed my*

*neighbor to plant trees to get rice for feeding my children. (Mrs. N. in Thuy Duong village, 17<sup>th</sup> August, 2005).*

The concepts of steps of FLA in the PAM and 327 programmes were also not recorded by the village leaders, and commune officers. The head of the village who was the officer of the co-operative and was involved in coordinating forest planting activity of the co-operative in the PAM and 327 programmes that time told that:

*For the PAM and 327 programmes, the officers from the DFPD came and asked the co-operative to mobilize people to plant the forest that was assigned in the plan of the project which was managed by the DFPD. We called it by the name of "PAM or 327 forest planting projects. (15<sup>th</sup> March, 2006)*

*Or We just heard that there was a PAM project on planting forest and being paid rice or cash and we went to plant trees - (Mr. H.- a commune officer, 15<sup>th</sup> March, 2006).*

The interviews with farmers, village and commune officials and forestry officers showed that FLA in the PAM and 327 programmes were implemented after planting the forest which was designed by the officers of the DFPD, as reported by one farmer in Thuy Duong village:

*We were asked to go to plant trees on the plots that were already designed for the co-operative (PAM 2780) or for each household (PAM 4304 or 327 programme) by the forestry officers and after planting trees they come to check before paying rice or cash and then we were informed that is our plots. (Mr. S., 10<sup>th</sup> May, 2006)*

*Or We were asked to go to the hills to plant forest which were designed by the foresters of the district forest protection department. After planting they will know how large an area to allocate to each household. (A co-operative officer, 25<sup>th</sup> May, 2006)*

As mentioned above, the steps of FLA through the PAM and 327 programmes were not regulated in the land law or forest protection law but were designed by the programme management board who was given that right. Moreover, implementation of the steps which regulated by the management board also depended on the interpretation of the FWG. For example, they said that because of the limitation of human and financial resources there was a short cut of a step of informing the people about FLA. Justification for the way of informing the people about the land law and the decree on forest land allocation through the commune officers and village's

leader or the head of the co-operative (informal way) was that this was a way of saving time and the budget for the allocation activity (Linh, 2001). The state officials hoped that the people would be well informed of the policy through telling by the officers at grass root level. This was also the result of an agreement between the project management board and the FWG to find a way to implement the duty with low costs. Nevertheless, the local people just knew that there was a forest planting activity that was organized by the DFPD and was called the PAM programme. They did not know anything about the land law and the decree 02/CP on allocating forestry land to household.

All farmers who spoke with the author individually or in the group said that they just heard from the head of the co-operative that they were to go plant trees and they were paid rice or cash for their labour contribution. After that they were informed verbally that they are going to get 70 % of the planted forest's product (PAM programme). For the 327 programme, the farmers in the new resettlement area of Thuy Duong village also told that they were asked to go to plant the forest in the hills. The foresters from the DFPD marked out the plot for planting trees for each household. The households were asked to go to plant trees there and then they were provided with the decision to certify that it was their plot.

Both examples of implementing forest planting by the PAM and 327 programmes showed that the forestry sector's officers (from the DFPD) and local authority's representatives (officers from the DARD and the DPC, the commune's officer and the head of the co-operative) implemented the forestry land devolution activity because of the tasks that were required by the state. Although the process of implementing allocation was interpreted and regulated by the district co-ordination board, in reality forestry land allocation activities in Loc Tien commune were implemented through activity of the PAM and 327 programmes. The implementation processes of these two programmes were similar. However funds of the PAM programme were available for project preparation and planning.

*- The process of forestry land allocation through the SNV project*

At the end of 2003, thanks to the financial support of the SNV, the general land use planning activity with participation of the local people was carried out in the commune. The land use planning activity found 66.5 ha of ineffective<sup>7</sup> planted forest (belonging to the Hai Van North watershed forest management board and the Song Thuy co-operative or Thuy Duong village now) and 70.1 ha of barren hills could be used for forest planting. Those

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<sup>7</sup> Poor establishment.

areas were planned to be allocated to households for planting forests and of which 75.9 ha (in a total of 136.6 ha) belong to Thuy Duong village). Those areas were allocated to the individual households at the end 2003.

The strategy of the SNV is building capacity for stakeholders (forestry organizations and district and commune authorities) by providing of training and advisory services. Moreover, the donor also provided money for implementing all project activities without any financial contribution from the Vietnamese government. The fields of training and advice of the SNV for the stakeholders are project planning, donor fund accounting, personal management, data and information management (SNV & Forestry Development Sub-Department of Thua Thien Hue, 1999). Support for building capacity for the stakeholders was called technical support. The policy of the SNV was supporting financial and technical aspects only; it was not concerned with lobbying Vietnamese policy (interviewing a coordinator of the SNV in Thua Thien Hue, 7<sup>th</sup> December, 2006). The central issue in building capacity for the local officers (from provincial to commune level) of the SNV was participatory planning. Therefore, the planning process used a participatory approach as a principle of the project that was introduced by the donor and was carefully monitored.

In the process of participatory land use planning, the land use planning map was made and kept in the commune. Along with this planning activity, the plan of allocating the remaining bare hills and poorly planted forest areas (managed by the co-operative - mainly in the Thuy Duong village) was made and submitted to the DPC for approval. It was approved and according to a leader of the village, the remaining forest land area was allocated to some individual households. However, the allocation activity was not presented to the villagers but just decided by the commune land registration council (LRC). Explaining this, one of the local leaders said that the land area was small so it did not need to inform the villagers. Along with this allocation, the provincial DARD was supported with 123 millions VND (2003) from the budget to the individual households who were allocated forest land for planting forest.

The process of FLA by SNV project emphasized participatory land use planning so it was called Participatory Land Use Planning and Forest Land Allocation (LUPLA). At the provincial level, the provincial forestry development division (PFDD) (belongs to the provincial DARD) was the partner of the SNV Thua Thien Hue who was responsible for coordinating implementation of the project. The CPC was considered as the central player that developed the proposal and managed the funds provided by the SNV.

The process of land use planning along with forestry land devolution in this project was developed based on the methodology of the Social Forestry Development Project of GTZ (German international cooperation enterprise for sustainable development) in Son La (Anh & Doets, 2004). According to the report of the SNV Vietnam in 2004, this process included seven main steps which were summarized as below:

*Step 1: Preparation: This step had 3 activities*

*Activity 1: Institutional set-up:* For this activity, the district management board of the LUPLA, FWG and commune LRC were established.

The structure and position of the leaders and members of the district management board and the FWG was quite similar to the PAM and 327 programmes. The difference was that the establishment of the LRC which was headed by the vice chairman of the CPC and the members included the cadastral officer, chiefs of the villages and the representative of mass organizations. Actually, the organizational structure of LRC was regulated in the circulars for guiding land registration of the central land administration Department (the circular TT 346 in 1998 and circular TT 2074 in 2001). Those circulars regulated the key members of LRC only (chairman or vice chairman of CPC, cadastral and judicial officers, chairman of the commune council (circular in 1998) or representatives of the commune Fatherland Front (circular in 2001) and village heads, involvement of other members (for example mass organizations) was decided by CPC.

*Activity 2: collection of baseline data and secondary data*

The secondary data such as the maps, statistic data on land use, forest resources inventory, direction of social economic development of the commune and legal papers were also collected at the commune, the DFPD and some other related institutions

*Activity 3: Training on LUPLA methodology*

This training was given to the FWG (the way and content was also similar in the PAM and 327 programme).

*Step 2: Conducting land survey and mapping current land use*

*Activity 1: organizing village meeting*

This step was started with a village meeting to disseminate legal documents related to land use and land allocation and to inform local people about LUPLA.

*Activity 2: Household survey*

After the village meeting, the house hold survey was carried out by the FWG with 100 % of total household to collect the data on the current and past land use structure, social and economic conditions and land use needs.

*Activity 3: mapping and develop models of land use*

The local farmers join the FWG to map location, boundary and land use types of the village. After mapping, a visual model (sand-table) was made to show land use structure to the villagers.

*Step 3: Preparation of land use plan and land allocation plan*

*Activity 1: organizing the second village meeting*

The second village meeting was organized to present the land use map and sand-table to the villagers and to discuss about land use which was planned. In this meeting, the villagers were also asked to register for land. This was confirmed through based on their needs and then the list of registration household was sent to the LRC for approval.

In the PAM programme and the programme 327, this meeting was not organized and it was called a short cut activity by informally telling the villagers by the commune and village leaders.

*Activity 2: Organizing the third village meeting*

The third village meeting was organized to finalize the land use plan and inform the household that are going to allocate land. In the PAM and 327 programmes, this was also a short cut activity.

*Activity 3: Sending for getting approval of LUPLA*

The LUPLA which was agreed in the third village meeting was sent to the DPC for approval

*Step 4: Land allocation in the field*

This step was similar in the PAM and 327 programmes, after the land registration household list was approved by LRC, the FWG and the LRC with representatives of the households went to the field to allocate the land. The allocated area was decided by the labour force of households and the list of households who were allocated land were put in the wallboard of the commune (Anh & Doets, 2004).

*Step 5: completion of administrative procedure*

After allocating in the field, the documents (application of household with approval of the village and the CPC, map of the plot's location) was sent to the DPC for approval and providing certification (Red Book)

*Step 6: Issuance of land use certificate*

Base on the document was sent to the DLAD; the Red Book was issued and then signed by the chairman of the DPC

*Step 7: Land development support*

The information was collected in the survey was used by the CPC for developing a comprehensive land development plan and different stakeholders

were invited to a workshop at the district to discuss and call for supporting from the stakeholders for developing land. The SNV organizes training courses for farmers on land development skills.

The above process of LUPLA was found that this was not so different from the process of allocation in the PAM and 327 programmes, except the step of land use planning with the involvement of local people through the household survey and participatory mapping and making visual model (sand-table of land use). Establishment of the LRC in the institutional set up step of the SNV project was also not found in the PAM and 327 programmes. The land registration activity was also designed through the village meeting but this step was short cut by the PAM and 327 programmes.

This process was reported clearly in the report on LUPLA in Thua Thien Hue by the SNV Vietnam. Both the villagers and village or communes officers who were interviewed confirmed that the household survey and some village meetings were organized to make the land use plan with participation of the local people in making the model of the land use practice (sand-table) and mapping. However, information from group discussion with both women's and men's groups and from the household survey in Thuy Duong village showed that the land registration activity was not presented in the village meeting. The list of households who were approved to get forestry land in the village was also not informed to the villagers or put on the wallboard of the commune. When the author asked the commune and village leaders why was that, the answer was that because that too small an area of bare hills remained for allocation to household so we did not present it in the village meeting. The villagers did not know that the poorly planted forest area of the co-operative were allocated to some households in the village until they were asked to sell their labour for planting forest in the land for the households that were allocated forestry land through the project of the SNV.

The land development plan was made after land use planning and allocation. As with the land registration activity, this plan was not presented to the whole village. The villagers did not know anything about the support from the provincial budget for planting forest on the allocated land or the principle of joined contribution of the state and people (the province supported 60 % in equivalent of 2.5 million VND for planting one ha of forest).

The decision for cutting out the steps of informing the land area to be allocated and the plan of land development was made by the FWG with agreement of the commune authority in the position of owner of the project.

➤ *In Thuong Quang (the mountainous commune)*

Before forest allocation implementation, all the natural forest and forestry land areas had been managed by the state forestry organizations. All most all the forest areas were managed by Khe Tre forestry enterprise for timber exploitation and development of forest based on the plan approved by provincial DARD. The remaining areas had been managed by the Nam Dong DFPD with task of controlling illegal logging. As with the Phu Loc DFPD, the main task of Nam Dong DFPD was also controlling all the activities of forest exploitation and punishing illegal logging.

The PAM and 327 programmes were also implemented in Thuong Quang. The finding was that implementation was quite different compared to in the coastal commune. The process was more short cut and there was no record of forestry land allocation to households. The planted forest under the PAM and 327 programmes was considered as ineffective forest (very poor establishment) and was managed by the commune. Until 2003, it was allocated to households also by support from the SNV.

It was also different compared to the Loc Tien commune in that both natural forest and forestry land were allocated to individual household and household groups at the same time. The process was similar to the process in Loc Tien which was also called LUPLA and a participation approach which was one of principles the donor (SNV).

The general process of forestry land allocation (FLA) in the two communes can be summarized by table 7.

The process of forestry land devolution in Loc Tien commune was implemented through the design by the different projects (the PAM and 327 and SNV projects). The major steps of the allocation process of those projects were similar. This is in line with conclusion of Fujita and Phengsopha (2008) through a case study in Lao that the government-led forest land allocation process is mainly similar to the donor-led programme. However, some steps were cut short in practice in Loc Tien because of different interpretations of the implementers based on their context. The short cuts were different in different projects although they were implemented in the same commune. The reasons and justifications for these short cut steps were also different. The interpretations were not based on the policy papers but on thinking and opinion of the state implementers at the district and commune levels and the relationship between them and with provincial department and the donor. The issue of power relation not only in preparing policy papers but also in implementation supports the position of Shore and Wright (1997).

Table 7. *Brief process of forestry land devolution*

Theoretical process (SNV project- Loc Tien & Thuong Quang 2003)	Gaps in practice of SNV project	Theoretical process (PAM & 327 – Loc Tien, 1993-1997)	Gaps in practice of 327 programme
<i>Step 1. Preparation</i> Institutional set-up: - Collection of baseline data and secondary data - Training on LUPLA method		<i>Step 1. Preparation</i> -Set up co-ordination Board, FWG (no LRC) - No collection of data -Training on allocation method	
<i>Step 2. Land survey &amp; mapping land use situation</i> - Village meeting to disseminate legal documents related FLA - Household survey - Map & develop symbolic models of land use	-Not implemented in Loc Tien, no presentation of land law in Thuong Quang	- No survey - No mapping and developing model	- Short cut or informal inform (no meetings)
<i>Step 3. Preparation of land use plan &amp; land allocation plan</i> - Second village meeting to present land use planning & land getting registration - Third village meeting to finalize land use plan & inform list of households were accepted to allocate land - Sending for getting approval of LUPLA	-No registration activity in Loc Tien -Not inform the list in both Loc Tien & Thuong Quang	<i>Step 3: Planning land use and sending for approval</i> - Planning the areas can be used & allocated (by foresters)	- Planning on the papers based on secondary data
<i>Step 4. Allocation at the field</i> with Putting names of households are allocated at commune office	- Not put up in both communes	- Sending to DPC for approval (by FWG) <i>Step 4: Allocating at the field</i>	Informal allocation through plantation plots, drawn sketch in the office
<i>Step 5. Completion of administrative procedure</i>		<i>Step 5: Completing the documents</i> to send for approval and providing certification - Document have to keep at DPC	Document kept at DFPD, late provision & different types of certification
Step 6. Issuance of land use certificate	Late provision of certification in both communes		It is included in step 4
<i>Step 7. Supporting land development</i>	- Not inform to the villager - Not implemented in Thuong Quang		Did not have this step

Although the process was designed and supported by the same donor (SNV) in implementation, there was a short cut in the step of informing land registration in the village meeting in the coastal commune while it was implemented in the mountainous area.

The information from the household survey, focus group discussion and in-depth interviews reflected that all the activities in the process that were reported by SNV Vietnam were implemented in the Thuong Quang commune; only the list of allocated households was not put in the commune's wallboard. The land development plan was done in Loc Tien but it was not developed in Thuong Quang and this commune also did not get any support from the province or donor for planting forest on the allocated land. When the author asked the commune and village leaders of Thuong Quang about this issue, they said that they could not find any funding source for planting trees although the forestry land was allocated. This depends on their relationship to the province or donor.

This does not mean that the allocated forestry land will not be developed (planting trees) without funding of the government or the donor. This showed that implementation of devolution did not depend only on the policy papers made but it was influenced strongly by decision of the implementers (including state officers and the donor). This also confirms the power of the state organizations in implementing of forest devolution.

As in the discussion in the chapter IV, in theory, the forest devolution policy empowered people the rights of using and managing the forest land along with supporting capital for planting and rehabilitating forest. However, in the case of Thuong Quang, support for developing the forestry land after devolution was not followed up because the provincial planning department did not implement it. Power relations appeared in making and practice of the policy as well. The intention of the policy may be kept on papers only because power in making decision is still held by provincial and district authorities. The endowment of rights from the devolved forestry land may not be transformed to entitlements from the land because of hidden social and power relations in practicing the policy.

It is clear that implementation of FLA in practice relied much on interpretation and relationship of the local actors (commune authority and forest protection officers). With the same policy and state management system and even with the same donor but the activities of the process were carried out differently.

Chapter IV showed that making forest devolution policy papers was influenced mainly by the state policy makers at central level (their power in deciding the ways of making, power in using their knowledge). In contrast,

implementation of the policy in practice depended on power of the implementer at provincial, district and commune levels (especially at district and commune level). This showed that power issue is center to understand policy in both making and implementation processes as argued by Shore and Wright (1997). However, to understand how power relations appear and influence implementation of policy, it is necessary to explore the interpretation of each project's event and examine relationship between the implementer groups. Each event or activity in the implementation process of forest devolution was influenced not only by the policy paper but also mainly by attitude, behavior and opinion of the implementers in a specific context. This confirms the thoughts of Mosse (2005) that social and project life are complex so in building understanding of policy there is a need to examine interpretations and relations between the actors who are involved in implementing the policy. Did this lead to the different outputs and outcomes? This will be discussed in the next chapter.

#### 5.2.1.2. Natural forest allocation implementation process

According to the regulations in the 1993 land law, revised and amended in 1998 and 2001, natural forests and forestry land were allocated to households or individuals. Communities or villages were not the subject (in both the land law and forest protection and development law) for FLNFA. The concept of community forestry is also rarely found in the forest protection law (DZung, 2002; Phuong, 2001). In reality, in many mountainous provinces, some communities have been directly managing natural forest and forestry land in different forms which are (1) the forests that has been recognized and managed by the ethnic community informally; (2) the forests that have been contracted by the state forestry institution to the community for protection; (3) the forests allocated by the local authority (the PPC or DPC) for managing and gaining benefits from the forest's products (Tuan, 2001). There was no natural forest devolved to individual households because it was often considered that there were not enough resources for managing due to its large area and remote location. In both cases natural forest management by village or household group in the two study sites were allocated by the local authority (at the provincial level in Loc Tien and at the district level in Thuong Quang).

##### ➤ *In Loc Tien (the coastal commune )*

The 511.9 ha of natural forest in Loc Tien were allocated to Thuy Duong village in 2001. This allocation was supported by the UNDP through the project PROFOR Vietnam with the objective of supporting the national forestry programme to sustainably manage the forest to achieve a sustainable

livelihood. It was the result of the continuing testing of a model of a village-based natural forest management in Thuy Yen Thuong which is a neighbouring community of Thuy Duong village. Warfviage and Minh (2002) reported that the first testing of the model of village-based forest management in Thuy Yen Thuong was suggested by the Phu Loc DFPD based on discussions with the PFDD. This sub-department was also the project manager or the partner at the provincial level of PROFOR Vietnam. Initiation of the natural forest devolution in Thuy Yen Thuong was also seen to be a result of the activity of the head of the DFPD who was seen as a person who had an impressive knowledge and was motivated.

Similar to the natural forest devolution project in Thuy Yen Thuong, the natural forest allocation (NFA) in Thuy Duong village was also initiated by the DFPD but according to the project report, it was based on the requirement of the local community: "*Proposal of the local community was sent to the DFPD*".... and "*In May, 2001, PROFOR received a suggestion from the Phu Loc DFPD to support and help local people manage 500ha of natural forest in Thuy Duong village...*" (Warfviage & Minh, March, 2003). PROFOR Vietnam agreed to support the NFA to Thuy Duong village because the natural and socio-economic conditions in this village are quite similar in Thuy Yen Thuong (Ibid.). The need of the local community in Thuy Duong to obtain natural forest management was described in the report of PROFOR Vietnam. It appeared 5 years previously but could not be achieved because of a lack of budget for an inventory and making the forest map.

However, information from in-depth interview with the village leaders and focus-group discussions, household surveys and in-depth interviews with the villagers indicated that the idea of NFA in Thuy Duong village was not initiated by them although they were interested in getting the natural forest in managing to benefit from the forest's products, especially timber.

*One day a foreigner visited our village and went to the field (including the forest area in the elephant stream) with some people from the DFPD and some village leaders and co-operative. On the way was back, he asked me 'do you want to get natural forest?' And I said yes, we want. (A village leader, 15<sup>th</sup> March, 2005).*

*We were asked if we are interested in getting natural forest when they visited our homes and also in the village meeting. (some villagers said in the household survey in July and August, 2006).*

*The officials from the province, some foreigners and some officers from the DFPD visited our village and asked "do you want to get natural forest for the benefits? At the beginning*

*we (villagers) did not want because we were afraid that if the natural forest was allocated to the village then we could not exploit the products so our life will be very hard because at that time our life relied mainly in the forest. But we discussed in the meeting and agreed to get the forest for management. (Focus group discussion with the forest protection group in Thuy Duong, 11<sup>th</sup> January, 2007).*

The reflection of local people on initiation of NFA in Thuy Duong by the DFPD and the foreigner was contradicted the information that was collected from the profile of the village-based natural forest management and the project's report but it did not mean that natural forest allocation was not of interest to the local community. However, this reflected the nature of the process of devolution implementation and showed how the policy was interpreted by different actors. Who really decided when and where to devolve the natural forest? The power of making those decisions on the practice of devolution also falls under the DFPD. Related to initiation of natural forest devolution in Thuy Duong village, although the proposal for allocating the natural forest to the village was signed by the village head with attestation of the chairman of the CPC but we could say that in reality the process was initiated by the DFPD in support of the PROFOR project. This was confirmed when we interviewed an officer in the DFPD:

*The DFPD selected Thuy Duong village to allocate the natural forest because that was a hot site of deforestation by the villagers so we hope that the forest will be better managed if it is allocated to them... We had to help the village to develop the proposal because they had not enough capacity to do it... (A forester at DFPD, 5<sup>th</sup> March, 2007).*

The above finding is quite different from the finding from the field visit of the NFA in Ea H'leo district (Daclak province) by Tan (2001) which was that the NFA was initiated by the plan of the PPC and the budget from the provincial investment and planning department. In the case in Dak Lak, an international donor just came after NFA had been started to support and facilitate it (Nghì, 2002).

In the plan of the village for acquiring natural forest to manage it is said that there was a long history of the custom of protecting some natural forest area and it has been passed down orally in the village. However, the interviews with both village leaders and villagers showed that because of the existence of a new administrative system (from 1976), this custom did not now have any value. This showed that the initiation of NFA to the village was not influenced by the traditional custom but it was influenced by an innovative idea of outsiders (donors and forestry institutions). It is different from India where the Chipko movement resisted state commercial forest

management and challenged the assumptions about joint forest management made by the forest administration (Springate-Baginski & Blaikie, 2007).

PROFOR got the suggestion from the DFPD in May (2001) to support the NFA to the Thuy Duong village. It took the village seven months from then to get the decision of the PPC on the allocation of 511.9 ha of forest (the decision was signed by the vice chairman of the PPC on 27 December, 2001). Almost all the steps or activities of the process of NFA in Thuy Duong (especially the mechanism of benefit sharing) were similar to Thuy Yen Thuong. It is summarized below

*Step 1: Making an agreement on NFA*

*Activity 1: Organizing the first meeting to make an agreement on NFA*

This was the meeting between the commune and village leaders and some representatives of the DFPD who chaired of this meeting. The DFPD presented the objective of NFA to the village for gaining benefits from the forest products with the support policy for getting management and use rights in the long term. The DFPD also informed them about the location of the forest area to be allocated. The members at the meeting discussed and agreed that the NFA to the village should be done.

*Activity 2: Organizing the second meeting to make an agreement on allocation with the whole village*

All the participants who attended the first meeting (commune and village leaders, representatives of DFPD) were also invited to this second meeting. It was chaired by the chairman of the CPC. In this meeting, all the issues that were discussed between the commune and village's leaders and the DFPD were presented to the villagers by the chairman and the DFPD further explained more on NFA. The villagers were asked to discuss the issues presented and make an agreement for getting natural forest for management by the village.

*Activity 3: Collection of relevant data, and doing a household survey*

The background information of the village such as land use structure, population and labor or economic activity was collected. The officers from the DFPD and the representative of the commune and village did the survey by using the questionnaire to interview all the households in the village to understand the socio-economic conditions of the individual households, information about forest product uses, as well as attitudes of the local people towards the NFA policy.

*Step 2: Inventory of the natural forest resources*

An inventory of resources of the forest area that was to be allocated to the village was carried out by the Agro-Forestry Inventory and Planning Institute, which belongs to the provincial DARD with involvement of some representatives of the PFDD in the DARD, some from the DFPD, the commune's cadastral officer, the village's head and some villagers who often went to the forest to collect products. Only the Agro-Forestry Inventory and Planning Station signed the report of the inventory's results because it has legal responsibility for the forest inventory. However, the village leaders, especially the villagers who have experience in timber logging participated and contributed their local knowledge to identify the timber species and estimate their volume.

The volume of the timber was also measured and calculated by the professional foresters and different actors in the field agreed on the volume, as well as species composition of the forest area. The objective of the inventory was to identify the borders of the natural forest area, forest condition (with a major focus on volume and composition of timber species) and to prepare a map of the area to be contracted between the state and the village.

This step was considered the most important step of the process and took the most human and financial resources which often could not be covered by the government's budget.

*Step 3: Drafting the village's plan and the village's regulations for forest management*

In this step, with the support of some foresters from the DFPD, some key staff of the commune and village discussed a draft of the village's plan for forest management (including rights, benefits, responsibility of the village and solutions for management). The village's regulations (called *Hương Ước* in Vietnamese) for forest management were also drafted. The content and detail process of developing these regulations were discussed further in the section 5.4 of this chapter.

*Step 4: Holding a village meeting for approval of the drafts mentioned in step 3.*

After finishing the draft of the management plan and the village regulations, a village meeting was organized, chaired by the head of the village and attended by representatives of the commune and the DFPD. The head of the village presented the draft of the forest management plan and the village regulations to the villagers. After that a summary of the regulations was distributed to all villagers in the meeting to let them read and understand clearly the regulation and then to make any comments. Then the villagers were asked to make their comments and come to an agreement at the end of

the meeting. Some key commune and village leaders with support of the DFPD revised and finalized the plan and the regulation to prepare to send to the authorities for approval.

This step was also considered as an important step in the process because all attempts of allocating forest to them would be invalid if the community did not approve the plan and the regulations that were drafted by the village leaders with support of the commune and the DFPD.

*Step 5: Submit to the authority for approval and issue the legal documents*

In Loc Thuy commune (the first place of implementation of NFA to the village of the PROFOR project), a workshop was organized with attendance by different institutions that work on forestry issues (the PFDD, the PFPD, the national Park, and the forestry faculty of Hue University) before sending to the district for approval. The objective of this workshop was to get comments from different stakeholders for the village-based natural forest management plan and the regulations. However, this step was not implemented in Loc Tien. After presenting the plan and the village's regulations and making an agreement with the whole villagers, the drafts were revised if needed (if there were comments from the villagers), they were signed by the head of the village and the chairman of the CPC.

In preparation for submission to the PPC for approval of the proposal for a village-based natural forest management, an application was also written by the head of the village and all the documents (the plan of management, the village regulations, application and the report of the natural forest inventory) were sent to the district for approval in consultation with the DFPD before sending to the province level.

At the district level, in consultation with the DFPD, the DPC proposed that the PPC approve the village plan for forest management and issue a decision regarding the management agreement. After getting the decision from the province, the documents were sent back to the DPC and then the village regulations for forest management were signed by the chairman of DPC.

At the provincial level PFPD submitted and consulted the PPC to issue a decision approving the plan for management and protection of the natural forest area. The reason for making a decision at the provincial level was because the natural forest was allocated to the village and not to the individual households (regulated in the land law).

Dzung (2002) reported that in the process of NFA in Thuy Yen Thuong (the first model of NFA in Thua Thien Hue), the FWG was the establishment. This activity was similar to the PAM or 327 projects or like step 1 in the process that was designed by the SNV project and was called

the step of institutional set-up. This was also similar to the case of the NFA in Thuy Duong village. One officer from the DFPD said that the establishment of the FWG was inherited from the ways of the functions of the programme 327. However, it also depended on the principles of the programmes or projects or donors and on human resources of the state organizations. There was no representative of the district DARD and the PFDD in the FWG in NFA in Loc Tien because of time and human resource limitations.

Information from the focus group discussions and in-depth interviews with local farmers or from the household survey showed that all the steps of the process of NFA in Loc Tien were implemented in practice as reported by the DFPD. This is different from the LUPLA's implementation process which was designed by and supported by the SNV project in 2003. Although the allocation activity was carried out four years before the author's visit some villagers told clearly about how the meeting was organized and they were impressed by the presentation of some foreigners and a camera recorded the village meeting. A male farmer said:

*It was very animated. They (outsiders- foresters from the DFPD, foreigners...) hung the maps, they filmed by a camera. (Mr. H. in Thuy Duong village, 2<sup>nd</sup> July, 2006).*

The question is why was informing about NFA to the village presented carefully with recording by camera but short circuited in forestry land allocation to households by the PAM and 327 programmes or the SNV project. Is it a requirement of the donor or lack of resources? The answers to this question were different in the different cases. The reason for the short cut activity of informing forestry land allocation in the PAM and 327 programmes was to save time and finance for the programmes but it was cut in the SNV project because the allocated land area was small. In the case of NFA, it was implemented because that is the project principle that was developed and monitored by the donor. The power of the donor forced the state officers to do that. The reasons for keeping or cutting out the step in the processes were different between the projects. However, in general those decisions were made by the district officials (from the DPC or the DFPD) or by the donors. Implementation of the forest devolution process in the commune depended on the interpretation and power of the external actors. It is clear that power and interpretation are central issues to policy practice because it decided how the policy was implemented (Mosse, 2004; Shore & Wright, 1997). This may lead to differences of endowment and

differences of entitlement between the beneficiaries although the same policy was implemented. This is discussed further in chapters VI and VII.

➤ *In Thuong Quang (the mountainous commune)*

As presented in section 5.2.1.1., it was different in Loc Tien, both forestry land and natural forest was allocated at the same time in Thuong Quang through support of the SNV organization. The process was designed by the SNV based on experience with the GTZ (German international cooperation enterprise for sustainable development) project in Son La. Also, this process was developed based on the experience of the NFA in Phu Loc because the SNV project came later than the PROFOR project (support by the UNDP) in Loc Tien (the coastal commune):

*A declaration from Nam Dong district (officers from the DFPD, representatives from some communes) came to ask us to share experiences in the process (steps) of natural forest allocation. (an officer from the DFPD in the coastal area – open discussion, 11<sup>th</sup> July, 2007).*

The support for forestry land and natural forest allocation (FLNFA) by the SNV in Thua Thien Hue was started in Nam Dong (a mountainous district where Thuong Quang is located) due to selection by the provincial SNV project management board in consultation with the PFDD. However, selection of the communes in the district was done by the DPC with consulting with DFPD.

The proposal was also signed by the chairman of the CPC but information from open discussions and in-depth interviews with the farmers, commune and village leaders and foresters indicated that it also initiated the following top-down approach by the provincial SNV project management board, the DPC and the DFPD:

*The DFPD got the project and they brought it to the commune and the village's leader and villagers asked to come to the meetings to be informed about natural forest and forestry land allocation. (the head of village 5, 20<sup>th</sup> August, 2006)*

*Or The DFPD brought the project themselves to the commune. (the head of the village 6, 20<sup>th</sup> August, 2006).*

*The foresters from the DFPD and commune leaders came to the village to inform us about the allocation. (the head of village 1, 21<sup>st</sup> August, 2006).*

People and local leaders at the commune and village levels recorded that it was initiated by the DFPD but actually it was a result of the directive of the MARD on 'Speeding progress of natural forest and forestry land allocation' and the decision of the provincial SNV project director with support of the SNV:

*There was a directive of the MARD on speeding progress of forest allocation after issuing the decision 178 to the district and we (DFPD) were asked to consult for the district to initiate. It was also come from decision of the provincial SNV project director. (An officer at Nam Dong DFPD, 20<sup>th</sup> August, 2006).*

The above information from different sources showed that it is difficult to conclude who initiated forest allocation to household groups in Thuong Quang but we can say it was started by outsider. This is different from Nepal where devolution of forest to user groups was originated from the traditional forest management practices of the local people and then the district forest office persuaded them to form the Community Forest User Groups (Dev & Adhikari, 2007).

The steps of NFA in Thuong Quang (the mountainous commune) were designed similarly to the process of the LUPLA in Loc Tien by the SNV with an emphasis on land use planning. However, as noted the process of forestry land allocation in Thuong Quang, it was implemented at the same time with the NFA. Almost all activities of the process followed the process designed by the project (including the meeting to inform about allocation), excepted putting the list of the households who were allocated on the wallboard and developing the plan for land use after allocation (step 7). The reason for not implementing the activity or step of supporting land development or land use (planting forest on the allocated land area) was that they could not find any support from any state or international organization (as presented in section 5.2.1.1.) so they let the farmers do it themselves.

The general process of natural forest devolution in the two communes can be summarized in table 8.

The process of forest devolution implementation in Loc Tien and Thuong Quang was developed by the donor with the same policy of the state and the province. There were differences in some steps and activities of the process implemented at the two communes that might have influenced the outcome of devolution (gaining endowment by the different social groups).

Table 8. Summary of process of natural forest devolution

Theoretical process (PROFOR project- Loc Tien, 2001)	Gaps in practice of PROFOR project	Theoretical process (SNV project- Thuong Quang, 2003)	Gaps in practice of SNV project
<p><i>Step 1. Making agreement in natural forest allocation</i></p> <ul style="list-style-type: none"> <li>- First meeting of commune and village leaders &amp; the DFPD to make agreement in NFA</li> <li>- Village meeting to make agreement between the DFPD, local leaders &amp; villagers</li> <li>- Collection of relevant data, doing a HH survey</li> </ul> <p><i>Step 2</i></p> <p><i>Inventory of the natural forest resources</i></p> <p>Inventory at the field by Forest inventory institute, the DFPD, representatives of commune and village</p> <p>Report the result of the inventory by forest inventory Institute</p> <p><i>Step 3. Drafting the village's plan for forest management and the village's regulations for forest management</i></p> <p><i>Step 4. Holding a village meeting for approval of the drafts mentioned in step 3</i></p> <p><i>Step 5. Submit to the provincial authority for approval and issue the legal documents</i></p>	<p>Only devolving natural forest</p> <ul style="list-style-type: none"> <li>- Devolving natural forest to village</li> </ul> <p>All the steps &amp; activities were implemented</p> <p>The regulations for collective management were developed and sanctioned</p>	<p><i>Step 1. Preparation</i></p> <p>Institutional set-up (District management board, FWG, LRC)</p> <p>Collection of baseline data and secondary data</p> <p>Training on the LUPLA method</p> <p><i>Step 2. Land survey &amp; mapping land use situation</i></p> <p>Village meeting to disseminate legal documents related FA</p> <p>Household survey</p> <p>Mapping and developing models of land use</p> <p><i>Step 3. Preparation of land use plan &amp; land allocation plan</i></p> <p><i>Second village meeting to present land use planning &amp; land getting registration</i></p> <p>Third village meeting to finalize land use plan &amp; inform list of households were accepted to allocate</p> <ul style="list-style-type: none"> <li>- Sending for getting approval of LUPLA</li> </ul> <p><i>Step 4. Allocation at the field</i></p> <p>Putting names of the households allocated land at commune office</p> <p><i>Step 5. Completion of administrative procedure (consolidating all the documents: maps, application, minute )</i></p> <p><i>Step 6. Issuance of land use certificate</i></p> <p><i>Step 7. Supporting land development</i></p>	<ul style="list-style-type: none"> <li>- Devolving natural forest at the same time with forestry land</li> <li>- Devolving natural forest to household groups</li> <li>- Step 7 was not implemented</li> <li>- No formal regulations for collective management</li> </ul>

The natural forest in Thuong Quang was allocated to the household groups, not to the village as in Loc Tien. The decision on devolving natural forest to Thuy Duong village for management was signed by the chairman of the PPC while it was a Red Book that was signed by the DPC in the mountainous commune. The regulations for collective management of the devolved natural forest in Loc Tien was formulated and then sanctioned by the district authority but it was in an informal form without sanction in Thuong Quang. The implementation process of the NFA in the two communes was also as complex as the forestry land devolution, with different interpretation by the external actors (the district institutions and the donors).

In summary, looking at the steps or activities in theory and practice of the FLNFA in the two study sites we can say that the designed process by the projects with support of the international organizations (PAM, UNDP or SNV) in cooperation with or with participation of the state organizations at provincial and district level (PFDD, DFPD) were not so different. This is similar to findings by Fujita Y. & Phengsopha (2008) through a comparison between the government-led and the donor-led FLNFA process that there was not a significant difference in the general process although the donor-led FLNFA spent more time to encourage active local participation. In this research, a key difference between the allocation programme of the government (327) and the donor-led programmes (PAM, PROFOR, SNV) was availability of budgets for project preparation and planning.

Analysis of the specific steps and activities of devolving natural forest and forestry land in the two different communes showed that they were interpreted differently at the district and commune levels.

The key differences between the two study sites are summarized below:

- Devolution of forestry land and natural forest in Loc Tien were implemented separately in term of time, finance source and donor but they were implemented at the same time and with the same donor in Thuong Quang.
- The distribution of the endowments of the devolved forestry land in Loc Tien was based on “capacity” and “need” of a beneficiary while in Thuong Quang it was based on the custom of use.
- The land registration activity was explained in the village meetings of the mountainous commune but it was not implemented or was short circuited in the coastal area because of different ideas of the commune and village leaders.
- The forestry land devolved through the PAM and 327 programmes were basically to provide formal land use certification (Red Book) in

Loc Tien but had no meaning in claiming land use rights in Thuong Quang (the mountainous commune).

- Support for developing a plantation on the devolved forestry land by linking with the provincial institutions for financing forest planting existed in Loc Tien but not done in Thuong Quang. This was because the district foresters and the commune officer could not contact the province or donor while social relationships between the commune with the district and the provincial authority and donor provided the opportunity to get funding for implementing land development activity in Loc Tien.

In an overview of land allocation in Vietnam, Sikor (2004) stated that there has been the diversity of local processes and outcomes. Through the case study on land allocation in Black Thai villages in Chieng Dong, Son La province, this author concluded that the different processes and outcomes of land allocation was the result of the interpretation by local officers reflecting their priorities for achieving a match with villagers who had the same background as theirs and also pleasing higher authorities to gain professional advancement (Ibid. - p. 190-191).

In this research, the reason why the commune and the DFPD officers interpreted things that way was not explored deeply. However, a reason for making decision on allocating forestry land based on the land use custom in Thuong Quang may also be to identify with the customs of the Ktu community because almost all commune officers are Ktu people. In both study sites, the reason for the interpretations of implementation of the forest devolution policy may be not to gain professional advancement because the main actors at higher level who were involved in the implementation process did not have the function or capacity to advance those officers' careers. The reason seems to be that of keeping relationships for getting private financial benefits because the implementer can get benefit from payment from the projects for working beyond their monthly salary. There were other informal relations hidden behind professional and background concerns leading to the interpretations of the commune and district officers.

It is clear that the difference of these interpretations was not only dependent on the interests or perceptions of the actors but also resulted from power (in making decisions) and relationships of the actors in the process (power of commune leaders to not inform about allocation, power to set up criteria for allocation, based on the needs and capacity in Loc Tien or based on the traditional use in Thuong Quang). This again shows that power relations are the central issue in practicing the policy. Transferring the forest devolution policy from papers in to practice was interpreted by the state

officers at different levels from the province to the district and commune, and it was different from case to case as well as from place to place. This reflected the complexity of social and project life and requires that policy implementation must be analyzed for each event and understood through communities of interpretation (Mosse, 2005).

Which actors have more rights in making decisions on the implementation of forest devolution? This is discussed further in the next section (section 5.2.2.)

### 5.2.2. Actors and their roles in implementing forest land and natural forest allocation

Although the FLNFA activities in the two study sites were implemented at different times and supported by different donors, there were some key actors involved in the processes with different roles and decision making rights. The actors and their roles are summarized in the table below:

Table 9. *Organizations or actors involved in the forestry land and natural forest allocation in Thua Thien Hue*

Key organizations or actors	Roles
Donor	<ul style="list-style-type: none"> <li>- Funding finance</li> <li>- Training on participatory approach and facilitating participation in implementation of the FLNFA</li> <li>- Monitoring use of funded financial source and techniques based on their own principles</li> </ul>
<i>At the provincial level</i>	
PPC	<ul style="list-style-type: none"> <li>- Overseeing the different line departments and lower level people committee</li> <li>- Approving and issuing the decision to allocate the forest land or natural forest to village or organization</li> </ul>
PFDD	<ul style="list-style-type: none"> <li>- Consulting the provincial project or programme management board and donor about selecting the target district</li> <li>- Assigning the task plan of the projects or programmes for the districts</li> <li>- Training on the process of allocation for the working groups at the district level</li> <li>- Attending the meetings at the district level to contribute ideas for the forest management plan</li> <li>- Examining the profile of allocation to consult the PCP for approval and issue the decision</li> </ul>
Forest Inventory institution	<ul style="list-style-type: none"> <li>- Inventory natural forest resources and sign the report on the resource situation of the natural forest</li> </ul>

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*At the district level*

- DPC
- Overseeing the CPC and the line departments or divisions at the district level (DFPD, district agricultural and rural development division, land management division or environment and resources division (from 2005) and coordinate the process
  - Approving the plan of land use or natural forest management of individual households or village or commune
  - Approving and issuing decisions or sign in the certification of the allocated forest land or the allocated natural forest area that is less than 500ha
- DFPD
- Approving the village forest management rules or regulations
  - Consulting speciality for the DPC
  - Coordinating implementation of the PAM and 327 programmes
  - Managing and assigning financial resources of the PAM and 327 programmes that was distributed from the province to the target communes
  - Attending the whole process of allocation (especially planning forest land use- both at the field and in-door works (mapping the location of land in the computer))
  - Attesting the management plan and application of households or village
  - Completing the profile or documents of the allocation process to consult and submit to DPC for approval
  - Issuing the decision to revoke the allocated land that was not to be used or be used with the wrong objective
- DLAD
- Joining with the DFPD in the process of allocation
  - Reviewing the documents of allocation process to consult the chairman of the DPC to approve and issue land use right certification

*At the commune level*

- CPC
- Joining with the DFPD in the process of allocation (especially working at the field)
  - Establishing the Land registration council (LRC) to approve application of land use and decide to whom it is allocated
  - Attesting to the application and plan of land use of individual households or village to submit to the DPC and the PCP
  - Attesting and proposing to the DPC to revoke the allocated land that was not be used or used with the wrong objective
- Village or cooperative heads
- Joining in the approving process of the LRC
  - Joining in field works of the allocation process with the CPC and the DFPD
  - Developing the forest management plan and regulation or rules of the village with support from the CPC and the DFPD
  - Informing the villagers to attend and organize the allocation meetings at the village level
- People
- Participating in providing information, making agreements on the land use and forest management plans
-

➤ *The roles of the donors*

The key role of the donors in the projects of forest devolution in both study sites (PAM, UNDP, SNV) was funding for implementing the projects. Along with supporting finance (in kind or in cash), the donors also offered some rules to ensure participation and benefit to people, especially to the poor. For example the rule of the FLA to the people before planting trees for creating stable income from the planted forest of the PAM or involving people in some steps of the allocation process of the UNDP or the SNV.

In the projects of the UNDP and the SNV, another important role of the donor was enhancing a participatory approach in planning use and management of forest land through providing training and advisory activities and doing experiments on participatory forest devolution. However, the UNDP was concerned mainly with strengthening capacity in participatory planning at the provincial and district levels while the SNV focused on all levels from the province to the district and commune.

According to a comment of an official of the provincial DARD (Mr. D.), forest devolution in Thua Thien Hue province followed a programme approach. That means that without projects, forest devolution would not be implemented. This is because of a lack of finances by the government for implementing forest allocation and explains why the forest devolution programmes in Thua Thien Hue as well as in Vietnam were often implemented by funding by international organizations. The donors set up the principles for involving authority at all levels and people in the process of forest devolution. However, the decisions on which rights, to whom and where the forest land is devolved were made by the state institutions at different levels. This means that the donors mainly play the role of facilitating the implementation of devolution.

➤ *District Forest Protection Department*

The process of implementing the FLNFA was designed to involve different actors from the provincial to the grass root level (commune). However, in reality, only the DFPD was present through all steps of the process, including acting as an agency to attest to the documents of allocation before sending them to the authority for approval. In both communes where the field work was done, when the author asked the farmers about initiation or implementation of the PAM or 327 programmes or NFA, all the people who were asked said that the DARD carried out the projects or programmes related to the FLNFA in their commune and villages. In their eyes, the DFPD was as a bridge between the village and commune with donors, or with the institutions at the provincial level:

*The DFPD brought the project to the commune and made an agreement with the commune leaders and then told the villages to disseminate the information about forest land allocation to the villagers. (Focus group discussion with the village leader group in the mountainous commune, 18<sup>th</sup> March, 2007).*

*Or The DFPD came with some commune officers and village leaders and asked us to plant trees (for the PAM or 327 programmes) or ask us about getting natural forest for management and benefits. (Women and men focus group discussions in the coastal commune, 12<sup>th</sup> January, 2007).*

This was also confirmed by the communal officers or leaders and foresters:

*"The DFPD proposed to the donor and the provincial level to allocate forest land and natural forest in my commune" or "We went to the field with the DFPD to measure the forest land, to inventory the natural forest with the DFPD" or "We had the meetings with the DFPD and the DFPD helped us to develop the forest management plan" or "The DFPD designed the land and arranged the transport of trees to the village and asked us to plan".*

*or We (PFDD) only gave the training on the process of allocation and then the DFPD implemented all the activities. (An official as PFDD, 5<sup>th</sup> June, 2006).*

The permanent vice chairman of the FLNFA management board at the district level came from the DFPD and he was the person who coordinated all the activities of the process. The head of the FWG was also a representative from the DFPD which had the highest number of the members in the FWG (around 3 people). It is clear that the key actor in the process was the DFPD. This was quite different compared to the finding by Thanh *et al.* (2004) in Dak Lak that the forestry enterprise controlled and conducted all field activities of the FLNFA because the PPC handed over the rights and directed it to do that.

Why did the DFPD play the coordination role in the FLNFA in Thua Thien Hue although the allocated natural forest area in Thuong Quang was revoked from Khe Tre forestry enterprise as in the case of Dak Lak? Is it the result of regulation in the legislation papers or interpretation of the actors in the process of implementation? The item 1 of the article 37 of the 1993 land law regulated that the cadastral sub-department is responsible to assist the DPC in inspecting land allocation but in the item 2 of the article 14 in the decree 02 of the government said that preparing the documents for land allocation is the responsibility of both the forestry institution and land administration department at the same level. However, from 1999, there

was no role of forestry institutions in preparing the documents for land allocation and providing certification was regulated in the decree 163 of the government in 1999. Only the cadastral department was responsible for this.

In practice, all the FLNFA processes in both communes from 1987 to 2003 were mainly implemented and co-ordinated by the DFPD. The reason for this was that the DPCs handed over the right of coordinating the allocation process to the DFPDs:

*The chairmen of the districts assigned the DFPDs to do that (An official from PFDD, 4<sup>th</sup> June, 2006).*

This was also confirmed by some officers from the DFPDs and communal leaders in both study sites. A leader of the DPC and two foresters explained that the reason for this was because the DLAD did not have enough human resources and professional skills.

Some officers from the DLAD also commented that from 1994-1998, when the DLAD had just been established, its human resources were limited, therefore they could not join in the PAM and 327 programmes. However, from the year 2000, especially when the DLAD was renamed district "Environmental and Resources Department", the human resources of the DLAD were improved but their attendance in the FLNFA was still limited. Although the revised 1998 land law and the decree for guiding implementation of the FLNFA in 1999 said that preparing all the documents and issuing land use right certification was the responsibility of the DLAD, the DPC still handed over the right to the DFPD because it believed that only the DFPD had enough professional knowledge to co-ordinate and implement the FLNFA. Commenting on this, an official from the PFDD said:

*This was an illegal assignment because the FLNFA is the responsibility of the district environmental and resources department (Mr. B., 4<sup>th</sup> June, 2006).*

For the PAM and 327 programmes, the DFPD not only coordinated all the activities of these programmes (including making decisions on the selected species for planting the forest) but also managed and assigned the financial resources from the donor and the government to the communes or co-operatives for planting trees. The DFPD was called the project's owner. Therefore, the roles and power of the DFPD in implementing these two programmes were strengthened because all the communes or co-operatives were interested in implementing the programmes to get cash or payment in kind (rice) for contributing the villagers' labour. The DFPD was also devolved the right by the DPC to sign the management plan and the field

minutes before submitting to the DPC for approval. For the map or the sketch of the land location, only DFPD signed to attest it. This is an important right to identify the land in practice.

For the NFA activity in Thuy Duong, which was supported by the UNDP, the DFPD was also the organization that wrote the financial proposal to submit to the donor and it managed and spent that funding (including payment for the commune, village leaders and officers who did the field work with them based on the principles of the donor).

It was different from the PAM and 327 programmes, the finance resource of the LUPLA project which was funded by the SNV in 2003 in both Loc Tien and Thuong Quang was proposed by the commune authorities. The DFPD played the role of support and facilitated the local authorities to manage that. Therefore, for the project of the LUPLA, the CPC was called the project's owner and the DFPD was the partner. Why was this different from the PAM or the 327 programme or the UNDP? Was it also a result of handing over the rights of the CPC or a result of regulation in the legislation papers? No, this was the principle of the donor because the objective was to strengthen the capacity at the commune level.

According to the SNV donor's principle, the funds also had to be sent directly to the commune authority. These funds had to be managed by the commune and spent for the activities of the LUPLA process. In reality, in the mountainous commune (Thuong Quang), the commune authority made a contract to transfer the entire the financial source to the DFPD to spend on the costs in the process (including the costs for the commune and village representatives to do the field work with the DFPD and for the meetings). When the author asked a leader of Thuong Quang commune about the reason for making the entire contract with the DFPD, he said that:

*We (the CPC) had to do that because the DFPD helped us to find the project and we need to do this to keep a relationship with them.*

In the coastal commune, the CPC made a partial contract with the DFPD based on the activities that were carried out by the DFPD. Why did the CPC have to hand their rights over the DFPD? Were they interested in doing this? No, this was because the CPC had to do that to keep a relationship with the DFPDs with the expectation that the DFPD will bring other projects to the commune in the future.

In summary, the roles of the DFPD in the process of the FLNFA in the two studied communes changed depending on many different factors such as regulation of the legislation papers, the idea and power of making decision of the DPC, principle of donors, and also on compromise of the DFPD with

the CPC. The changing roles of DFPD may lead to change of outputs and outcomes of forest devolution because the DFPD has been considered as a bridge between the commune and outsiders (district and provincial authorities as well as donors).

The regulations on the roles and functions of the state institution in implementation of forest devolution in the policy papers seem to have a very limited meaning. The process of handing over the rights to manage the projects of devolution also showed the power of holding the financial resources. The actors who held financial resources funding for the project will have the right to decide who can manage it. It is clear that power relations are the central issues that decide how forest devolution was implemented. This also showed in the difference between policy papers and practice, proving that the linear model in analyzing policy is not realistic.

Different roles of the DFPD and different interpretations in handing over the rights in the implementation of forest devolution also reflected the complexity of project life (including compromise of the actors).

➤ *District People committee*

The responsibility of the DPC in the FLNFA was regulated clearly in the land laws and the decrees 02 and 163. However, in practice, the DPC was not directly involved in implementation of the allocation. The chairman of the DPC just had the duty of signing the management plan and the certification after they were attested by the CPC and the DFPD.

➤ *District Land Administration Department*

Unlike the DFPD which was managed directly by the PFPD, the DLAD has been managed directly by the DPC. Its responsibility which was regulated in the laws and the decrees in all periods from 1993 is to help the DPC to implement land allocation (especially in preparing the documents of allocation - the application and management plans), review their legal status to consult the DPC to approve the documents and issue the land use right certification. In reality, the DLAD rarely attended to allocating projects or programmes although in the designed process one person from the DLAD had to have a representative as a member of the FWG. In all the projects and programmes of the FLNFA in both communes (Loc Tien and Thuong Quang), the DLAD attended a few activities.

However, involvement of the DLAD in the process of the FLNFA was different between the coastal commune (Loc Tien) and the mountainous area. For the NFA process which was supported by the UNDP in Loc Tien, the DLAD attended the village meetings as a representative of the district to show the interest and support of the district in forest devolution. For the

LUPLA process of the SNV in Loc Tien, the DLAD played the role of representative of the land management institution at the district level to attend to comment on the commune's land development plan in the commune in the workshop between different stakeholders. For all the FLNFA projects in Loc Tien, the documents of allocation were developed, prepared and also kept by the DFPD (including the certifications- "Red books" which were issued through the project of the LUPLA of the SNV).

The process of the LUPLA of the SNV in Loc Tien was designed similarly to Thuong Quang because both of them were supported by the SNV and guided by the PFDD. However, the task of reviewing the documents of allocation and consulting the DPC to provide "the Red Books" were carried out by the Nam Dong DLAD. The documents of allocation and the Red Books were kept at the office of the DLAD before being given to the villagers. However, the information from the open discussions with the commune and village leaders and farmers in Thuong Quang reflected that there was no attendance of the DLAD from initiation of the process to completing the documents of the allocation. This contradicted the report of one official of the DFPD that the DLAD participated in the field work of the process.

The evidence showed non-attendance of the DLAD in the field work of devolution in the mountainous commune as in the minutes of the village meetings only representatives of the DFPD signed them. The open dialogue with two officers from the DLAD indicated that in the implementation process of forest devolution in Thuong Quang, the DLAD only attended in the step of reviewing and consulting DPC to provide the Red Books. This means that there were differences between the two study sites in term of assigning the tasks in the process by the DPC to the district functional institutions although they were implementing the same policy with the same donor. Differences in the assigned tasks of the DFPD and the DLAD may be one of reasons why many foresters in the coastal region got the devolved forestry land because they hold more power in implementation of devolution, particularly given the right of the DFPD in consulting the DPC to decide whether the land is devolved to beneficiaries. This is discussed further in chapter VI.

➤ *Commune People Committee*

According to the regulations of the land laws and the decrees, the CPC is responsible for monitoring the dynamic of land use and keeping the map of the commune's land use. In the process of land allocation, the CPC was devolved to attesting to the application and land use plan of individual households after the decision was made by the LRC on who was allocated

the land. The decrees also regulated that a copy of the documents of land allocation (application, plan of land use, a sketch of the location of the land, decision of allocation of the local authority, and a minute of allocated land at the field) must be kept at the CPC. There was no clear regulation on the role of the CPC in the process of allocation in the land laws and the decrees but it was guided in the cross ministries circular of the MARD and Central Land Administration Department that the CPC was responsible for cooperation with the DLAD and the DFPD to allocate land at the field.

What role did the CPC play in practice of the FLNFA in the two study sites? In the coastal commune (Loc Tien), for the PAM and the 327 programmes, the CPC played an intermediate role between the DFPD and the co-operative or village by informing them of the plan and activities of the programme to mobilize local people to plant the forest to get rice or cash from the programme. All the activities of designing for planting the forest and distributing the plot of land to the households at the field were carried out by the DFPD although the district management board of the PAM and the 327 programmes regulated that representatives of the CPC had to be involved in the FWG. The open discussion with some commune leaders showed that because the DPC devolved totally rights of implementation to the DFPD. Some officers from the DFPD said that was because of the CPC's limited human resources.

However, the CPC was given an important right of signing the documents to attest before sending to the DPC for approval. Even the certifications provided to the households in these programmes were an informal type (the white colour decisions paper that could not be used as security for a mortgage, as with a Red Book). If any document in the profile of allocation missed the signature of the chairman of the CPC, it would not be accepted by the DPC. In the case of the FLA in Loc Tien through support of the PAM programme, some allocation documents were signed by the DFPD but the CPC refused to attest because they determined that use of the land was not effective. These cases were rejected and not sent to the DPC for acquiring the Red Books.

It was different in the PAM and 327 programmes, in the cases of implementing NFA to Thuy Duong village in 2001, and the LUPLA in 2004, the CPC was involved in almost all the steps of the process but it was still in the position of a member, except with the right to attest to the documents.

➤ *Village or Cooperative*

The villages and co-operatives are not administrative units in the political system in Vietnam. Therefore, there was no regulation in the land laws and

the decrees of assigning responsibility to the village or cooperative in the process of land allocation. Only in the two circulars of the Central Land Administration Department (the circular TT 346 in 1998 and circular TT 2074 in 2001) are there regulations involving the village in the LRC of the commune, but just in the case of allocation in its own village.

Although the role of the village or cooperative was not recognized in the legislation papers, the DPC gave it the right to attend the FWG in the process of allocation. In reality, its role in the PAM and 327 programmes was also in the form of implementing the commands from the DFPD to direct the villagers to plant the forest as the CPC but at the village or cooperative level.

In Loc Tien, the cooperative (the manager at the village level in the period of collective production) was the manager of 40ha of planted forest under the PAM programme and kept the profile of allocation. At present, it plays the role of service provider of fertilizer, irrigation and managing the ecotourism service in the elephant stream.

In the case of the NFA in Thuy Duong village (Loc Tien commune), the head of this village was the person who drafted the management plan and the village rules with the support from the DFPD and the CPC. A copy of the allocated profile (the village rule, the village forest management plan, the decision of the PPC and the map of the allocated natural forest area) has been also kept by the head of the village. The head of the village took these roles because he played the representative of the forest user (village). For the FLA to individual household of the SNV project in 2003, the head of the village was in the position of the village leader to attest to land use status and capacity of the households in the village to report to the LRC of the commune to make decisions regarding who is allocated land. In the process of LUPLA which was supported by the SNV, the head of the village was also involved in the FWG in practice.

For the mountain commune, in the period of collective production, the cooperative also played the role of coordinating people to plant forest under the PAM and 327 programmes. However, there was no existence of the cooperative any more after de-collectivization. There was also no profile of the FLA of the PAM and 327 programmes. The role of the villages' leaders in implementing the LUPLA in the SNV project was similar in Loc Tien.

➤ *People*

The role of people was different between the projects and programmes. They were involved more in the projects or programmes which were facilitated by the donors. In general, people played the role of providing

information, making agreement on the land use and forest management plans. This is discussed further in section 5.3 below.

To sum up, in general, provincial authority played a more important role in deciding where the natural forest and forestry land should be devolved while the DPC have more authority in making decisions on how the process of forest devolution was implemented and co-ordinated at the field. The DFPD and the CPC got more power in attesting to the applications and the field documents such as location of the allocated plots, which are the main basis for the DPC to decide whether to provide the certification. However, the specific roles of the actors in the process of the FLNFA were different between the projects or programmes, or between locations (districts) even with the same donor. This difference was not the result of different state policies but the interpretation of the different actors (through principles of the donors, power of the DPC and the DFPD) and also by their relationships.

This reflected that the implementation process of policy in practice was very complex and was influenced by an interpretation community (Mosse, 2005). These different interpretations of local actors (district and commune authorities) were the result of pursuing their private priorities and concerns.

Implementation of policy in practice also was influenced by the decision making power of the actors. The difference in interpretation of the different actors may create a space for opening the door to power relations that influence the gaining of endowments to the devolved forestry land and natural forest and thus entitlements of different social groups, as well as management practices and conflict after devolution.

Output and outcomes of policy depend not only on the interpretations of external actors but also on the involvement and participation of the beneficiaries (Mosse, 2005). The next section presents attendance and the nature of involvement of the villagers in the process of the FLNFA. It provides a basis for understanding how different social groups gaining the endowments of forestry land and natural forest devolved by the state.

### **5.3. Involvement of local people and the nature of their participation**

Springate-Baginski and Blaikie (2007) listed two aspects of participation of local people in the JFM (participation in planning forest management and in delivery of the plan). They argued that one of the key outcomes of participation is the impact on livelihood and hypothesized that this will be beneficial since a participatory process will reflect needs and opportunities for the poor. However the practice of participation tends to disregard

existing inequalities. This section discusses how social and economic groups (poor and non-poor, women and men) were involved in the process of forest devolution. What were their roles and were they engaged in the process?

As presented in the section 5.2.2., in the PAM and 327 programmes, there were no any village meetings that were organized to inform the local people about the policy of allocation although it was designed as a step in the process. The villagers were also not consulted about land use planning which was actually made on paper based on the secondary data. For the PAM programme, the donor tried to sustain benefits for the local people in planting forest by setting up the rule of allocating forestry land to farmer households, especially to the poor farmers. However, the opportunity to get the allocated land (a type of endowment) for poor farmers was limited (this will be discussed further in the chapter VI). Involvement of the local people in the PAM and 327 programmes was passive in being asked to contribute labour for payment. For the farmers who got the forestry land, the selection of species for planting was not their decision but that of the DFPD.

For the devolution of natural forest to Thuy Duong village (support by the UNDP) and the LUPLA (support by the SNV), the villagers were more engaged in the process through the village meetings. They were able to make comments and make agreements in the forest management plan and the village rules. Sixty five percent of villagers (including the poor) attended the meetings in both coastal and mountainous communes (see table 10 below).

Table 10. *Hearing information about the NFA and the LUPLA by economic group*

Location Attendance	Loc Tien		Thuong Quang	
	Poor (n = 29)	Non-poor (n = 30)	Poor (n = 30)	Non-poor (n = 29)
<i>1. Hearing information:</i>				
Frequency	19	21	24	29
Percent	65.5	70.0	80.0	100.0
<i>2. Attending meetings</i>				
Frequency	23	21	23	28
Percent	79.3	70.0	83.0	96.6

Source: Household survey, 2006.

Note: - Poor household: an average income per capita per month equals to or less than 200,000 VND (equivalence of 12.5USD)

- Non-poor household: minimum average income per capita per month is higher than 200,000 VND. (Classification criteria according to the decision 170/2005/ TTg of the prime minister in 2005)

More than 65 % of households from both the poor and the non-poor group who heard about the NFA and the LUPLA and also attended the meetings in

the process of implementation of devolution. Did this reflect the fact that the local people engaged well in the process of forest devolution? For the project of the UNDP and the SNV (in both communes), the donors tried to build capacity for the state officers and local authority (at both the commune and district levels) in a participatory way by designing the process to involve local people in some steps of the process. What were the roles of the villagers in the meetings?

For the NFA project in Loc Tien, they were informed about the policy of allocation and asked to discuss their interest in getting natural forest for protection and receiving benefits. They were also asked to make comments on the forest management plan and the village rule (*Huong Uóc*) which were developed by the commune and village leaders with support from the DFPD. What was the meaning of this in the context of very short meetings (maximum was 2 hours) with attendance of 150 people (according to the result of the household survey 90 % of total household attended)?

When asked about their understanding of the village's rule for managing the forest, most of them were told the regulations of the state that issued the forest protection and development law (regulations on banning exploitation of timber and hunting animal). These regulations were spread by the DFPD for along time with many replications and distributed to every household in the village in the form of a written paper (commit to forest protection):

*We are not allow to log timbers...,... everybody has to protect the forest and in the future..., we are going to get benefit from the forest...* (most of the respondents said in a general form).

This showed that their participation in the process was still passive because they came to the meetings and put up their hand to make agreement with the rules but did not understand about their responsibilities and benefits which was stated in the village's rules.

For the LUPLA in the SNV project, because the principle of the donor was to try to apply a participatory approach in planning land use, the villagers (especially key informants) were actively involved in the planning activity (building a sandtable, field survey, identifying boundary of the village and the type of land use of the village, etc.). The villagers were also invited to a village meeting to review the land use plan of the village, which was made by the FWG with attendance by some key informants of the village. The meeting was also organized in the short time (from 1 to 1.5 hours) with attendance of around 50 persons (in the mountainous commune) to around 150 people (in the coastal area) who represented the households in the village. Why was there a very high proportion of

households attending the meeting but they still did not know the poorly planted forest area in the PAM programme had been allocated to some individual households? What was the nature of their participation? Did they come the meeting to discuss the land use status and how to use the land of the village more effectively or did they just come to listen to the external actors (DFPD) and local leaders present land use for their village?

In the mountainous commune, the proportion of households who attended the meetings of the FLNFA was higher than in Loc Tien (see table 10) but when asked, the villagers also confused the village's rule with the state regulations in the forest protection and development law. Most of respondents said that "*We were not allowed to log timbers, or hunt animals..., we have to participate in preventing and stopping forest fires*" which was the major content of the commitment to protect forests which was disseminated many times by the DFPD.

In practice, no village rule which was developed formally in the process of the LUPLA because the natural forest was allocated to the household groups. The villagers in village no. 1 also did not know that the forestry land which was reclaimed by them in the traditional land use system (not recognized by the state) was allocated to village 6 although the FWG raised the questions in the meetings and made agreement that the land area was in the location of village 6 it should be allocated to the households in village 6. The presence of the villagers in the meetings seems to be more about listening to and answering the questions of the officers from the DFPD and commune leaders even if they did not understand because of problems of communication which is discussed further below.

The decision of devolving natural forest to household group was also made by the DFPD, not by the villagers:

*We think that it is better if the natural forest is devolved to the village because all the households can get benefits and it is easier for preventing the illegal loggers but the DFPD decided itself to allocate to household groups* (Focus group discussion with male group in Thuong Quang, 26<sup>th</sup> August, 2006).

In both two study sites, the villagers did not know how long the natural forest was allocated to their village or their groups:

*We heard from the officer of the DFPD in the village meeting that receiving natural forest for protection to get timber to construct houses or for household use but we did not know how long it was devolved to our village.* (Focus group discussion with female and male group in Thuy Duong, 12<sup>th</sup> January, 2007).

*Or The DFPD read the paper in the meeting that getting natural forest for protection will provide timber and benefits for our children so we registered to get it but we did not know how long it was devolved to our group. (Focus group discussions with the forest protection groups in village 1, 2, 3 and 4 in Thuong Quang, 11<sup>th</sup> to 14<sup>th</sup> March, 2007)*

*Or My group got the natural forest to protect for getting timber for our children but I did not know for how long it was devolved to us. (In-depth interview- Mr. T. in Thuong Quang, 5<sup>th</sup> March, 2007).*

This comment was also found in the extended dialogue with some respondents in the household interview in both study sites. People also did not understand the type of the certification of the devolved natural forest (the decision or Red Book) and their understanding about the value of the certification which is an important issue to a land user and regulated clearly in the land law and the decree was more limited:

*We just hear about getting natural forest to protect from illegal loggings and to get benefits but we did not see the certification of natural forest use..., we did not know what colour it is... or We want to get natural forest to protect to get timber and rattan, honey for my children but we have not seen the certification, we did not know it is in white or red colour and what value it is... or ...I thought that getting certification means that my family can use it for planting trees... but I do not know what is the value of the Red Book... (information from poor women and male and female groups in Loc Tien or from forest protection groups in Thuong Quang or from in-depth interviews with Mr. Th. in village 1, Mr. C. in village 3 in Thuong Quang on 5<sup>th</sup> July, 2007; and some respondents in the extended dialogue of the household interview).*

In a study on the influence of forest devolution in Lao, Fujita & Phengsopha (2008) concluded that the nature of local participation in the process of government-led FLA in Laos is limited. The presence of the villagers in the process of FLNFA in Loc Tien and Thuong Quang communes did not reflect their engagement. The nature of their participation in the process was still in the form of consultancy although the donor's objective was to try to involve local people and try to strengthen the capacity of the state officers and local authority in using a participatory approach in land use planning and land allocation. What reasons led to this problem? This is discussed below.

- *Reasons for limited understanding about the forest devolution policy*
- *Ways of transferring policy information*

The evidence from different sources (formal survey, focus groups discussions, in-depth interviews) reflected that the ways of transferring policy information in the process of forest devolution implementation was one of the key factors influencing understanding of the policy and participation of people in the process.

Dissemination of the policy content to local people before implementing an allocation activity is an important step for a household in making a decision on getting forest land and it is also important to achieve sustainability of forest management after devolution because the receivers need to understand their responsibilities and benefits.

The activity of informing about the state forest devolution policy was designed in the allocation process of all the projects and programmes implemented in both two studied communes. However, it was cut out or implemented in an informal way in some cases in Loc Tien (the coastal commune) such as the PAM projects, the 327 programme and the LUPLA (the SNV project) which trained or informed the policy to the FWG only and was just told to the villagers by the village leaders without a monitoring mechanism (as presented in section 5.2.2). What was the quality of information transfer in these cases? How did local people access to reports of the village leaders because there were about 150 households in the village but only one village leader attended the FWG to learn about the policy from the DFPD?

The quality of the transfer of policy information depended not only on the method of the dissemination but also on the ways of presenting the contents of the policy. For the NFA to Thuy Duong village and the LUPLA of the SNV project in Thuong Quang (the mountain commune), the activity of informing about the policy was not cut out but it was presented in the village meeting. How was it presented and what was the quality of the information transfer? The focus group discussions, in-depth interviews and reviewing the meeting's minutes in both study communes showed that almost all village meetings that present benefits and responsibilities of the forest user before registration to get natural forest or barren hills for planting forest were organized at night (from 7.30 pm. to 8pm. - according to the minutes of the meetings) in both study sites. So, some poor households whose houses are often located far from the center of the village and commune could not go to the meetings:

*My house is in an isolated location so I did not get the information of the village's head and I could not attend the meeting. I just know the commune allocated the natural forest some days latter from reports of some villagers. (Mr. B. in village 4, mountainous commune, 2<sup>nd</sup> August, 2006)*

*or We live in the new residential area that is far from the village center so it was hard for us to go to the village meeting at night..., sometimes we could not hear the information from the loudspeaker of the village because it is located far from our houses so we could not go to the meeting... (Mrs. G., Mr. S. in the new settlement area of Loc Tien, 19<sup>th</sup> July, 2006).*

The way of presenting the state policy papers (the Decision 178 on regulations of benefits and responsibilities of land and forest users) was lecturing from the thick paper and in a short time (maximum time of each meeting is 2 hours) with attendance of the whole village (around 35 to 60 households in the mountainous commune and about 150 households in the costal commune). The day time workload combined with poor facilities (lack of electricity and lights) in the meetings and the presentation method made it difficult for the people to get the ideas of the policy paper. Information from the in-depth interview with some villagers showed that they did not know about the allocation policy, they just followed the other villagers to vote when they were asked to make agreements for getting forest land or in passing the village's rule (*Hương Ước*):

*I did not understand what the allocation policy was, when I came the meetings and heard a commune leader and an officer from the DFPD reading something over a rather long time but it was noisy because the meeting was crowded and then I heard some villagers who seated next me said that if you agree to get natural forest to receive timber in future, you have to raise your hand and I followed them to raise my hand. (A widow woman in Thuy Duong village, 17<sup>th</sup> January, 2007).*

For the PAM programme, the villagers did not understand regulations of allocation before planting when they attended in planting and nursing forest; they said that they just knew when the cooperative asked them to go to plant trees. They came to plant to get rice because almost all households in the region at that time did not have enough food to feed the family. A widow woman (Mrs. S.) said that she saw the neighbours go to plant forest and she followed them to go to do the same to earn rice for feeding her children. She said that the planting activities were managed by the officers of the DFPD. The foresters monitored the planting process, if the person does not plant well or effectively, they were not allowed to plant more. This

reflected the interest of the farmers at that time in planting forest to get rice and the needs for labour contribution to planting forest was higher than the capacity for creating employment for the local labourers of the PAM programme. However, the villagers did not get information about land allocation or rules of the donors. When being asked, some local officers answered that even they had worked for the commune at that time but they also did not get that information.

For the FLNFA in Thuong Quang (the SNV project), the foresters presented the long policy paper in a short time and in the national language. Although there were some local leaders who can speak the ethnic language attending the meetings to act as interpreters but they were often too shy to ask questions. Therefore, many of the villagers could not clearly understand the presentation.

When the author asked the villagers who were involved in the meetings of the allocation process: “*Do you know the benefits and responsibilities of forest users?*”, the villagers responded with some general issues that are often presented by the foresters of the DFPD for a rather long time as propaganda activities to improve awareness of the people for protecting forest in many places in the province. They did not clearly understand the benefits or rights in the state decision 178, and they especially did not understand the land law. This is the consequence of the methods of transferring policy information in the meetings along with the fact that many villagers have a limited education. More than fifty percent of total households in the commune are ethnic people who do not clearly understand the national language (Vietnamese).

Commenting on this issue, the chairman of the CPC in Thuong Quang said that:

*We knew something about the allocation policy because we (commune and village leaders) joined three meetings with the DFPD before organizing the village meetings but I thought that people could not understand the policy because the meetings was run too fast. The reason was that the officers of the DFPD tried to read fast to keep on-time to be back their office in the district town and because they were young officers who have not enough experience presenting the contents effectively. (12<sup>th</sup> August, 2006).*

- *Mechanism of information feedback*

Endowments and entitlements as well as management practice and conflicts resulting from forest devolution of the state are also influenced by the mechanism for information feedback between the actors. The in-depth interview with the village, commune leaders and officers from the DFPD reflected the fact that the mechanism of giving feedback in all activities of

the FLNFA in both communes was a report upward to a higher authority level. The common way of giving feedback on implementing forest devolution activities was reporting from lower to higher levels (commune authority reported to district level and district level reported to provincial level or donor). There was no short circuiting on this process with for example the commune authority reporting directly to the provincial level over the district. This sometime created difficulty for people to claim their rights or benefits related to the devolved forest area. For example, when a part of the devolved natural forest area of a group in village 5 (Thuong Quang commune) was encroached upon for clearing for planting trees, the group reported to the commune authority and got the answer that this needs to wait for a decision from the DFPD. The group could not report directly to the DFPD although their forest was planted with trees by others.

There was also very little feedback from a higher level to the people although the regulations of democracy at the grass roots level have been developed and encouraged in the state policy paper. The problems that occurred in the process therefore were difficult to solve. For example when a group who had been allocated natural forest caught people doing illegal logging, they reported them to the commune authority and the DFPD. The result was the district department took all the illegal logged timbers without any feedback and explanation. Another example is that until July of 2006 (after 3 years of allocation), they have still not given the red certifications but there was no feedback from the functional institutions at higher levels (in Thuong Quang). In Loc Tien, some villagers submitted the decisions that confirmed their land use right before 1995 to claim for getting the Red Book but they have not got any feedback from the commune and district authorities (information from interviewing the poor households and discussion with the poor women group in Loc Tien).

In general, the method and skills of the dissemination of policy information and the mechanism of giving feedbacks of the actors in the process of implementing FLNFA in the two studied communes influenced the understanding of the policy and contents of forest management practices (setting up rules for management, maintaining the management activities after allocation, security of land tenure). How did it influence endowment of the FLNFA, efficiency of natural forest and forestry land management or conflicts after allocation and the entitlements and livelihood of local people? These issues will be presented in the chapter VI.

➤ *Gender aspect of participation in implementation of the FLNFA*

Feminist environmentalists (Agarwal, 2001a; Agarwal, 2001b; Cleaver, 1998; Agarwal, 1997a) emphasize the everyday dependence of women and men

on natural resources for their different interests. Therefore, the presence of both women and men in making decisions on natural resource management (especially forest resources) is very important for gaining equal endowments, entitlements as well efficiency and sustainability of natural resources management initiatives. However, there are still critical questions about gender equity in setting up natural resource management regime that can exclude women from decision making and gaining benefits (Agarwal, 2001a).

The absence of women in collective action for building the institutions of natural resources management will increase the negative influence on women (losses of endowments and entitlements) and reduce sustainability of natural forest common management regime because their interest or preferences in forest use are not taken into account (Agarwal, 2001b; Varughese & Ostrom, 2001; Agarwal, 2000; Ostrom, 1999; Cleaver, 1998; Agarwal, 1997b)

This sub-section discusses the attendance of women and men in the process of implementation of FLNFA as the basis for gaining endowments and entitlements from the devolved forestry land and natural forest in chapter VI and VII. Two aspects of participation are presented and discussed: the presence of women as members of the village and the presence of women as members of the LRC.

*- Attendance of women and men in the pre-allocation meetings*

As discussed above, the meetings in the process of the NFA are important for helping the people to understand the state policy which is rarely presented on the public medium. The meetings are also organized to develop and make agreement on the new institutions for forest management. For the FLA to individual households or household groups, along with informing the state policy, the meeting is also the time for informing people to register with the LRC for getting the land.

The field work from the study sites showed that the presence of women in the meetings preparing for the allocation was very limited. In Loc Tien, only 14 % of total female respondents attended the meetings. This situation is not better than in the mountainous site (Thuong Quang). There also 18.3 % of the total of female interviewees participated in the pre-allocation meetings. Almost all the women who attended the meetings are widows or the women whose husbands are ill or have gone away or in the case of going with the spouse. However, even though the women attended the meetings, their participation is still limited because of a common characteristic of keeping silent or hesitation to speak, which is a result of

custom where it is thought (by women also) that men have more knowledge than women so their voice is more important.

This was observed when the author did the focus group discussion with the mixed group: the women rarely were the first speakers in the discussion. Indeed, participation of the women in the meetings is still limited even when they attended the meetings. However, it depends on the attitude of the facilitator or coordinator of the meetings. In the discussion of the mixed group, when the author asked directly, some of them felt comfortable enough to speak out, but there are still some women who just smile when they were asked although the author tried to encourage them to speak out.

*- Attendance of women and men at the council of land allocation*

Before allocating forestry land to individual households, the application has to be approved by the council. There is not a separate council for approving forestry land, just one for all types of land (including agricultural, forest and settlement land). According to the government regulation, the members of this council are representatives of the authority and mass organizations of the commune and the heads of the village. The representatives who participated in the meeting to approve land allocation often are the heads of those organizations. In both communes where the author did the fieldwork, all of the heads and even members of local political organizations are men, except for the women's union. All the heads of the villages in these two communes are also men. It is clear that the presence of the women in the LRC is limited. This can be considered the men's council.

Arguing about participation of women in making decision on water management in Nkayi district, Zimbabwe, Cleaver (1998) stated that although women were involved in the "Water-point Committee", there was still less empowerment of women. This is similar in the case involving the women's union in the LRC in the policy paper but in reality representatives of the women's union were rarely invited to the meetings of the LRC although this was regulated by the state.

*- Reasons leading to less attendance of women*

Almost all interviewees said that the traditional way of informing the household of a meeting is by inviting a representative of a household which is often culturally understood to be the head who is both traditionally and formally considered to be a man (social norms indicated that the man is the family's owner and the man is also formally registered as a representative of the household by the authority).

*The head of the village often informs the household's head to attend the meetings, so women just go when their husbands are absent or when she is a widow. (Mrs. Ti. in village 1 of Thuong Quang commune, 24<sup>th</sup> July, 2006.*

*Or Officer of the village informed that "tell the head of household to go to the meeting tonight", he all way says it like that so I often go to attend the meetings. (Mr. T. in Thuy Duong village, 12<sup>th</sup> July, 2006.)*

It is similar to the findings of many scholars that time limitations due to housework is another obstacle to presence of women in the meetings for preparing and implementing forest devolution. In both communes where the author did the field work, the meetings were normally organized in the evening when the production activity is stopped but that is the time for cooking meals, or taking care children or preparing food for feeding animals, all of which are traditionally the women's responsibilities.

Another reason was that the participatory approach in the FLNFA, introduced by the donors, was not concerned with gender aspects. Therefore, although the proportion of households who attended the pre-allocation meetings was around 80 % only 14 to 18 % were women. Devolution activities were initiated by the international donors who focus on promoting participation of local people but not from a gender perspective.

Lack of women's participation in the meetings and in making decisions of the LRC may limit their opportunity to gain endowments and entitlements from the devolved natural forest and forestry land. This is discussed further in chapters VI and VII of the thesis.

To sum up, in both study sites, a high proportion of people attended the process of forest devolution implementation supporting intentions of the donors and the state organizations in applying a participatory planning approach. However, because of limited skills and time of the policy implementers and mechanism of information feedback in practice of devolution, understanding about the forest devolution policy by local people was limited. Participation of local people was still in a consultant form for making agreements on the ideas raised by the outsiders. Their participation in the process of devolution implementation seems to address the concerns of outsiders rather than making real decision (Chambers, 1995; Chambers, 1983).

Women's participation was limited in both terms of quantity and quality. They were rarely present in the meetings and the LRC in implementation of forest devolution. The traditional norms (informing heads of households, the burden of housework) and the lack of participation facilitation from a

gender perspective by the donors were the reasons for limited participation of women. This may influence inequality in getting endowments and entitlements from the devolved forest.

#### 5.4. Building the village institution or rule for managing the allocated natural forest area

One of two focuses of the research was the devolution of natural forest to the village or household group. According to Ostrom *et al.* (1994), natural forest is a common pool resource. There is a common belief among institutional scholars in the importance of institution and quality of collective action in building institution for management of common pool resources (Agrawal, 2007; Meinzen-Dick & Di Gregorio, 2004; Agrawal, 2001; Ostrom, 1999).

As presented in the section 5.2.2., the natural forests in the two studied sites were devolved to the village (in Loc Tien) and the household groups (in Thuong Quang). After devolution, the natural forest is managed by the village or household groups. These were collectively managed and there needs to be an institution for maintaining management activities, as well as sharing benefits and responsibilities among the members of the community or household groups. This institution is the center for sustainability of common forest management. This section presented the process and the ways of building the institution for managing the allocated natural forest and how it has been implemented and maintained by the local people.

Meinzen-Dick & Di Gregorio (2004) stated that institutions for common-pool resource management are constructed based on collective action. This action is considered as voluntary to achieve the common interest of the group. Was the institution for the allocated natural forest management in the two studied sites constructed based on voluntary collective action? The process of building the institutions in Loc Tien and Thuong Quang is discussed below.

Section 5.2.2 of this chapter described the process of the NFA in both studied sites. In Loc Tien, after making agreement between the DFPD, commune, village leaders and all the representatives of the households in the village and finishing preparation of data related to the resources of the natural forest area, the village institutions or rules (*Huong Uóc*) were drafted by the head of the village with support from the commune officers and the DFPD. How did the DFPD support the head of the village to draft the rules?

*We (DFPD) gave him a form and guided him to write it (An officer from the DFPD, 4<sup>th</sup> June, 2006).*

There was a circular no. 56 of the MARD in 1999 on guiding construction of village's regulations for protecting and developing forests. This circular stated that guidance for building the village regulations is the responsibility of the forest protection department in cooperation with the DARD and judicial department. However, the circular did not give a form for a village institution but just determined the major contents for the rules. In the case of Thuy Duong village, guiding the village's head to draft the village rules was the responsibility of the DFPD as its task which was assigned by the MARD and also by the DPC for the process of NFA. The officers from the DFPD said that they developed a form of the rules and gave to the village heads to draft. However, in the documents of the NFA project in Thuy Duong which were kept at the office of the DFPD, there was a draft of the village rules which was written by the DFPD. These regulations were longer and more complex than the rules that were formally approved by the DPC.

In the step of drafting the village's rules, besides getting the form and guidance from the DFPD, the head of the village also got the comments from the commune officers and leaders through a meeting. After making agreement between the commune, village leaders and representatives from the DFPD, the draft of the village's rules was presented in the village meeting for making agreement on these rules. As presented in section 5.2.1.1, the head of the village read the draft of the rules and it was also summarized in the paper distributed to the villagers in the meeting to let them read and understand more and then make comments on the rules if they had any.

After that, the villagers were asked to raise their hand to vote for making an agreement to pass the rules. The circular no. 56 of the MARD regulated that if 2/3 (66 %) of total members in the meeting agreed, the commune authority is allowed to attest to the rules. It is clear that no one can force the villagers to raise their hand for voting to pass the rules but it is difficult to say this was a voluntary action or not because the ideas or contents of the rules were developed by the head of the village with comments from the commune and the DFPD officers who can be considered as outsiders of the village (even though a few commune officers may live in the village). The form of the village rules was interpreted by the DFPD from the circular of the MARD.

It may be better and more voluntary if the DFPD facilitated the villagers to develop the rules themselves because the method of drafting the rules to present to the villagers created leading ideas that may not reflect the real context of the villagers. This suggests that setting up the regulations for management of the devolved natural forest in this case was influenced more

by those with the power to make decisions in practice rather than by the formal policy paper.

According to Poteete & Ostrom (2004b), the concept of heterogeneity relates to economic inequality (of income or assets) or values of knowledge and skills or even interest in maintaining the resource. There is a considerable argument about the impact of heterogeneity on efficiency of the institution for management of common pool resources and the strategy of overcoming heterogeneity in the process of building institution is needed to achieve sustainability of the institution. How was overcoming heterogeneity achieved in building the village rules in the coastal commune? The heterogeneity in this research regarded the economic status of the groups in the village as classified based on income level of the villagers as classified by the MOLISA.

Assuming that attendance of the villagers in the village meetings to make comments and agreements in passing the village rules in Thuy Duong village was considered as a collective action for building the rules, heterogeneity in term of economic difference was not difficult to overcome. This was reflected through the high attendance rate of both the non-poor and poor at the meeting (table 10) but only in two hours (including the time for presenting the draft of the management plan and the draft of the village's rules), the rules were agreed on and passed by the villagers.

In reality, the heterogeneity in the village was high because some households are very rich (with the big house and even traveling to the sea for a holiday) but some others were very poor with a simple house and they have had to withdraw children from the school. Was the creation of the village rules for managing the devolved natural forest area achieved by good negotiation of sharing benefits and costs between the villagers? In the case of Thuy Duong village, there was no negotiation in the village meeting to pass the rules. The agreement on the village rules was made based on daily relationships among the villagers rather than negotiation to gain equal sharing in the cost and benefit from the allocated forest management:

*We (villagers) were seated together closely and when we heard about the rule and somebody said agree and we followed them because we live together for along time" or "I saw my neighbours raised their hand to vote for passing the rule and I raised my hand too because we are in a neighbourhood. (Information from the in-depth interview and group discussion).*

The rules include 8 articles as follows:

*Article 1:* Commitment of all villagers in volunteering to protect and get benefit together

*Article 2:* Benefits from thinning to enhance the forest's growth (for members or villagers who directly attended in the thinning activity only)

*Article 3:* Benefits from NTFPs (every villager can collect rattan, fruits or other plants for household consumption and selling)

*Article 4:* Benefit from timber: follow the plan was sanctioned by the PCP with a first priority for a common objective (restore and construct the village's infrastructure, creating the village's fund)

*Article 5:* Benefits from other resources in the devolved natural forest area (exploiting stone, grits, etc.) according to regulations of the laws.

*Article 6:* Rights to protect the forest and get support or other benefits (financial support for protection from the government or other organizations (if they have any), the village's fund, or money rewarded from punishing for illegal timber logging)

*Article 7:* Duty and responsibility of villagers

*Article 8:* Reward and punishing for implementing the rules

The distribution of costs and benefits for the natural forest management in the village rules was not clear and not specific:

*The products of timbers and firewood from the forest are distributed for the village's public constructions, for households who have made good contribution to protecting the forest—The item 2 of the Article 4— or every member of the village has to go to check the forest when he or she is assigned to by the village. (in the item 1 of the article 7).*

What is a good contribution? What is the rate of benefit distribution between different objectives of using the products obtained from the forest? Though the content of the village rules did not mention clearly or specifically the distribution of benefits and cost but the agreement in the rules was still made quickly (in one meeting with maximum time of two hours including presentation of the rule and management plan).

The rules also did not address with management of firewood or other non-timber products. They just focus on managing timber which is mainly the interest of the men and non-poor. This may influence entitlements of firewood and other NTFPs of the women and the poor.

Did this unspecific distribution of benefit and cost of the village rules lead to inefficiency in implementing and maintaining the rules? No, it did not. There were 80 % of the respondents in the household survey that said the rules were implemented well in terms of stopping illegal logging. What led to this? Information from the in-depth interview, household survey and focus group discussion reflected the fact that the illegal logging activity was stopped because the villagers who were professional in illegal logging were

hesitant to do illegal logging when the forest was devolved to the village. They thought the benefit of timber from the allocated forest had to be distributed to all the villagers. The second reason was that the location of the devolved forest area required that the timber had to pass on the road through the village. So, it was easy to prevent the illegal loggers from the outside. In this case, community relations and location of the resource were more important for efficient management of the resource rather than quality of the institution.

How did the institution for management of the allocated natural forest in the mountainous commune develop? As presented in the section 5.2.2., the natural forest in Thuong Quang was allocated to household groups. It was quite different compared to the coastal commune: there was no step of drafting and making agreements, as well as approving the rules in both designing and implementing the process of allocation. The rules for managing the natural forest based on the groups were offered by the group's members. This was a totally voluntary action. They were developed in an oral way and they just mentioned how to assign protection activity among the members. The rules were not recorded on any paper. There was no sanction for these oral rules. However, the members of the groups complied well with the rules. The reason for their conforming was that all the groups were established voluntarily based on their close relationships in daily life as reported by various informants:

*In the village meeting we were asked for registering to protect the natural forest as a group with a number of household is not more than 12 members and just for the household who have labour and capacity (health). Our houses are close to each other and we (members of my group) often do farming and other activities together agreed to be in a same group to register getting natural forest for protection to get benefits for our children. (Focus group discussion with protection group 1 in village 2, 11<sup>th</sup> March, 2007)*

*Or We talked together and agreed to make a group to get natural forest for protection and getting benefits, we discussed among ourselves to assign to who would go to check illegal logging... (Mr. T. in group 2 of village 1, 5<sup>th</sup> July, 2007)*

Other forest protection groups in villages 3, 4, 5, 6 and 7 also confirmed that they made the group themselves based on their relationships in the everyday life and then registered with the commune and the DFPD to get the natural forest area for protecting.

In the mountainous commune, 12 groups were allocated the natural forest and the number of group's member was from 4 to 10 households (excepted one group had only two households). It is difficult to discuss the

influence of heterogeneity between the members of the group on quality of institution building because some groups had both poor and non-poor members but some others had only non-poor households. Moreover, it is more challenge to discuss when the rules were not recorded.

Another issue was that no formal paper to recognize agreement between state organizations and forest user groups in sharing benefit of the forest's product was issued. This was also different compared to the case of devolving the natural forest to Thuy Duong village (in the coastal commune) where commitments to sharing benefit between the state and the village were regulated clearly in the decision of the PPC.

Although the members of the group complied well with the group's rules, after around 4 to 6 months of devolution implementation (depended on each group), all the groups stopped the forest protection activity which was regulated by themselves and implemented well. They did this because they could not prevent illegal logging by people from other villages and communes and because there was no certainty of getting benefit from the forest's products.

The difference in building internal institutions for forest management between the two studied communes reflected that it was not dependent on the laws and policy papers but on interpretations of external actors (forest officers and donors) in the implementation process of devolution. The quality of the institution was influenced not only by relationships between members of the village or group but also by facilitation of external actors (foresters from the DFPD) and commitments between the state and the forest protection groups.

How did this institution building process influence sustainability of natural forest management? This issue will be discussed further in section 6.4 of the chapter VI.

## 5.5. Summary

The process of implementing natural forest and forestry land devolution in practice was different between the study cases even though it was carried out based on the same state policy papers and principles of donors. In theory the steps of implementation were rather similar between the projects and the sites. However, the ways for practicing each event or activity in the process depended on the influence of the policy implementers. The regulation in the policy papers was only one factor influencing implementation of forest devolution, challenging assumptions of rational policy approaches. The practice of forestry land and natural forest devolution was mainly influenced

by the interpretations of commune and district officers based on their priorities to achieve their private objectives as argued by Sikor (2004).

Power or influence of the outside actors determined almost all aspects of the process of the devolution implementation such as when and where to devolve the forest, ways of disseminating the policy information, as well as criteria for devolving to the beneficiaries. Those decisions can directly impact the outputs and outcomes of devolution. The influence of making decisions in practicing forest devolution fell into the hands of the state organizations at different levels, from the province to the commune. The provincial authority played a more important role in deciding where the natural forest and forestry land should be devolved while the DPC had more authority in making decisions on how the process of forest devolution was implemented and co-ordinated in the field. The DFPD and the CPC gained more power in attesting the application and the field documents such as location of the allocated plots. This showed that policy practice was influenced by a web of power and analysis of power relations is the central issue of policy analysis as argued by Shore & Wright (1997).

Analysis of the process of implementation of forest devolution also showed that power relations appeared and influenced implementation of the project, reflected through the way of interpretation of the implementers in their context. This means that project life were not simple and the implementation of policy was influenced by different types of interpretation and different interpretation subjects as shown by Mosse (2005).

The donors tried to strengthen the capacity of the state institutions through providing training and advice on a participatory approach. The rate of people attending the process of devolution implementation was high but their participation was still limited as the result of limited facilitation skills of the state officers. The involvement of the beneficiaries in the practice of forest devolution seemed to meet the objectives of outsiders as argued by Chamber (1997; 1983). Women's participation was more limited than men's in terms of both quantity and quality of participation (presence and making decisions in the process of forest devolution). This was the result of the custom against women and the lack of gender sensitivity of policy implementers as well as limited attention to gender issues by the donors.

The rules or regulations for management of the devolved natural forest in the two study sites were developed by different ways. In the coastal area, it was developed based on the draft made by the village leaders with support of the DFPD and regulation of the state while it was in an oral agreement in the mountainous area. The quality of the rules for collective management of the devolved forest was not influenced by heterogeneity of the group but

depended on the community or group relationship and external institutional environment (state institution).

How do these different interpretations and power relations in the implementation link with the endowments, management practice and then entitlements and livelihood of different social groups after forest devolution? These are discussed in the next two chapters (the chapter VI, VII).



## 6. Endowment and its security, management practice and conflicts after devolution

### 6.1. Introduction

To understand the full implications of the forest devolution policy, it is necessary to investigate both *the process* (including policy papers and its implementation) and *the consequences* that policy has on people and resources (Blaikie & Sadeque, 2000). This research examined not only the devolution policy papers and their implementation by different institutions but also explored the endowments created by devolution of natural forest and forestry land by the state.

Chapters IV and V discussed the intentions and objectives of the forest devolution policy and how it was implemented in practice. An important outcome of the forest devolution policy's implementation was giving endowments of statutory rights to natural forest and forestry land to beneficiaries. This chapter starts with an analysis of who gained the endowments through showing and comparing the forestry land area and natural forest which was allocated to the different groups (section 6.2.). The factors that affected the opportunity to gain endowments of forest are discussed and linked with the evidence drawn from the chapters IV and V to highlight how the endowment process was mapped in relation to micro and macro institutions (how these institutions influenced gaining forestry land or natural forest devolved by the state to the beneficiaries).

Entitlements or utilities from the natural forest and forestry land devolved by the state can be transformed not only from statutory rights but also customary rights (Leach *et al.*, 1999). This chapter examines changes of the endowment of customary and traditional rights to the natural forest and

forestry land after the implementation of devolution by the state. Endowment of statutory rights and change in customary and traditional rights to forestry land and natural forest due to the devolution will be discussed in relation to entitlement mapping in chapter VII.

According to FAO (2002), access to land allocated by the state is important for the security of the livelihood of local people who rely on farming but security of tenure of the land may also be important for ensuring food security and poverty reduction, sustainability of livelihoods and the environment. In this chapter, the author analyzes the issue of the security of endowment of land rights after the forestry land and natural forest were devolved to the individual households and household groups or village (section 6.3.) to see how the statutory rights of the forestry land and natural forest use and management of beneficiaries or groups have been exercised.

As discussed in chapter IV, the forest devolution policy was made and implemented to transfer rights for managing and using natural forest and forestry land to the beneficiaries. The change in property rights aimed to improve management practices through greening the barren hills by planting forests, reducing deforestation and improving the natural forest's growth thus benefiting rural people. Section 6.4 in this chapter discusses how the planted forest was developed on the allocated land and the investment capacity of the households who received the land. For the natural forest that was allocated to the village or household groups, the author discusses how natural forest has been managed and how illegal logging and deforestation were controlled after devolution.

The natural forest that was devolved to village or household groups in the two communes is a common pool resource, and as such the characteristics or attributes of the resources and user groups and internal institutions, as well as the external environment are important for maintaining and sustaining the management (Agrawal, 2001; Ostrom, 1999). Section 6.4 also explores the influence of the quality of the institutions for village-based or household group-based forest management. The influence of some characteristics of the forest and the user groups and the state's regulations on maintaining of the collective action for management of the devolved natural forest area is also examined.

FAO (2002) stated that complexity and different types of land tenure history are causes of conflict over land use. Conflicts over land result from exclusion from access (due to a change of endowments) because of increasing resource scarcity or unequal distribution of endowments and are shaped by relationships between people or groups where there is competition in land use (Matondi, 2001). Section 6.5 of this chapter describes

some actual conflicts between individual households, villages and between local people and the state forestry institution after the FLNFA.

Section 6.6 summarizes the findings of the chapter in regarding to endowment of statutory rights and change of customary and traditional rights, as well as its security issues. It also synthesizes management practices of the devolved forestry land and natural forest and the existing conflicts with a short discussion linked to property rights theories and conceptual framework for endowment mapping.

## 6.2. Endowment of statutory rights and change of customary and traditional rights

As discussed in chapter II, Leach *et al.* (1999) stated that endowment of rights and resources of actors links to the transformation of environmental entitlements or utilities. The rights included statutory rights and customary rights (*ibid.*). This section presents and discusses the statutory rights and changes in traditional and customary rights resulting from the forest devolution.

In Vietnam, people can obtain forestry land or natural forest from the state through the allocation process and this natural forest or forestry land is formally recognized by the state through the provision of the certification of land use right. In practice, especially in mountainous areas, people can farm on the state land and they can enter the state natural forest to collect NTFPs (but not timber or the valuable wild animals that are regulated by the forest protection law), and this type of utilization is called traditional rights.

The statutory rights to natural forest and forestry land in this study were considered as the rights that were devolved by the state as regulated by the policy. The variables used to assess the devolution of statutory rights from the state are adapted from Sikor & Tan (2007). They include natural forest and forestry land areas (holding by the individual household or village), the proportion of the timber volume from the allocated natural forest devolved to village or household group, as well as types of rights to natural forest and forestry land devolved to the beneficiaries.

In this research, traditional rights were assessed by qualitative variables through examining changes in these rights in using natural forest and forestry land after the state introduced forest devolution to beneficiaries.

## 6.2.1. Statutory rights to forestry land and natural forest devolved by the state

### 6.2.1.1. Holding the devolved forestry land and natural forest area

As discussed in section 5.2.2., in the coastal commune (Loc Tien), the forestry land was devolved from 1987 to individual households through different projects or programmes. However, only the forestry land that was allocated from 1994 (by the project PAM 4304, the programme 327 and the SNV project) after announcement of the 1993 land law was accepted by the local authority for providing the Red Book in 2004. The natural forest had been devolved to Thuy Duong village in 2001. In the mountainous commune (Thuong Quang), the allocated forestry land was formally recognized by the local authority through the SNV project in 2003, while natural forest was devolved to household groups.

To see how two different economic groups gained endowments of rights of management and use of forestry land, the forestry land area of the individual households got from the devolution was recorded in the questionnaire for the individual interviews with poor and non poor groups in both study sites. The list of all households that were allocated land with the amount of land and different allocated sources (through the PAM or programme 327 or the SNV project) was also collected at the commune and the DFPD office. The sampling for the household survey was not designed to compare devolved forest holding between ethnic (Ktu) and Kinh group in the mountainous area.

The difference in mean forestry land holding area between the two groups (poor and non-poor) was tested by using the T test (independent samples case) and showed that there was a significant difference between the mean forestry land holding area of the poor and non-poor groups in both the coastal commune and the mountainous community ( $p=0.05$  and  $p=0.01$ ) with the confidence level of 95 % and 99 % respectively (table 11). The data from the household survey found that a mean forestry land holding area devolved for the poor group in Loc Tien was 2.9 sao per household (1 sao =  $1,000\text{m}^2$  - for the central region) while that of the non-poor was 16.6 sao. In the mountainous commune, the poor group held a devolved average forestry land area of 1.5 sao while the mean of devolved forestry land holding per household of non-poor group was 9.6 sao. This differs from findings of Thanh *et al.* (2004) in the case of forest devolution in Daclak in the central highland of Vietnam where there was no significant difference in the average size of allocated forest between poor, medium and rich groups and wealth had no significant influence on the distribution of allocated forest. However, those authors did not explore why household wealth did

not decide its ability in access to forest devolved by the state to see nature of relation between wealth being and access to devolved forest land. Exploring the relationship between economic status and the opportunity of a household to get the devolved forestry land can highlight the influence of power relations on obtaining endowments in the devolution process.

In table 11, the average forestry land area per household of non-poor the group (16.6 sao) in Thuy Duong village of Loc Tien commune was 5.7 times greater than those of the poor group (mean 2.9 sao). The household survey was carried out in Thuy Duong village only. The result of testing the allocated forest land area per household between poor and non-poor groups in Thuong Quang also showed a significant difference in the allocated forest land holding (Table 11). However, the standard deviation of the mean of both poor and non-poor groups (especially in the non-poor group) in Thuong Quang was lower than in Thuy Duong (see table 11). This reflected the fact that the difference between forestry land area of each sample household in the mountainous commune was smaller than that in the coastal area.

The household survey in Thuy Duong village showed that some non-poor households got from 80 to 100 sao while some other households who were also non-poor households only got 10 sao (a range from 7 to 10 sao). It was different with Thuong Quang (also from the household survey's data source). Here the largest amount of allocated land area to a household of the non-poor group was 21 sao and the smallest amount was 5 sao. For the poor group, there were two interviewed households who held 10 sao of forestry land devolved from the state and it was higher than the amount of allocated land of some non-poor households (10 sao compared to 7 sao).

Table 11. *The allocated forest land holding by economic groups (sao/ household)*

Economic group	N	Mean	Std. Deviation	Std. Error Mean	Sig. for testing equality of Means
<i>Thuy Duong village (the coastal commune)</i>					
Poor	29	2.9	6.66	1.24	0.048
Non poor	30	16.6	35.76	6.53	
<i>Thuong Quang (the mountainous commune)</i>					
Poor	30	1.5	5.33	0.97	0.002
Non poor	29	9.6	12.41	2.30	

Source: Household survey, 2006.

Note: 1 sao = 1000m<sup>2</sup>

The author also got secondary data on the forestry land area devolved to individual households through all the projects in the two communes. This

data source showed that the devolved forestry land area between the households in non-poor group in Loc Tien was also very different. The biggest area devolved to one household in Loc Tien was 746 sao and a smallest was only 2.4 sao (Table 12). In Thuong Quang (the mountainous commune), the largest forestry land area devolved to a household was 29 sao and smallest area was 1.3 sao.

Table 12. *The allocated forest land holding in Loc Tien and Thuong Quang*

Items	Unit	Loc Tien	Thuong Quang	
		<i>Forestry land</i>	<i>Forestry land</i>	<i>Natural forest</i>
Total allocated households	Household	201	83	80
Proportion of non-farmer allocated land in total allocated HHs	%	28.90	0.00	1.20
Proportion of poor in total allocated HHs	%	3.50	6.25	12.05
Proportion of non-poor got FL & NF in total commune's HHs	%	7.80	24.19	23.55
Proportion of widow got FL & NF in total allocated HHs	%	0.05	0.00	0.00
Largest allocated area	sao/ HH	746.00	29.00	264.00
Smallest allocated area	sao/HH	2.40	1.30	46.00

Source: Secondary data from DFPDs and communes' office.

Note: - HH: Household

- FL: Forestry land;

- NF: Natural forest

From the list of all the households in the whole commune that were allocated forestry land, the author also found that the number of poor households who were allocated forestry land was limited in both communes. The proportion of poor in the total number of households who were devolved forestry land in Loc Tien was 3.5 % while it was 6.25 % (for forestry land) and 12.5 % (for natural forest) in Thuong Quang.

It was found that the proportion of non-poor households that were allocated land was 7.8 % of the total households of Loc Tien. This proportion in Thuong Quang was 3 times greater than Loc Tien in both cases of devolved forestry land and natural forest. Is this the result of more demand from the wealthier households and more pressure from local government to maximize production of raw materials by concentrating on wealthier people? No, this is result of abstract terms in the policy papers,

lack of transparency in informing policy and influence of social relations that are discussed further in the sub-section 6.2.1.2.

Another interesting issue was that in the list of the households who held forestry land in the whole commune in Loc Tien there were 58 households (28.9 % of total households that were allocated forestry land) contained someone who was or had been a forester from the DFPD, or who are officers working for the state organizations or the non-government organization with a monthly salary and such households were not involved in agriculture and forestry production. This is different from the statement in the Decree 163 that regulated to whom the forestry land should be devolved. In contrast, there were no non-farming individual households who got forestry land devolved by the state in the mountainous commune and only one officer from the DLAD got the natural forest. Why was that? This is result of respecting traditional land use system of the foresters in Nam Dong district and also discussed further in the sub-section 6.2.1.2.

There were also at least seven households that have a member who was an official or officer of the commune, village and co-operative (this number was just counted for the households where the author was sure that they worked in the commune or the village and cooperative) of the total of 30 households who got the forestry land in 2003. It was found that only one official in Thuong Quang commune was allocated 15 sao (1.5 ha) of forestry land. This reflected a marginalization in accessing forest land of not only poor households but also of the farmers in general in comparison to the state officers in the coastal commune. This situation is different in Thuong Quang (the mountainous area) where more poor people received the forest land than in Loc Tien.

➤ *Endowment of statutory rights to the devolved forestry land and natural forest by gender*

As discussed above, there is a distinction between poor and non-poor in holding devolved forestry land in both communes (Loc Tien and Thuong Quang). A remarkable point is that in both these communities, almost all the widows or single women are the poor (18 of 30 poor in Thuy Duong village of Loc Tien commune are widows).

The limited opportunity for a widow to gain endowments of the devolved forestry land and natural forest showed in table 12. In Loc Tien, only one widow (0.5 % of total households) got forestry land. In Thuong Quang, there were no widows or single women on the list of the households that got devolved forestry land or natural forest. Why was that? One widow in Thuong Quang said to the author that:

*They (the land allocation council's members) said that because my family does not have any man, I will not be allocated forestry land. (Mrs. R. in village 2 of Thuong Quang, 15<sup>th</sup> July, 2006)*

*Or: I know clearly who do illegal logging because they often pass my house when they transported timber so I can guard the forest but they did not allocated forest to my family because they said I am a widow so I could not participate in natural forest management. (Mrs. P.- village 4, 25<sup>th</sup> July, 2006).*

In the coastal community, some widow women said that:

*How can people like us (the widows) get forestry land. They (forestry land allocation implementers) thought that our households do not have men so we could not do forestry production. (Mrs. S. and Mrs. T. in Thuy Duong village- 5<sup>th</sup> January 2007.*

The first time the author visited a widow's household, she said that: "*who suggested you come to my house?*" and then the author asked her why she said that, her next answer was that "*I am surprised because the village and commune leaders rarely visit my house and they also do not introduce me to outsiders*" (Mrs. G. in Thuy Duong village, 20<sup>th</sup> December, 2005.). The author told her that she selected her name randomly from the list of the households of the village.

There is a question of gender difference in getting endowments because of a position of less power for single women in the community due to the custom of being looking down on as a widow and the view of non-capacity of women in forestry production. Inequality of endowment to the devolved forestry land and natural forest therefore was influenced not only by economic status but also by gender difference.

➤ *Difference of endowment between Ktu and Kinh*

As discussed in chapter 3, Thuong Quang commune is a remote area and 60 % of the total population belongs to the ethnic Ktu group. In contrast, the coastal commune has only members of the Kinh group. The Kinh are often considered to have better knowledge and experience in finding development opportunities. So, in the community where has both majority and minority population groups live together, major groups are often considered to have more economic and social power. This led to a hypothesis in this research that access to the forestry land devolved by the state in the coastal commune is more equal than in the mountainous area because it is not influenced strongly by power relations in the devolution

process. However, the findings from both the household survey and the secondary data in table 11 and table 12 showed that the inequality in gaining endowments of forestry land devolved by the state was greater in Loc Tien (where 100 % of the population are Kinh) compared with Thuong Quang where 60 % of the population is ethnic people (Ktu).

The proportion of Ktu households that got forestry land was 39 % while the proportion of Kinh got the land was 61 %. However, the devolved forestry land area of the Ktu and the Kinh was not different (11.8 sao compared to 11.1 sao).

It was in contrast with the case of getting the devolved natural forest, only 39 % of total households who got the devolved forestry land were Ktu people (see table 13). The proportion of Ktu household that received natural forest was nearly 2 times that of the Kinh (65 % and 35 %) but the average holding area of devolved natural forest of Kinh was 154.4 sao while that of Ktu was 87.3. However, the comparison of devolved natural forest holding area between Kinh and Ktu is not entirely appropriate because natural forest was devolved to household groups for collective use and management.

Table 13. *The allocated forest land holding in Thuong Quang by ethnicity*

Items	Unit	Thuong Quang	
		<i>Forestry land</i>	<i>Natural forest</i>
Proportion of ethnic got FL & NF in total allocated HHs	%	39.00	65.00
FL & NF holding of Kinh group	Sao	11.80	154.4
FL & NF holding of Ktu group	Sao	11.10	87.3

*Source:* Secondary data from DFPDs and communes' office.

In general, there was no clear difference in opportunities to gain an endowment of statutory rights to the devolved forestry land and natural forest between the Ktu ethnic group and the Kinh. The hypothesis of more limited opportunity in access to the devolved forestry land and natural forest of ethnic people was not correct. This is the result of behaviour of the commune leaders toward respecting the custom land use system in Thuong Quang (as presented in chapter V). The process of mapping endowments in this case was influenced not only by a micro institution (custom land use) but also interpretation in practice of macro institutions (forest devolution policy of the state). This is discussed further in the next section (section 6.2.1.2).

To sum up, the above evidence from both Thuy Duong village and the whole commune of Loc Tien and Thuong Quang, using both the household survey and the secondary data source showed limited access of the poor and widows to forestry land devolved by the state as determined by the allocated area and the proportion of poor and widow households that were allocated land. Differences in getting endowments of forestry land and natural forest between the Ktu ethnic group and the Kinh is not clear.

As the findings in chapter V show the proportion of poor respondents who heard about forestry land allocation and attended the village meetings in the household survey was high in both communities (from 65 % to 83 %), and a question of the nature of participation in the process of devolution implementation was raised. Why did the poor know about and attend the meetings but the outcome in accessing to forest land was still limited? Was their participation formal only? What reasons lead to the limitation of endowments of titling to forestry land from the state for the poor? These are discussed in the next sub-section.

#### 6.2.1.2. Factors influencing the distribution of devolved forest endowment

The evidence from the study sites showed that the reasons affecting the distribution of endowment of forestry land from the state for the poor are different between the two communes.

##### ➤ *For the coastal commune*

There were some different reasons depending on the allocation period or projects or programmes. For the PAM 4304 project (from 1993 to 1997), according to the foresters who coordinated and implemented the programme, the farmers at that time were not interested in acquiring forestry land as the value of forestry land and planted forest's products were low (when the PAM programme was being implemented). The villagers were still hungry so they just participated in planting forest to get the payment for their labour contribution. Some villagers also said that at that time they were not interested in getting planted forest because they did not understand the benefits of getting forestry land. DFPD did not inform them clearly about benefits or rights from the planted forest as they knew that they would have to take responsibility if the planted forest was burnt or deforested. Other villagers (Mrs. N, Mr. H, Mrs. T., Mrs. S. in Thuy Duong village whose comments were cited in chapter V) did not know anything about the programme, they just knew that they were going to plant trees and they would be paid for their labour contribution. The information about supporting all the costs (including labour cost) for planting forest and the

mechanism of giving 70 % of the planted forest products' value to the beneficiaries by the donor were not clearly explained to the people.

Another reason according to some village and commune leaders was that the regulation in the 1993 land law and the 1994 decree 02 was that if one wanted to get the forestry land, the applicant had to develop a plan of land use to submit to the LRC and had to pay 100,000 VND per ha for designing and planning land use that were carried out by the DFPD (regulated by the DFPD). So it was not easy for the farmers, especially the poor households to have the money to pay, although after planting, the farmer could have savings from the support for planting the forest:

*With the support of the donor for planting per ha of forest at that time, 100,000-150,000 VND could be saved if the planter managed it well even they hired labour for planting and took care of the planted forest. (Mr. A. a leader of Thuy Duong village, 15<sup>th</sup> July, 2005).*

Information from the in-depth interview with some commune and village leaders also showed that the amount of funding for planting forest in the commune or village depended on the relationship with the DFPD:

*The DFPD decided the amount of the plantation area that got financial support to be devolved in the commune and village. This depended on the relation of the commune or co-operative with the DFPD. (Mr. K. - an officer of the commune, 7<sup>th</sup> August, 2006”.*

*Or The amount of financial funding for planting trees in our commune depended on our relation with the DFPD. (Mr. D, a commune officer, 5<sup>th</sup> December, 2006).*

On the question of information about funding by the donor for planting trees on the devolved forestry land to the farmers, the answer was that they did not know anything about the funding for planting and the benefits from the products of the planted forest. They planted the forest individually on the land that was assigned by the co-operative and foresters and they were paid for their labour to plant and tend the forest.

Another interesting issue was that two poor households in Thuy Duong village who got the land had a relationship with the cooperative or commune leader or the foresters in the DFPD. When the author asked where they got information about the programmes to decide to get the planted forest, they said their children or relatives who work for the commune and co-operative knew and told them. In this case, information about the programme was transferred to them based on informal channels (through meeting in the family or relative relationships).

For the programme 327, two poor households in the formal survey got land because they were requested to move to the new location in the commune, which was close to the forest and upland area but had limited agricultural land through a government resettlement programme. Those households (including poor and non-poor) were allocated from 7 to 12 sao of barren hills to plant trees with support from the state budget under the programme. However, some foresters from the DFPD also got some plots through this programme. When the author asked how they could get it, an officer from the DFPD said that that planted area was allocated to the workers union (*công đoàn*) of the DFPD at that time and then the staff of the DFPD was entitled to it in 2004 when providing the Red Book (formal land use right certification). This was totally different in the Hong Ha commune where a very large forest area (more than 200ha) was planted in the programme 327 and had been managed by A Luoi DFPD but remained state land. This reflects the fact that access to the forestry land devolved by the state depended strongly on the interpretation of the DFPD that was empowered by the DPC to coordinate the programme.

In the PAM and 327 programmes, the commune and cooperative officers did not own the project but they were the people who directly received the information, plan and activities of the programmes from the DFPD to lead the villagers to plant the forest. The forestry officers from the DFPD under instructions from the DPC directly coordinated or implemented the PAM and 327 programmes and they controlled information related to the supporting principles, as well as the benefits and responsibilities of the beneficiaries of the planted forest.

According to the officers from the DFPD and commune and village or cooperative leaders, people did not want to receive the land because the benefit policy was not clear at that time and people were only interested in the short term benefit and they refused to get the land:

*In the stage of implementing the PAM and 327 programmes, there was no any clear benefit policy of the state. People were afraid to be assigned the responsibility without benefit so they did not want to get forestry land. (Mr. A., from the DFPD, 16<sup>th</sup> July, 2005).*

*Or Before the year 2000, people just wanted to get immediate benefits then they participated in planting trees for getting cash and were not concerned about the long term benefit so they did not want to get forestry land for long term management. (Mr. P., a commune official, 17<sup>th</sup> August, 2005)*

*Or People went to plant trees for getting cash or rice and they were asked to continue to get the planted forest for protecting it after planting but they refused to do that, they did*

*not see the long term benefit of getting planted forest.* (Mr. B. – A person used to be a village head and a co-operative officer, 17<sup>th</sup> August, 2005).

In practice, at that time, in Phu Loc district, there were a few farmers who lived close to the bare hills and who were willing to plant some *sao* of forest from both the financial support and investment by themselves (Mr. S., a poor household and Mr. T. in Thuy Duong village invested themselves in planting trees on a part of the hill close to their house from 1993). Those people loved the forest and planted the forest for their happiness and the beliefs of receiving benefits in the future.

It is remarkable that the 1993 land law and the 1994 decree 02 for guiding forestry land devolution regulated that the person who can get forestry land is an "individual" without specifying a limitation on the area to be allocated. This regulation of the law and the decree allowed the state officers (from the DFPD) or other state organizations who were not farmers to get very large forest land area in 1994 (some foresters got from 600-700 *sao*) through the PAM programme although the principle of the PAM was just to support a fund for poor households. Justifying this, some foresters from the DFPD said that because the farmers were not interested in getting the land and the foresters had a view of the benefits of planted forest, they had the right to do that because the land law regulated that any individual can get forest land for greening bare hills:

*At that time (when implementing the PAM and 327 programmes), people were not interested in getting forests. Mr. B. – an officer in the district town got more than 700 sao in 1994 because he saw the long term benefit of forest. He had a right to get it because the land law enacted in 1993 and the decree 02 regulated that any individual can get forestry land without limitation if he has a need and the ability to use* (Mr. A. from the DFPD, 7<sup>th</sup> March, 2006).

*Or the PAM and 327 programmes were intended to devolve the bare hills that were planted with trees to people but they did not want to get it because they did not see the benefit of forest management. Some officers in the district saw the future benefits of the forest so they wanted to get it and this is regulated in the policy papers that any individual can get forestry land for planting trees* (Mr. N. from the DFPD, 12<sup>th</sup> April, 2006)

The question is why the foresters and commune, village or co-operative leaders who had more knowledge and more information on the state policy were willing to get the forestry land without certification of devolution of benefit from the planted forest of the state. It was found that the source of finance for planting the forest of the foresters and commune and cooperative or village leaders (as representatives of the individual households who got

the forestry land) was all from the project (from the PAM, from the government through 327 or provincial budget in 2004) (reported in the profile for providing the Red Book in 2004).

All the foresters from the DFPD who got the forest land through the PAM and 327 programmes were allocated land from 1994. The people who directly coordinated or implemented the programmes knew if they used and managed the budget from the donor (for the PAM programme) and from the government (for the 327 programme) they could save from 100,000 to 150,000 VND (equivalent of 10 to 15 USD at that time) per 10 *sao* (Mr. K. 15<sup>th</sup> July, 2005). They also knew that they could mobilize villagers for stamping out forest fires while people or villagers did not know that protecting the forest and preventing forest fires was the responsibility of all people as regulated in the forest protection law. That was the reason why the villagers told me that they wondered why they attended to stamping the fires in the forest which was managed by the DFPD but now the forest was allocated to the foresters of the DFPD:

*We attended to stamp the forest fires many times because the foresters from the DFPD said it is the responsibility of all villagers to keep the state forest for a common benefit but now we heard that the forest area was devolved to the individuals from the DFPD (a common comment from in-depth interviews with Mr. D., Mrs. G., and Mrs. T. in Thuy Duong village, on the 22<sup>nd</sup> and 23<sup>rd</sup> of July, 2006 and a similar comment in the focus group discussion with mixed farmers on 12<sup>th</sup> January, 2007).*

This all reflects the fact that officers of the DFPD and some commune, cooperative officers who directly implemented the programmes had the authority to access the useful information that motivated and created the opportunity for them to get the forest land. As commented by two commune officers who are working for Loc Tien commune now but were not officers when implementing the PAM and 327 programmes that:

*Persons who accessed to the information about the programmes were the winners (in term of getting the forestry land) (Mr. Th. and Mr. H., 25<sup>th</sup> August, 2006).*

In 2003, an area of 660 *sao* of poorly planted forest (planted forest but the survival proportion of trees was very low) which was considered as bare land and which had been managed by Song Thuy cooperative and North Hai Van watershed management board and 700 *sao* of bare hills were allocated to individual households through the SNV project. As presented in section 5.2 of chapter V, the activity of informing people about the bare hill area which

was found through a land use planning step was identified in the process of allocation but was not implemented in practice. So, the villagers did not have the information on the allocation of this bare land area. Not being interested in getting the forestry land devolved by the state in 2003 in this programme was not the reason for not gaining forestry land because every villager now understood the profit from planting forest and they wanted to get it:

*From 2001 we know that planting trees can bring profit then we preferred to get the bare hills to do that but we could not get them because the commune and co-operative said that there is not any more area to allocate to people (Focus group discussion with women and men group on 12<sup>th</sup> January, 2007).*

*Now people are competing to plant Acacia because they know its profit, some people planted even in the scattered area of the village cemetery and this created conflict between planter and family who have graves in the cemetery (Mr. H. in Thuy Duong village, 5<sup>th</sup> January, 2007).*

The reason why they could not get the forestry land devolved in 2003 was they did not get information about the activity of allocating the forest land area to individual households. They still thought it belonged to the co-operative until some individual households hired them to plant trees on the land.

The step of informing about the allocation of the forest land in the SNV project in Loc Tien was cut out by a decision of the FWG because of "a too small allocated area so it was not presented to the villagers", some commune and village leaders explained in the in-depth interview (cited in chapter V). In the list of the households who got the forestry land devolved in 2003, there was only one poor household in Thuy Duong village with 2 people more than 70 years old. How did he get the information to register for receiving the land? "from my son who is the head of the co-operative" (Mr. C., 18<sup>th</sup> July, 2006).

As presented in chapter V, the manager of the SNV project was a member of the CPC. A total of 34 households got the forestry land which was devolved in 2003 through the SNV project, and four of them lived in Hue city or the district town. How could they get information to register for getting the forestry land? It was found that those people were working for the government organizations or non-government organizations that have some support in the commune:

*Mr. B. is working for NAV and Mr. T. is an officer who is working for Chan May Port but they still got the forestry land in 2003 (Mr. D., 4<sup>th</sup> January, 2007).*

This is also confirmed through cross checking their names in the list of people who were provide the Red Book in 2004. The information about allocation of the forest land to those people was also obtained through their knowledge of the working process with the commune. This reflected the fact that the information about allocating forest land was disseminated informally through the relationships and not as regulated by the law, or the principles of donor. The authority of the DFPD and commune and village leaders, therefore, was not only in owning the information but also in selectively disseminating the information about the process of allocation.

A remarkable issue was that although the proportion of non-poor household who got the forestry land in Thuy Duong village was much higher than the proportion of poor households (14.65 % of total non-poor of the village compared to 2.8 % of poor), it was still small proportion compared to the number of non-farmers who were allocated land. Some of those non-poor households invested themselves in planting trees because of their interest in planting forest and after that they were allocated and provided the Red Books. This was done based on the statement in the decree that: "*A person who used the land to plant trees if it is confirmed by the local authority will be allocated and provided the certification*" (Item 3 – Article 17, Decree 163 dated 16<sup>th</sup> November, 1999).

Economic status determined the ability of individuals to access land informally first (self-occupying) before getting the formal certification but it did not directly influence the ability of the individual to access the forestry land devolved by the state though the programmes or projects.

Summing up, in the case of Loc Tien, the ability to get information about the allocation and benefits of the programmes or projects depended on relationships with the project or programme coordinators and implementers who decided if individual household were to get the forestry land. Participation of local people in the allocation programmes and projects was functional (the PAM and 327 programmes) or they were consulted (the SNV project) which influenced their ability in making decision on getting forestry land devolved by the state. This was not a result of the policy papers or principles of the donors but was the outcome of the interpretation of the DFPD and commune and village or cooperative officers and power relationships between the actors in the process of devolution implementation. (Thanh *et al.*, 2004) called this the position of the household and he concluded that households with position may potentially get more benefits than households without position.

The evidence in this research shows that the opportunity to get endowments to forestry land for non-farming households resulted not only

from the authority of information control by the state organization but also from the abstract term of beneficiary in the policy papers (law and decrees). The marginalization of the poor in getting the endowment of statutory rights to forest land through the devolution programmes was the result of having less power which is related to the strength of social relationships, and not just economic capacity.

➤ *In Thuong Quang (the mountainous commune)*

As presented in section 5.2, the forestry land use planning and allocation in Thuong Quang commune was implemented through the financial support of the SNV (same donor as the project in Loc Tien in 2003). Although there was a significant difference in the area of forestry land devolved by the state between non-poor and poor groups in both communes, the inequality in land allocation was higher than in the coastal community. Why was this when the devolution policy of the state and the donor were similar in the two communes?

It was found that forestry land devolution in Thuong Quang was based on the area that was occupied and used by the households before the allocation activity. This was decided by the commune authority. The agricultural land (mainly wetland rice area) and settlement were allocated by the commune authority although the Red Books may not have been given to many communes, particularly in the mountainous areas because of a lack of budget for issuing them. In contrast to agricultural land, the upland or forest land area was often freely occupied based on the households' labour and financial capacity for cultivating crops because of limited agricultural land in the hilly and mountainous area. This also happened in the coastal commune but these land areas were transferred to planted forest in the PAM programme from 1987 following the design of the DFPD and were not considered as a basis for allocating forestry land to household. However, in Thuong Quang the LRC formally confirmed and approved the forestry land that was previously used for farming by the individual households when the LUPLA project was implemented. Both the area and location were measured and confirmed by the commune authority and officers from the DFPD (as representatives of the professional organization) for providing the Red Books.

One issue was that as with the custom of other ethnic communities in the mountainous areas, the custom of the Ktu in Thuong Quang is to respect land occupied by a household. In this custom, the first person to reclaim and use the plot was the owner of the land and nobody could take or use that land. According to the chairman of the CPC in Thuong Quang (Mr. R., 12<sup>th</sup> August, 2006), the commune authority (with more than 60 % of officials

and officers belonging to the ethnic group) decided that allocation was to be based on previous occupation of land because they respected the custom of the Ktu.

The reason for the greater mean forestry land holdings of the non-poor group in Thuong Quang in 2003 was that they had a larger labour force and more financial sources to rent labour for cultivating on the upland area before allocation. However, the largest holding of forest land area for a non-poor household in Thuong Quang was only 29 *sao* (according to the secondary data). There were nine households (11 %) who got from 20 - 29 *sao* out of a total of 80 households. Forty-eight households (60 % of total households) who were devolved the forestry land got from between 9 - 18 *sao*. The ability of individual households to access forestry land devolved by the state in Thuong Quang therefore depended on their previous land occupation in the traditional land use system.

Although FLA in Thuong Quang was based on the land use custom there was a special case in the village no. 6. The commune authority and the DFPD decided to devolve both natural forest and forestry land following the new boundary between the villages (based on the settlement locality of each village) although in reality, many households (especially the households in the village no. 1) reclaimed and use the upland for cultivating food crops before (traditional use or self-occupation). The land area that was reclaimed by the people in the village no. 1 (Cha Rau village) was allocated to the households in the village no. 6 for planting trees through the SNV project. This was not really accepted by village no. 1. In the minutes of the village no. 1's meeting, the question of agreement to allocate to village no. 6 was raised by foresters but it was not negotiated clearly because the villagers in village no. 1 did not understand that their customary land in village no. 6 was allocated to the individual households in village no. 6.

However, this way of creating a new boundary between the villages was not implemented in some other places in the commune. For instance, the plots that were located in the new boundary of village no. 4 (ethnic group) traditionally belonged to the individual households from village no. 5 (Kinh people) and remain allocated to their old users. This contrasts with the situation in village no. 1, where many plots of the old users in the village no. 1 were allocated to some households in the village no. 6 although their old users are in village 1. Explaining this, some commune and village officers (Mr. R., 12<sup>th</sup> August, 2006 and Mr. H., 23 August, 2006) said that it was because the villagers in village no. 5 (major people's group) did not agree to give their old land to village no. 4 (ethnic group). The number of Kinh households who got forestry land was also higher than the number of Ktu

households (52 households compared to 28 households). It seems to be that the ability to defend access to customary land was better in the Kinh group.

As presented in table 12, in contrast to Loc Tien commune, all households who got the forest land and live in Thuong Quang do farming full or part time for their living. When the author asked some officers from the DFPD why they did not get the forest land for planting forest, the answer was that they could not disturb the land use custom of ethnic people although they knew that an informal transfer of ten *sao* of forestry land can gain 2 millions VND (from 2005) and this has been happening in the district.

The natural forest area devolving to household groups in Thuong Quang was taken back from Khe Tre enterprise through the decision no. 2430/QD-UB (Thua Thien Hue people committee, dated 25th, August, 2003). The foundation for allocating natural forest was voluntary registration by individual households. However, there were five poor households of a total of 30 households interviewed who said that they registered but could not join in the groups protecting natural forest. All of these five poor households are ethnic people. When this was raised with the chairman of the commune, he reported that the number of registered households in some villages was too many so the commune authority and representatives from the DFPD decided to select the households that have the youth and strong heads because protecting the forest is hard work. There were some poor and non-poor households, especially the Kinh people that did not want natural forest although they are young and have good health because they did not see the commitments of the state forestry institutions for getting benefits from the natural forest. The local people were more interested in getting forestry land for planting trees because of the high profit of planted forest and it was easy to transfer.

As presented above, only one outsider who has worked for the district land management department got natural forest. Why did an officer from the DLAD get the natural forest in the same group as an official from the commune? A head of a village said that this was decided by the DFPD after the field activity because of the large natural forest area of a group in the village no. 5:

*I was surprised because a total of 1710 sao (171 ha) was measured and allocated to my group based on our registration in the village meeting. However, in the list of the groups who were allocated natural forest there appeared one more group who was the user of 52.8 ha which belonged to my group when allocated at the field. When I asked the DFPD, an officer said that because the natural forest area of your group was too big so we (DFPD) cut it out to allocate to another group. (A village head, 23rd August, 2006).*

However, a head of a village also said that this group cleared the allocated natural forest (it was recognized by the DFPD as poor forest) for planting *Acacia hybrid* although this forest was devolved for protection only. Access to natural forest devolved by the state in this case also resulted from the relation of the beneficiaries to officers from the DFPD. Examining the impacts of forest devolution in Daclak (Vietnam), Thanh *et al.* (2004) concluded that the position of the household influenced holding forest land devolved by the state. However, the farmers in the mountainous commune (Thuong Quang) had more opportunity to access the forest devolved by the state compared with the villagers in the coastal area because only one state officer and one commune official got natural forest in Thuong Quang (out of a total of 83 households) while 65 officers were among 201 beneficiaries in Loc Tien.

In summary, in contrast to Loc Tien, the ability of individual households to occupy land based on the land use custom in Thuong Quang, along with the commune leaders' behaviour toward respecting the customs of the people determined their opportunity for gaining endowments of the forestry land devolved by the state. Marginalization of the poor in access to allocated forestry land resulted from their labour limitations in occupying land for farming before the implementation of devolution. However, the interpretation of the commune authority and the DFPD in making a new boundary along with unclear negotiation in the process, partly influenced inequality of endowment to allocated forestry land of some villagers including the poor (in village no. 1).

For natural forests, some poor households were marginalized because they were considered to lack labour and health by the commune authority and the DFPD. This may also have resulted from the terms of the land law and the decree that "*the state allocated forest to individual households based on their needs and ability*". The current position and relationship of individuals has a small influence on his or her ability to access natural forest which was quite different compared to the situation in the coastal commune. The issue of equality in access to forest land devolved by the state in Thuong Quang where 60 % of total population belongs to the ethnic group was better than in Loc Tien. It resulted in confirming the land use custom of the ethnic community through the attitude of local leaders who considered the land use custom as a basis for endowing the state's forestry land to households although demand for getting forestry land for planting trees has increased for both the Kinh and ethnic groups.

Endowments of forestry land and natural forest by the state through implementation of devolution in Thua Thien Hue depended not only on micro institutions (individual well-being, social relationships and gender

relation in the locality) but also on a macro institution (state's policy), as well as on interpretation of external actors (state officers) in the implementation process of devolution.

#### 6.2.1.3. Statutory rights to forestry land and natural forest devolved by the state to beneficiaries

Environmental entitlements or utilities from environmental services such as forestry land and natural forest depend not only on holding the title and the devolved area but also on the rights awarded by the state policy to the holders. The statutory rights (another type of endowment) awarded to land beneficiaries in Vietnam were regulated in the land law and the decree for guiding implementation of the land law. However, the benefit of rights to the products from the forestry land and natural forest devolved by the state also depended on specific principles of the programme design by the state or the donors. Those rights are summarized in table 14.

Before titling natural forest to village and household groups, under management regulations of the state, people were not allowed to cut timber for selling. People who live near the forest can ask permission of the DFPD with attestation by the commune authority then they could be allowed to log for building a house. NTFPs collection was also allowed (except the valuable wild animals). In practice, people (both inside and outside the villages) still did illegal logging to sell for cash (40 % of total households in Thuy Duong village did this). (*Focus group discussion with man's group in Thuy Duong village, 11<sup>th</sup>, August, 2006*).

What statutory rights have been devolved to Thuy Duong village when a natural forest area of 511.9 ha was titled to the village? The village's benefit in term of timber product was regulated in the allocation decision made by the Thua Thien Hue PPC that a portion of 10 % to 50 % of timber volume of the allocated natural forest area will be rewarded to the village based on the increase in timber volume per ha (from 0.5 to >1 m<sup>3</sup> per ha) (item a of the article 8 of the decision no. 3205/2001/QD-UBND TTH).

Table 14. *Types of statutory rights devolved to beneficiaries*

Type of statutory right	Forestry land	Natural forest	
	<i>For both communes</i>	<i>Loc Tien</i>	<i>Thuong Quang</i>
Use	Yes	Yes	Yes
Transfer, mortgage, inherit, lease	Yes	Not clear	Not clear
Rights of benefit	<ul style="list-style-type: none"> <li>- Support finance, technology from the state</li> <li>- Getting all products from the land devolved if self- investment</li> <li>- Getting from 60 % to 70 % of product's revenues depended on regulations of the state or donors if investment for planting forest from the state or international donors</li> </ul>	<ul style="list-style-type: none"> <li>- From 10 % to 50 % of growth timber volume for whole village</li> <li>- Collecting non-timber forest plants and dead timbers without any tax payment</li> <li>- Right to manage and exploit eco-tourism (one kind of non-timber forest products)</li> </ul>	<ul style="list-style-type: none"> <li>- Around 60 % of growth timber volume (no record handling by beneficiaries: 83 households)</li> <li>- Collecting non-timber forest plants and dead timbers without any tax payment</li> <li>- Right to manage and exploit eco-tourism (one kind of non-timber forest products)</li> </ul>

It was quite different in Loc Tien, the benefit of timber (according to the Benefit Regulation Decision no. 178/2001/QD-TTG of the prime minister dated 12<sup>th</sup> November, 2001) was verbally informed in the village meeting before registering to get land. The natural forest beneficiaries groups remembered that the foresters from the DFPD said that the receivers can collect NTFPs and can cut timber later on:

*The foresters from the DFPD went to my village to organize the meeting and informed to us (villagers) that our immediate benefit from the allocated forest is the collection of NTFPs (rattan, "la non"- the leaf for making traditional hat and bamboo) and after eight to ten years of protection we can ask for cutting timber with the benefit of 60 % of growth timber volume (Mr. M. in village 6 told, 12<sup>th</sup>, August, 2006).*

*And: During the meeting at night, the forester from the DFPD publicly announced that receiving natural forest for protection will give the right to cut timbers. (Mr. H. in village 1, 25<sup>th</sup> July, 2006).*

How was this commitment recorded? In both the plan of forest land use planning no. 02/KH-LN of the commune approved by the DPC and the decision of forest land allocation of the Nam Dong DPC no. 536/QD-UB there is no mention of any regulation for getting benefits of timber from the

allocated natural forest area. The land use certification (Red Book) noted the type of natural forest that was categorized based on the regulations stipulated in Decision no. 682B/QĐKT QPN 6-84 on 1<sup>st</sup> August, 1984.

A study of the case of decentralization of collective forests and household forests in China, Dachang (2008) (p. 96-97) reported that the quota of timber harvested by the forest owners had to be approved through obtaining a logging permit. This is similar to the case of natural forest devolution here. The state awarded the right of cutting timber based on a proportion of timber growth as presented in table 14 to the household groups or village, not to individual households. Moreover, the right to log timber in the devolved natural forest could be implemented only when the forest is managed well and the plan of timber exploitation also had to be submitted to get approval of the state agency (the DFPD or the PFPD).

The forestry land and natural forest beneficiaries were not allowed to convert those areas for agricultural production because the areas were planned for forestry production before devolution. Those statutory rights in the case of natural forest and forestry land devolution in both coastal and mountainous areas in Thua Thien Hue were found to be different from the experience of Sikor & Tan (2007) in their case study on the effects of forest devolution in Daclak, Vietnam. There the forest beneficiaries were awarded rights to convert a portion of the forestry land to agricultural production and also the right to exploit the timbers in the devolved forest if they submitted a management plan for approval by the state agency. Different interpretation by the state agency in the process of forest devolution influenced not only the holding of the forest land but also the statutory rights of timber logging in the devolved forest.

#### 6.2.2. Change of customary and traditional rights

According to (Leach *et al.*, 1999), endowments related to entitlements from an environmental resource include not only statutory rights but also traditional and customary rights. This sub-section discusses change of those rights due to forest devolution by the state to highlight how implementation of forest devolution influenced obtaining entitlements from the natural forest and forestry land by people.

As discussed in chapter V, the custom of previous land occupation for farming by households in Thuong Quang was a basis for them to gain access to the formally allocated forest land although their land was fallow when implementing the allocation project. For Loc Tien commune, according to Mr. K. in Thuy Duong village, some households reclaimed and invested in remote areas that were difficult to access for planting the trees. According to

the land law and Decree 02/CP and Decree 163/CP, people who used bare hills for planting forest with attesting by commune authority will be allocated the forestry land by the state. In practice, some households in Loc Tien gained the allocated forestry land from their previous occupation as in Thuong Quang but only for a small area from one to two sao. This is a change from the custom and traditional forestry land use right to statutory rights but it did not change the endowments.

For the firewood in the bare hills devolved to individual households, the owners no longer allowed collection of firewood because they were afraid that the collector would destroy their trees. Free access to firewood before devolution (when the bare hill had not been titled to individual households) was now stopped. However, in some cases, non-beneficiaries in the village could still collect firewood (cutting the small brush) in the planted forest which was distributed to the individual households but only when the forest matured (around three to four years after planting), but this still depended on permission of the owners:

*I still can collect the brush for firewood in the private planted forest but the owners just allow me when the trees are grown because they are afraid that I will damage their trees. But I can just go to the planted forest area of the owners who are acquainted with me. But the firewood in the planted forest can be used for cooking only because it is too small so people do not like to buy (Mrs. S. in Thuy Duong village, 12th July, 2006).*

This means that endowment of traditional rights in accessing the firewood of non-beneficiaries was stopped or became dependent access. Implementation of forestry land devolution by the state, therefore influenced gaining entitlements (utility of firewood) from the forestry land of the villagers group whose livelihood relies on collecting firewood. According to the villagers, collecting firewood for both cooking and selling is women's work (especially poor women). Change from free access in the traditional use system to non-access or dependent access after devolution of forestry land may influence more entitlements and thus the livelihood of poor women, especially the widow because their endowment of statutory rights to the devolved forestry land and natural forest was very limited as discussed in section 6.2.1.1 above. This is discussed further in chapter VII.

Because of irregular collection, non-market value and the non-destructive harvesting methods, the non-beneficiaries still can collect medicinal plants in the plantation that was titled to individual households.

For the natural forest which was allocated to Thuy Duong village, the villagers and people in other villages can still go to collect the dead brush for selling as firewood. They are also allowed to collect rattan, the leaves for

making hats (*lá nón*) or for roofing the kitchen or the tents in the ecotourism area (*đình đình*). All interviewees (in the coastal area) responded that they are still allowed to collect NTFPs in the natural forest area devolved to the village. However, they are not allowed to collect in the area that is close to the ecotourism service area because the co-operative wanted to protect it for better service doing.

After allocation, access to NTFPs was also regulated in the village's rules that the villagers are allowed to collect botanical NTFPs but have to follow the plan of the village. In reality, the villagers freely collect medicinal plants, dead firewood or rattan without asking permission from the village. All the people who collect botanical NTFPs are poor and most of them are women. This is understood as informal access to NTFPs because it ignores the need for permission of the village. It is as result of low value of the botanical NTFPs at present and sympathy among villagers for the poverty of the collectors.

In Thuong Quang (the mountainous commune), the local people have also collected NTFPs in the forest area within the administrative boundary of the commune for a long time. Before implementing devolution, the forest belonged to the management of Khe Tre enterprise but people still can go to collect NTFPs (rattan, *lá nón* leaves, honey, bamboo shoots and hunting non-valuable wild animals). This has been a popular activity, especially for ethnic people. According to the estimation of the villages head group (focus group discussion 18<sup>th</sup> March, 2007), at present 30 % of total households in the commune still maintain this activity for their living. For poor households that belong to the ethnic group, this is still a main income source:

*"Some poor ethnic households collect "lá nón" leaves all year, their living relies on "lá nón"- (Village heads group discussion, 18th, March, 2007).*

The natural forest in Thuong Quang was devolved to household groups but there were 229 households in the Thuong Quang commune who did not get the natural forest. Nevertheless, those families can still collect NTFPs in the forest that was allocated to the household groups in the commune. While conducting the household surveys in Thuong Quang (July and August 2006), all interviewees also reported that they are still allowed to collect NTFPs in the devolved natural forest area. There were no commune or village rules or commitment papers from the state for management of NTFPs from the allocated forest. This traditional access to the allocated natural forest area depended on permission of the household groups that were devolved rights of management. However, this traditional right of the non-beneficiaries to NTFPs in the natural forest allocated to household

groups in Thuong Quang may be stopped soon because there were four beneficiary groups that said they do not want to allow non-beneficiaries to collect NTFPs in their forest. For the present they have not stopped them because they sympathize with their difficult life. For example, a group in the village no. 3 said that:

*This is my group's forest. We have to spend the time to protect it so we need to collect products to sell to earn money (3rd May, 2006).*

*Or Those who go to my group's forest to collect rattan, "lá nón" and honey, they have to pay cash or have to give one-third of total products to us (Group in the village no. 6, 4th August, 2006).*

However, a group in the village no. 5 just forbid other households from collecting rattan, but for some other products they are allowed because they sympathize with the poor ethnic households who rely on collection of honey and *lá nón* for their living.

Similarly in Loc Tien, the households that were not allocated natural forest in Thuong Quang still have informal access to NTFPs. However, this access is not supported by the village or commune's rules or state legal papers but it was influenced by the perception of the groups who got natural forest. Access to NTFPs (including firewood) of non-beneficiaries in the mountainous area after titling the forest to household groups depended on the forest users group. This is similar to the change in access to firewood on the devolved forestry land in Loc Tien; endowment of traditional rights to NTFPs changed from free access before devolution to dependent access after devolution of natural forest by the state. Collecting NTFPs is the job of the poor (especially the ethnic poor). Therefore, this may influence more entitlements and livelihood of poor and ethnic group in Thuong Quang. This is discussed further in chapter VII.

To sum up, the statutory rights to forestry land and natural forest devolved in Loc Tien and Thuong Quang were influenced by the household positions, custom institution related to gender relations, as well as the state's policy and external actors' interpretations of the devolution implementation process while individual relationships and sympathy in every day life decided traditional rights of access to forestry land and natural forest of local people. The households that got forestry land (in Loc Tien) or got natural forest (in Thuong Quang) did not prevent the non-beneficiaries from collecting firewood or NTFPs that was done before devolution because the relationship between them in normal life forced them to do that. The change in endowment of traditional rights for collecting firewood and NTFPs from

free access to dependent access may influence more on women and the poor (especially the ethnic poor).

### 6.3. Security of endowment after devolution

Land tenure is defined as a legal right (access, manage, exclude, transfer, getting benefits) and obligations of the person who gets the land (Schlager & Ostrom, 1992) or rights to limit access to land as well as the duration of these rights Devlin (2001, cited in Ellsworth (2004). Land tenure includes the rights to land that are customarily defined (FAO, 2002).

There is agreement among many researchers that land tenure security is a defensible claim of rights or the certainty of the rights that are recognized and protected. It includes both “bundle of rights” and the matter of defending or securing those rights (FAO, 2002; Bruce & Migot-Adholla, 1994).

In this research, land tenure was understood as the rights rewarded to land users. It includes both land tenure rewarded by the state legislation (statutory rights) and customary tenure (recognizing by the rules of the community). Security of land tenure in this study is the ability of the land user to claim or protect their rights to the land. According to Leach *et al.* (1999) and Sikor & Tan (2007), endowments that can influence the transformation to environmental entitlements are statutory and customary rights to a resource. According to a combination of ideas from scholars on land tenure and environmental entitlement, in this research security of tenure can also be understood as similar to security of endowments.

This section discusses how rights to the devolved forestry land and natural forest were protected. The author also explores what traditional rights of land use were recognized by the ethnic community and how they were kept when the state management system was introduced. Discussion of security of endowments here is a basis for examining entitlement mapping (transformation from endowments to entitlements) in chapter VII. Understanding security of endowments also helps to highlight contributions and limitations of change in property regime from state property to private property (for forestry land) and common property (for natural forest) when the state implemented forest devolution.

As presented in section 6.2.1.2, the 1993 land law regulated that "Land user has the rights of use, transfer, heritage, mortgages and lease land". This regulation was still kept in the revised 1998 and 2001 land laws and the 2003 land law. The households or individuals who are allocated land are

provided certification or a Red Book to identify their rights to the land. The security of endowments in practice is discussed below.

### 6.3.1. Security of endowment to the devolved forestry land

In practice, when forest land was allocated to individual households, the certification provided to the land users in Loc Tien commune through the PAM and 327 programmes was a white colour decision. In 2004, it was replaced by a Red Book. From 1994 (when implementing the PAM and 327 programmes along with the allocation of forestry land in the coastal commune) to 2003, the households that were allocated land could use it for planting trees but the financial sources for planting the forest came from the donors and the government and selection of the species for the forest was decided by the DFPD. The white colour decision was used as a claim for the Red Book in 2003 but it could not be used for transferring or mortgaging land. For the households who got the Red Books, their rights were ensured as regulated in the laws and the decrees.

There was no regulation in the land law or the decrees of the state on the type and value of the land use certification that was not based on a Red Book. However, the Phu Loc DPC (the coastal area) interpreted the ownership of a white colour decision as the basis for providing the Red Book in 2003. However, there were 11 households in Thuy Duong village that received the white decisions in 1994 but they were taken back by the CPC and the DFPD (Information from the focus group discussion with poor women in Thuy Duong village on 12th June, 2006). Security of their endowments or land tenure, therefore was influenced by interpretation in the process of providing the formal certification (Red Book), not by the state policy or regulation on the papers.

In the mountainous commune, three years and four months after allocation the Red Books were given to land users. From August 2003 to October 2006, although the households who were allocated forestry land had not yet received the Red Books, they could plant forest. In contrast to almost all planted forest areas in Loc Tien, the species that were planted on the allocated forestry land in Thuong Quang were selected by the farmers themselves. The reason the villagers in Thuong Quang had the right to select species for planting forest on their land was that the financial source for the investment came from their own families.

The rights in the land laws and the decrees to the households who got the forestry land in all the villages (except some plots in village no. 6) in the mountainous communes were ensured. There were no complaints and the land users could plant trees, transfer and bequeath to their children.

However, because of the creation of new boundaries without clear negotiations in the process of allocation between village no. 6 and village no. 1, endowment of statutory rights of the households who got the plots that were reclaimed and used by the village no. 1 could not be ensured, even though the households had Red Books. The villagers in the village no. 1 who were the old users of the plots still came to plant trees or food crops and the new users could not stop them. The complaint between the new user and the old one were sent to the commune authority but the response was that they should negotiate themselves.

In the customary land use system practiced by the ethnic group, the first person who reclaimed and used the plot will be its owner forever. When the Kinh people migrated to the commune, they also followed this custom. Although the new forestry land use system in Thuong Quang was set up by the state through the allocation project, it could not replace traditional custom. As found in the case of Thuong Quang, individual title did not ensure the rights to land and the customary land tenure system was not eroded. This is quite different from conclusions about land tenure drawn from the case studies in Africa that the introduction of private titling to land made the customary land use system weaker (Bruce & Migot-Adholla, 1994).

What about the security of statutory rights to the products from the natural forest area devolved to household groups or village? This is discussed in the following section.

### **6.3.2. Security of endowment to the devolved natural forest**

For the natural forest devolved to the village in the coastal area, the village was free to collect NTFPs. A special NTFP from the allocated natural forest area in Thuy Duong village is an ecotourism service at the foot of the hills with a stream locally named “*Suôi Voi*” (Elephant stream). Titling natural forest to the village was not the reason for the appearance of the ecotourism service because it was formed before the allocation. However, it enhanced and strengthened the service through awarding the rights to protect the flora for maintaining the water in the stream and the landscape to attract tourism. Ecotourism was considered a non-timber product from the forest but its use was not mentioned in the village’s regulation. Access to this resource was awarded to 12 households and the board of the cooperative only. Because of the limitation of the stream area, the service was not enough for all households to join, not every non-poor who has the capacity to invest in providing service can get permission to do this. There was also a hidden factor of social relationships that determined the opportunity to access this

product by the villagers. Security of statutory rights to this special and high profit product for more than 160 households in the village was not ensured because of unclear regulation for distributing benefit of this product in the village's rules. It was influenced by decision of village and co-operative leaders although the statutory rights stated that all villagers have the right to access this NTFP.

The tenure right of timber in the natural forest area devolved to the village was stated in the decision of the PPC to be based on growth of the timber volume per year (table 14) with the first claim allowable after three years of devolution. However, by 2008 (after seven years of devolution) no timber had been logged because of the complexity of the claim process and rights of the village head (it will be discussed further in chapter VII). This reflected the fact that security of statutory rights to timber from the devolved natural forest in the coastal commune depended not only on the title in the decision approved by the state, but also on the institutional implementation process and the power of the village head.

In Thuong Quang (the mountainous commune), although all the names of household groups who were allocated were titled in the profile at the district, when a group in the village no. 6 caught some illegal loggers in their forest and sent the illegal loggers with the timbers to the commune and the DFPD they did not get any feedback. This situation has also happened in the village no. 2 and no. 3 when illegal loggers ignored the showing of the Red Book by the forest beneficiaries. Security of statutory rights to natural forest devolved by the state was not ensured because of a lack of support from the commune authority and the DFPD. It is clear that holding a title was not enough for securing the statutory rights to the devolved natural forest. Exercise of the state institutions that were implemented through the authority and the state organizations had a stronger influence.

The findings here are similar to the case of forest devolution in Daclak (Vietnam) where the statutory rights to the forest beneficiaries did not work in practice after two years of allocation because the non-beneficiaries claimed their customary forest use before devolution and they did not accept exclusion from the allocated forest area (Sikor & Tan, 2007).

For NTFPs, the households that were devolved the natural forest have rights to collect although this was not stated specifically in the devolved decision. However, the non-beneficiaries in Thuong Quang said that they still continue to go to collect NTFPs because they are common resources, nobody can prevent them:

*Natural forest is a common asset, excepting timber which is prohibited by the state. We can go to collect rattan, honey, bamboo, firewood as we used to do it before...Nobody can prevent me...* (Mr. C. in Thuong Quang, 19<sup>th</sup>, March, 2007).

Security of statutory rights to NTFPs of the forest beneficiaries in Thuong Quang may also be challenged by claims of their traditional use rights of non-beneficiaries.

To sum up, in the cases of Loc Tien and Thuong Quang, holding the title or the statutory rights devolved by the state did not ensure security of tenure on forestry land and natural forest product devolved by the state. Security may be challenged by exercising the institutions of the state organizations and local authority, as well as the existing custom of traditional land use systems.

Transferring of property right of forestry land and natural forest from the state to individual households and villages or household groups still challenges the beneficiaries in getting security of endowment or security of tenure. How did this transferring of rights influence management practices? The next section discusses this issue.

#### **6.4. Forestry land and natural forest management practices after devolution**

The forest devolution policy in Vietnam was made and implemented for objectives of conservation and development. Devolution of forestry land and natural forest to beneficiaries aimed to encourage people to invest in developing and protecting the forest to improve productivity of land use and to reduce deforestation as well as improving people's livelihoods through rewarding the users with a bundle of rights. The extended environmental entitlement approach developed by Leach *et al.* (1999) and adapted by Sikor and Tan (2007) is very useful in discussing how forest devolution brings endowments and then entitlements from the devolved forest to different social actors. However, it does not pay attention to the influence of devolution on change in management practice which is one of the key concerns of the forest devolution policy. Therefore, in this research management practice of the forestry land and natural forest after devolution is discussed based on the theoretical framework of property rights.

This section discusses how the allocated forestry land has been used and how people invested in planting trees and protecting the natural forest area after devolution. The situation of infringement upon the forest protection law in the allocated natural forest area is also discussed to argue whether devolution of the natural forest to village or household groups has helped to

reduce illegal activities or whether collective management (by a village or a group) has improved protection compared to state management before devolution.

#### 6.4.1. Development of plantation and preference of investment in planting trees on the allocated bare hills

The secondary data showed that there was an increase of planted forest area after devolution was implemented in the bare hills in the mountainous area and the coastal area (see table 15)

In Son La, a mountainous province of Northern Vietnam, after allocation of forestry land in 1994, 400 ha of forest were planted between 1995 and 1997 (Sikor, 2001). However, the author concluded that implementation of forestry land allocation was not the reason for the expansion of the forest plantation, but it was the result of the keenness of farmers to obtain cash payments and the interest in intercropping in the planted forest. Research in Cam Xuyen Ha Tinh by McElwee (2003) found that all the bare hills of 13 households that were allocated forestry land were replanted with trees (*Acacia*, *Eucalyptus*) but he did not explain why the bare hills were planted with trees. Was the expansion of planted forest in Loc Tien and Thuong Quang the result of forestry land allocation?

In both coastal and mountainous communes, almost all allocated forestry land areas (barren hills) have been planted with single species such as *Acacia hybrid*, *Eucalyptus camaldulensis* or *Aquaria crasinna* (mainly *Acacia hybrid*). Of the 60 households interviewed in the coast commune, there were only 20 sao of the total of 256 sao of allocated forestry land that had not yet been planted with trees. According to the household, this area was not used for farming crops but it has been fallow because he got a rather large parcel of forestry land area (50 sao) so the family did not have enough capacity to invest in planting the whole allocated area. However, the allocated fallow forestry land area in Thuong Quang was 62 sao. It occupied 21.7 % of the total allocated area of 60 interviewed households and belonged to both poor and non-poor groups.

Table 15. Planted forest area by household in Loc Tien and Thuong Quang.

Year	Commune	Thuong Quang	Loc Tien
	Planted forest area (ha per year)		
1996	-	-	17.5
1997	-	-	25.5
1998	-	-	31.5
1999	-	-	37.8
2000	-	-	59.0
2001	-	-	107.0
2002	-	-	107.0
2003		37.2	677.0
2004		82.9	787.8
2005		82.9	787.8
2006		108.5	-

Source: Statistical data from the commune offices, 2006 and 2007.

The reason for following the allocated land of ethnic people in Thuong Quang (four among six interviewed households have been following the land) was similar in Loc Tien that local people did not have enough capacity to invest in planting trees although the allocated area was not large (from 10 to 20 sao). For two households that belong to the Kinh people, the reason for following allocated forestry land was that they had not received the Red Book.

The allocated forestry land in Thuong Quang was the farming area for upland crops which was prohibited by the DFPD for protection purpose. However, this area was planned for planting trees and formally allocated to the individual households in 2003 through the SNV project. Among the 60 interviewed households, there were only two ethnic poor households farming cassava and beans in the allocated forestry land but they said that this was only temporary cultivation while they waited to have money to buy seedling for planting forest.

Before implementation of the forest planting activity by the PAM programme, the upland was also used mainly for planting cassava by local farmers in Loc Tien. However, there was no encroachment on the upland area for farming but it was replaced by the other activities that were discussed further in chapter VII. Using forestry land for farming at present is also no problem for the local people in Loc Tien although some very poor households have been planting cassava in spaces of the planted forest. It was explained by the local people and leaders in both communes that at present

crops production just for subsistence purposes and food security did not bring any profit or they may even have a loss because the costs were higher than the benefits for some kinds of crops such as rice. This is different from findings by Ohlsson *et al.* (2005) through investigation of forest land use changes in Ban Lau of Lao Cai in Northern Vietnam, that the farmers still continue to do farming in the upland area.

What about the preference of investing in planting trees after titling forestry land to individual households? It is difficult to analyze this because almost all the planted forest areas in Loc Tien were funded by the PAM Programme or the national programme 327 and partly by the provincial budget. However, not all the households that have forestry land had access to the support of the international and national projects or programmes. Therefore, some areas are still unused because some households do not have enough financial capacity to invest in planting trees as mentioned above. There were only forty sao planted by household's self-investment in the coastal commune (Loc Tien). This is in line with conclusion by Ohlsson *et al.* (2005) in a study in Northern Vietnam that there are opportunities for expanding forest-based land use because the farmers are establishing the plantation based on market information. However, the plantation establishment is still dependent on government resources.

There was a sudden growth of the plantation area in Loc Tien from 2003 and in Thuong Quang from 2004 (see table 15). Information from discussion with farmers and local leaders in both commune suggested that an increased price and a good market for timber because of the appearance of paper chips processing in Chan May Port were the major reasons that led to greater attention in planting trees by local people. Profit from forest planting has increased since 2004, and is 10 times greater compared to rice production (comments from a villager in Thuy Duong village).

However, interviews with the farmers in both communities confirmed that being awarded the rights of use and clear benefit by the land law and the decision 178 of the state were also important reasons for them to be willing to plant trees because they could be protected from encroachment of others or prohibition by the foresters:

*When I got the Red Book, I fully feel security to invest in planting trees because others could not take my land and my trees and officers of the DFPD will not prevent me because the authority confirmed that is my land. (Mr. T. in Thuy Duong village, 19<sup>th</sup> July, 2006.)*

*Or If I am not provided the Red Book, I will not feel certainty to plant forest because other may encroach on my land or the forester from the DFPD can take it back. (Mr. V. in village 6 of Thuong Quang, 2<sup>nd</sup> August, 2006.)*

In Thuong Quang, there were two households whose devolved forestry land was still fallow because they have not yet got the Red Book.

At present, the local people know that is their land and they have the right to sell timber so they are willing to plant trees. Both the high profit of planting trees and awarding land use rights with a clear benefit accounted for why all the plantation area in Thuong Quang was grown by household's self investment. This showed that individual title is one of the factors that lead to the expansion of planted forest area and to enhancing the preference for investment in planting trees. The claim of the private property right school is not fully appropriate in this case.

For quality of the plantation, all interviewed people, local leaders and foresters reflected that the *Acacia hybrid* plantations (a major species planted in the area) have grown well. This species is a legume species that can improve soil fertility.

Considering the environmental improvement to the plantation with the change from bushes was not investigated in this research. However, according to comments by the people, local leaders and foresters, all the plantation in both study sites were planted by clearing the vegetation to plant trees and this can cause soil erosion in the two first years after planting. Another issue is mono-species plantation (*Acacia* or *Eucalyptus*) that may raise a question of biodiversity conservation, although this is similar to the plantations of Cam Xuyen and it was believed by many people in Hanoi who were working for the 5MHRP that greening the bare hills by mono-species plantation is a good outcome (McElwee, 2003). This research could not examine this aspect and further study is needed.

To sum up, there was an increase of planted forest area after allocating forestry land to individual households in both coastal and mountainous communes. In a comparison study on forest land use between Lao and Vietnam, Ohlsson (2009) concluded that the conversion of shifting cultivation areas to forestry plantation in Doan Hung and Ham Yen of Vietnam is results of various factors such as existing wood market, land availability, allocation policy and skills and knowledge of the farmers while it is still infancy in Lao because the farmers do not have market knowledge so they continue to do shifting cultivation as before. Development of the plantation in Thua Thien Hue was also a result of different factors including increased price of the product from the land, financial support from the international organizations and the state and the certainty of land rights and

benefits of the land. The title to land is only a part of encouraging land investment. Individual title is not enough to ensure efficient use of the land, as concluded by the private property right school if there is no financial support and market for the products. Efficiency of forestry land use also depends on the politics of access, not only of access to land resources (as discussed by the institutionalist school) but also of access to other resources to support use and management of the land.

#### 6.4.2. Investing in managing natural forest after allocation

##### ➤ *In Loc Tien commune*

As presented in chapter V, 511.9 ha of natural forest were allocated to the Thuy Duong village in Loc Tien with the White decision of the Thua Thien Hue PPC. A regular protection activity was implemented by a group. The forest protection group members were appointed by the commune and village leaders. The group has 12 members who were people who made a living based mainly on exploiting forest products before the devolution. They know well the ways of detecting signals of illegal logging and where they have to go to control the forest. The forest protection group of the village was divided into three sub-groups that have a head and a plan for checking activity regularly every month (two days for each checking time) (*Information from the focus group discussion in Thuy Duong village, 25th Feb., 2007*).

Currently, the labour investment of the group for protection of the forest has been reducing after lasting for six years (from 2001 to 2006) because the members have not yet received any benefits or even compensation for the accidents they had when they entered the forest area to control illegal logging. The group complained that:

*We do not have enough time and manpower to go to protect more because the protection activity has lasted five years already but we still have not got any benefit yet (Focus group discussion with the forest protection group, 25th Feb., 2007).*

Why is that? It was found that the village's rules paper stated that they will be compensated for their labour contribution for protecting the forest through payment that is taken from selling timber logged in the forest after three years of allocation (Item 2 of Article 4 in the village rules). However, by 2007, logging timber in the allocated forest area for receiving benefits from management activity has still not been initiated. Explaining this, the head of the village said that it takes a lot of time and expense to ask

permission of the forest protection department and PPC to log timber as per the statement in the allocation decision:

*To get permission for logging timber we have to write an application and go to the DFPD to get it attested and then submit to the PCP to get approval. This takes a lot of time and costs at least five million VND (Mr. K.- a village leader, 25<sup>th</sup> Feb., 2007) .*

The head of the village also explained that the reason why logging timber to distribute the benefits of forest management to the villagers has not yet been carried out (beginning of 2007) was because the village has not needed to exploit timber yet and the functional organizations of the district and province just allowed harvesting of timber when there is construction in the village, but the village does not have any construction:

*My village still has no need to exploit the timber yet and if we want to log timber, we have to have construction to show the DFPD as a reason for needing timber (Mr. K., 18<sup>th</sup> May, 2006).*

From the accounts of the villagers and observation, the author knew that the village had been reconstructing the village's pagoda. Those are formal reasons to ask permission to exploit timber. However, timber logging from the protected forest is still not organized. Different from the ideas of the head, the forest protection group wants to exploit timber to pay for their labour contribution for the protection activity but they could not make decision on that and they also do not know how to start. It seems to the author that decision making related to asking permission of the authorities for exploiting timber is made by the head of the village only. What is the role of all villagers in making decision on when to ask permission for logging timber in the allocated forest? Is this collective action for managing the common or village forest? It seems the devolved natural forest was not really managed as a common property resource.

Along with the protection activity of the group, the villagers also participated in allocated natural forest management through formal and informal means (talking directly to the protection group or some villagers talked together when they saw timber was transported through the village although they have not yet received any direct benefit from the forest). Similar to the thinking of the protection group, the villagers have forgotten their responsibility for protecting the village's forest because they felt that it had no practical meaning for their livelihood. They do not actually feel they have resource tenure from the forest.

➤ *In Thuong Quang commune*

The natural forest in Thuong Quang was allocated to household groups. The forest recipient group size was from five to ten households (except one group that registered after the village meeting was organized has two households only) with a forest area from 45.7 ha to 115.4 ha.

In July 2005, the land use right certifications were issued. Although they were issued and signed by the chairman of the DPC from July 2005, almost all the households and household groups that were allocated forestry land and natural forest have not yet got the Red Book. Until June of 2006, the household groups in villages 5 and 6 (Kinh groups) received the Red Book because they went to the commune authority to claim while almost all the household groups (in villages 1, 2, 3, 4, and 7- mainly the Ktu groups) got their at the end of 2006. The point of time for getting the Red Book depended on the claim of the group.

Investing labour in managing the allocated natural forest has been different among the household groups and by time. In the first year after allocation (2004), all groups who were allocated the natural forest organized and assigned responsibility among the group's members to control and promote regeneration (clearing creepers) of the forest. Some groups went to check the forest two or three times per month (villages 5, 2 and 6) while some other groups do the checking activity monthly (villages 4 and 7) or every two months (villages 1 and 3). Most of groups were verbally assigned the responsibility for protecting the allocated forest. The activity of checking illegal logging was stopped from four months to one year after allocation (from the beginning to the end of 2004 depending on each group: see table 16).

Table 16. *Time investment in protecting the allocated natural forest by household group in Thuong Quang*

Household group	Rotating cycle for checking forest	Duration of stopping the checking activity
Groups in village 1, 3	every two months	April, 2004 to Sep. 2006
Groups in village 5, 2	every 10 days	November, 2004 to June 2006
Groups in village 6	every two weeks	December 2004 to January 2006
Groups in village 4 and village 7	every month	June 2004 to July 2006

*Source:* Focus group discussions and in-depth interviews in 2005, 2006 and 2007.

The major reason for stopping the protection activity was the lack of capacity of the groups to prevent illegal logging because of not having the

Red Book. They stopped control of the forest because their efforts for protecting the forest got no result.

Investing man-days in protecting the allocated natural forest started again in 2006 when the groups got the Red Books. The frequency of checking of the forest was still different among the groups because of a difference in quality of the allocated natural forest and intensity of illegal logging activity. This is discussed further in section 6.4.3.

To sum up, the titling of the natural forest is only one reason to be willing to invest labour in protecting the allocated forest. Investing labour in protection also depends on clear responsibility assignments or commitment of benefits from contributing to protection, direct benefit to protectors as well as the intensity of illegal logging activity.

#### 6.4.3. Situation of preventing forest fire, illegal exploitation in natural forest, and encroaching for planting trees

##### ➤ *Preventing forest fires, illegal exploitation in natural forest*

Preventing forest fires and illegal logging are two of the objectives of improving forest management practices through devolution. According to the report of the DFPD in Phu Loc and Nam Dong, forest fires stopped in 2000. However, this was the result of not only devolution of forestry land and natural forest to households and villages but also of the state's regulation on responsibility of all people in preventing and treating forest fires because of the common benefits of the forest.

The number of cases of illegal exploitation after allocating forest land and natural forest declined from 2003 in Loc Tien (after two years of allocation) while it increased in the mountainous commune (table 17)

Reduction of illegal logging in the coastal commune was also confirmed by the interviewees in the household survey (85 % of total interviewees said that illegal logging was stopped or reduced) or in the focus group discussions: *"in the first two years illegal logging activity had been happening rather frequently, but now we rarely see it"*.

Frequent control by the village protection group due to their experience in the location of logging was one of the reasons for the reduction of illegal logging. In the first two years, the village protection group caught 10 cases of illegal logging but they were mainly from other communes or a few from other villages. The illegal loggers in the village stopped cutting timbers and tried to find other jobs. However, this did not result from fear of control of the village protection group but from the hesitance of the illegal loggers who live in the village because of their relationship with the whole village in

daily life. The illegal loggers in the villager felt shy if they cut timber from the village's forest.

Table 17. *Illegal logging and forest fire situation in Loc Tien and Thuong Quang (Unit: case)*

Items Year	Forest fire		Timber illegal logging	
	Loc Tien	Thuong Quang	Loc Tien	Thuong Quang
2000	0	0	1	-
2001	0	0	1	-
2002	1	0	2	-
2003	0	0	0	-
2004	0	0	0	2
2005	0	0	1	4
2006	-	-	-	5

Source: DFPD of Phu Loc and Nam Dong, 2006 and 2007.

Another reason was that there was only one way to transport timber and that was way the illegal loggers would have to pass the village, so it was not difficult for the village protection group and villagers to detect illegal timber loggers. However, at present (from 2007), there are few villagers who sometimes go to the allocated forest to cut small timber to do something at home or to sell to pay for their children's tuition fee. The village forest protection group and the villagers do not want to prevent them because of sympathies for their difficulty. Those small illegal timber loggers are compelled to do this because other livelihood activity outcomes could not meet their basic needs (food and dress, health care, and education). An officer from the DFPD said that: "*illegal logging has been reoccurring because the village could not control the allocated forest area*" (Mr. N., 24<sup>th</sup> July, 2007). This was contradicted by comments of the villagers and commune leaders that the forest has been managed well but their interest has been reduced because they hadn't received any benefits from the allocated natural forest for seven years.

What about illegal logging in Thuong Quang? Forty-five percent of the interviewees in the household survey in the mountainous commune responded that illegal logging in the area has been reduced. However, they just said in a general way that people now understood the usefulness of keeping forest for maintaining water resources for their life so they do not want to cut timber:

*All the households in my village stop cutting timber now because if we cut forest, water will be exhausted. Or Almost all people stopped cutting timber because they are afraid of a lack of water (Household survey, 2006).*

In the household survey in 2006, some respondents said reduction of illegal logging was a result of executing the state policy and they are afraid to be arrested by state forest protectors:

*We have to stop cutting timber because that is the state regulation or We have to implement because that is the directive of the state, if cutting timber, we will be arrested by state forest protectors.*

The comments of the respondents were similar to the statements of the state forest officers in promoting forest protection. Reasons for stopping illegal logging were not a result of devolving natural forest to households groups, but they came from efforts of the DFPD in publicizing the forest protection law for a long time (from 1993 up to present).

Consistency with the data of the Nam Dong DFPD (table 17), 40 percent of total respondents said that illegal timber cutting was still happening in Thuong Quang. When commenting on the reasons for that, some villagers did not know why it was:

*I do not understand why the natural forest has been allocated to household groups but some people still cut timbers" or "I still saw some people cut timber although the forests were allocated but I do not know why that is (Mr. C. in village 2, 20<sup>th</sup> August, 2006)*

While some others said "They (illegal loggers) were not afraid of the state forest protectors because they are professional loggers" (Mr. Ch. in village 1, 12<sup>th</sup> August, 2006).

Are they poor people as in the case of Loc Tien commune? No, they are rich and belong to the Kinh but they still want to do illegal logging because of the high income of this activity:

*I saw that timbers have been still logged, they are Kinh people who have chain-saws and buffalo (Ms. N. in village 1, 25<sup>th</sup> July, 2006)*

*or The minority people implemented the state regulations well but the Kinh people are daring (Mrs. T.R in village 1, 25<sup>th</sup> July, 2006).*

*or Some rich people still go to cut timbers because they have buffalo and a good relationship with outsiders (Mr. B. in village 2, 25<sup>th</sup> August, 2006).*

The head of the villagers also confirmed that illegal loggers are mainly from villages 5, 6 and 7 where the Kinh people live. One person in village 6 said there are about 30 logging machines in villages 5, 6 and 7 that have been used for cutting timber. The illegal loggers in the allocated natural forest areas also were not the recipients of the devolved natural forest. This is different compared with the findings of Thanh *et al.* (2004) that the allocated natural forest had been cleared for farming and the timber harvested by its beneficiaries.

The continuation of illegal logging after allocation was also confirmed by the forest recipient groups:

*They still cut timbers in my group's forest but we could not stop them because we have no evidence to show our right group in village 5 or Timbers in the forest allocated to my group has still been logged, we caught one case in 2004 and two cases in 2006 (group one in village 6).*

The logging activity still occurs in the allocated forest area of all groups. Why could illegal logging not be stopped in the mountainous commune? Is it lack of protection activity of the groups who were allocated the natural forest? As noted in section 6.4.2., all the devolved forest protection groups invested their labour in protecting the allocated natural forest but their efforts faced resistance by the illegal loggers due to lack of support from the DFPD and the commune authority. For example, in 2004, a group from village 6 caught some people who did illegal logging and informed the district forest protection. The timber (2 cubic meters) that was logged illegally was transported to the DFPD for treatment (because the forest protection law regulated that only forest protection departments can punish the illegal loggers). However, there was no feedback from the department. In some other cases in village 1 or 2 or 5, some groups could not stop illegal logging because the thieves said that:

*This is common forest, do you have any evidence to show your right to prohibit me to log timber? (Heads of the groups in villages 5 and 6; Mr. H. and Mr. V., 23rd August, 2006).*

The late provision of the Red Book to show the rights of protectors is another reason to be not able to prevent illegal logging:

*Outsiders still cut timber in the forest area of my group but we have not got the Red Book yet so we could not prevent them (Mr. Th. from village 7, 23<sup>th</sup>, August 2006)*

*In the first two years after allocation, some people still cut timber in my group's forest but we did not have the Red Book so we could not ban them Mr. Th. From village 2, 20<sup>th</sup> August, 2006)*

*or My group knows somebody has logged timber in our forest but we could not catch them because we have not got the Red Book yet (Mr. V., village 1, 22<sup>nd</sup>, June, 2006).*

Difficulty in banning outsiders from logging timber because of no certification of devolved rights was also confirmed by the households groups' heads in villages 1, 5 and 6.

The forest recipient groups reflected that illegal logging was reduced after they got the Red Book (after 2006). However, this situation still occurred but with lower frequency because of lack of support from the DFPD when the villagers caught illegal loggers.

Frequency of illegal logging also depended on the devolved natural forest conditions:

*The forest in my village is poor forest with low value species so illegal logging happens only sometime. Therefore my group just goes to check every two months. Some members also check it when they go to collect NTFPs in the forest (In-depth interview a member of a group in village 1, 1<sup>st</sup> December, 2007)*

*or The forest of my group is richer than others and it is easier for transporting wood so illegal logging occurred more often, therefore we have to go to check every 10 days (a man in the group of village 5, 2<sup>nd</sup>, December, 2007).*

Another reason why the forest beneficiaries group could not prevent the illegal loggers from the same commune was hesitation because of every day life's relationship: "*We caught some illegal loggers but we knew them so we freed them because we were hesitant to take the timber*"- the head of a group in village 2 said. Fear of violence by the illegal loggers also prevented the forest beneficiaries from banning cutting timber: "*We were afraid that if we put pressure on the illegal loggers, they will take revenge on us*" (Mr. R., 2<sup>nd</sup> December, 2007). This also reflected the limited support from the legislation implementation institutions.

Similar to the coastal commune, the forest beneficiaries groups allowed the non-beneficiaries to collect NTFPs or log small timber for household consumption. This permission also comes from sympathy toward the difficulty of non-beneficiaries based on every day relationships. NTFPs are still exploited without planning. This was also not considered in the process of devolving the rights of forest management to the beneficiaries. This may lead to a reduction of biodiversity even if illegal logging is stopped.

➤ *Clearing allocated natural forest for planting trees*

Eight ha of the total of 53.9 ha of the natural areas were allocated to group 1 in village 1 of Thuong Quang that had been encroached by some villagers in village 7 for planting *Acacia hybrid*. About 15 ha belonging to the allocated forest area of village 5 were also cleared for planting trees. Those areas have been classified as type "Ic" which is called "natural forest rehabilitating after stopping shifting cultivation". This is very poor forest with low-value timber species. According to the government regulation, this type of forest must be conserved for rehabilitating naturally.

In the author's field works in the summer of 2006, the beneficiaries said that, like the case of preventing illegal timber logging, they could not prevent clearing the natural forest to plant trees by encroachers since they had nothing to show their right to stop the encroachers. When the author came back to the commune in the summer of 2007, the Red Book certified rights of the forest user had been given to all the recipient groups in Thuong Quang. However, the villagers told that some allocated poor natural forest areas were still being cleared for planting *Acacia*. The beneficiaries informed the commune authority but nothing was done to stop the encroachers. When the author asked an official from the DFPD that "Do you know the natural forest has been cleared for planting trees?", he answered that "Yes, I heard some poor forest areas have been cleared but we are too busy now so we have not gone there to check yet". This reflected that support from the local authorities and the DFPD for preventing clearing poor forest for planting trees is also limited.

Analysis of the practice of managing the devolved natural forest above reflected that devolving the rights of managing natural forest to villages or household groups improved prevention of illegal logging activity. Efficiency of management of the devolved natural forest area is influenced by different factors such as location of the resource, experience of the protectors, legislation sanctions, every day life relationships as well as support of the authority and the state's functional organizations. It is too early to draw conclusions about the role of internal institutions because distribution of benefits has not yet happened but it seems that the forest beneficiaries are rarely mentioned in the village's management rules or the group's agreements in the discussions about their management process and its results. Maintaining collective action for management depends mainly on the expectation of getting direct benefits from the resources and strong support from the local authority and the state's functional organizations.

As noted earlier, both group size and the allocated natural forest area, in the coastal commune area are bigger than in the mountainous area but

efficiency of forest management is the reverse. Agrawal (2001) argued that small groups and resource size is one factor that enables conditions for sustaining the common property regime. However, the evidence from this research showed that a group of 170 members with a resource size of 511 ha is still achieving more efficient management compared to a group size of from two to ten members with the resource size from 40 to 80 ha. This research was not designed to answer the question of how large the size of a group and resource should be to best sustain common resource management. However, from the two case studies in the research we can conclude that the relationship between the group and resource size and sustainability of common management is not universal. This research case may challenge the hypothesis of Agrawal (2001) that a small group and resource size may always lead to better management.

To sum up, there was expansion of the plantation after allocating forestry land (bare hills) to individual households in both communes (Loc Tien and Thuong Quang). That is not only a result of devolving land use rights to households but also the result of supporting tree planting by the state and international organization as well as an increase in timber prices.

Titling to natural forest encouraged beneficiaries to invest labour in protecting the allocated forest area. However, the protection effort has tended to decrease because of limited support from the DFPD and the commune authority in exercising the rights and lateness of gaining of direct benefit from the forest. Efficiency of allocated natural forest management depends on the organization of collective action, support by the law on paper and in practice as well as relationships in every day life rather than size of the group, resource and internal institutions.

## 6.5. Conflicts over forest land access and use

Although there is no violence yet related to conflict over forest land in Thua Thien Hue, latent discord appeared in Thua Thien Hue some years ago as was clear from open discussions with some people in different districts of the province. Matondi (2001) commented that conflicts are usually related to competition over land to achieve better results for the contenders and their families. In the case of Thua Thien Hue, there was no concept of contender but the dissatisfaction appeared among the villagers or between the people and local leaders or foresters who used to be close neighbours. There were some different types of conflict that appeared after titling forest land in both Loc Tien and Thuong Quang communes. However, they have common characteristic in that they related to competition in accessing and using

forestry land or natural forest products for profiting from planting forest or gaining security of livelihood. Types of conflicts in Loc Tien and Thuong Quang are summarized in table 18.

Table 18. *Summary of conflicts over forest land and natural forest products use in Loc Tien and Thuong Quang*

Type of conflict	Causes	Major characteristics	Most affected
<i>Limitation of grazing area</i>	- Change from bare hills to planted forest by the state initiation	- Grazing cattle in the planted forest which is considered cause of damage of planted trees	- Cattle raising farmers
<i>Boundary disputes</i>	- Setting up new boundaries when implementing allocation project with unclear negotiation - Developing of land selling market	- Residents in one village but must do farming in another village - Catching opportunity to getting land legally.	- Landless old user
<i>Encroaching land for planting trees and crops</i>	- Shortage of land for planting trees and crops - Some scattered plots are unused - For making profit on planting trees	- Landless farmers planted trees or grow crops on the unused small plots - Being considered as illegal encroachment and prevented by DFPD	- Landless farmers - Forest protection receivers
<i>Dissatisfaction of villagers with the receivers</i>	- Unequal allocation - Gabbing opportunity of position persons	- Getting large size of forest land and high income for allocated forest land	- Villagers who make a living from farming

Historically all the bare hills and forest in Thua Thien Hue belong to the state, but there was still an area that is considered a common resource for grazing cattle or collecting firewood and other NTFPs. When the bare hills were planted with trees and titled to individual households or to state organizations, the grazing area was reduced while people still wanted to raise cattle for earning income. This created conflicts between planted forest owners and cattle grazers.

Profit from planted forest comes along with increased need of farmers for developing planted forest, leading to competition in land use. In the context of land scarcity, unequal distribution of forest land created dissatisfaction of the people who did not have an opportunity to get land. Existence of customary land tenure along with unclear negotiations in the process of the new land use system setting resulted in conflict between old and new users.

The reasons, evidence and characteristics of those conflicts are discussed further below.

#### 6.5.1. Conflicts over grazing area

In both study sites, when the forestry land areas (barren hills) were still managed by the state organizations it was actually considered as an open asset and every household could graze cattle or plant cassava. When the land was allocated to the individuals for planting trees, it became a private asset. The grazing and farming area was reduced day by day because of the increasing area of *Acacia* planting along with development of rubber production (in Thuong Quang only).

In the Loc Tien commune, before 1985 the barren hill had been used for planting cassava for subsistence purposes of local villagers. When the PAM programme was implemented, many those areas were distributed to plant trees (mainly *Acacia* and *Eucalyptus*). From 1986 (when the PAM programme was started), the barren hills for grazing cattle were also reduced. The local people had to herd cattle around the paddy field or even home garden and go to cut wild grasses for added feed for the cattle.

In areas where the planted forest's age was more than four years, some grasses are generated, so the households who do not have enough labour to find feed could graze cattle in the forest. However, the forest owners did not allow the grazing of cattle because they were afraid that the cattle would damage the trees. Therefore, when they saw the cattle in the forest, they caught them and punished the owner. This problem often occurs in the winter season (closed to Tet, a Vietnamese traditional holiday) because the wild grass source is scarce at that time. A lot of cattle of the villagers were caught and punished by the officers of the DFPD and some households had to sell the buffalo. However, because of lack of grazing area they still had to graze the cattle in the planted forest. According to the report of the DFPD, from 2002 to 2005 the DFPD caught and punished 15 cases of grazing cattle in the forest of the officers from the DFPD. Since 2002, the number of punished cases on cattle grazing in the planted forest increased year by year (three to five cases in 2004 and 2005 compared to two cases in 2002).

The cattle grazers were not satisfied, as before, when the bare hills belonged to the state, they could graze there and allocate labour power for doing other activities. Why did the state give this area to some individuals? The villagers were especially angry when the owners were foresters because they are not farmers, they work for the state with a monthly salary, but they had land while the farmers have to try to raise cattle for their living which is considered harder than the work of state officers. The dissatisfaction of the

villagers came from the thought of why some have many things but some others have to struggle for their livelihood:

*Before we could graze cattle in the bare hills now the area belong to some foresters. Our cattle sometimes went to the forest area of the foresters because of the cattle's owners sometime could not keep them carefully. The foresters caught and punished. This is not fair because the state land that we can freely graze cattle on before became private land and why they can got 70ha but we do not even have a place for raising cattle (Mr. T., 22<sup>nd</sup> July, 2006).*

*Or: It is unreasonable! Why did somebody get a large area but someone did not have any. We do not have any place to graze cattle now, some households had to sell all their cattle but some others still have to continue to raise them to get income for living (Mr. H., 20<sup>th</sup> July, 2006)*

The conflict related to grazing cattle in the private planted forest (mainly belonging to the forest area of the foresters because these areas are closed to settlement area) is also confirmed by 40 % of respondents in the household survey. This conflict in the coastal commune originated from lack of grazing area after titling the state land to individual households along with the inequality of its distribution.

In the mountainous commune, there was also conflict over grazing area between the non-beneficiaries and forestry land beneficiaries. Titling the bare hills to individual households for planting trees also led to a lack of land for grazing cattle. Households without forestry land had to tie the cattle in the garden or sometime graze them freely around the forest. The cattle are prohibited from grazing in the devolved forestry land. If the forest owners catch the cattle, they will be punished. The farmers who did not hold the forestry land and natural forest devolved by the state felt inequality and were angry because they are excluded from the benefit of getting products from the land at the same time with more costs for raising cattle:

*It is not fair because some households got many benefit from the allocated forestry land (timber, firewood, and place fore grazing cattle) but my family (non-recipient) did not have any place for collecting firewood or grazing cattle. Sometime we are tired or do not have enough time to take care the cattle and then have to graze them freely so they went to the devolved forest and the owner was fined 50,000 VND per head (Mr. Th. in village 4, 26<sup>th</sup> December 2006.)*

*Or Allocating forestry land to some households limited the area for grazing cattle so it created conflict between the cattle grazers and the forest owners because that area belonged*

*to the state before and every household could graze cattle there but now it became private land and the cattle that went there were punished so we felt angry (Mrs. T.R. in village 1, 25<sup>th</sup> December, 2006).*

*Or The commune had some areas for grazing cattle before but from 2002 some households occupied it to plant trees and then they were devolved the title through the SNV project. Now we have to graze cattle around the garden and have to collect grass to feed them, it is not fair because tiling the land to some households take us more time and energy to raise our cattle (Mr. H.V., 27<sup>th</sup> July, 2006).*

As in Loc Tien, the conflict over cattle grazing area in Thuong Quang also originated from competition for land use and the difference in holding the forestry land devolved by the state.

To sum up, the nature and origin of the conflict over grazing area in this case was different from the case in Shamva of Zimbabwe found by (Matondi, 2001) where villagers resisted new takeovers to protect their land rights. In Thua Thien Hue of Vietnam, grazing cattle in the others' planted forest resulted from a lack of alternatives to maintain the livelihood security of the farmers in the context of unequal distribution of forestry land.

#### **6.5.2. Conflict between traditional land tenure custom and new boundary**

This type of conflict happened in Thuong Quang where traditional land tenure customs of the ethnic group (Ktu people) are established. According to the traditional land tenure custom in the commune, each village had its own area and the boundary between the villages was committed and marked by the big trees, large rocks or the streams or the hills. Another custom was that in the area of the village, each household could find themselves the plots for farming. When one was found, a temporary boundary was made and nobody could use that plot. The traditional land tenure custom formally recognized the encroached plots of the individual households. Nobody inside and outside the village could occupy the plots of land. If they did, there would be a punishment by the village (*In-depth interview an old man- 77 years old in Thuong Quang, 5th July, 2006*).

In 1976, the government implemented the policy of setting up a new economic area by moving people from the lowland to the upland and land use practice has been subject to the state regulations. The natural forest was managed by the state organizations. Agricultural land was managed by the commune authority and the cooperative for collective production. When the collectivization movement was stopped, the agricultural land was allocated to individual households. However, in the mountainous area as Thuong Quang, only the wetland rice area and settlement land that were

reclaimed by the commune were allocated equally based on the size of the household. It was not enough for local people for even subsistence purposes. Therefore, the local people, especially ethnic groups who were familiar with farming on the upland had to reclaim the upland themselves to do farming.

Although the new management regulations had been set up by the state, the traditional customs of land tenure for the upland are still maintained. The upland area that was reclaimed and encroached by the ethnic individual household was their land. The Kinh who came from the lowlands to live in the commune also reclaimed some upland areas and also followed the traditional rules of the ethnic group.

In 2003, when the forestry land allocation was implemented, the commune authority and foresters who were responsible for planning forestry land (upland) use decided to make the new boundary between the villages of the commune when allocating the natural forest and forestry land to the individual households. The new boundary was made based on the settlement location of each village. However, the upland plots of the individual households before planning were scattered between the villages. Therefore, many plots that belonged to some households were in the new boundary of another village and have been allocated to other households. Some villages (for example village no. 6) got a large area when the new boundary was set up. The farming area of some other villages (for instance village no. 1 (Cha Rau) was narrowed in the new boundary.

From 2004, because of development and the profit from forest planting and lack of farming area, the households in village no. 1 have turned back their own traditional farming plots to plant upland rice or mungbeans or *Acacia* although they were allocated to the others. It is clear that in the thinking of the ethnic people in Thuong Quang, the whole commune area was their village before the Kinh people moved to live there and the villages at present were set up by the commune authority in the state political system. So, in their mind (Ktu people), there was no physical boundary between the present villages. The plots that are close to village no. 6 now were reclaimed and farmed by the villagers in village no. 1, and their own land has been recognized by the community.

At present, both agricultural and forestry land area of the households in village no. 1 are limited because some areas that are in the location of the village were given to Thuong Long's neighbouring commune and some forestry land areas in the traditional use system were given to village no. 6. From 2006 to the present, some households in village no. 1 planted forest or crops in their old land which was allocated to village no. 6. This created conflicts between the old and the new land users. The new land users stated

that it was their land that was confirmed by the commune authority but they could not stop or prevent the old users from planting crops or forestry trees because they had not got the Red Book. The old users still believed that they reclaimed the area, so it was still their land, they had the right to do farming or planting trees in the area if they wanted to and nobody could stop them. The old users also stated that they did not know their land have been allocated to others although they attended the meetings that were organized by the commune authority and foresters informed them about forest land allocation. They understood that the meeting just talked about getting natural forest to assure that their children's generation would have timber.

When the author visited Thuong Quang again in March 2007, the Red Books were given to all the beneficiaries in the area. However, the new users in village no. 6 still could not take the forestry land from the old users. So they reported to the commune authority to claim their land use rights. The commune could not solve the issue and asked the new and old land users to negotiate themselves because the leaders thought both legal and customary rights should be respected (*In-depth interview with an official in the CPC- Thuong Quang, 10th March, 2007*).

As with the conflict over grazing area discussed in the section 6.4.1, the root of this conflict was also not resistance of old users to new land users because the old users did not want to do that, but it was their struggle to earn a living. The cause of this type of conflict is an unclear negotiation in the process of allocation and the unaccountability of the status of lack of land of the villagers in village no. 1.

### 6.5.3. Encroaching land for planting trees and crops

#### ➤ *Conflict over land encroachment for cultivating crops*

In both communes, before allocating the barren hill to individuals for planting forest, the local people had been planting crops (mainly cassava). However, the need for using the upland area for farming in the ethnic community is greater than the need in the coastal commune because of limited agricultural land in the mountainous area. At present, some poor households in Loc Tien still need barren hills for planting cassava. However, all the barren hill areas had been allocated to the individual households. So, some households tried to find empty land close to the private planted forest area to plant cassava. When the owners of the planted forest did some activities in their forest, they damaged the cassava without compensation. This created the conflict between the forest owners and the cassava planters.

In Thuong Quang, almost all households in the commune have a few rubber plantations (being classified as agricultural land) or planted forest. At present, almost all those rubber plantations and planted forest are still at around one or two years old, therefore, the local people can intercrop cassava or upland rice or maize in the plantations. However, according to the discussion of the poor women group (20th, August, 2006), the issue of lack of land for crop production will occur in the commune in the near future (in the next one or two years). In that case, the local people, especially the poor who need to cultivate crops for subsistence, have to find spare land that is scattered in the plantations to plant cassava or upland rice. This is similar to the current situation in Loc Tien commune and it may create a conflict between forest planters and crop cultivators because of devolution of forestry land along with development of rubber plantation.

➤ *Conflict over land encroachment for planting trees*

In Thuong Quang (the mountainous commune), although some natural forest areas were allocated to individual households, some who have good financial capacity (better off households) have started to clear for planting *Acacia* because since the end of 2004 (after around six months of forest allocation in the commune), they have seen the benefit and profit of forest planting. This situation occurred in almost all the villages of the commune but it was more popular in the area of village no. 1 and no. 5. For example some people who live in village no. 7 occupied some natural forest areas that have been allocated to group 1 in village no. 1. One person in village no. 7 occupied 20 ha of poor natural forest area that was devolved to group 1 in village no. 5 to use for planting *Acacia*. However, the natural forest protection group in village no. 5 could not stop them, although this encroachment was illegal activity in terms of both taking the assets of another and in term of clearing rehabilitation natural forest which was banned in the forest development and protection law. The household group in village no. 5 complained to the commune authority but the issue related to natural forest was over the remit of commune authority. The commune leaders reported to the DFPD but they said that they have been too busy and do not have time to come back the commune since the allocation project finished ((*In-depth interview with an official in the CPC- Thuong Quang, 10th March, 2007*)).

This type of conflict was not caused by lack of land for cultivation to secure of livelihood but it resulted by virtue of economic or political position to grab land for profit making because the type of land encroachment was only done by the better off households in the commune.

There was encroachment of forest land before planting trees in Loc Tien but it was quite different in Thuong Quang. This was done by some poor households in the commune for planting *Acacia* with a small area (from 2 to 5 sao). The poor found some empty spaces in the planted forest of the foresters and they planted some *Acacia* on the scattered small plots because they wondered that why should some land was unused while they have no land for planting trees. It will be a waste if the space is not with planted trees. This encroachment leads to a small amount of violence between the foresters who are users of the planted forest and some poor villagers (see a case study in the box 1).

**Box 1.** Mr. Q.'s family is a poor who was one of households moved to settle in the area under the foot of the hills of planted forest. Those forest plantations were allocated to the individual households. His family is holding only paddy fields and small area for planting water melon that is not enough even for domestic consumption. He want to plant trees for selling to earn cash and he found some blanks in the planted forest area to plant *Acacia* (about 1000m<sup>2</sup> with scattered small plots) but some foresters pull up his trees. He felt sorry and tried to plant again and then he was seized the tools for planting. He was very angry and wondered why some area is wasted but he could not plant tree

This type of conflict was not caused by resistance among the poor illagers with the forester, but it resulted from the struggle for security of livelihood of the poor households in the commune, in the context of unequal distribution of forestry land.

#### 6.5.4. Dissatisfaction of villagers with the people who got forest land

As a result of unequal allocation, many farmers in Thuy Duong village were dissatisfied with the beneficiaries who got a large area of forestry land even though some beneficiaries were poor household before and their situation was changed after harvesting planted forest which was allocated when they were requested to move to the new settlement area:

*When I hired some neighbours to harvest my forest which was allocated through programme 327 when my family requested to move here (the new settlement area) but I observed that they were not happy and they did not do it enthusiastically. (A woman in Thuy Duong village, 25th, February, 2007).*

Some other villagers in both Thuong Quang and Loc Tien also complained to the author when she came to do the household interviews. They said that people who got forestry land now can make a lot of profit from the planted

forest while their family did not have any, so they are going to be poorer than the others. This type of conflict originated from the competition over land to achieve better results of the users and their families as commented by Matondi (2001) .

However, there was another type of dissatisfaction by many villagers (90 % of the respondents in the household survey) because some village and commune leaders and some foresters got too large an area of forestry land. This conflict appeared in the coastal community only and disseminated in the community but is a type of unexposed conflict. Villagers did not understand the reason but they were angry that some leaders got from 50 to 100 sao. This dissatisfaction came from villagers losing the opportunity to use the state land as a common resource before titling forest land to individuals.

To sum up, forestry land (bare hills) and natural forest allocation has created four types of conflicts. Some types of conflict have been revealed formally (conflict over grazing area, competition between new and old users or encroaching land for planting crops or trees) while some others were unexposed such as dissatisfaction of the villagers with the beneficiaries. The nature and origin of the conflicts was not resistance of villagers with new takeovers to protect their land rights but it was the results of struggle for security of livelihood of the farmers in the context of unequal distribution of forest land and competition over land to achieve better lives for the users and their families.

## 6.6. Summary

This chapter has shown that there were inequalities between the poor and the non-poor in gaining endowment to forestry land and natural forest devolved by the state. The opportunity of the poor is more limited in relation to smaller holding areas and the proportion of poor in the total of those allocated land. The abstract terms in the policy papers (law and decrees) contributed to marginalization of the poor in access to allocated forestry land and natural forest, but the interpretation of external actors (officers of the DFPD and commune authority) has a stronger influence. Even within the same policy paper and even the same donor, the endowments of forestry land and natural forest by implementation of forest devolution varied according to the context and depended strongly on the interpretation of external actors and local authorities.

In the coastal commune, the ability to get information about allocation and benefits of the programmes, relationships with the project or

programme coordinators and implementers determined the opportunity of individual households to gain endowments of the forestry land. For the mountainous area, marginalization of the poor in access to allocated forest land resulted from their labour limitation to a previous occupation of farming before implementing the devolution. New boundary settings along with unclear negotiation in the process partly influenced gaining endowments (the forestry land holding). However, the issue of equality of access to forest land devolved by the state in the ethnic community (Thuong Quang) was better than in the coastal area. Behaviour of local leaders toward transparency and respect of land use custom in the implementation process of devolution minimized marginalization of the poor in gaining endowments to forestry land devolved by the state.

In a study of the private plantation in Vietnam, Ohlsson (2009) reflected that the poorer strata had smaller and farther plantation that they received from the devolution compared to the wealthier (but not ascertained). The reasons for this unequal distribution were better access to market information, seeing potential in plantation and capacity of taking initial risks of the wealthier strata. It is different with the findings in this thesis that interpretations of policy implementers had stronger influence.

There was not a big gap between the Ktu ethnic and Kinh groups in gaining endowments of forest due to an attitude of respect toward the customary practice by commune officers.

Endowment of the statutory rights to the devolved forestry land and natural forest for widows was very limited because of the custom of considering forestry production as a men's job and a lack of concern of policy implementers toward women. Endowment of traditional rights to collecting firewood changed from free access to dependent access after devolution of forest. That may have more influence on women's entitlement and livelihood, especially for the poor women.

The process of mapping endowments to the devolved forest was influenced not only by the state and customary institutions but also the implementing institutions and their attitudes and behaviour. This is hardly discussed by Leach *et al.* (1999).

The implementation processes of devolution tried to involve people but their participation was still in the functional form or consultant form (as discussed in chapter V) which influenced their ability in making decisions on getting endowments to forestry land from the state. This was not a result of policy paper or principles of the donors but was the outcome of the interpretation of external actors (the DFPD) and local authorities (commune and villages or cooperatives) in the process of devolution implementation.

Better economic status did not ensure an opportunity of access to allocated forest land. Poor households having good social relationships may have opportunity in gaining endowments to forestry land. This finding challenged the assumption of Bruce & Migot-Adholla (1994) that a weaker power position leads to marginalization in entitling land. It seems to be just relevant in term of power of social relationships, not economic capacity.

There was also a change of traditional rights to wild products on the devolved forestry land and natural forest area. Gaining endowments of statutory rights to forestry land and natural forest was influenced by the legal papers and interpretations of the external actors in the implementation process of devolution while individual relationships and sympathy in the every day life decided access based on traditional rights.

Related to the land tenure issue, security of endowment depended specifically on the context through interpretations of external actors (the DFPD) and local authorities rather than on the policy papers. There was no regulation in the land law or the decrees on the types and value of the land use certification that are not a Red Book but who can use it as evidence for claiming the Red Book was decided by state actors in the implementation process. For the ethnic community, setting up a new forestry land use system by the state through allocation activity was challenged by regulations of the traditional custom. Individual title did not ensure security of tenure to land and the customary land tenure system was not worse. This is quite different from the arguments drawn from the case studies in Africa (Bruce & Migot-Adholla, 1994). This also means that private title to land is not a best choice as concluded by the private property school.

Security of allocated natural forest tenure was still a problem due to lack of support from the commune authority and the DFPD. It is clear that under the context of the natural forest management institution in Vietnam, holding a title was not enough to secure the rights to the allocated natural forest. The state institutions, which have been implemented by the authority and the state organizations, have stronger influences. The argument of the Institutionist position on land tenure security (Ellsworth, 2004) is more appropriate in this research case.

The bare hills have been greening by the plantation after allocating forestry land to individual households. It was the result of not only certainty of land right and benefits on the land (created by the allocation policy) but also the result of increased prices for the products of the land, financial support from international organizations and from the state. Title to forestry land in Loc Tien and Thuong Quang is only part of encouraging investment in land and this is not enough to ensure efficient use of land as concluded by

the private property right school if done without promotion of financial support and a market for products on land. Efficiency of forestry land use also depends on politic of access, nevertheless not only on access to land resource (as discussed by the institutionalist school) but also on access to other resources to support land use.

Titling to the natural forest encouraged beneficiaries to invest labour in protecting the allocated forest area. However, the protection effort tends to decline due to the delay in receiving direct benefits from the forest and the lack of support from executive bodies (the DFPD and local authority) in practice. The efficiency of allocated natural forest management depended on the organization of collective action, supported by the law on the papers and in practice as well as relationships in every day life rather than the size of group, resources and internal rules. Agrawal's (2001) assumption that a small group and resource size may lead to better management is challenged in this research case.

The devolution of forestry land and natural forests created conflicts over cattle grazing area, over land use by the old and new users. Titling of forestry land to individuals also leads to competition in land use and encroaching for planting trees or crops and dissatisfaction of the villagers. A common characteristic of the conflicts is competition in accessing and using forest land or natural forest products for profiting from planting forests or securing a livelihood. The nature and origin of the conflict over grazing area or conflict between new and old users or encroaching forest land for planting crops and trees was not due to resistance of villagers to new takeovers to protect their land rights but a result of lack of alternatives for security of livelihood or the farmers' struggles (mainly by the poor) to earn a living in the context of unequal distribution of forest land. However, dissatisfaction of many villagers with some local leaders and foresters who got too large an allocated area was an unexposed conflict. It may be a kind of resistance of villagers to new takeovers but because of losing their opportunity to informally use the state land as a common resource before devolution rather than for protecting their rights.



## 7. Entitlements and rural livelihoods

### 7.1. Introduction

Improved livelihood outcome is one of the objectives of rural development. Outcomes depend not only on changing livelihood assets but also on changes in structures and processes (Pain & Lautze, 2002; Ellis, 2000; Hobley & Shields, 2000). Bhatta *et al.* (2007) and Reddy *et al.* (2007) used indicators of changes to household assets (including title to collective assets), changes in income, vulnerability, and sustainability of these changes to assess the impact of joint forest management on the livelihoods of people. Examining influences of forest devolution on people's livelihood in Son La and Nghe An (Vietnam), Vien *et al.* (2005) did not use these indicators but the authors analyzed change in the sectors of the household economy such as crop and livestock production. This way of looking at sectors of the household economy simplified the analysis but did not link to the internal and external factors that influence the household economy. Exploring the impact of forest devolution to benefit the poor in Daclak (Vietnam), Sikor & Tan (2007) used an extended entitlement approach to analyze the process of transforming endowments into entitlements from the devolved forest and then examined its consequences for livelihoods for the poor.

This research also adopted an extended entitlement approach to examine the effects of forest devolution. The mapping process of entitlements from devolved forestry land and natural forest area is based on an analysis of the linkage between gaining endowments of statutory rights and effects on customary rights to forestry land and other resources of the household. Analyzing entitlements is useful to show what utilities from the devolved forestry land and natural forest beneficiaries gained after devolution and why gaining an endowment may or may not lead to getting entitlements from

the devolved forest. Household's livelihoods are complex and influenced by different factors (Pain & Lautze, 2002; Ellis, 2000). Change in individual or collective rights through endowment of rights to forestry land and natural forest influenced not only the entitlement but also livelihood options (extended entitlement) of local people. The research explores the livelihood alternatives of different economic groups in the community in their response to changes in endowments and entitlements after forest devolution.

The process of mapping entitlements (tracking the conversion of endowments to entitlements) depends not only on gaining endowment of statutory rights or keeping traditional rights but also on the resources of local actors (Leach *et al.*, 1999). This chapter started with examining the resources of households (another type of endowments) that relate to the transforming of endowments of land rights to utilities from the devolved forestry land and natural forest (section 7.2).

Section 7.3 discusses the gaining of entitlements from the allocated forestry land and natural forests in relation to gaining endowments (the statutory rights and traditional rights) and owning resources of household groups, as well as entitlements by gender. The reasons why those endowments to forests were or were not converted to utilities for the different economic groups is also discussed. The section starts with examining the income of household groups from the devolved land. Unlike Reddy *et al.* (2007), this research did not look at the change of total household income but examined the direct contribution of gaining new endowments to household income. It explores not only direct incomes (utilities from the products on the devolved forest land) but also indirect income (cash from selling labour for planting trees on the devolved forestry land).

Section 7.4 discusses extended entitlement through examining the changes in livelihood activities of different socio-economic groups due to implementation of forestry devolution. In this section, changes in livelihood activities of different economic groups will be analyzed through examining how those groups use their resources and the entitlements that resulted from forest devolution and existing resources to decide on what type of income generation activity they should have or how to achieve their goals. The "trend of livelihood activities"<sup>8</sup> was also explored to examine how the groups adapted to changes in livelihood resources (endowments) and the entitlements due to forest devolution. The section finishes with a general

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<sup>8</sup> The combination of assets, opportunities and constraints imposed by institutional environment influencing the decision on what types of livelihood activities to be undertaken to achieve an objective.

analysis on sustainability of livelihood alternatives for the poor group. However, due to time limitations, this research just analyzes the issue of livelihoods of the poor in relation to the change of forest property regime introduced by the state. It was not designed to deepen the livelihood issue through applying the theoretical framework, but just to raise a question about the sustainability of livelihoods of the poor.

## 7.2. Resources of household

In the extended entitlement approach developed by Leach *et al.* (1999), resources are considered a type of endowment that influence the process of mapping entitlements (process of transforming endowment into entitlement) and then the consequence on household livelihoods. Resources are also called “capitals” and divided into different types (investment, stores and claims or physical, natural, finance, human, and social capitals) by different researchers (Ellis, 2000).

Examining the process of conversion of endowments of land rights by the state to gain utilities from the devolved forest land, Sikor & Tan (2007) considered the variables of household resources such as labour capacity (number of adult labour), wealth (ownership of major assets), and political position (whether a household members worked in the local state administration) and using both quantitative and qualitative methods to analyze this. These authors looked at some variables of resources that influence decision making by households in the process of converting the endowment of forest land rights to the utilities gained from the devolved land.

Household resources considered in this thesis included agricultural land, knowledge of techniques for planting trees (measured through attendance at the short trainings in the process of forest devolution because according to the villagers this helped them to know the way to plant and tend planted forest) since this is important for local people to manage the devolved forest land, wealth (measured by the number of buffalo and motorcycles), labour size and political position (measured by whether a household member worked in the local state administration). Those resources were used to examine the factors influencing whether households could gain utilities from the devolved forest land in combination with information about gaining endowments of land rights (statutory or traditional rights) in chapter VI. The process of mapping entitlement based on household resources and the endowment gained is discussed in a qualitative way only.

### 7.2.1. Agricultural land holding of household groups

Land is considered as a natural resource that is not static and can be strengthened by human control (Ellis, 2000). This resource may not be used directly for mapping entitlements from the devolved forestry land, but it can influence the decision making of households in the process of transforming endowments of forest land rights in combination with other household resources into utilities. Examining agricultural land holding will support the discussion on why the endowment of forest land rights may or may not transform into utilities.

Average agricultural land area per household of economic groups is presented in the below table (table 19).

Table 19. *Average agricultural land holding by economic groups in the studied communes (sao/household)*

Land holding	Loc Tien		Thuong Quang	
	Poor (n=29)	Non-poor (n=30)	Poor (n=30)	Non-poor (n=29)
Wetland rice	5.39	8.50	1.76	4.06
Upland rice	-	-	0.19	0.00
Upland rice in rubber plantation	-	-	0.22	0.00
Cassava	0.74	0.60	0.84	1.86
Cassava in rubber plantation	-	-	1.74	0.97
Mungbean	0.26	0.91	0.21	0.32
Mungbean in rubber plantation	-	-	0.13	0.67
Peanut	0.17	0.30	-	-
Water melon	0.26	0.59	-	-
Rubber	-	-	21.00	35.92
Pond	0.12	0.12	0.16	2.03

*Source:* Household survey, 2006.

Crop production is still an important activity for the local people in both communities (discussed further in the section 7.4 of this chapter). The cultivated crop land area in table 19 is the current household land holdings (in the interviewing year). However, all interviewees in the coastal area said that a part of the new forest plantation area were their cassava fields before. At that time (15 years ago), cassava was an important crop to feed their family because of lack of food, and was widely grown although less so now. At present, people in the coastal commune plant cassava for feeding pigs

only. How cassava upland areas were replaced by *Acacia* plantation under the implementation of the PAM programme, its effects on people's livelihood and how they coped with this is discussed further in section 7.4.

The current plantations in Thuong Quang (the mountainous commune) were also previously upland crop fields of the local people before (confirmed by the people, local leaders and foresters from the DFPD) but this change was a result of the policy of banning shifting cultivation (from 1997) by the state rather than of forestry land allocation. Crop cultivation was not allowed on the steep hill areas and they were fallowed for rehabilitation of the forest. Those areas were planned as bare hills (type Ia and Ib- see appendix I) for planting trees and then allocated to individual households in 2003 through the SNV project.

Since the implementation of the ban on shifting cultivation, people in Thuong Quang focused on farming crops in the upland areas that had less slope, but the quality of the land was not good because they had been used for farming for a long time (about 20 years). From 2002, this area was transferred to planting rubber through a "small-scale farmer rubber programme" of the government (*cao su tiểu điền*) with loans from the state and provincial budget. Forty-five of 59 households interviewed in the commune have planted rubber with an average area from 10 to 20 sao (10.5 sao of the poor and 18 sao of the non-poor - table 19) because it was easy to get a loan with a requirement of repaying the loan step by step through selling the resin from the rubber plantation (after seven years of planting). Stopping the shifting cultivation in the high steep upland areas by the state along with the development of rubber plantation from 2002 quickly reduced the crop farming area (reported by the interviewees in the household survey). At present, local people intercropped cassava, mungbean or peanuts or maize in the rubber plantation (see table 19). Lack of land for growing crops was not an urgent issue now as reported by the poor women:

*At present we can plant cassava or mungbean in the rubber plantation. It is no problem for us because we had a large rubber area (Discussion with poor women's group in Thuong Quang on 15<sup>th</sup>, August, 2006.)*

However, the poor women's group felt that they do not know where to plant cassava when the rubber trees' canopies are closed. This is discussed further in section 7.4 of this chapter. The wetland rice area of both poor and non-poor groups is the greatest of all crop areas. Cassava is the crop that occupies the second largest area, even in the coastal community. The cultivated area of the remaining crops of poor group in both communes ranged from 0.17 to 0.26 sao while that of the non-poor from 0.30 to 0.91

sao. All types of agricultural land (including rubber land) of non-poor groups in both communities were larger than that of poor groups. How did existing holdings of agricultural land of the poor and non-poor groups influence mapping of entitlements from the devolved forestry land and natural forest of the poor and on-poor people? This is discussed in the next section (section 7.3). Holding agricultural land also contributes to the discussion on livelihood alternatives (expansion of entitlements) of the local people in relation to forest devolution in section 7.4.

## 7.2.2. Knowledge of forest planting and management, labour capacity, wealth and political position of household

### 7.2.2. 1. Knowledge of forest planting and management

Knowledge of forest planting and management is an important resource for transforming endowment of rights to forestry land into entitlement from the land (timber and NTFPs). According to the villagers, attending the training on farm helped them to know how to plant and tend the forest. Therefore, in this research, knowledge of forest planting and management is measured through attendance at the short trainings on the techniques of planting trees in the process of forest devolution.

More than 60 % of the interviewees in both coastal and mountainous communes (both poor and non-poor groups - see figure 7) said that they attended the training on techniques for planting and tending forestry trees.

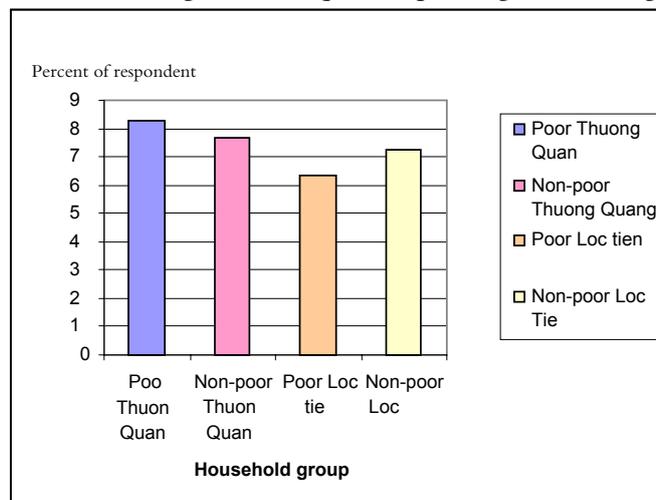


Figure 7. Attending training on forestry techniques

Source: Household survey, 2006.

Forestry land allocation through the PAM programme that involved almost all the villagers in the coastal commune in planting trees:

*I saw my neighbours went to plant trees to get rice or cash and I followed them. All people in my village went to plant trees because lack of food was a common problem of my village at that time so we were very interested to plant trees for getting rice (Mrs. S. in Thuy Duong village, 11<sup>th</sup> March, 2006).*

This was confirmed by the vice head of the cooperative:

*The cooperative heard that there was a forest planting programme with payment by rice so leaders of the cooperative went to the DFPD to ask for planting. The cooperative directed villagers to plant trees that were distributed by the DFPD for the main purpose of getting rice (Mr. T, 20<sup>th</sup> July, 2006)*

Or *The objective of the PAM programme was planting trees to green the bare hills and for getting rice from the donor so we (foresters) mobilized people to plant trees. That was the point of time to start to involve people formally in forest planting in the province (Thua Thien Hue) (an officer from the PFDD who was a person directly involved in coordinating the PAM programme, 5<sup>th</sup>, June, 2006).*

The training on techniques of planting and tending trees was presented at the field by the foresters from the DFPD:

*The officers from the DFPD showed us how to make a hole (size of the hole), how to put the seedlings into the holes and then earth them up. They also showed us how to clear small brush and weeds to help the trees to grow. If I do not plant well, the forester from the DFPD won't allow me to do more. (Mrs. G. in Thuy Duong village, 10<sup>th</sup>, August, 2006).*

Transferring the forest land allocation policy from the paper into practice was done through implementation of the projects and programmes as commented by Mr. D. who was the vice director of Thua Thien Hue provincial DARD that, “*Forest land allocation in Thua Thien Hue followed the programme approach*”<sup>9</sup>. Almost all villagers in Thuy Duong village knew the ways to plant and tend trees through implementation of the forest allocation programme (PAM and 327). This way of training can be called “learning by doing in the field”, it was not a training course with lectures and learning material. However all the villagers in the household survey said that they knew the ways to plant and tend forestry trees.

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<sup>9</sup> If having funding program or project, there will be forest allocation, when funding project or program is finished, there is no more forest land allocation.

There was no training on planting and nursing trees through the forest land allocation project funded by the SNV in 2003 in the mountainous commune although more than 60 % of respondents said that they got the training on forest planting and tending. The heads of the villages told me that knowledge and experience of the villagers in forest planting and tending the forest at present came from doing activities of the PAM and 327 programmes in the past:

*In the PAM and programme 327, the officers from the DFPD went to the field and showed the way to dig hole and then they transported seedlings to the village and asked villagers to carry them to the hills and they demonstrated the way of planting. People followed their guidance to plant trees on the plots and the foresters came back to check before agreeing to pay people based on the area was planted. The way of demonstration of the tending technique was similar to planting the plantation. (Mr. H. in village 5 in Thuong Quang, 10<sup>th</sup> March, 2007)*

The commune leaders confirmed training on forestry technique through the PAM and 327 programmes with guidance of the foresters from the DFPD at the field:

*Thanks to the PAM and 327 programmes, people now know how to plant and tend trees so they can buy seedlings and plant on their plots themselves. Some households hired some villagers to plant trees. Most villagers know how to plant and tend trees at present because they used to do that for the DFPD before (Mr. H. R., 19<sup>th</sup> March, 2007).*

For natural forest devolution funded by the SNV in 2003, the household groups were guided in the ways of cutting creepers and small brush to create space for the growing of valuable timber species. However, this guidance was given in only in a short time (one to two hours) for each group after the allocation of the natural forest in the field.

In general, technical knowledge on planting and tending forest by local households was improved through the implementation of the forest devolution. How this new household resource links to transforming endowment of forest land rights into utilities from the land is discussed further in section 7.3.

#### 7.2.2.2. Labour capacity, wealth and political position of households

Transforming of endowments of rights to forestry land and natural forest is decided not only by holding agricultural land and knowledge of forest planting and tending, but also on other owned household resources. The

following table (table 20) presents labour capacity, wealth and political position of economic groups.

Table 20. *Labour capacity, wealth and political position of economic groups.*

Type of resource	Unit	Thuy Duong (Loc Tien)		Thuong Quang	
		Poor (n=29)	Non-poor (n=30)	Poor (n=30)	Non-poor (n=29)
Household size	person	6.34	6.26	5.57	5.74
Labour size	Person	2.79	3.20	2.93	3.38
Education level of HHs's head	Year	4.17	6.30	2.17	5.66
Attending in commune or village administration	% of respondent	6.9	10.0	6.6	17.2
Number of cattle	Head	0.62	1.37	0.60	3.10
Owing motorcycle	% of respondent	0	47	0	58

Source: Household survey, 2006.

Note: Political position is measured by attending commune or village administration organizations that have the right to participate in decision making at the commune and village levels.

The size of households in poor and non-poor groups in both communities is, on average, the same but the labour resources of the non-poor were higher than the poor by, on average, 0.5 people. The education level (number of years) of the non-poor in Thuy Duong village (Loc Tien commune) was on average 6.30 while that of the poor was 4.17 years. Similarly in Thuy Duong, the average education level of the non-poor was also 3.4 years greater than that of the poor.

The proportion of households who had a member in the commune and village management was 2.6 times greater in the non-poor group compared to that of the poor group in the mountain commune and 1.45 times in the coastal area. Ownership of cattle of the non-poor group was also greater than that of the poor group in both communes by two to five times. None of the poor in either location (Loc Tien and Thuong Quang) owned a motorcycle, a desirable resource to travel to the field for planting and managing forests.

How did the different economic groups use these resources to obtain benefits from the devolved forest based on the endowment of land rights from the state? This is now discussed.

### 7.3. Utilities from the devolved natural forest and forestry land

Applying an extended entitlement approach to examine the influence of forest devolution in Daclak (Vietnam), Sikor & Tan (2007) analyzed the benefits for household groups from the devolved natural forest by using three variables (agricultural land area, timber and agricultural harvests) to measure and compare benefits between the different economic groups. In this research, the author did not use agricultural land and harvest when identifying benefits or utilities from the forest because all the devolved forestry land and natural forests were planned for forestry production by the state institution. Transforming the endowments of forest land rights into utilities on the land is investigated through analyzing the benefit of timber and NTFPs for the economic groups.

#### 7.3.1. Benefits from the devolved forestry land

##### ➤ *Income from timber on the devolved forestry land*

Forest plantation is a long-term production, so it is difficult to determine when income from the plantation is calculated at the year of harvesting because the product of the plantation is the result of a long-term investment (around six to eight years in the case of *Acacia* plantation). Nor can it be excluded when the plantation has not been harvested at the time of the household survey. In this research, income from the plantation was estimated based on an average net income per ha per year based on the research results of Ha and Tinh (2005) on the economic efficiency of plantations in Thua Thien Hue for specific districts and devolved forestry land area held by the households. Another source of income came directly from development of the plantation on the allocated bare hills through villagers providing labour for planting and harvesting trees.

Titling forestry land to households created net income from timber produced on the land. It brought an average of 3,879 million VND per household of the non-poor group per year in Loc Tien and 2,112 million VND in Thuong Quang. The poor group also benefited from the allocation of forestry land but with a smaller net income from timber (0.681 million per household per year in the coastal community and 0.308 million in the mountainous commune) (see figure 8).

Before implementing the forest devolution policy, people obtained income from contracting with forestry institutions to plant trees for cash, as planting forest in programme 327 or programme 5 million ha of forest (Quan *et al.*, 2005). This was simply employment without any benefit from the plantation's product. The endowment of rights to forestry land by the state created a potential sustainable income source because people could

decide themselves on investment in the land and benefit from the products of plantation. However, the decision on what kind of trees to plant on the allocated land area was still made by the DFPD. The entitlement of timber value from the devolved forestry land was also influenced by the state regulation.

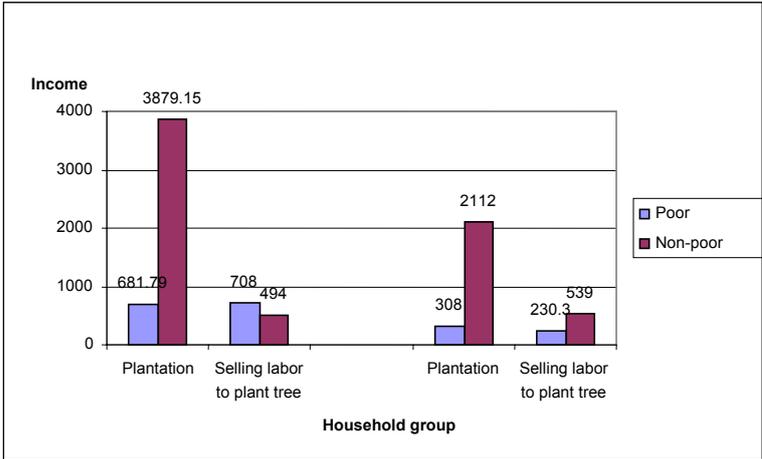


Figure 8. Net income from allocated forestry land and selling labor for planting trees  
 Source: Household survey, 2006.

At present, the plantations in Thua Thien Hue brought good profit:

*Profit from forest plantation is 10 fold compared to rice production now (Mr. Kh. in Thuy Duong village, 15<sup>th</sup>, July, 2005.*

*Or At present, forest planting brings high profit. The price of one ha of intensive farming forest is 58 million VND and it is 48 million VND for extensive farming plantation (Mr. Ng., a forester, 24<sup>th</sup> June, 2006.*

In the mountainous commune, the plantations on the allocated land are two to three years old while the plantations that were allocated by the PAM and 327 programmes in the coastal commune have been harvested since 2004. Income from selling timber changed the economic status of one household from poor to non-poor (see box 2).

As discussed in chapter VI, almost all planted forest area on the devolved bare hills in the coastal commune was established with financial support from international and state projects and programmes. Therefore, it is difficult to analyze the influence of household resources in relation to gaining endowments of forestry land rights on income from timber from the devolved planted forest. From 1987 to 1997 (time for implementing the

PAM and 327 programmes), people were concerned with planting forest for getting cash and food. Endowment of rights to forestry land (bare hills) at that stage would not have been transformed to entitlements of timber harvest without financial support from international donors and the state although the labour resources of local households were available.

***Box 2. Move out of poverty thanks to the plantation***

Mr. D. S. lived in Thuy Duong village, his house located at the foot of the hills with the plantations allocated to individual households. This was a poor household in 2006. His family was allocated 1.5 ha of *Acacia ariculiformis* through the 327 program; 0.85 ha was confirmed by the commune authority and he was provided a Red Book. He harvested the plantation in 2006 and sold to the wood chip processing factory in Chan May port. His family income from selling 0.85 ha of planted forest at the end of 2006 was 35 millions VND after deducting the cost for renting labour for the harvest. The costs supported by the 327 program was exempted (did not have to return to the government) because of a support policy for the area influenced by the serious typhoon. He used that income to build a new house because his family had been lived in a temporary house for 20 years. A part of the income from the plantation was used to reinvest in the allocated land and buy a buffalo to raise. His family moved off the list of poor houses in the commune and it also now considered as a non-poor household by the villagers.

From 2001 to the present, both the poor and non-poor have had the capacity to buy seedlings to plant in the bare hills because an average cost for buying seedlings to plant is only 415,000 VND (27 USD) per ha. So the households that did not get the forestry land devolved by the state tried to find the scattered plots in the hills to plant *Acacia hybrid*. However, investment for planting forest may be a challenge for households who hold a large forestry land area (more than three ha) because planting forest is a labour intensive activity and seasonal.

As discussed in chapter VI, the household survey in the coastal commune showed that there were only 20 sao (2 ha) of 256 sao (25.6 ha) of forestry land devolved to households that had not yet been planted. This area was still fallow because the households had received 50 sao (5 ha) of forestry land and did not have enough financial resources to hire labour to plant the whole allocated area. The allocated forestry land area fallowed in Thuong Quang was 62 sao (6.2 ha) although the labour size of both poor and non-poor groups in Thuong Quang was bigger than in Loc Tien (table 20). The fallow area occupied 21.7 % of total of allocated area of 60 interviewed

households and belonged to both poor and non-poor groups. This commune did not get any support from international or state organizations to invest in planting forest after the devolution of rights. The reason for following the allocated land area for four ethnic households in Thuong Quang was lack of the cash to buy seedlings.

In the coastal area as well as the mountainous commune, the better-off households did not even use family labour because forest planting is hard work and they often hired labour to plant forest. The evidence from both communes indicated that although a household's labour size is a basis for developing the plantation on the devolved forestry land, it appeared not to be an important factor affecting income from timber. The financial resources of the households were more significant because it could be used for buying seedlings or to hire labour to plant forest. For two other households in Thuong Quang (Kinh people), the reason for following allocated forestry land was that they were afraid to invest labour and cash in planting trees without certification of land use rights (Red Book).

Transforming the endowment of forestry land rights to gain utilities on the devolved land depended on different factors including internal resources of household (financial and labour capacity), support from outside (financial supports from international organizations and the state) and the certainty of the statutory rights.

➤ *Income from selling labour to plant and harvest the trees on the devolved forestry land*

Along with generation of cash income from the plantation for the households, forestry land devolution also created the new employment of selling labour to plant and harvest planted forests for the local people since that had not occurred in the local labour market for forestry activities before allocation. Along with labour capacity, knowledge of planting and tending forests obtained from the forestry land devolution programmes allowed households to join in the local labour market to get this income. In Loc Tien, the poor group earned on average 708.000 VND per household per year from selling labour for planting and harvesting trees while the non-poor group got 494.000 VND per household from this source only (figure 8). In contrast, the poor group in Thuong Quang got only 230.000 VND per household while the non-poor group earned 539.000 VND. Did poor households in Thuong Quang not want to sell their labour for planting trees or do they do not have enough labour to join in the labour market? It was found that the opportunity for earning cash from forest planting was still limited in the mountainous commune. The labour source was still available

in the local market so the forest land owners selected the non-poor households that were thought to have better capacity:

*They (forest land owner) did not ask me to plant their trees. They just call strong healthy and non-poor people (Mr. D. a poor in village 3 in Thuong Quang, 21st August, 2006).*

Were the poor households in the coastal area considered as having more capacity by the forest owners to be hired in planting forest? No, the reason why the non-poor group in Loc Tien got a lower average amount of income from selling labour for planting trees was that they had other alternatives (doing small business or other off-farm activities) to earn money for their living. Planting and harvesting forest is still considered hard work, so it is an alternative only when there are no other employment opportunities. However, selling labour for planting and harvesting forest was also not enough for local people, especially for the poor households who do not have enough jobs all year. The opportunity of getting this labour income for the poor depended on the relationship with the forest owners:

*Do you think that it is easy to sell labour for planting and harvesting trees? The forest owners just want to ask their friends or relatives to plant or harvest trees. They just call me when they need a lot of labour (Mrs. G. a widow, 17<sup>th</sup> March, 2007).*

Owning a motorcycle also created opportunity for villagers in the coastal commune to sell labour for planting and harvesting trees because some planted forest areas are far from the settlement area so the forest owners just want to hire people who have motorbikes. None of the poor households own a motorcycle (table 20), so they could not work on the distant planted forest areas. Gaining income from selling labour to plant and harvest trees for the forest owners, therefore, depended on both owning a motorcycle and the social relationships of households.

As the finding in chapter VI, the political position of the household influenced gaining endowments of forest land rights. However, this was not mentioned in the discussion with villagers about getting support after devolution to gain entitlement or benefits from the land. This may have created more benefits for the forest owners because all the forestry land devolution programmes in Loc Tien came with financial support to plant and tend trees. It means that gaining more endowments of forestry land led to receiving more benefits from the devolved land. The political position of the households did not have any meaning in the mountainous area because

endowment of forestry land rights was based on traditional land use and there was no financial support after the devolution of land rights.

➤ *Entitlement of income from selling labour to plant and harvest the trees on the devolved forestry land by gender*

In both communes where the author did the fieldwork, income from selling labour for planting and harvesting trees on the devolved forestry land for women was lower than that for men. A woman in Loc Tien got an average income of 100,000 VND per year from this job while a man earned 441,000 VND per year. Similarly in Thuong Quang, where income from selling labour for planting and harvesting trees on the devolved forestry for a male labourer was 3.8 times greater that of a female labourer (300,000 VND compared to 79,000 VND) (see figure 9).

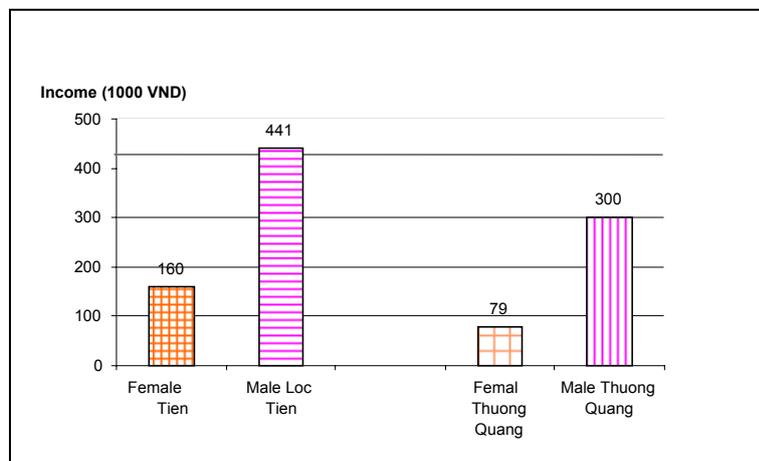


Figure 9. Income from selling labor for planting & harvesting the devolved plantation by gender

Source: Household survey, 2006.

Is the difference between men and women in entitlement from selling labour for the planted forest owners in Loc Tien and Thuong Quang the result of differences in their personal capacity? No, this is an issue of gender discrimination in the local labour market.

According to the villagers in Loc Tien and Thuong Quang, the payment for selling labour for forest planting per day to men is higher than to women. In Loc Tien, although a male farmer is an old man, he still gets 40,000 VND (2.5 USD) per day while the payment to a young woman for planting tree is also only 35,000 VND (2.1 USD) per day. It is similar in Thuong Quang, the payment per day for women planting forest is also less than that for men (only 30,000 VND (1.9 USD) to women but 35,000 VND

(2.1 USD) to men). The men also had more opportunities to sell their labour for planting forest for the better-off households than women. The forestry land owner wants male labourers and will pay a higher rate because the traditional thought is that a man (even if he is an old man) is stronger and has higher capacity than a woman (even she is a young woman). For planting trees, a comment from Mr. Kh. in Thuy Duong village that women even plant trees better than man: “*Women often plant trees fast and carefully so the seedlings will survive more than if they are planted by men*” (Mr. Kh., 17<sup>th</sup> March, 2007).

Why does the forest owner pay more to a man than to a woman? Is it man’s labour quantity and quality higher than the woman’s? That is not true when we compare labour capacity between an old man and a young woman. This difference is a product of social preconception, not scientific counting. It will be fairer if the payment is counted base on the quantity and the quality of products (for example, based on the amount of trees planted and the quality). This is the decision of the forest owners but it is a product of the custom that considered that a man’s capacity in doing forestry production is better than that of a woman. Entitlements from the devolved forestry land of women and men therefore did not depend on capacity but on the customary discrimination against women.

### 7.3.2. Entitlements from the devolved natural forest

#### ➤ *Utility of timber from the devolved natural forest*

How did devolution of the natural forest lead to the gaining of utilities? As discussed in section chapter VI, statutory rights to timber in the natural forest were devolved to the village or households groups in both communities as stated in the allocation decision (for Loc Tien) and verbal commitment (in Thuong Quang). However, the benefit of timber in the devolved natural forest was still on paper only and still in question in practice. The endowment of rights to timber of the village was not transformed to entitlements (utility of timber) although the devolution already been implemented for six years (in Loc Tien) and four years (in Thuong Quang) ago (up to 2007).

The reason for this is the complexity of the claim process. In the coastal area, the process of getting permission to exploit timber of the village has to be based on permission of the CPC, the DFPD and then the PPC. This required high transaction costs and the village head has not yet wanted to do it. In the mountainous commune, exploitation of timber in the devolved natural forest has to be claimed from the CPC and the DFPD. The forest protection groups also felt the difficulty of making a claim and they hesitated

to do it. The gaining of entitlements from the devolved natural forest area in these cases depended not only on holding the statutory rights but also on the state institutions and the mechanism of making decisions in practice after devolution.

In studies on the influence of forest devolution in Daclak (Vietnam), Sikor & Tan (2007) concluded that timber extraction from the allocated natural forest is influenced by household wealth. The better-off households owned more tractors, chain saws and capital to hire workers and got more timber from the allocated natural forest. In the case of this research, when exploiting timber in the allocated natural forest area (even for family consumption) must ask for permission of the DFPD. The opportunity for getting timber to build house is the same for the poor and non-poor villagers.

As discussed in section 6.4.3 of chapter VI, from 2007 some poor households in Loc Tien started to exploit some small amounts of timber to sell in the commune. In terms of getting the benefits of timber from the natural forest devolved to the whole village, those households may have got more benefit compared to even better-off households. This difference of entitlement was not a result of gaining more opportunity in holding a statutory right or having more labour capacity. It was also not because of being wealthier or having a higher political position, but it was a cause by the pressure of lack of cash to cover school fees that forced the poor to draw on the sympathy of the villagers and the forest protection group.

In Thuong Quang, some better-off households who had chain saws and buffalo also logged timber in the devolved natural forest although they did not hold statutory rights. As presented in section 6.4.3, most of the illegal loggers are Kinh (around 30 Kinh households) because they have chain saws, buffalo and social relationships with some outsiders so that they can sell their illegally logged timbers. In this case, the wealth of household (owning chain saws and buffalo) created an opportunity for them to gain the benefit of timber from the forest. However, their logging timber is an illegal activity which could only be done because of lack of capacity to protect the statutory rights of forest beneficiaries.

The above discussion shows that the process of transforming the endowment of rights to entitlement from the natural forest devolution was influenced by practicing law or regulations of the state and everyday life relationships rather than holding a statutory right and the household's resources.

➤ *Utility of non-timber products from the devolved natural forest*

As reflected in section 6.3, at present access to NTFPs in the allocated forest of the beneficiaries or non-beneficiaries did not change after the devolution of natural forest to the village (in Loc Tien) or to the household groups (in Thuong Quang). Currently, income from collecting NTFPs in the natural forest still provides a portion of the total income for even the non-poor group (1.53 % in Loc Tien and 2.4 % in Thuong Quang). Especially for the poor group, it was a very important income source, providing 10.62 % of mean household income of the poor in Thuy Duong village and 32.6 % of mean household income of the poor in Thuong Quang commune (see the figures in section 7.4.1. below). This proved that the livelihood of the poor is more dependent on the natural forest than the non-poor. However, there were only 10 poor households (of 73 poor households of the commune) who were allocated natural forest.

In both communes, income from NTFPs of the poor group was higher than that of the non-poor. An average annual income from NTFPs of the poor group in the mountainous commune (Thuong Quang) was 1,662,000 VND per household (100 USD) per year while that of the non-poor was 469,000 VND (28 USD) per year. The difference in income from NTFPs between the poor and non-poor in the mountainous commune is larger. The poor group got 876,000 VND (52 USD) per household per year while the non-poor household got 193,000 VND (12 USD) per year (Figure 10).

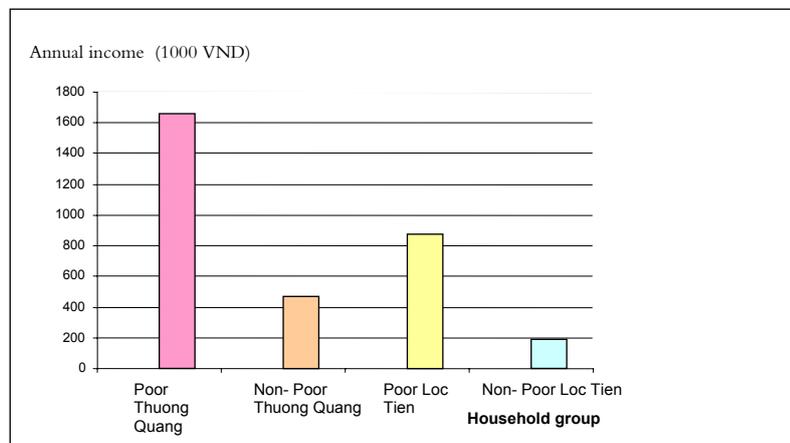


Figure 10. Value of NTFPs from the devolved natural forest  
Source: Household survey, 2006.

As presented in chapter VI, the natural forest in Loc Tien was devolved to the village and all the villagers were still free to collect NTFPs.

Why did the poor in the coastal commune benefit from NTFPs from the natural forest devolved to the village? Do they have more labour capacity or better technology to extract NTFPs? Household labour size of the poor in Loc Tien was less than that of the non-poor (2.8 compared to 3.2). The poor in this commune also do not have any motorcycles and they own a smaller number of cattle than the non-poor (0.62 compared to 1.37 cattle) (see table 20). Although both the poor and non-poor are free to exploit NTFPs, poor households were more interested in doing this activity because they do not have a better alternative. Extraction of NTFPs in the natural forest is considered hard and low return work, so the non-poor do not like to do it. The households in the non-poor group who are still doing this activity are often close to poor and their income from farming and other off-farm activities is limited, so they must collect NTFPs to cover their family's expenditures.

A special NTFP from the allocated natural forest area in Thuy Duong village (the coastal commune) is ecotourism service at the foot of the hills with a stream named locally *Suói Voi* (elephant stream). According to the head of Thuy Duong village (also a member of the cooperative management board), it attracts about 500 people per day in four months in the summer time (April to July) from Da Nang and Hue city, to come there for relaxing by taking baths in the stream and sightseeing. There were 12 households who could pay 500,000 VND per year to the commune authority and 1 million VND per year to the cooperative board (all are non-poor) to provide service in the areas.

The village supported this service through preventing the villagers from collecting plants or even the dead brush in the area for rehabilitation of the forest for ecotourism purposes. Because of the limitation of the stream area, the service is not enough for all households to join. Not every non-poor who has the capacity to invest in doing service can get permission to do this. There was also the hidden factor of a social relationship that determined the opportunity of access to this entitlement of the villagers. This service was formed in 1997 (after four years of allocating the bare hills and four year before the titling of the natural forest area to the village). It has been managed by the cooperative but the main benefit actually goes to the Board:

*The cooperative management board has been responsible for selling the tickets for entering the area. Income from selling the tickets and fees from the servers are used to pay for the members of the cooperative after deducting 10 % tax for the state, 2 % fee for management of the commune authority and the cost for labour (only 2 workers per day) (Mr. K. – a member of the co-operative, 15<sup>th</sup>, July, 2005.*

The households that have done the service got benefits through providing tents for rent or selling food and drinks for tourists. The titling of the natural forest to the village was not the reason for the appearance of the ecotourism service because it was formed before implementation of devolution. However, it enhanced and strengthened the service through awarding the rights to protect the flora, for maintaining the water in the stream and the landscape to attract tourists. Ecotourism was considered as a non-timber product from the forest but its use was not mentioned and regulated in the village's rules. Benefits from this product from the devolved natural forest area were awarded to twelve households and the officers and leaders of the cooperative only. There were six households who were performing the ecotourism service who have members working for the commune or the co-operative. Of the six remaining ecotourism servers, there were four households who are relatives of the officers or officials of the commune and two others are better-off households. The utility of ecotourism from the natural forest devolved to Thuy Duong village in this case depended on political position as well as wealth of the household.

What about in Thuong Quang? Although the natural forest was devolved to household groups at present all villagers can still access to NTFPs in the forest area. Is the higher income from NTFPs of the poor a result of greater labour resources or wealth? Labour size of the poor in Thuong Quang is also smaller than that of the non-poor (2.93 and 3.38 labourers). They (the poor) also did not own any motorcycles and keep an average of 0.6 cattle while the non-poor owned 3.1 heads (table 20). This reflected that labour capacity and wealth of a household did not determine the gain of NTFPs from the natural forest in Thuong Quang. What reasons lead to a bigger gain of income from NTFPs in the natural forest? It is similar to Loc Tien in that better-off households did not do this activity any more because this is very hard work. Low income from farming activity forced the poor to do this to earn cash for buying food. This employment is still one of the major income generating activities of the poor (see figure 12).

As discussed in chapter VI, the poor in Thuong Quang still claimed their free traditional access to NTFPs as before the forest devolution. However, there were four recipient groups said they do not want to allow non-beneficiaries to collect NTFPs in their forest and they will restrict the access of non-beneficiaries in the near future. Utilities of NTFPs of non-beneficiaries (especially 63 poor households) in the mountainous commune will be stopped or limited in the near future. At present, non-poor beneficiaries still sympathized with the difficulties of the poor so they did

not stop extraction of NTFPs from the devolved forest. Gaining entitlement to NTFPs in this case did not depend on holding a title or household resources but was more influenced by traditional rights and behaviour of the beneficiaries.

In summary, devolution of forestry land and natural forest is one of the factors influencing the gaining of utilities from the land. Holding the title to forestry land created utilities for getting income from timber for individual households. The non-poor group had higher income from timber from the planted forest because they gained more endowment of statutory rights (holding a larger devolved land area). Non-beneficiaries (especially the poor) gained utilities from selling labour to plant and harvest the trees on the allocated land.

Devolution of statutory rights to the natural forest has not yet brought any utility of timber to the beneficiaries. Both the poor and non-poor in both communities obtained income from NTFPs in the allocated natural forest. The poor got more income from this source but it is a low return and hard work. If the natural forest is managed as common property rather than privatised, it will benefit the poor given the importance of common property to the poor (Jodha, 1995; Ostrom, 1990).

Transforming the endowment of statutory rights to utilities from the devolved forestry land and natural forest depends on a variety of factors. Support of external institution (financial support and execution of the state's regulations) and every day relationships among the recipients and non-beneficiaries seems to have a stronger influence than holding statutory rights and the household's resources.

In the extended entitlement approach developed by Leach *et al.* (1999), they noted the non-inherent characteristic of entitlement or endowment. This means that an entitlement may be considered as an endowment at other points in time. Therefore, entitlements can be used as a resource to strengthen people's or household's capacities and thus contribute to improving livelihood outcomes (Ibid.). For example, income from timber in the forest is an entitlement at a point of time, but it can also be considered as a financial resource of household (an endowment) to invest in production for improving household's well-being.

As discussed in the introductory chapter, this research was interested not only in the entitlements (utilities) that were converted from the endowments to the devolved forestry land and natural forest but also in rural livelihoods (broadening entitlement analysis). How did the endowments to and the utilities (entitlements) from the devolved forestry land and natural forest influence the livelihoods of the poor and non-poor? This is discussed next.

#### 7.4. Changes in livelihood activities and trend of options

A broadening entitlements perspective of forest devolution needs to look at the livelihood outcomes of rural people. The extended environmental entitlement approach was very useful for the author in examining the process of mapping endowments (chapter VI) and the transforming of the endowments to entitlements to see the influence of devolution of forestry land and natural forest. However, this approach could not help to see the broader influence of forest devolution on rural livelihoods. This section, therefore, is discussed in combination with the livelihood analysis framework presented in chapter 3 (the research methods). However, there was not enough time for the author to deepen this issue by finding another suitable approach. So, this section is just discussed based on the livelihood analysis framework in combination with the entitlement approach to questions about the sustainability of the poor's livelihood due to the introduction of forest devolution.

In the sustainable livelihood model of the DFID in Pain and Lautze (2002) or the analysis framework of Ellis (2000), the outcome is stated as a livelihood strategy, seen to be the result of a combination of owned assets and opportunities and restrictions created by the institutional environment. The author agrees with the concept but it seems to her the word of *strategy* is not suitable because, in reality, the activities undertaken by the poor households may reflect a lack of choice or alternatives rather than a preference. Therefore, in this research, the term of “trend of livelihood activities” is used to replace the term of “livelihood strategy”.

Evaluating the impact of participatory forest management to livelihood in Nepal, Bhatta *et al.* (2007) and Reddy *et al.* (2007) analyzed changes in livelihood assets and entitlements but there was little discussion about changes in livelihood activities. The lack of analysis of linkages between changing assets and entitlements to changes in livelihood activities makes it more difficult to see the sustainability of a household's livelihood.

Examining the influence of community forestry on a household's livelihood in Nepal, Seeley *et al.* (2003) presented key assets and analyzed the influence of the restriction of access on livelihood of five different groups (fuel-wood collectors, livestock based households, traditional artisan groups, communities residing on the border and the Tharus group who are typically poor) in relation to the key assets. However analysis of off-farm activities was limited. Research on livelihoods needs a combination of both the “circumspective approach”, i.e., looking around all activities or sectors of household that are engaged in at a moment of time, and a “retrospective approach”, i.e., looking for change of livelihood activities and trends over

time (Murray, 2002). This research not only looked at the livelihood activities of the household groups in the year of doing the field work but also looked at the activities they undertook before. In the process of collecting information about a household's livelihood, the author also examined activities or employment of all household members in the locality and outside of it.

Seeley (2003) argued that if in livelihood analysis labels are applied by occupation to a household group (for example forest protection group or rice production group), this may lead to overlooking what people actually do because of the diverse and complex characteristic of household activities. Looking at changes in livelihood activities as a response to the titling of forests to beneficiaries therefore was analyzed based on change of specific livelihood activities of the poor and non-poor groups or recipients and non-beneficiaries and not on the basis of occupational groups. Ellis (2000) made the distinction between on-farm ("income generated from own-account"), off-farm ("income refers to wage or exchange labour" and non-farm incomes ("income refers to non-agricultural income sources") and this is followed here.

#### 7.4.1. Livelihood activities of the poor group and their trends

##### 7.4.1.1. Livelihood activities of poor in Loc Tien

The income structure of poor household in Loc Tien (figure 11) showed diversity and complexity of activities that they pursue.

Income structure also reflects the trend of the livelihood activities of household. The activities based on forestry land and natural forest resources are still important for the poor in Loc Tien contributing 33.1 % of annual household income (including three types of activities: collecting NTFPs, planting trees on the devolved forestry land and selling labour for planting and harvesting the forest).

Characteristics of the livelihood activities and reasons why poor households do those activities are discussed below in relation to household's resources, endowments and the entitlements gained from the devolved forestry land and natural forest discussed earlier.

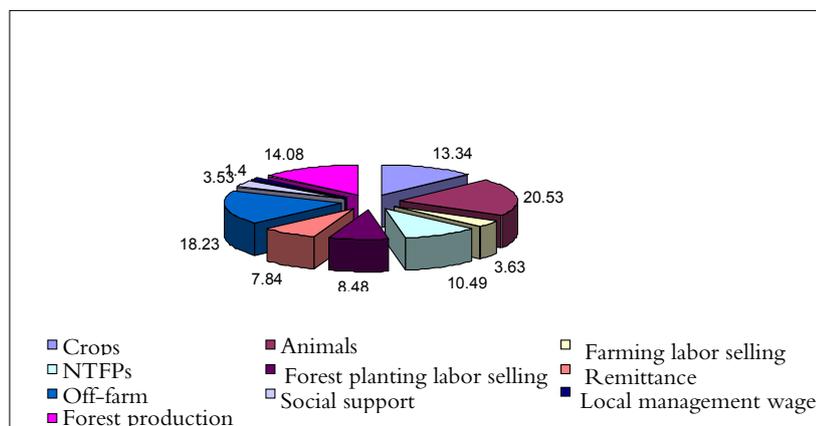


Figure 11. Income structure of poor group in Loc Tien (% of annual household income)

Source: Household survey in 2006.

➤ *On-farm activities*  
- *Crop production*

Wetland rice area was a major land resource for crop production of the poor in Loc Tien, with an average area of 5.39 sao per household (table 19.). Although rice production was considered not profitable, all households (including non-poor households) have maintained this activity. The reason for maintaining this activity was security of food:

*The main agricultural product in the commune was rice for eating only. This is a non-profitable production activity, just for food security purposes. Self-investment of family labour was considered as a profit of rice production (Mr. Ph. – chairman of commune people committee, 17<sup>th</sup> April, 2006).*

*Or: I have been planting rice to have milled rice for eating. It was very hard work and no profit but I still have to do it (Mrs. S. in Thuy Duong village, 17<sup>th</sup> March, 2006).*

*Or: Cost for rice production (seed, fertilizer, tilling, and pesticide) occupied 80 % of the output's value. If including labour cost (family labour), there was no any profit but every household still has to do it to get rice to eat (Focus group discussion with male farmer group in Thuy Duong, 2<sup>nd</sup> August, 2006).*

Before 1987, rice cultivation was collective with very low productivity and almost all households lacked food. From 1989, rice production followed the “Contract 10” and from 1994 rice cultivation land was distributed to individual households for private production. During all of this time, all

households in the village still maintained this activity for subsistence purposes. However, with the poor group, sometimes rice was sold for cash to buy necessary things such as note books for children, or medicine.

Before the implementation of the PAM programme (1987) cassava was planted on the bare hills that are now forest plantations. Cassava production at that time was also used for eating because rice was not enough. A part of the cassava crop had been used for feeding pigs. When the forest planting programme (PAM) came, people (including the poor) were involved in planting trees to get rice for eating. Since 1990, cassava production has been limited because there were no more bare hills for planting and due to the “Contract 10” that increased rice productivity.

Agricultural land (mainly wetland rice) was distributed to individual households from 1994 based on the household’s size. Households that were established after 1994 were distributed agricultural land from the reserved land area. However, this land source has not caught up with the population growth. Therefore, the households who registered after 1994 often lack land and they are often poor. As discussed in chapter 6, the poor in Loc Tien got a limited endowment of the devolved forestry land. Therefore, they were influenced more by loss of entitlements from cassava cultivation on the state’s bare hills before forest devolution. At present, the poor households who lack land have still been planting cassava in the bare land scattered in the plantations of the forest owner (mainly for feeding pigs and partly for eating). This created the conflict presented in chapter 6. The land area for other crops (mungbean, watermelon, peanut) of the poor group was only on average one sao (excluding the cassava area), so these crops were just planted for family consumption or selling if needed.

- *Animal production*

The poor wanted to raise cattle, especially a buffalo for draught power although it is a very labour intensive activity at present because of limited grazing area due to the establishment of plantations. However, the poor do not have money to buy livestock. Therefore, the poor tried to raise one head of buffalo by using their family’s labour. For the poor who could not buy the breed, they herded the buffalo of the non-poor who have the capacity to invest in cattle raising but they do not want to raise them because of labour costs. Cattle are therefore given to the poor to raise on a share basis of 50 % of production (*nuôi rē*). Pigs and chickens raised in the form of extensive farming by using by-products of the family’s crop production has been considered as a saving activity.

- *Planting tree on the devolved forestry land*

As discussed in chapter 6, the poor in Loc Tien got very limited endowment of statutory rights to the devolved forestry land both in terms of small forestry land holdings (2.9 sao per household) and the number of households (only 3.5 % of total households got forestry land). Forest planting on farm activity of the poor therefore is not a common livelihood activity. However, the poor in Loc Tien have become interested in planting *Acacia hybrid* because it is a profitable activity. This was a new activity after devolving forestry land. As discussed in chapter 5, the investment in the plantations was supported by the government and international organizations through the PAM and 327 programmes. The poor households who got the devolved forestry land harvested timber and reinvested in planting trees.

Thanks to the forest planting activity, there were poor who moved out poverty (as a case study presented in section 7.3). The poor in Loc Tien do this activity based on the family's labour force. Investment in buying seedlings is only around 30 USD per ha so it is not too difficult for the poor to invest to cultivate from 10-15 sao of trees. Devolution of forestry land, therefore, contributed to improving the livelihood of the poor. The issue was that they just got very limited endowments of the devolved forestry land. Limited endowments to forestry land for the poor lead to limited income from the plantation's timber and thus the capacity to save financial resource for production investment.

➤ *Off-farm activities*

- *Exploitation products from natural forest and forestry land*

Illegal logging in the natural forest was a common activity of the poor when the forest was owned by the state. When the natural forest was devolved to the village, the poor households replaced this logging with different activities.

*Before the allocation of natural forest to the village, 40 % of the poor households did illegal logging to get cash to buy food. When the forest was allocated to the village, this activity was stopped. Those households had to do different activities such as seasonal migration to the city, or those with motorbikes moved to another area to do illegal logging (there are four people in the village that have been gone to Da Nang (next province) to do illegal logging) (Male focus group discussion, 2<sup>nd</sup> August, 2006).*

Making charcoal was a popular activity of the poor before the plantations were established:

*When the bare hills had not yet been planted tree, 50 % of the poor households in the village made charcoal to sell to buy food. Those bare hills have been transformed to*

*plantation since 1987 (by the PAM programme) and then titled to individual households, so the charcoal activity was stopped (Poor women group, 1<sup>st</sup> August, 2006).*

However, according to the poor women's group, from 2006, 30 % of the poor returned to make charcoal illegally. Why was that? Do they prefer to do that or was it highly profitable? According to the villagers, this is a low return job and hard work but the poor have to do it because of failure of rice production. In 2002 the CPC allowed the Chan May Port Management Board to construct a water system to take water from the stream that provided irrigation of the paddy fields of the village to sell for the port. This led to a shortage of water from 2006 and the productivity of rice reduced by a half. This forced the poor to make charcoal illegally to earn cash to buy food. However, of the poor interviewees none reported this income source because it is illegal, so it was not calculated in the income source of NTFPs.

Thirty percent of poor households collected firewood from the bare hills before they were planted forest. This has been a women's activity only because it was considered a low income activity. At present, firewood availability has been reduced because the wild bushes were cleared for planting trees. It could be replaced by the by-products from the plantation. However, the plantation mainly belongs to the non-poor group (as discussed in chapter VI and in section 7.2 of this chapter). Collection of firewood from the plantation by the poor women, therefore, depends on permission of the plantations' owners. Women from about 20 % of the poor households in Thuy Duong (also in other villages of the commune, especially it is a permanent job for a group of ten women in Thuy Tu, a neighbouring village) continue this activity primarily to earn cash to buy food or for paying for school fees.

According to the women in Loc Tien, when the forestry land was devolved to the individual households to plant trees, women have to go further to the natural forest or the state forestry land area, where it is both far and steep, to collect firewood. It takes the women about two or three hours to go to the new areas to collect firewood. The cost of collecting firewood has increased more because of both the reduction of availability of the wild brush and farther distance to travel for collection. The women told the author that before allocating the forest land, they could collect four bundles of firewood in a half day (about 4 hours), but at present, in the same time, they can only collect two bundles.

In general, a reduction in entitlement to firewood because of transferring from the state's bare hills to the private plantations had a greater influence on women's livelihoods, especially for a poor women's group in Thuy Duong

and Thuy Tu village who earn their living from collecting firewood but have limited endowments to the devolved forestry land.

Collecting rattan was a common activity for the poor group before but it stopped three years ago (from 2004). Stopping rattan collection was not the result of devolution of natural forest to the village, but it was a consequence of overexploitation leading to a decline in rattan. In the 29 households interviewed, there was only one household that did it.

*- Selling labour*

The devolution of forestry land to individual households created a labour market for planting and harvesting trees. Technical knowledge and skills gained from the PAM and 327 programmes were human assets for the poor. Forest planting is not a new activity in the village but it is quite new in terms of its amount and value compared to planting trees for the state organization. The forest devolution therefore contributed to improving income and thus the livelihood of the poor through providing the techniques of planting and tending trees and it created employment in the local market.

*- Collecting grit, stone and doing masonry work*

There were about 30 % of the poor (information from discussion of poor women's group) in the village that have been collecting grit to sell. This has also been women's work and a very low income source (only 15,000 VND (1 USD) per day). However, it still continues because there are no alternatives. This activity was increased when entitlement from firewood reduced due to development of the private plantation after forestry land devolution.

The 25 % of total poor interviewed (7 of 29 interviewees) have been doing other off-farm activities such as quarrying stone or masonry work. These activities need skill and good health so they have been done mainly by young men.

➤ *Non-farm activities (Migration)*

Migration started after the devolution of forestry land and natural forest. Thirty percent of the 29 poor households interviewed have from one to four members who have migrated to Hue or Ho Chi Minh city to earn money. Those who migrated are young people from the age of 14 to 22. However, only five households out of this 30 % received remittances because some migrants got small salary that was only enough for them to live on. Thus the proportion of income from the remittance was only 7.84 % of the total income of the poor (see figure 11). The emergence of

migration resulted not only from a lack of employment after the titling of forest land but also the development of the labour market in the cities.

Changes in livelihood activities of the poor group in Loc Tien are summarized in table 21.

Table 21. *Changes in livelihood activities of the poor group in Loc Tien due to devolution of forest*

Livelihood activity & resources used	Before 1988	1988 to 1994	1995 to 2000	2001 to present
Wetland rice cultivation	Collective wetland rice production	Wetland rice with “contract 10”	Wetland rice on private land, intensive farming	Rice intensive farming
Cassava planting	Planting on the bare hills of the state	On remained part of bare hills–narrower area	Scattered area in the private plantations	Scattered area in the private plantations and home garden
Peanut & water melon cultivation	On the cooperative land	On the cooperative land	On the private food crop land	On the private food crop land
Cattle raising	No	No	Keeping 1 for the non-poor (get 50 % of output) by herding or feeding grass	Keeping for the non-poor (get 50 % of output) or raising 1-2 heads by herding or feeding grasses
Pig and poultry raising	Keeping 1 pig & 2-3 chickens by using agr. by-products	Keeping 1 pig and 2-3 chickens by using agr. by-products	Keeping 1 pig and 2-3 chicken by using agr. by-products	Keeping 2 pigs and 5-7 chickens by using agricultural by-products
Illegal logging	In the state’s natural forest	In the state’s natural forest	In the state’s natural forest	Stopped after devolving forest to village, 4 HHs moved to do illegally in Da Nang
Making charcoal	On the state’s bare hills	Making charcoal illegally on remaining part of bare hills	Stopped because of low income and frequency of checks by the owners	Started to make illegally again from 2006 because of rice productivity reduction (drought because of flowing water for the port)
Collecting firewood for selling	Collecting in the state’s bare hills	Collecting in the remained part of the bare hills	Collecting in NF & some areas of private plantation	Collecting in the natural forest and some areas of private plantation
Selling labour to plant and harvest trees	No	For the DFPD, through contracting by the cooperative	For the DFPD through contract & for forest owners (used knowledge & skills got from devolution)	Plant & harvest for forest owners through local labour market (used knowledge & skills got from allocation programme)

Exploitation stones	No	No	Started when an enterprise occurred, exploit on the hills of the state	Continue to exploit
Collecting grits	No	No	Start when occurring demand for construction, exploit in village 's stream	Exploiting in the stream of the village
Seasonal migration	No	To neighbouring provinces or cities to do masonry (men got married)	To neighbouring provinces or cities to do masonry (men got married)	To the neighbouring provinces or cities to do masonry (men got married)
Full migration	No	No	To HCM city (coming back in TET- (girls from 14 to 20 years old or male from 17 to 20 years old)	To HCM city or go abroad (young people)

*Source:* focus group discussion, in-depth interview in 2006, 2007.

In summary, livelihood activities of the poor group in Loc Tien were very diverse. This trend of diversification was not their preference but resulted from low output from the key resources (land, cash) and limited entitlements from the forestry land and natural forest devolved by the state. One third of the livelihood activities of this group still depended on the natural resource base such as collecting firewood or grit, exploitation of stone and making charcoal. The shifts in livelihood activities of the poor group in Loc Tien could be considered an "adapted strategy" (Pain & Lautze, 2002) to reduce the risk by diversification.

#### 7.4.1.2. Livelihood activities of the poor in Thuong Quang

Livelihood activities of the poor households in the mountainous area are also very diverse (including different types of activity), that is reflected through income structure in the figure 12, which is constructed based on the data on income sources from the households.

Income from NTFPs collected in the natural forest area provided the greatest single source of total income of the poor in Thuong Quang (32.6 %, see figure 12). If income from forest planting and selling labour for planting trees is included, the income from forestry production contributed more than half of the total income of the poor (55.3 %). The two second biggest income sources were from crop and animal production.

Characteristics of the livelihood activities and reasons why the poor households in Thuong Quang were more interested in collecting NTFPs from the devolved natural forest rather than other activities are discussed below in relation to the household resources and entitlements.

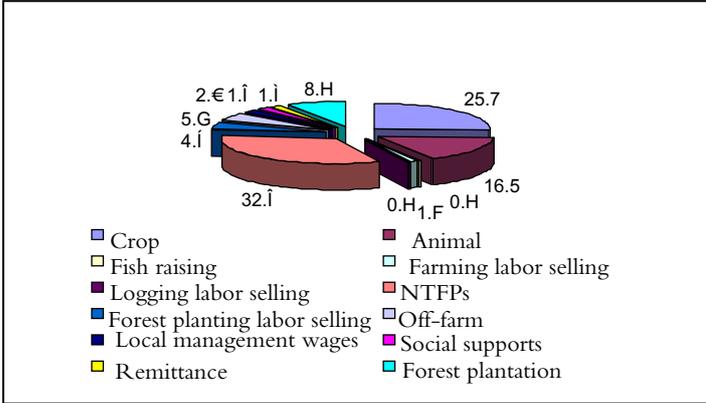


Figure 12. Income structure of poor group in Thuong Quang (% of annual household income)  
 Source: Household survey in 2006.

➤ *On-farm activities*  
 - *Crop production*

*Wetland rice production* is an activity of all households (including poor) in Thuong Quang although again as an unprofitable crop. As in Loc Tien, 100 % of the interviewed households said that wetland rice was the crop they want to plant for food security purpose. However, wetland for rice production in the mountainous area was limited because of lack of flat land and irrigation. Wetland is often scattered in small plots. The commune had a wetland rice area irrigated by a dam constructed through the resettlement programme of the government. This area was allocated by the local authority based on household size. The poor in Thuong Quang holds on average of 1.76 sao of wetland rice per household while the non-poor hold 4.6 sao on average. The reason was that the area of the non-poor households was often larger because they have labour and the financial capacity to occupy the land and to hire labour to cultivate the scattered wetland areas.

*Upland rice* was often planted by ethnic groups in the upland areas that are now allocated for planting forest. However, the shifting cultivation of crops on these upland areas was stopped in 1997 by a government ban meant to protect the forest. At present, there are three households of 30 interviewed poor households that still cultivate upland rice in their home gardens and five others planted in the rubber plantation, although it was considered as a

low productivity crop and more risky because it is dependent on the weather. This reflected the fact that meeting food requirements was still a critical issue for the poor group.

*Cassava* is also commonly cultivated by the poor group in Thuong Quang, especially by the ethnic group. In the 30 interviewed households, there was only one household, a disabled single woman who did not plant cassava. The cassava area of the poor ranged from was from 0.5 to 4 sao per household. The poor plant cassava mainly for eating although its by-product (small roots) was used for feeding pigs. Cassava was a major food of for all the ethnic villagers before 1997. It has been replaced step by step by rice since the wetland rice area was expanded due to the construction of the irrigation system and the reclamation of some areas to distribute to the households. Because of holding on average only 1.7 sao of wetland rice, this was not enough to feed an average number of 6.4 people per household. So cassava is still used for eating by all ethnic poor household (92 % of the total poor of the commune) for two to three months per year (in the duration between the two crops). Cassava is also a crop that is suitable for the land conditions in the area and it requires only labour and seedlings which are home grown.

A remarkable issue was that in the 30 interviewed poor households there were 12 households that had to plant cassava in the young rubber plantation and only 18 households had an area from one to two sao in the upland for planting cassava. Converting from upland crop farming to rubber and *Acacia hybrid* plantations reduced the cassava cultivation area. This made difficulties for the poor who lack crop land:

*I have a little land, only one sao of cassava, so even eating cassava for food is still not enough for all year. The upland area that was reclaimed by my family is now allocated to another household in village 6 for planting trees (Mrs. T.R. in village 1, 2<sup>nd</sup> August, 2007).*

This will especially challenge the poor when the rubber plantations close their canopy. The discussion of the poor women on 15<sup>th</sup> August, 2006 reflected their worries about lack of land for cultivating crops in the near future:

*We do not know where to plant cassava when the rubber plantation grows up. We think that after two more years we will have to find small spaces scattered in the *Acacia hybrid* plantation to plant cassava*

Or *When the rubber grows up I do not know what I will do because my family has only one sao of wetland rice and I cannot intercrop cassava in the rubber plantation any more* (Mrs. B. a widow in village 2, 2<sup>nd</sup>, August 2007).

As the above discussion, 92 % of the poor in Thuong Quang are Ktu ethnic people and most of them have been using cassava for eating. Loss of entitlement from cassava output due to devolution of forestry land in combination with development of rubber trees had more influence on food security for the poor Ktu ethnic group.

According to the villagers in Thuong Quang, cassava cultivation is mainly the responsibility of women. From a gender perspective, reduction of cassava cultivation areas due to devolution of forestry land in combination with rubber development challenged more women's livelihoods as seen in their complaints in the group discussion presented above.

In contrast to cassava cultivation, only six of the 30 poor households interviewed planted mungbean. These areas were mainly scattered in the stream's side, so only the households who settled close to the stream had land for cultivating mungbean. The area for planting mungbean for the poor group in Thuong Quang was only 0.21 sao per household and where it was intercropped in the rubber plantation with an average area of 0.13 sao only (while the cassava area intercropped in rubber was on average 1.74 sao). Why didn't the poor expand the mungbean area? It was found that this crop could not replace rice in the case of limited food supplies as cassava could. Therefore, mungbean was cultivated just as a food supplement or for sale. The area for planting mungbean in the upland area was from one to two sao per household before this land was converted to rubber and *Acacia* hybrid plantations. So, the rubber and *Acacia* hybrid plantation did not strongly influence mungbean cultivation of the poor in the mountainous commune because it was not a prioritized activity of the poor group.

*Rubber planting* started in 2002 in the commune through the "Small scale farmer rubber plantation programme" (*Chương trình "cao su tiểu điền"*) with a budget from the local and central governments. The programme provided a loan in kind of seedlings, fertilizer and part in cash for labour investment. The Red Book for the rubber plantations to record titling to households were also provided after the villagers planted the rubber trees. This encouraged people, including the poor, to plant rubber. Seventy percent of the interviewed poor households planted rubber from 6 to 20 sao (one household had only 3 sao and another 30 sao). Discussion with poor women's and men's groups indicated that rubber planting was a priority activity for the poor group at present, because of direction by the commune

authority and good support from the government with a long term loan and good returns from the rubber resin:

*The state provided loans through seedlings, fertilizer and through money for buying rice to eat to plant and nursing rubber so almost all households in the commune planted rubber (Male group discussion, 26<sup>th</sup> August, 2006).*

Or: *They (commune authority) asked us to plant so my family planted two ha (Mrs. D., 25<sup>th</sup>, August, 2006).*

Or: *From 2003 we focused on planting rubber because this was a movement in the whole commune thanks to the providing of a loan from the state (Female group discussion, 25<sup>th</sup> August, 2006).*

In the 30 interviewed poor households, there were nine households that did not have rubber plantations. Reviewing the questionnaires of the interviewed poor households the author found that the households who did not plant rubber were either landless (young couples), having health problems, or old widows or widowers with young children (15 to 17 years old).

*- Animal production*

*Pig raising:* It was quite different from the poor group in Loc Tien, this was not a common activity of the poor in Thuong Quang. There were only five of the 30 interviewed poor households who raised one or two pigs either extensively or by using the by-products of crop production. Why did the poor in Thuong Quang not raise pigs? Primarily for reasons of disease possibly reflecting limited technical knowledge or experience: *“Poor in the commune do not know the way to raise pig yet”*- (Mr. B. an officer from CPC-11<sup>th</sup> April, 2006) so they stopped raising them although they wanted to keep them for the family’s consumption when building a house or organizing a wedding for the children or for the new year traditional holiday (TET):

*We tried to use small roots of cassava or sweet potato to raise pig for the children’s wedding or a constructing a house or for “TET” (traditional new year) but could not because they often got diseases and died. We did not understand why the better-off households raise more successfully (Female group discussion, 25<sup>th</sup> August, 2006).*

*Cattle raising* was considered an activity for the better-off only:

*If you do not keep buffalo, you will be poor forever or if you want to build a house you have to be Vietnamese overseas or have to raise cattle (Mr. Th. in village 1, 21st, June, 2006).*

When the cattle grazed freely, this activity brought high profit to the raisers in the commune:

*Before planting Acacia and rubber, cattle were grazed freely so we had to invest only money to buy breed and it was not labour intensive so it was high profit production (Mr. Ng. a better-off farmer in village 7, 21st, June, 2006).*

However, at that time, the poor group did not have the money to buy breed, so cattle raising was not an activity of the poor group before the plantations were developed. Similar to the coastal area, although titling forestry land and rubber plantation to individual households reduced the area for grazing cattle, the poor in Thuong Quang still wanted to raise cattle for tilling and earning income. In 30 interviewed poor households, there were 12 households that have been raising from one to two cattle. All the interviewed households who are raising cattle said that they had to lead them around the paddy field or home garden and had to cut grasses to feed them because they could not graze freely:

*If I graze my cattle freely in the plantations, they (forest owners) will cut my cattle's legs or tie them up so I have to lead my cattle around my garden and cut grasses to feed them (Mrs. R., 25<sup>th</sup> August, 2006).*

Livestock rearing also resulted from support by the government's loans for the poor:

*My family had a little land and I was trained in techniques of cattle raising and provided a loan to buy a calf so I am raising one cow now (Mrs. H in village 3, 26<sup>th</sup>, August, 2006).*

*Or At present, the poor in the commune can raise cattle because it is not difficult to get a loan from the state to buy a breed (Mr. V. head of a village, 19<sup>th</sup> March, 2007).*

Labour intensive cattle raising because of the restricted grazing area has also created the opportunity for the poor group to sell labour for leading cattle for the better-off to get money or cassava for eating:

*They (the foresters) did not allow crop planting in the upland area that was reclaimed by my family before. My households lacked food because the land area for cultivating crops was small so two of my sons had to go to keep cattle for them to get money to buy rice, sometimes they (cattle owners) paid in cassava (Mr. D. in village 4, 26<sup>th</sup>, August, 2006).*

In general, devolution of forestry land to individual households reduced the grazing area but more labour intensive cattle raising was still an alternative for the poor because crop production did not provide enough work for them (limited wetland rice and cassava areas) and lack of income forced them to take hard work. Reducing the grazing area also created opportunity for the poor group to sell their labour for herding the cattle of those better-off to earn income in cash or in kind.

- *Off-farm activities*
  - *Harvesting products from the natural forest*

*Illegal logging* is not an activity of the poor in Thuong Quang. Before and after allocation of forest to beneficiaries, the poor in the commune did not do illegal logging. The reason was that to do illegal logging, the logger has to have a chain saw to cut and buffalo to carry timber, and have contacts with business men to sell the timber. The poor in Thuong Quang did not have these resources or any logging experience. In 2006 there were only 12 poor households that had a buffalo and there was only one household that carried timber for an illegal logger for two days and earned 500,000 VND (30 USD). The buffalo have been raised by the poor in Thuong Quang mainly to use for cultivation and sale. Prevention of illegal logging after forest devolution did not affect the poor group in terms of getting entitlements from timber in the natural forest. Loss of benefits from timber from the devolved natural forest area affected the illegal loggers who are better-off households in the commune.

In contrast, collecting NTFPs such as rattan, the leaves for making a traditional hat (*lá nón*), and honey have been very common activities of the poor in Thuong Quang. Before the development of rubber and *Acacia hybrid* plantations, collecting NTFPs was the main activity of the poor group:

*Before 2002 (the start of planting rubber and Acacia hybrid), our life mainly relied on rattan and "lá nón". We went to the forest frequently (about 10 times a month) to collect rattan and "lá nón" to sell to get money for buying rice. There were people had to stay in the forest from four to five days (Focus group discussion of poor women, 25<sup>th</sup> August, 2006).*

Since the appearance of rubber and *Acacia* planting, collection of NTFPs was not the first prioritized activity of the poor group because time was needed for planting rubber for their own families and new opportunities for selling their labour to plant rubber and *Acacia* for the better-off. According to the women's group, at present, NTFPs collection became a minor activity to supplement a deficiency of cash for buying food:

*When rubber and Acacia planting were developed, we still go to the forest to collect rattan and "lá nón" but not frequently! Just one to two times per month and just go when we are free from the production works or when we need money to buy rice or food (Female poor group discussion, 25th, August, 2006).*

However, the poor women's group commented that "the poor who have little wetland rice area or rubber plantation still go to the natural forest frequently".

General comments of people in the commune also reflected that in 2006 the poor in Thuong Quang reduced their dependency on NTFPs in the natural forest. So it was quite a surprise from the results of household interview. There were 20 households out of the 30 poor households (occupying 70 %) that still collect NTFPs frequently and income from this source provided 32.6 % of the total average annual income per household of the poor group (figure 12). According to the villagers in Thuong Quang, ethnic people still collected NTFPs not only due to lack of income but also for traditional reason of their experience in using forest for along time.

As discussed in section 7.2, at present (2006) the natural forest recipient groups still allow the villagers to come to collect NTFPs in the devolved forest areas but the NTFP entitlement of the villagers who were not devolved endowment of statutory rights to natural forest have become dependent on the attitude of the beneficiaries. Fourteen percent of poor households of the commune were members of groups who got natural forest from the state. Entitlements from collecting NTFPs in the devolved natural forest of the remaining poor households (86 % of total poor) in Thuong Quang was challenged by their dependency on permission of the forest beneficiaries. Also remarkable fact was that 92 % of the poor in Thuong Quang belong to the Ktu ethnic group. Devolution of natural forest therefore challenged the livelihood of the poor, especially the ethnic poor because of the change from free access to the state forest to dependent access to the devolved natural forest.

Before the rubber and *Acacia hybrid* plantations were developed, firewood in the commune was used for cooking by all households. The expansion of rubber and *Acacia hybrid* plantations lead to a scarcity of firewood, the villagers had to move further to collect it and the quantity of firewood collected per day was also reduced. This encouraged some of the better-off to start buying firewood and this had never happened in the commune before. It opened a new opportunity for the poor to sell firewood:

*At present, many areas were planted to rubber and Acacia so firewood was scarce and it took a longer time to collect. Some better-off (mainly Kinh people –a major group) buy it*

*now from some poor ethnic women collected to sell (Focus group discussion of women poor, 25<sup>th</sup> August, 2006).*

However, buying firewood is still limited in the area. In 29 non-poor interviewed households, there were only two households (Mr. R. in village 2 and Mr. G. in village 3) that bought firewood at a cost of 500,000 VND (30 USD) per year (per household). There was only one household of the 30 poor interviewed households that sold firewood earning 500,000 VND per year.

Similarly in Loc Tien, collecting firewood was mainly done by women. Reduction of the firewood source because of development of rubber and *Acacia* plantation took more time and energy for the women to collect fuel.

Returning back to the above discussion, most of the poor in Thuong Quang are Ktu ethnic group. Changing from free access to dependent access to NTFPs (including firewood) in the devolved natural forest because of gaining limited endowments to forest, challenged entitlements to income from NTFPs and thus the livelihood of the poor (especially the ethnic poor group) and women since their livelihood still depended more on natural forest resources.

*- Selling labour*

Selling labour for planting rubber and *Acacia hybrid* was also a new activity in Thuong Quang. Titling forestry land to individual households along with the development of a planted timber market encouraged local people to invest in planting trees, including hiring labour:

*From the end of 2003 and the beginning of 2004, many Kinh households who have money hired ethnic people to plant *Acacia*, some Kinh people planted a lot of *Acacia* (Poor women's group discussion, 25<sup>th</sup> August, 2006).*

Development of *Acacia hybrid* plantation brought a new opportunity for the poor in the commune to sell labour to the better-off. Thirty percent of poor households sold labour for planting trees. This contributed to their income. However, it was only short duration work and limited in amount. This income source therefore occupied only 4.5 % of the total average income per household in the poor group (figure 12).

Besides selling labour for planting trees, the poor in Thuong Quang also sell labour for on-farm work such as weeding in the paddy field or in garden or harvesting wetland rice. This activity was done mainly by poor women to earn additional money for buying food (information from discussion of poor women's group on 15<sup>th</sup> August, 2006). Six poor households from the sample

sold labour for agriculture work. This activity was also not regular work and contributed only 1.1 % to total income per household of poor group.

➤ *Other off-farm activities*

There was only one household (a young couple - the husband 35 years old and the wife 32 years old, belonging to Kinh group) amongst the poor who worked off-farm (as a mason). Lack of land (holding only three sao wetland rice and cassava) forced him to find an off-farm job given the decline in value of collecting NTFPs resulting from over exploitation (according to Mr. C. in village 7). This brought in 400,000 VND per month but required skills that ethnic people do not have.

➤ *Non-farm activity (Migration)*

In contrast to Loc Tien, migration to the city was not common among the poor in Thuong Quang. Only three of the 30 poor interviewed households sent children to Ho Chi Minh and Da Nang city to work. The appearance of a broker to take young people to the city started in the area in 2004. Living in the city still seems strange to the ethnic young people because they have never seen it before. There was the household who was afraid to send their children to the city to earn income:

*There was a person that came to the village to ask my daughter to go the city to work but I was afraid because I do not know what will happen with my daughter so I did not agree to let my daughter go although my family needs money (Mrs. L. in village 1, 26<sup>th</sup> January, 2007).*

There was a difference in remittance received by the Kinh and ethnic migrants. A Kinh family got remittances from two to four million VND from their children while an ethnic household got 300,000 to 500,000 VND per year. The low income of the ethnic migrants constrained them from visiting their family:

*My daughter got only 300,000 VND per month and three years passed but she could not come back to visit me (Mrs. T., 25<sup>th</sup>, January, 2007).*

*Or Mr. D. who lived in my village before brought my daughter to Da Nang to do housework and he said that the owner will pay for my daughter 200,000 VND per month. Until now (10 months) my family still has not got any money from my daughter's work (Mr. Gi., 26<sup>th</sup>, January, 2007).*

It seems there was discrimination against ethnic migrants in the labour market because of their limited education, little experience in the city and cultural differences. Another remarkable issue was that the ethnic female migrants in Thuong Quang commune were very young (from 12 to 16

years old). They were still school age. This was not a choice, but reflected no alternative to supplementing the income deficiency of their family:

*I love my daughter and miss her since she has gone to the city to earn money but I must ask her to go because my family needs money* (Mrs. T., 25<sup>th</sup>, January, 2007).

Migration to the city resulted from demands of the labour market and lack of employment for the poor in the local area.

Changes in the livelihood activities of the poor group in Thuong Quang are summarized in the table below (table 22).

To sum up, similar to the poor group in Loc Tien, livelihood activities of the poor in the mountainous area were very diverse, especially for the landless poor. NTFPs were still important resources for the livelihoods of the poor group because income from NTFPs of the natural forest represented one third of the total income. Devolution of natural forest to household group may challenge future entitlements of income from NTFPs and thus livelihoods of the poor (especially Ktu ethnic people) and women. The poor group was also interested and willing to invest labour in long-term production (for example rubber) if long-term support is provided. However, food crops were still a priority of the poor for meeting their basic needs. The livelihood activities reflected an “adaptive strategy”<sup>10</sup> by doing whatever they could to earn enough money for everyday expenditures.

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<sup>10</sup> “A strategy seek to spread risk by adjusting livelihoods or diversifying income” (Pain & Lautze, 2002).

Table 22. Changes in livelihood activities of the poor group in Thuong Quang

Livelihood activity & resources used	Before 2003 (Before forest devolution)	2003 to present (After forest devolution)
Wetland rice cultivation	Wetland rice on private land, intensive farming	Rice intensive farming
Upland rice	Some areas in the low steep hills of the state	In home garden and intercrop in private rubber plantation
Cassava planting	Some areas in the low steep hills of the state	Some scattered areas in the private natural forest area and in home garden and intercrop in private rubber plantation
Mungbean	On the river side and a part in the low steep hills	On the river side or intercrop in rubber plantation or home garden
Cattle raising	Grazing freely with limited head because of lack of capital	Raising 1-2 cattle by herding on the garden or hills and feeding grasses
Pig and poultry raising	Keeping 1 pig and 2-3 chicken by using agricultural by-products	Keeping 1 pig and 2-3 chicken by using by-products, few household because risk of the disease
Rubber planting	No	New livelihood activity on private land (state land before)
Collecting firewood for cooking & NTFPs for selling	In the state natural forest and the state bare hills with high frequency	In the private natural forest with lower frequency, but for the poor landless is still common
Collecting firewood for selling	No	New cash earning activity but demand in the market is still limited. Collecting in the private natural forest
Selling labour for planting rubber & <i>Acacia hybrid</i>	No	New livelihood activity on private forest land
Migration to city	No	New livelihood activity from demand of labour market and lack of employment in the commune

#### 7.4.2. Livelihood activities of the non-poor group and their trends

##### 7.4.2.1. In the coastal commune (Loc Tien)

Income structures (proportion of different income sources of households) of the non-poor households in the coastal area are reflected in the following figure (figure 13). Income of the non-poor in Loc Tien also came from different sources, but it focused mainly on forest production, off-farm jobs and animal raising.

In contrast to the poor group in the same commune (Loc Tien), income from NTFPs in the natural forest provided only a very small proportion (only 1.5 %) of the average total income of the non-poor households (see

figure 13). It is remarkable that income from NTFPs of the non-poor did not come from collecting firewood or making charcoal but from doing ecotourism services as discussed in section 7.3.

The non-poor group focused mainly on planting trees on the devolved forestry land. The characteristics of the livelihood activities and the reasons why non-poor households in Loc Tien focused on forest planting and did not collect NTFPs from the devolved natural forest are discussed below in relation to their resources and entitlements.

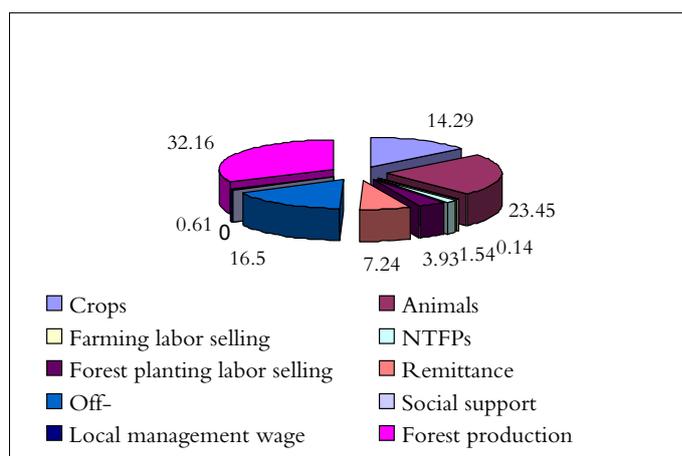


Figure 13. Income structure of non-poor group in Loc Tien (% of annual household income)  
Source: Household survey in 2006.

➤ *On-farm activities*

- *Crop production*

Rice was also a common crop of the non-poor households in Loc Tien. The average household size of non-poor was smaller than the poor, but the average area of wetland rice per household of this group was 1.5 times larger than that of the poor group (table 19). As with the poor group, the non-poor group (including better-off households) also maintained rice production for food security purposes:

*The land was not fertile and there was no water to irrigate but I still have to cultivate to get rice for eating (Mrs. M., 7<sup>th</sup>, January, 2007).*

*Or My family had 10 sao of wetland rice. I have to hire tilling and buy fertilizer and pesticide so I did not get any profit but I still must cultivate rice for eating (Mr. D., 8<sup>th</sup>, January, 2007).*

As discussed in section 7.4.1.1., rice cultivation of the non-poor group in the coastal commune also changed from collective production (before 1988), to the “Contract 10” system (1989 to 1993) and then to private production from 1994. According to the discussion of the male group (2<sup>nd</sup>, August, 2006), in the period of food shortage under collective production, the non-poor group had the inherited resources to cope with the deficit. In contrast to the poor group, the non-poor just used rice for eating and did not sell it.

Cassava production was also commonly cultivated by the non-poor in Loc Tien before the PAM programme (1987). When the bare hills were converted to plantations from 1987 to 1995, the non-poor stopped planting cassava and also joined in planting forest to get rice and cash from the DFPD. At present, 12 of the 30 non-poor households planted cassava in their home gardens, but not in the plantation, only for feeding pigs. Loss of entitlement for cassava due to devolution of forestry land was not a problem for non-poor in Loc Tien because their land holding of wetland rice and other crops was two times compared to that of the poor.

The land areas of other cash crops (mungbean, watermelon, peanut) of the non-poor were double that compared to the poor (0.91; 0.59 and 0.30 compared to 0.26; 0.26 and 0.17- see table 19). Those areas located in the food crop land area (*đất màu*) are mainly for income generation purposes.

- *Animal production*

At present, the non-poor households in Thuy Duong (Loc Tien) also want to raise cattle because this activity can generate more profit compared to crop production. However, devolution of forestry land to individual household made this activity very labour intensive because of the limited grazing area that resulted from the bare land conversion to plantation. The non-poor households, therefore, have given their livestock to the poor to raise for a share of production on a proportion of 50 % (*nuôi rē*) or they had to sell about a half of the herd because they do not have enough labour to manage the herd.

*Cattle grazed in the forest were caught. Those grazing on the path at the edge of the rice field and they were also caught. I can not sleep well when raising cattle. I have to lead them to feed on grasses, this was very labour intensive (Mr. T., 7<sup>th</sup>, January, 2007).*

*Or There was no grazing area, it was very hard work to cut grasses to feed cattle so raising cattle is low profit now. Before planting trees, my family raised 10 cattle but at present I am raising five cattle only ( Mr. C., 6<sup>th</sup>, January, 2007).*

How, cattle raising is still considered as profitable so the non-poor maintain it because they have enough financing to invest in this activity. In 2006,

income from animal production per household still provided 23.6 % of the total income per household of the non-poor in Loc Tien.

As with the poor, pig and chicken raising has been a common activity of the non-poor. Twenty-seven of the 30 non-poor households keep pigs. The number of pigs per non-poor household was only 2.27 heads while that of the poor was 2.86 heads. The non-poor group raised pigs for the purpose of saving through using the by-products of crop production.

*- Forest planting*

Holding 16.5 sao of the devolved forestry land per household along with the development of plantation timber market, the non-poor group has become interested in planting *Acacia hybrid*. This was also a new activity of the non-poor after the devolution of forestry land and provided the largest single income source (32.16 % of household income) of the non-poor (see figure 13). The investment in the plantations was supported by the government and international organizations through the PAM and 327 programmes (from 1990 to 1998) and the SNV project (2003). From 2004, after the first harvest, the forestry land beneficiaries invested themselves in planting trees. Because of the seasonal characteristic of *Acacia hybrid* planting and their large forestry land holdings, the non-poor often have to hire local labour to plant trees. This activity of the non-poor group was seen to generate significant income and was considered as a way of building capital to use for large expenditures (building a new house or buying a motorcycle) rather than meeting basic needs:

*Non-poor households who have forestry land want to plant forest to get a big amount of income in one time. It's like a way of saving (Group discussion of male group, 2<sup>nd</sup> August, 2006.*

*Or My family planted crops for short term consumption purposes and I invested in forest planting for long-term purposes to get a big income source, as my family's stored asset (Mrs. H.- 7<sup>th</sup>, January, 2007).*

This can be called an “accumulation strategy” (Pain & Lautze, 2002). The entitlement to timber from the plantations resulted from gaining an endowment of rights to the forestry land, financial support from the government and international organization as well as using their own financial resources and became a source of accumulation for the non-poor households.

The non-poor who did not get forestry land from the devolution benefited from selling labour for planting trees (discussed in off-farm activity section below).

➤ *Off-farm activities*

- *Exploitation of products from natural forest and forestry land*

Illegal logging in the natural forest of Loc Tien was an activity of some non-poor households that had been poor households when the forestry land was still owned by the state. According to the comments of the male non-poor group, collecting NTFPs is only an activity of the poor only. However, in the 30 interviewed non-poor households, there were still three households collecting firewood, one collecting both firewood and charcoal and one collecting rattan for selling. Those households also just changed from being the poor and they still have limited income from agricultural production. Income from NTFPs provided only 1.5 % of the total income per household of the non-poor group (figure 13)

- *Selling labour*

Forty percent of the interviewed non-poor households in the Loc Tien sold labour for planting forest while only one household of this group sold labour for farming. The reason for selling labour for planting trees of the non-poor group in this commune was not seen as equivalent to selling labour for farming activities of the poor. Non-poor households were still interested in doing in planting forest because this is rather high income job (40,000 to 50,000 VND per labourer per day) and it was not looked down on by the community. However, the better-off households rarely do this because it is a hard job. This is a more common activity of medium income households who are categorized as non-poor in this research.

As discussed in section 7.3, the size of the local labour market for this activity was limited so income from this source provided only 3.9 % of total income per household of the non-poor group. This was also a new activity for the non-poor and was a result of devolving forestry land to households and some non-poor households who owned motorcycles had more opportunity to benefit from this entitlement. Forestry land devolution therefore brought more benefit to non-poor from the devolved land in terms of both timber and the opportunity to sell labour for planting and harvesting plantation.

➤ *Other off-farm activities*

- *Doing service*

The number of non-poor households who undertook off-farm activity was nearly double that of the poor group (11 compared to seven). A major off-farm activity of the non-poor households was operating a small business, which required investment of financial capital and skills. There were five

households in 30 non-poor interviewees that operate a small business and two others provide the service of tilling and harvesting rice. Ecotourism service at the "Suối Voi" was also a high income off-farm activity and only 12 non-poor households accessed this activity (as discussed in section 7.3).

- *Collecting grit or stones and working in Chan May port*

The off-farm activities that rely on natural resources and generate low income such as collecting grit or stone are not undertaken by the non-poor group at present. There were no non-poor interviewee collecting grit and only one did stone exploitation, but that is a household who just moved out of being poor.

The development of a wood processing factory in Chan May Port created jobs for the people in the area aged from 20–35 years. There were only 20 households in the village that had members doing this and all were young men and belonged to non-poor households. Opportunities to access this activity were also determined by social relationships (the households who have members working in the factory were also the families who have members that worked in the commune or district authority and they have work relationship with the people who work for Chan May port). Off-farm activities provided 16.5 % of the total income per household of the non-poor group.

➤ *Non-farm activity (Migration)*

As with the poor, at the beginning of the titling of forest, seasonal and full time migration to city or other provinces was a common activity of the non-poor group in the coastal commune. Of the 30 non-poor households, 12 households had from one to two members that had migrated to the city to earn money. These households were medium income households (but belonged to the non-poor group as categorized by the author). At present, this was not of interest to better-off households because living in the city and labouring was not a good environment for their children. The better-off tried to invest in the education of children hoping that they could get a stable wage job with a certain social position.

Changes in the livelihood activities of the non-poor group in Loc Tien are summarized in table 23.

Table 23. *Changes in livelihood activities of the non-poor group in Loc Tien due to forest devolution*

Liv. activity & resources used	Before 1988	1988 to 1994	1995 to 2000	2001 to present
Wetland rice cultivation	Collective wetland rice production	Wetland rice with "Contract 10"	Wetland rice on private land, intensive farming	Rice intensive farming
Cassava planting	Planting on the state bare hills	Scattered area in home garden	Scattered area in home garden	Scattered area in home garden
Peanut & watermelon cultivation	On the cooperative land	On the cooperative land	On the private food crop land	On the private food crop land
Forest planting	No	No	Forest planting on own farm	Forest planting on own farm
Cattle raising	Grazing 2-3 heads on the state bare hills	Collective keeping and private grazing partly in the state hills	Keeping 5-7 heads by grazing partly on the hills or renting poor to keep or feeding grass	Keeping 3-5 heads by feeding grasses or hire poor to keep
Pig and poultry raising	Keeping 2 pigs & 5 chickens by using agricultural by-products	Keeping 2 pigs and 5 chickens by using agricultural by-products	Keeping 2 pigs and 5 chickens by using agricultural by-products	Keeping 2 -3 pigs and 5-7 chickens by using agricultural by-products
Illegal logging	In the state's natural forests	In the state's natural forest	No	No
Making charcoal	On the state's bare hills	Making charcoal illegally on bare hills	Stopped because of low income	Stopped because of low income
Collecting firewood for selling	Collecting in the state's bare hills	Collecting in remaining part of bare hills	Stopped because of low income	Stopped because of low income
Selling labour to plant forest	No	For the DFPD through the cooperative	For forest owners (households who have income close to poverty line)	For forest owners (households who have income close to poverty line)
Salary works	No	No	No	Work for wood processing factory or the port
Full migration	No	No	To city (young people of households who have income above poverty line)	To city or go abroad (young people of households who have income above poverty line)

To sum up, because food insecurity was not a problem of the non-poor in Loc Tien, they were able to invest in long-term production activities for the purpose of building capital. Devolution of forestry land brought entitlement of timber and thus became a good opportunity for the non-poor to

accumulate capital to reinvest in production. Investing in the education of children to gain labour skills and improve wages through employment opportunities was also an alternative for the non-poor households.

#### 7.4.2.2. Livelihood activities of the non-poor group in Thuong Quang and their trends

The income sources of the non-poor household in Thuong Quang (the mountainous commune) were also rather diverse (figure 14). The greatest single income source (28.3 %) came from animal production.

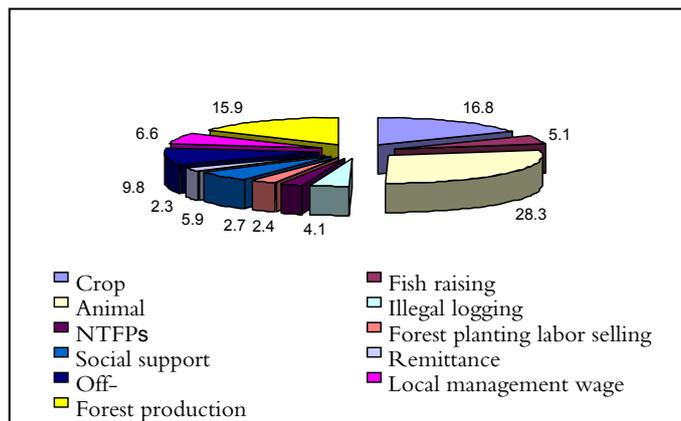


Figure 14. Income structure of non-poor group in Thuong Quang (% of annual household income)

Source: Household survey in 2006.

It is quite different compared to the poor in the same commune, income from NTFPs in the natural forest area provided only 2.4 % of the total average income of non-poor household in Thuong Quang. Income from selling labour for planting trees is also small (2.7 %). However, income from forest plantation provided 15.9 % (the third highest income source) resulting from holding large area of forestry land devolved by the state.

Activities based on forestry land and natural forest resources (collecting NTFPs, planting forest, selling labour to plant trees) provided only 20 % of the total income of the non-poor in Thuong Quang in comparison with 55.3 % of the poor, indicating how much more dependent the poor in the mountainous commune were on the forest resources. The activities and reasons why non-poor households in Thuong Quang do not rely strongly on forest resources for earning a living are discussed below in relation to household resources and entitlements.

➤ *On-farm activities*

- *Crop production*

*Wetland rice production* is a common activity of the non-poor households in Thuong Quang and was done primarily for food security. The cultivated area of wetland rice of the non-poor households was double that of the poor in the commune but it was still limited compared to Loc Tien commune because of topography. As with the poor group, all non-poor interviewees planted wetland rice.

*Upland rice* was also a common crop of the non-poor before, especially for the ethnic group as discussed earlier. However, at present none of the interviewed non-poor households planted this crop because of its low productivity. In contrast, eight of the poor interviewees still cultivate it, indicating that food security is not an urgent need of the non-poor in Thuong Quang.

Cassava is a common crop of the non-poor in Thuong Quang both before and now (90 % of the non-poor households still plant this crop). The cultivated area of cassava of the non-poor is double that of the poor in the commune (1.86 sao compared to 0.84 sao). Evidence from the group discussion indicated that the non-poor cultivate it mainly for feeding pigs. Only households who had graduated from poverty still sometimes eat cassava (*Male and female non-poor group discussion, 10<sup>th</sup> March, 2007*). The cassava cultivated area among non-poor households ranged from one to 10 sao depending on the number of pigs. There were only four households (in 29 non-poor interviewees) intercropping cassava in the young rubber plantation while 12 poor practice this.

Mungbean is a cash crop with high market demand and eight non-poor interviewees (of 29 interviewed) planted it for sale. The mungbean cultivated area of the non-poor group was one sao per household (including the intercrop area in rubber plantation), double that of the poor in the commune. However, it is not a popular crop because it requires rather high fertility soil and needs fertilizer so only 30 % of the non-poor interviewees cultivated it.

*Rubber planting* is now a first priority of the non-poor households in Thuong Quang (*reported by non-poor female and male focus group discussions on 10<sup>th</sup> March, 2007*). Eighty-two percent of total non-poor interviewees planted rubber with an average area of 36 sao per household (1.7 times greater than that of the poor in the same commune). The primary reason for its cultivation was profit and the opportunity to help build income and capital (*Reported by non-poor female and male focus group discussion on 10<sup>th</sup> March, 2007*). As discussed earlier, rubber production was supported by the

provincial government through giving long term loans partly repaid through the harvest of the rubber's resin. However the non-poor had more opportunity because they occupied more land, which helped with financing the initial investment before getting a loan. Households had to pay labour costs to plant first and then got a loan based on confirmation of the district extension worked that the area had been planted.

- *Animal production*

*For pig raising*, in contrast to the poor group in the same commune, pig raising was a common activity of the non-poor group. Twenty-six of the 29 non-poor households interviewed in Thuong Quang have been raising from two to 10 pigs; 12 households keep 5-15 heads under intensive management using their cassava in combination with adding commercial animal feed. The non-poor raised pigs for cash while the poor kept them for the family's consumption.

*Cattle raising* was considered an activity of the better-off. Although the area for grazing cattle has been reduced because of the development of forest and rubber plantation, the non-poor in Thuong Quang still want to invest in cattle for earning income. They often hired the poor to manage the cattle or feed them through a 50 % share basis.

The non-poor in Thuong Quang have invested in animal production because it is a profitable activity and they have financial capacity to invest. Animal production therefore was the most important single income source (28.3 %-figure 14) for the non-poor.

- *Forest planting*

A non-poor household in Thuong Quang holds an average of 9.6 sao of devolved forestry land that created a new livelihood activity that has attracted the non-poor because it is considered a high profit production. Income from tree production occupied 16 % of the total annual household income.

Along with the development of rubber plantation, the non-poor in Thuong Quang are interested in planting forest aiming to accumulate capital although they did not get any funding from the government or any international organization. Some better-off even encroached the devolved poor natural forest to clear for planting *Acacia*. This showed that forest planting has been an attractive investment for the non-poor. Getting endowment of statutory rights to the devolved forestry land has brought new livelihood opportunities for the non-poor in Thuong Quang.

➤ *Off-farm activities*

- *Exploitation of products from natural forest*

*Illegal logging* was an activity of about 20 non-poor households in the villages 5, village 6, and 7 in Thuong Quang before the allocation of natural forest to household groups. All these households are Kinh who have buffalo and chain saws. In 2007 they were still going to log timber in the forest area devolved to the groups in villages 5 and 6 because of high income from timber logged in the natural forest. This is a result of the limited support of the DFPD and the commune authority in executing the regulations (as discussed in chapter VI).

*Collecting non-timber forest products* is also undertaken by the non-poor group in Thuong Quang. Nine households of the 29 non-poor interviewed collected NTFPs for sale. However, those households are ethnic people, and were from the medium income group or just above the poverty line, but are characterized as non-poor:

*Better-off household do not collect NTFPs any more because it is very hard work with a low return. Mostly poor and medium ethnic households do this. The Kinh people have other jobs to do such as planting rubber, forest or raising fish or pigs and cattle” (Mr. V. and Mr. H., 19<sup>th</sup> March, 2007).*

This activity contributed only 2.4 % to the total income of the non-poor in Thuong Quang in contrast to the 32 % of total income it provided for the poor in the same commune. The non-poor households considered collecting NTFPs as an additional income source while it is the main income source for the poor in the commune.

- *Selling labour*

Selling labour for planting rubber and *Acacia hybrid* is a new activity for the non-poor in the mountainous commune because of development of forest and rubber planting. Twenty percent of the non-poor interviewees undertook this activity. However, this is also often done by the households who have medium economic status, but it is hard work and the better-off allocate their labour elsewhere:

*The better –off do not have to sell labour because they have large rubber land area and a lot of other works to do such as raising fish or pigs or doing small business... (Male and female non-poor group discussion, 10<sup>th</sup> March, 2007).*

This activity provided only 2.7 % of the total income of the non-poor group.

There was only one household in 29 non-poor interviewees in Thuong Quang also selling labour for farm work. This household was just above the poverty line so it still lacks cash income.

- *Other off-farm activities (mason, carpenter, small business)*

In contrast to the poor group, there were 10 of the 29 non-poor households (34.4 %) that undertook off-farm activities (as masons, carpenters and doing small business). These off-farm activities contributed 9.8 % to total income of the group (the fourth biggest income source).

The reason for being a mason or carpenter or doing small business for the non-poor in Thuong Quang was not lack of land or opportunity in forest production. These activities of the non-poor were a result of a strategy to earn cash income through investment of the household's financial resources and skill. Carpentry and doing small business are considered as high profit employment in the rural area. However, they require skills and financial capacity to invest in buying tools and materials. Although Thuong Quang is located at the end of the district, business services are rather developed compared to other neighbouring communes. All daily needs (meat, fish, vegetable, rice) or agricultural inputs (fertilizer, pesticides) are provided by the private sector. All the households who do small business are better-off and belong to the Kinh group because this job required not only financial resources but also the capacity to make contact with people in Hue city.

In ten non-poor households doing business interviewed, there were five households doing small business, one of them doing both small business and carpentry, and four working masons. The off-farm activities of the non-poor in Thuong Quang are not based on natural resources but require financial and skills investment; for the poor often the off-farm works is based on natural resources but does not require professional skills for adding income to meet basic needs.

➤ *Non-farm activity (Migration)*

As with the poor group, migration to the city was not common for the non-poor group in Thuong Quang. Only three of the 29 non-poor households had children who had migrated to Ho Chi Minh city to work in a factory (one ethnic minority family and two households are Kinh people). As discussed earlier the appearance of migration in Thuong Quang started in 2004 through an agent, so local people, especially non-poor of Kinh group have not believed in it. With more opportunity for on-farm and off-farm jobs and a fear for the safety of their children in the city, non-poor households were reluctant to send their children to earn money in the city. All better-off Kinh sent their children to Hue city for higher education

because they thought that education can help their children find better employment. Migration to the city for earning income was an activity of medium income households only.

Change in the livelihood activities of the non-poor in Thuong Quang are summarized in table 24.

To sum up, the activities of the non-poor in Thuong Quang were rather diversified but aimed at accumulation. This group focused on the activities that need financial capacity and skills with the expectation of getting profit and cash income. Food crops were not their interest but they are cultivated just for family consumption. Long-term investment in rubber and forest planting (a result of getting endowments to the devolved forestry land) for getting big capital is also an opportunity for the non-poor in the mountainous commune. Investing in education of their children to gain better employment is also an interest of the better-off households in Thuong Quang.

Table 24. *Changes in livelihood activities of the non-poor group in Thuong Quang*

Livelihood activity & resources used	Before 2003 (Before forest devolution)	2003 to present (After forest devolution)
Wetland rice cultivation	Wetland rice on the private land, intensive farming	Rice intensive farming
Cassava planting	Some areas in the low steep hills of the state	At home garden and intercrop in private rubber plantation
Mungbean	On the river side and partly on low steep hills	On the river side and intercrop in rubber plantation
Cattle raising	Grazing freely on the state hills	Herding in the garden or hills in combination with feeding grasses or hire poor to raise
Pig raising	Keeping 2-3 pigs by using agricultural by-products	Keeping 2-10 pigs for selling by using agricultural by-products and extra-food feeding
Rubber planting	No	New livelihood activity on private land (state land before)
Forest planting	No	New livelihood activity on private land (state land before)
Collecting NTFPs for selling	In the state natural forest and the state bare hills with low frequency	No
Selling labour for planting rubber and <i>Acacia hybrid</i>	No	New livelihood activity on private forest land (Households who have income just above the poverty line)

## 7.5. Vulnerability and questions for the livelihood sustainability of the poor

“Vulnerability means the characteristics of a person or group and their situations that influence their capacity to anticipate, cope with, resist and recover from impact of natural hazards (Wisner & Blaikie, 2004) (p. 11). However, those authors did not specify the meaning of “characteristics” and “situation”. In this research, vulnerability is understood as the disadvantageous characteristics of a household or group that can negatively influence their capacity to cope with natural calamities such as droughts, floods or typhoons. The disadvantaged characteristics can be understood as limitation of livelihood capital for the poor that is influenced by the social, economic or political environment. This research did not look at vulnerability and livelihood of a person or individual household but tries to discuss the livelihood sustainability<sup>11</sup> of the poor group given the hazards they face.

This section started with a synthesis of the disadvantageous characteristics of the poor group in relation to the endowments of forestry land and then discusses the natural calamities that often occur in the study sites. It closes with an analysis and questions about the sustainability of the livelihood of the poor in relation to their disadvantaged conditions and capacity (linked to endowments, resources and entitlements of the forest devolution) to cope with the natural calamities.

### 7.5.1. Disadvantageous characteristics of the poor

#### ➤ *Limited education*

In both communes, the education level of the poor household's head is limited; the average number of school years was four years (in Loc Tien) and two years in Thuong Quang. It was remarkable that there were 24 households of 30 poor households interviewed in Thuong Quang that had from one to four members who are illiterate. In Loc Tien, 45 % of the total poor interviewed (thirteen households) have one to three people who could not read and write. In Thuong Quang, the proportion of the interviewed households that had at least one illiterate member was 86 %. The proportion of the illiterate people who are aged from 19 to 33 years old in Loc Tien and Thuong Quang was 30 % and 35 %. The limited education level makes

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<sup>11</sup> “A livelihood is sustainable when it can cope with and recover from stresses and shocks, maintain or strengthen its capabilities and assets, while not undermining the natural resources base” (Scoones, 1998) (p. 5).

it difficult for the poor to join in the labour market, especially for the jobs requiring skills.

➤ *Limitation of health*

The evidence from the household survey showed that limitations of health are one of the disadvantages of the poor. In the mountainous commune, there were nine households in 30 poor families interviewed that had from one to two members who are disabled or frequently ill. According to the villagers in Thuong Quang, the area was affected by dioxin in the American war and this was the cause of disabled children. This situation is also a problem of the poor in Loc Tien. There were three families of the 29 poor households interviewed in Loc tien having two to three disabled children. This is a big difficulty for the poor because of the high expenditure for health care and the dependency of those children for their whole life.

➤ *Low income*

An average annual income per person per year is 915,000 VND (57 USD in 2006) in Thuong Quang and 1,300,000 VND (87 USD in 2006) in Loc Tien. This income level of the poor in both communes was lower than the national poverty line (2,400,000 VND per person per year) and is not enough even for meeting basic needs. The poor in Loc Tien often lack food for one month between the two crops of the year while the poor in Thuong Quang lack food for one to two months. This limits the capacity of the poor to accumulate capital for investing in production and providing services.

➤ *Limited land holding*

The household size of the poor and non-poor is the same but agricultural land holdings of the poor was two times lower than that of the non-poor in both communes (for all types of crops, except cassava in Loc Tien) (see table 19). The limitations of agricultural land make the poor rely more on common natural resources such as NTFPs (including grit or stone). This also makes the poor more dependent on the labour market for earning income.

As presented in chapters VI and VII, in both communes, the poor also received limited endowments to the devolved forestry land and natural forest. Limited holding of both agricultural and forestry land indicates that the poor in Loc Tien and Thuong Quang lack the key resource for making a living based directly on natural resources. This may make their livelihood depend more on others' resources.

### 7.5.2. Probable natural calamities

#### ➤ *In Loc Tien (the coastal commune)*

Floods occur annually from the beginning of October to the beginning of December (around two months). This annual flood does not destroy the houses and infrastructure, but influences crop and animal production. For the wetland rice production, when the floods come 30 ha of wetland rice cultivation area in Thuy Duong village can not be used because the water level in the fields was too high; these areas can cultivate only one crop a year. The floods also affect the area used for planting watermelon and peanuts, forcing the farmers to harvest earlier thus reducing the quality and value of production. Pig and cattle production were also influenced by the annual floods. When the floods come, the pigs have to be moved to other places. This takes time and energy of farmers and slows the pigs' growth.

Drought is another natural calamity affecting production of the local people's production. It has become more serious since 2005 when the PPC decided to construct a pipe system for Chan May port. This system took water from the main stream, which is a major water source for agricultural irrigation of the village. In 2006, 60 ha of a total 111 ha of rice in Thuy Duong village did not have any output. Normally, the villagers do not have to buy rice but in 2006, traders provided approximately 0.5 ton of rice per day to the village (*The head of the village -Mr. K, 17<sup>th</sup> March, 2007*).

#### ➤ *In Thuong Quang (the mountainous area)*

Flash floods (water flows with high levels and fast speed from upstream) are a natural calamity that often occurs in the rainy season in Thuong Quang. It destroys the wetland rice and other crop cultivation area, especially in the areas along the river and the streams in the commune. The paddy fields are buried by stones brought from the sheet washes. If it is not too serious, farmers can recover the fields, but sometimes (for example in 1999), 20 % of paddy field areas in Thuong Quang were buried by the stones after the sheet wash and these areas could not be recovered (*Women and men non-poor group discussion, 10<sup>th</sup> March, 2007*).

Droughts often occur with every two to five years. They have occurred more frequently since 2006, which may be a consequence of clearing all the vegetation for planting rubber and forest (according to *Women and men non-poor group discussion, 10<sup>th</sup> March, 2007*).

Diseases of crops and animals reduced the productivity of crop and animal production. Insect attacks on the paddy fields often occur every year, but it became more serious since 2006 and the farmers could not prevent it. This reduced rice yield and lack of rice was more serious for the poor. The "Heo

*tai xanh*” disease and bird flu of chickens also occurred in the commune since 2006, making the income of the villagers unstable (*Women and men non-poor group discussion, 10<sup>th</sup> March, 2007*).

How do these disadvantaged conditions of the poor link to their livelihood’s sustainability in the context of frequent natural calamities and change of access to forestry land through the devolution process? This is discussed in the next section.

### 7.5.3. Questions for sustainability of poor’s livelihood

In this research, the author does not intend to analyze sustainability of livelihoods of the poor because it is a complex term and needs more evidence and theoretical framework to discuss. This section, therefore just explores the linkage between disadvantaged conditions and the change of statutory and customary rights to forestry land and natural forest due to the devolution process by the state in the context of probable natural calamities and its affect on the livelihoods of the poor.

#### ➤ *In Loc Tien (the coastal commune)*

As discussed in section 7.4.1.2, crop and animal productions, are the main income sources of the poor in Loc Tien. However, they are still not enough to meet food or expenditures requirements. The endowments of forest created opportunities to obtain income from selling timber and labour to plant and harvest trees for the forest owners. However, the entitlement from timber from the devolved forestry land just benefited seven of the poor households (2.5 % of total poor households) in the commune. The benefits from selling labour to plant and harvest planted forest were also not enough to cover the expenditures for food, education and health care. This benefit also depended on the relationship with the planted forest owners because this job is not readily available on the local labour market.

Along with bringing benefits to a number of the poor, the devolution of forest to individual households in the coastal area stopped cassava cultivation on the hills. It also reduced income from firewood collection that was a common employment of the poor. Devolution of natural forest to the village also removed an income source from illegal logging that was also a common activity of the poor. Adapting to the circumstances, the poor in Loc Tien try to diversify activities to earn income.

As discussed in section 7.4, off-farm activities of the poor in Loc Tien still rely on natural resources such as grit and stone. These resources are non-renewable and have been reduced more and more through over exploitation. Migration to the city is an alternative income source but skill requirements for this activity have increased in the labour market, especially

in the context of entering World Trade Organization of Vietnam making it difficult for the poor in Loc Tien with limited education to compete in this labour market. Migration to the city may also have created social consequences for the rural areas including Loc Tien, as a report presented on Hue television indicated that 80 % of women who got AIDS were infected by the husband who brought it from their migration to the city.

What will happen to the poor in Loc Tien if the crops are destroyed by the flood or drought and given the limited endowments of forest they have gained and the decline in off-farm resources such as grit and stone? What can provide compensation for the loss of income from crop production affected by the flood for the poor when employment through selling labour to plant and harvest planted forest depends on social relationships with the forest owners? In the context of increasing the requirement of labour skills along with the disadvantaged condition of limited education, can migration to the city help the poor in Loc Tien to compensate for the loss of income from crop production affected by the floods or droughts?

➤ *In Thuong Quang (the mountainous area)*

Endowments of forest land to individual households for planting trees leads to a decrease in the areas for farming crops in general and this may become a problem for the poor in Thuong Quang in the near future. At present (2006-2007), there were no restrictions on collecting NTFPs in the natural forest areas devolved to household groups. Income from NTFPs was still a main income source for the poor, especially in Thuong Quang especially, when the crops were damaged by the calamities. In that case, the poor in Thuong Quang often go to collect NTFPs in the natural forest to earn money to buy food. This is in line with the argument of the common property scholars that the common property regime can reduce the risk of livelihoods when other means fail by providing wild resources. However, this benefit for non-beneficiaries from the forest depends on the attitude of the forest recipient groups.

Endowments of forestry land brought entitlements of timber and NTFPs to the poor but only five poor (6.8 % of the total poor households of the commune) held a statutory right to forestry land. Devolution of natural forest to household groups may also bring utilities of timber and NTFPs to the poor as well as non-poor forest protectors (as a commitment of the state). However, this entitlement is challenged by the quality of the execution of the state regulations. Another important issue was that only 14 % of the poor in the commune gained endowment of rights to natural forest.

Titling forestry land to individual households in Thuong Quang has also opened opportunities for the poor to sell their labour for planting and

harvesting forest. However, it may not stabilize the income of the poor because of their poor health and limited skills in the local labour market.

Migration may be a new alternative but this also requires skills and cultural integration in the city where its population is nearly 100 % Kinh people. It is not easy for the poor in Thuong Quang (with 90.4 % of total poor households are ethnic people) to migrate to the city to earn income.

Rubber production is a new activity in the commune and the poor also owned an average area of one ha but there is a tendency of the poor to sell this plantation because their difficulty forced them to do so.

How can the poor in Thuong Quang cope with crop damage if the floods or droughts or diseases occur in the context of limited endowments of forestry land from the state and dependence on access to NTFPs in the natural forest? What can ensure compensation for the loss of income from crop production of the poor when they have limited competitive capacity to sell labour to plant forest in the labour market? How can the poor in Thuong Quang enter migration employment to earn income to compensate for loss of crops when their education and skills are limited and their cultural characteristics are different from people in the city? These questions may be reached if the state supports them to manage the rubber plantation well.

## 7.6. Summary

This chapter investigated the resources of the poor and non-poor groups as a basis for discussing transformation of endowment of rights to entitlements and gaining benefits from forestry land and natural forest. Endowment of statutory rights to the devolved forestry land brought utilities from timber and selling labour for planting and harvesting trees for both poor and non-poor households. The non-poor have the potential to get more entitlement of timber from the plantation than the poor because the non-poor gained more endowments of statutory rights and they had more financial capacity to invest in developing plantation. The beneficiaries of devolved forestry land in Loc Tien (the coastal commune) had more opportunity to convert endowment of forestry land to entitlement of timber on the land than the beneficiaries in Thuong Quang because they got financial support from the government and international organizations for developing the plantation.

In both communes, men received more entitlements from selling labour for planting and harvesting the forest than women. Differences in entitlements from selling labour for planted forest production between men and women were not the result of differences in their own resources, but it was the result of gender discrimination in the local labour market due to the influence of custom.

The poor and ethnic groups still received more entitlement from NTFPs in the devolved natural forest because they are still allowed to access those resources. However, this entitlement of the poor (especially the ethnic poor) is uncertain because they did not get endowment of statutory rights to the natural forest, so their access became dependent on the attitudes and behaviour of the forest owners.

Devolution of forestry land and natural forest lead to the loss of entitlement from firewood and output of cassava production that influenced more the women and the poor, since collecting firewood and planting cassava are often the responsibility of women and interest of the poor.

In general, entitlements from the forestry land and natural forest devolved by the state depended not only on the household's resources and holding of statutory right, but also social custom, as well as on the financial support from outside and legislative execution by state organizations.

The poor in both Thuong Quang and Loc Tien hold limited agricultural land area (half that of the non-poor group). Income from agricultural production is not enough to meet their basic needs so they have to diversify their activities to earn a living. The devolution of forest brought entitlement of timber and cash income from selling labour, but it reduced income from selling firewood and the stopping of illegal logging. Adapting to these circumstances, the poor in Loc Tien engaged in off-farm activities based on non-renewable common resources such as collecting grit and stone or migrating to the city to work in the factories, while the poor in Thuong Quang still have a main income source from collecting NTFPs in the natural forest. In the context of frequent floods and droughts, there is a question of the sustainability of livelihoods of the poor in Loc Tien because of natural resource degradation, limited education and skills for migration, as well as a dependency on the better-off for selling labour. The recovery capacity of the poor in Thuong Quang when the floods and droughts occur should be questioned because of their dependency on forest owners as well as limited opportunities for migration.

However, to answer the questions on whether sustainability of livelihood of poor in Loc Tien and Thuong Quang was influenced by introduction of new forest property regime, there is a need to have a further study with a suitable theoretical framework. As noted in the introduction part of this chapter, this research was not designed to analyze livelihood sustainability of poor but just to raise the questions on the issue.

## 8. Discussion and general conclusions

### 8.1. Introduction

This chapter concludes with a discussion of the findings of the research. The study explored how forest devolution policy was made and implemented in Thua Thien Hue, Vietnam and its influence on endowments, entitlements, management practice and conflicts after devolution. The chapter starts with a discussion about the process of making and implementing forest devolution policy to highlight the complexity of policy making and implementation, differences between policy papers and practice, as well as power relationships evident in the process.

The nature of devolution is also discussed and concludes by exploring to whom and what rights of forest management were devolved. It is followed by a reflection on limitations of forest devolution in terms of unequal distribution of endowments, insecurity of tenure or endowments, conflicts after devolution and gender gaps. The chapter also discusses and concludes on the contribution of forest devolution to forest conservation and creating entitlements to alleviate poverty and support the livelihoods of rural people.

This chapter also argues and concludes on the methods of the research. It finishes with a reflection on the theoretical frameworks of the thesis. Arguments and conclusions on both practical and theoretical issues aim to highlight some contributions of the thesis.

## 8.2. Making and implementing forest devolution policy

### 8.2.1. Making forest devolution policy

The research investigated the process of making forest devolution policy. As shown in chapter IV, the idea of devolving natural forest and forestry land to beneficiaries in Vietnam was initiated by the Central Party. It produced a resolution that stated that people and other social organizations should be involved in forest management, consistent with the “*Đổi Mới*” institutional reform. However, development of the regulatory framework for forest devolution was carried out by different political bodies (including the Party, Assembly and Government). Those bodies have different functions on policy making that have been assigned according to the structure of the political system.

The outcomes of making forest devolution policy were different types of policy papers that talked about forestry land and natural forest allocation for use and protection. It is very difficult to answer exactly the question of “what is the Vietnamese forest devolution policy” because there were so many types of papers (the resolutions, the laws, decrees, decisions or circulars, directives) that were developed by political bodies (the Party, National Assembly and Government) to address the issue of forest devolution. The resolutions developed give the general direction and they are often made by the Party. However, in some cases, the resolutions were also developed by the National Assembly or Government or even by provincial Party or People’s Council. The law was approved by the National Assembly while the decrees, decisions, directives or circulars that are called “under law documents” were signed by the prime minister and have been developed by a ministry or several ministries. It was a challenge to classify the resolutions, decisions, directive or circulars.

The different types of the forest devolution policy papers are mainly developed by the central institutions with limited involvement of lower levels of government (province, district and commune, as well as people) and other sectors. This reflected the key role of the Central Government and the use of expert knowledge in making this policy.

The major content of the forest devolution policy was to involve people in forest management by devolving to them the endowment of land rights. These regulations were revised and changed over time. The change and revision of a paper brought changes to other related papers. For example, when a law is revised, the related decree, circulars, decisions or directives have to be changed to adapt to the new law. This means that it requires time to match the related policy papers. The policy papers that were revised over

time based on ideas of the experts reflected adaptation of the policy to the new circumstance. However, the frequent revisions of the major policy papers combined with the slow revisions between the related papers makes understanding policy difficult.

The forest devolution policy was developed to increase efficiency of forest land use, maintain and improve the existing forest areas for environmental purposes, as well as contribute to poverty reduction and improve people's lives. Those objectives are not stated directly in any policy paper but are described in an indirect way in different policy papers. Devolving forest to people for stabilizing their lives was mentioned and repeated in the policy papers. However, the regulations regarding to whom the forest can be devolved were not transparent. The presence of the disadvantaged groups (poor, women and ethnic people) were not mentioned specifically in the policy papers so the objective of devolving forest to contribute to poverty reduction may not be addressed. The forest devolution policy was vague and may open the door to power relationships in the implementation process and then influence the distribution of endowments and entitlements from the devolved forest.

#### 8.2.2. Implementation of the forest devolution policy

As with the process of making the policy, implementation processes also involved different state organizations and donors. The steps of the devolution implementation also differed between the study sites and the programmes or projects depended on decisions of the provincial authority and the donor. Roles and functions of those organizations in the implementation of forest devolution were not regulated clearly in the policy papers but they were assigned and arranged by the provincial or district authority. The influence and role of the state organizations that were involved in the process of forest devolution implementation differed from place to place. This is in line with the argument by Sikor (2004) in a study on land allocation in the northern mountain of Vietnam that the practice of land allocation reflected a diversity of local processes.

The different roles and power of the various state organizations created room for them to interpret policy implementation. Some factors that determined the opportunity for gaining endowments to the devolved forest were changed by the DFPD and the commune authority based on their powers assigned by the state and their own independent interpretations. For example, the criteria used to identify to whom the forest should be devolved varied between the study sites although the basis for allocating forest to the beneficiaries was regulated by policy. This was also the result of unclear

concepts and categories in the policy that lead to different interpretations by actors in the process of forest devolution implementation. The method of disseminating the policy information and devolution programme to the beneficiaries differed from project to project as well as from place to place. These changes strongly influenced the gaining of forest endowment by the beneficiaries.

The difference in the tasks and roles assigned along with nontransparent statements in the policy papers created different interpretations and modifications by local authorities (from province to district and commune), especially at district and commune levels. The research indicated that the central level held more power in the policy making process while the district and commune authority got more rights in practicing the policy. Participation of the people in both making and implementing the devolution was still limited. This is similar to the making of environment and livestock sector policy that also lacked public participation and followed central planning methods (Vu, 2003; Phuong, 1996).

### 8.2.3. Conclusion 1

The power of making and implementing the forest devolution policy in Vietnam is in the hands of the state. The central level institutions have more power in making policy while local state organizations (provincial to district and commune, especially district and commune levels) have more influence on implementation of the policy.

Shank *et al.* (2004) concluded that the health sector policy making in Vietnam is muddled. The forest devolution policy in Vietnam is also muddled and vague in both the policy making and implementation processes. Local processes of implementing forest devolution were not uniform. Transparency, accountability and public participation is still limited in making and implementing the policy. The muddle, lack of transparency and accountability lead to different interpretations of the actors that create a gap between contents of the policy papers and practice as well as room for exercising power relationships. These may strongly and directly influence the opportunity of gaining endowments of natural forest and forestry land of people.

### 8.3. Nature of forest devolution in Vietnam

#### 8.3.1. The nature of the involvement of people in the process of devolution implementation

In both the study sites, people were involved in the process of devolution implementation. They were asked to plant and tend the forest based on the design of the foresters. They were also invited to attend the meetings of the forest devolution implementation. However, their participation in the meetings was in the form of providing information and agreeing to the decisions that were already made by the state organizations (e.g. building the institutions for management of the devolved natural forest of in Loc Tien, the villagers had the role of making agreement about the institutions that were developed by the foresters and commune leaders).

An important issue in determining the opportunity of receiving the allocated forest is establishing the criteria as to whom the forest should be devolved. These criteria are regulated in the policy papers by the state but are general. In the implementation process of forest devolution, those criteria were specified through the decisions made by the state organization or commune and district authority. In the framework of forest devolution, a regulation applied for gaining the endowments was a requirement to prepare an operational plan to demonstrate effective use of the devolved forest. Making decisions on the issues that related to distribution of endowments therefore was also done by representatives of the state (foresters, commune and village leaders)

#### 8.3.2. Responsibility, obligation and rights of the forest's users

For allocating forestry land for planting trees, people were given the responsibility of planting and tending the planted forest, as well as the obligation of using the land for a particular purpose (planting forest). Along with assigning the responsibilities, people were also rewarded with the rights of land transference, use, inheritance, and mortgage. Devolution of forestry land to individual households for planting trees and getting benefits of forest's products was accompanied with meeting the objectives of environmental protection of the state. Therefore, making decisions on what species should be planted in the devolved forestry land was made by the state forestry organization. Moreover, the state forestry organizations made the decision not only on selection of planted species but also on designing and tending the forest, as well as the time for harvesting and proportion of shared benefits (the case in Loc Tien through the PAM and 327 programmes). If the investment in the devolved land was made by the

household, they just needed to meet the requirements of selected species decided by the DFPD for the objective of environmental protection. They themselves had the rights to make decisions on when to plant, to tend and to harvest timber.

For the devolution of natural forest, the beneficiaries were assigned the responsibility to protect the forest against encroachment and illegal logging. They also had an obligation to enrich the forest. The beneficiaries were devolved the rights of collecting NTFPs and a part of timber. The forest protectors are just rewarded the benefit of timber when the timber volume of the devolved forest is assessed as increased compared to before devolution. The rewarded timber amount also depended on the growth rate of timber in the devolved forest. The benefits of forest protectors (collecting NTFPs, a part of growth timber volume) as well as the duration for getting timber from the devolved natural forest were also set up by the state.

Although the benefit sharing mechanism was stated in the decision signed by the provincial or district authority, in reality, to get the timber from the devolved natural forest, the forest protectors still have to come to the DFPD or PFPD to ask for permission because of the requirement of the certification that the timber can be logged. The decision on how to log the timber in the devolved natural forest area was also made by the DFPD. For implementing the responsibility of forest protection against encroachment by outsiders, the forest protectors were devolved the rights to catch them but the decision on how the illegal logging timber was to be treated and how the illegal loggers to be punished were also made by the DFPD.

### 8.3.3. Conclusion 2

A study of the policy of land and forest allocation in Lao, Fujita and Phengsopha (2008) concluded that the land and forest allocation programme devolved management responsibility to village organizations, but the rights of local people were still uncertain. In the cases in Loc Tien and Thuong Quang, the rights of the beneficiaries were not uncertain but incomplete. For both natural forest and forestry land allocation, the beneficiaries were devolved some rights and benefits. Those rights and benefits go along with the responsibilities assigned to them by the state. The process of getting the benefits and implementing the obligations in reality also required agreements and decision making by the state forestry organizations. Devolution of rights and giving benefits to forest managers go along with requirements of other regulations of the state.

In their study of the case of natural forest devolution in Dak Lak (Vietnam), Sikor and Thanh (2007) concluded that forest allocation

followed an exclusive approach that largely relied on the authority of the state; it failed to reduce the gap between state and customary regulations and it created conflicts among local actors and contributed to loss of forest.

In the cases of Loc Tien and Thuong Quang, the implementation of devolution also strongly relied on the authority of the state as concluded by Sikor and Thanh (2007). However, the reasons for creating the conflicts in using forest resources and the inability to control illegal logging were not due to the exclusion of some local actors, but the result of the interpretation of state forestry organizations and local authorities in setting up the criteria for allocation, incomplete devolution, as well as dilemmas because of every day life relationships.

In an overview of the concepts of devolution in Asia and the Pacific, Fisher (2000) concluded that one of the basic problems of devolving responsibility to implement policy is that devolution of responsibility is not or is rarely accompanied by devolution of authority to make decisions required for implementation. He calls this misapplied devolution and it identifies the need to support authority to devolved responsibility for effective devolution. This is similar to the issue of devolution in Loc Tien and Thuong Quang; the nature of forest devolution was a partial or conditional devolution. This conclusion suggested a need for an extended approach to give more rights to forest users to perform their responsibilities as well as to get the benefits, especially in the case of natural forest devolution.

## 8.4. Forest devolution: Limitations and Contributions

### 8.4.1. Limitations of forest devolution

#### ➤ *Distribution of endowment*

There were significant differences in holdings of the devolved forestry land between poor and non-poor groups. In both communes (Loc Tien and Thuong Quang), the non-poor held an average forestry land area of 16.5 sao and 9.5 sao (in Loc Tien and Thuong Quang respectively) while the average forestry land holding area of the poor was only 2.9 sao and 1.4 sao. The proportion of non-poor households who got land was respectively twice and four times that of the poor in the two communes. There were the ethnic poor who wanted to get natural forest to protect and get benefits but they could not because the DFPD officers and commune leaders thought that they did not have enough capacity to do the job. There seems to be a

contradiction between the poverty reduction objective and the regulations for devolution in the policy paper.

Why these differences? The reasons for this were the abstract terms in the policy papers (“need” and “capacity”; “land use plan”, etc.), the interpretation by the DFPD and the commune authority, the ability to get information or to occupy the land before devolution and social relationships. The power of social relationships seems to be a key factor influencing opportunity in gaining endowment to the devolved forest.

However, the gap in acquiring endowments to the devolved forestry land between the poor and non-poor in Thuong Quang (where more than 60 % of the population are the ethnic group) was more limited compared to the coastal area. There was also no difference in the devolved forestry land area between the Ktu people (ethnic group) and the Kinh (major group) in Thuong Quang. This may be the result of behaviour of the local leaders and their transparency toward respecting land use customs in the implementation process of devolution of forestry land to household. Sikor (2004) concluded that local officers in Chiang Dong (northern mountains of Vietnam) supported traditional local land use and were against the national legislation on the land allocation process because they wanted to keep relationships with the villagers for achieving their private benefits. The behaviour of the commune officials in Thuong Quang toward respect for custom land use in implementation of forest devolution was not against the legislation but just interpreted it in their own way. This behaviour may be a shared interest with villagers who have same their cultural background since almost commune officers are ethnic people. It may not be for the reason of gaining private benefit.

➤ *Security of devolved natural forest and forestry land tenure*

As the findings and discussion in chapter VI show, tenure rights or endowments of statutory rights to both the forestry land and natural forest in both communes have not been secured. In Loc Tien commune, 11 households that were devolved the forestry land could not use it for getting the Red Book, which is recognized formally by the land law. In Thuong Quang, (ethnic community), the households in villages 6 and 7 could not use and claim the forestry land area that was devolved because of overlapping claims between the traditional land use and new forestry land use systems set up by the state through the allocation activity.

In the case of natural forest devolution, entitlements over timber from the devolved natural forest of the village after seven years (in Loc Tien) or five years of devolution still has not been given because of complex procedures for claiming the rights to cut timber. Illegal logging activities in

the devolved natural forest area have been difficult to control. This activity has tended to continue because of lack of support from the local authority and the DFPD and sympathy in everyday relationships. Holding a title, therefore, was not enough to secure the tenure or the endowment to the allocated natural forest.

➤ *Conflict*

Devolution of forestry land and natural forest limited the grazing area in both Loc Tien and Thuong Quang. This has created conflict between the forest users and the grazers. The conflict also appeared after devolution of forestry land through competition in forestry land use because of the poor encroaching on state forest area devolved to household groups to plant trees. This was also the result of the unequal distribution of endowment and unclear negotiations between the old users (in the traditional system before devolution) and new users (in the devolution programme).

Replacement of the bare hills by the planted forest restricted the crop farming area especially in the mountainous area (Thuong Quang) for the poor who still gave priority to crop cultivation. This is a cause of conflict between the forest planters and crop cultivators. Losing or limited opportunity in gaining endowments of forestry land led to the dissatisfaction of villagers who did not get or received only a small land area with both households who got more land, and especially the foresters who, as state officers, received a salary from the state

In evaluating the influence of forest devolution in the central highland of Vietnam, Thanh (2003) found that conflicts among the villagers and between the villagers with the foresters increased after devolution because of unequal distribution of upland fields and timber harvesting in the devolved forest. The conflicts that occurred after the devolution in Thua Thien Hue were also a result of unequal distribution of endowments to the devolved forest. The conflicts arose from competition for security or for improvement of livelihood, and dissatisfaction of the villagers with the unequal distribution of endowments that brought benefits to some local leaders and foresters while creating loss of endowment of traditional rights to use of the land they had informally accessed before devolution.

➤ *Gender issues*

As the findings in the chapters V, VI and VII show the presence of women was limited in the implementation process of forest devolution. The highest proportion of women who attended the pre-allocation meeting and the training activities in forest devolution programmes was only 18 % and 26 % (of the total respondents) in Thuong Quang and Loc Tien. The limited

presence of women was also reflected in their attendance in joining decision making on how the forest land was to be devolved or managed after devolution. There was no woman involved in making decisions on implementing forest devolution at the commune level in any of the organizations except the women's union. Women are still not involved in making decisions because of the ignorance of the commune authority in the meeting of the LRC.

Widows and single women had less opportunity to gain endowments to the devolved forestry land than households who have the presence of a man. Forest devolution brought both men and women cash incomes from the products of the planted forest and selling labour for planting, tending and harvesting the plantation. However, there was a tendency toward unequal distribution of this entitlement between men and women because of discrimination in labour wage rates against women.

Forest devolution reduced entitlements from firewood (for both cash income earning and cooking). Women suffered more than men from this loss of entitlement because it increased the time and energy it took for collecting firewood, which is women's responsibility.

The replacement of the use of commons of forestry land and resources from natural forest by discretionary access based on the attitudes of the land receiver has been a challenge to women, especially to those who are poor and whose livelihoods still rely on forest resources.

The customs and social norms such as traditional views (forest production as men's work), the workload of housework of women, as well as the limited attention paid by forest officers and state management officers, were the causes leading to a limited presence of women in implementing of forest devolution as well as the limited gain of endowments and entitlements from the devolved natural forest and forestry land.

### *Conclusion 3.1.*

The outputs and outcomes of forest devolution showed unequal distribution of endowments between poor and non-poor as well as between women and men. This inequality was a result of not only abstract concepts in the written policy papers but also of the interpretation by the policy implementers. Unequal distribution of the endowment is less in the ethnic community due to the behaviour of commune leaders toward respecting the traditional land use system.

Endowment of forestry land and natural forest devolved by the state is still insecure because of different interpretations by the DFPD and the commune authority and as a consequence of vague and muddled policy papers. This insecurity of tenure also resulted in incomplete devolutions of

rights to the users, as well as lack of support from the authority to exercise the rights in practice. Security of tenure of the devolved forest land goes beyond holding a title of the land.

The forest devolution created conflicts in land use for planting trees and cultivating crops that were a result of unequal distribution of endowment and struggles for security and improvement of livelihood in the context limited land.

There was still a gap between women and men in attendance and making decisions in the forest devolution implementation, as well as in gaining endowments to and entitlements from the devolved forest. This was a result of not only traditional customs, but also views and behaviour of policy implementers.

These limitations indicate a need to improve empowerment of the poor and women through clear and more precise targeting in the policy papers, setting up clear and more participatory monitoring mechanisms, building capacity and improving ethics of the state officers in the implementation of devolution. There is also a need to extend the rights of the forest users with respect to tenure security.

#### 8.4.2. Contribution of forest devolution

##### ➤ *Contribution to forest management improvement*

In both communes (Loc Tien and Thuong Quang), the forest plantations were developed on the bare hills after devolution to households. The bare hills were used to create economic value from the timber through increasing land productivity. However the development of the planted forest was influenced by different factors including getting certification, market opportunity and financial support from outsiders. The efficiency of the devolved forestry land use was the result of various elements beyond the endowment of rights to the users.

For natural forest devolution, measurement of forest conditions was not undertaken before allocation. Examination of forest condition after devolution was not done fully in this study due to time limitations and this was not a major objective of the research. The research instead tried to understand the change of the forest management as influenced by devolution of natural forest through measuring some indicators that reflected changed management practices such as protection activity against illegal logging and encroachment for planting trees, and interest in activities of tending the forest of the users.

The devolved natural forest area in Loc Tien has been well controlled over the area of 511.9 ha with 180 households. Devolution of forest to the village

contributed to preventing and stopping the illegal logging activities. The forest protectors also invested their labour in tending the devolved forest. In the case of Thuong Quang, the household group (from two to 10 households) that was devolved the natural forest invested labour in controlling the forest against illegal logging and encroachment for planting trees. Investment of labour for tending the devolved forest through creating space for development of the valuable trees was also done by the forest protectors. However, preventing the illegal logging in this commune (Thuong Quang) was not effective because of the late provision of certification of the devolved rights and limited support of the state organization to implement the rights. The relationship between the efficiency of preventing illegal logging and group and resource sizes did not appear to be significant.

But in both communes there has been a reduction of interest in controlling and tending the devolved forest. This has been a result of complex processes and unclear mechanisms of support by the state against illegal loggers and in implementing a commitment to receive benefits from the timber.

#### *Conclusion 3.2.a.*

Devolution of forest has the potential to contribute to improvement of forestry land and forest management practices in terms of increasing land productivity and stopping illegal logging. However, the endowments of statutory rights to individuals or communities have not been enough to support the beneficiaries to effectively use and protect the devolved forestry land and natural forest. Efficiency of use and management of the devolved forestry land and natural forest goes beyond property rights. It depends on the politics of access, not only on access to land resources but also access to other resources (including services to claim the rights) to support for using the land and protecting the forest. This suggests an extension of the rights to the forest users and better support from the state to implement the rights in practice.

#### ➤ *Contribution of forest devolution to rural livelihoods*

As found in chapter VII, devolution of forestry land to households brought both poor and non-poor households an entitlement from timber. The non-poor got an average of 3,879 million VND per year (in Loc Tien) and 2,112 million VND (in Thuong Quang). The poor got net income of 0.681 million VND per household per year (Loc Tien) and 0.308 VND million (Thuong Quang). Devolution of forestry land also created new jobs for selling labour for planting, tending and harvesting trees. This job brought a

cash income source for the villagers (602,000 VND per household per year in Loc Tien and 384,000 VND in Thuong Quang). Entitlements of cash income from timber in the devolved planted forest has been important for the villagers to build other resources such as saving money to reinvest in planting forest or to build a house (as seen in the case study in Loc Tien). However, gaining the entitlements from the plantation depended on household financial capacity and the opportunity of access to outside funding.

There was also unequal distribution of entitlements of cash income from selling labour for planting and harvesting planted forest between men and women because the men were preferred and paid more in the local labour market.

It is different with the devolved forestry land as entitlements from the devolved natural forest were still in the decision paper (in Loc Tien) or in the form of verbal commitment between the DFPD and the protection groups. After seven years of devolution (in Loc Tien) and five years (in Thuong Quang) (up to 2008), the natural forest protectors have not yet harvested any timber from the devolved forest. This is the result of the complexity of the claim process to get timber. However, if the commitment of the state is implemented, the forest protectors will get entitlements from the devolved natural forest. In the case of Loc Tien, 12 households got cash income from the ecotourism service in the devolved natural forest area.

As presented in chapter VI, after devolution of the natural forest, all the villagers (including the household, who did not get the devolved natural forest) were still free to collect NTFPs. In both communes, income from collecting NTFPs of poor was higher than that of non-poor (1,662,000 VND compared to 469,000 VND in Thuong Quang and 876,000 VND compared to 193,000 VND in Loc Tien). However, entitlements from NTFPs in the devolved natural forest area of non-beneficiaries in Thuong Quang depended on the permission of the household group who got the forest. Collection of NTFPs is often an activity of the poor because it is considered as a low return and hard work so it was not preferred by the non-poor. Entitlements from NTFPs of the poor in Thuong Quang, therefore, are challenged by devolution of natural forest to household groups. Only the households who were devolved the natural forest get entitlements from NTFPs if the devolved rights are exercised in practice.

The research looked at not only the contribution of forest devolution to entitlements from the devolved forest land but also explored its broader outcome in relation to rural livelihoods with an emphasis on the poor. Implementation of the forest devolution policy created new livelihood

activities (planting and tending planted forest, selling labour for cultivating trees, protecting the natural forest). However, it also stopped illegal logging and reduced entitlements of the firewood from the bare hills that were used as common resources before devolution. Replacement of the bare hills by the plantations limited grazing area requiring more time and energy of people to raise cattle. Adapting to these circumstances, the poor in Loc Tien tried to diversify income sources with a focus on non-farm activities based on non-renewable common resources such as collecting grit and stone or migrating to the city. The poor in Thuong Quang still relied on collecting NTFPs in the natural forest.

*Conclusion 3.2.b.*

Devolution of forestry land and natural forest has the potential to contribute to creating entitlements from timber, selling labour for doing forest production, NTFPs, as well as cash income from ecotourism. There was a tendency for an unequal distribution of entitlements from the devolved forestry land and natural forest between poor and non-poor and between women and men. These were a consequence of unequal distribution of endowment of the land, capacity in access to funds as well as gender discrimination because of traditional customs. Forest devolution, therefore, had limited contribution to poverty and gender gap reduction, or may even have a cost to the poor and women because of changes in use rights from common land to private planted forest.

The potential contribution of forest devolution can be fully achieved only if the beneficiaries get added support of external institutions (in terms of financial sources and execution of regulations). Holding a statutory right and existing household resources are not enough to provide the benefits of forest devolution as hoped for by the policy.

Implementation of the forest devolution policy in Thua Thien Hue created new employment opportunities for rural people, especially for the households who were devolved the forestry land. However, change of the state property regime to private and common property closed or limited opportunities of the poor in common use of the state land. Forest devolution, therefore, brings the challenge for the poor in securing their livelihood since they had less access to the devolved forestry land and natural forest and limited internal resources to cope with the change. In the context of frequent floods and droughts, as well as limitation of their own resources, the poor's livelihood in both Loc Tien and Thuong Quang seem to be vulnerable and unsustainable because they still rely on the degraded natural resources for earning a living.

## 8.5. General conclusion

The Vietnamese forest devolution was developed along with the special institutional reform (*Đổi Mới*) in Vietnam. The policy papers stated the objective of achieving sustainability in forestry land and natural forest management in order to respond to economic, social and environmental issues. However, the devolution policy is muddled and vague because of an excess of policy documents, frequent changes, inconsistencies between the various documents and limited transparency and accountability. These issues have led to different interpretations in implementation of the policy and then lead to different endowments and entitlements, as well as management practices and conflicts. Achievements of the environment and livelihood objectives of the forest devolution programmes, therefore, are not easy to predict. These are consistent with the conclusion of Sunderlin (2006) that although there is the potential for community forestry to contribute to poverty reduction in Cambodia, Laos and Vietnam, there was no fundamental objective of poverty reduction in community forestry programmes in all these three countries.

Forest devolution has the potential to contribute to improving entitlements from the devolved forest of rural people and their livelihoods, as well as efficiency of forest management. However, because of incomplete devolution and differences in interpretation in the implementing of policy, a door is opened to influence by implementers. This limits the impact of the policy, especially in the case of natural forest devolution, and seems to bring no meaning in practice for both improvement of forest conditions and rural livelihoods. The contribution of the forest devolution policy to poverty reduction and rural development is still far away because of incomplete devolution and unequal distribution of endowments and entitlements. This is in line with argument by Sikor & Tan (2007) that forest devolution may not bring significant benefits to rural poor because of unequal distribution of different resources between the local actors.

The findings of the research also indicated different outcomes of forest conservation and poverty reduction through introduction of forest devolution. This supports arguments of Prakash & Adhikari (2007) and Sunderlin *et al.* (2005).

The findings from this research also indicate a need to extend the rights to the forest users with respect to endowments and entitlements. This research also strongly suggests development of a clear mechanism to ensure participation of the people in making and implementing policy (especially at district and commune levels) to achieve equal distribution of the endowments and then entitlements and improvement of rural livelihoods. It

also suggests more clear pro-poor targeting in forest devolution policy and programmes.

## 8.6. Theoretical reflections

### 8.6.1. Enquiry in policy analysis

Looking for and analyzing the forest devolution policy in Vietnam showed its complexity in terms of different types of policy documents, which makes it difficult to say what the policy actually is. This reminded the author of the statement of Cunningham (1963), cited in Keeley and Scoones (1999) that “Policy is like the elephant, you know it when you see it but you can not define it”.

The research applied two different approaches in policy analysis to examine the process of making and implementing the forest devolution in Vietnam.

The findings of the research showed that the making of forest devolution policy in Vietnam was largely top-down and mono-sector with limited involvement of the implementers at the district and commune levels, and with no involvement of the beneficiaries. This showed the power of the central state in deciding whose knowledge and interests are taken into account in policy making. Analysis of roles in making decisions and the interpretation of the actors in the process of implementing the forest devolution policy in Vietnam also indicated the importance of understanding the influence of rights in making decisions on the outputs and outcomes of forest devolution. This research, therefore, supports the critical anthropology approach in paying attention to power relationships in analyzing policy. Consideration of power relationships as a central issue in analyzing policy is useful not only for understanding the process of making policy but also its implementation.

Exploring both processes of making and implementing the forest devolution policy in this research reflected the fact that power relationships influenced objectives, contents, outputs and outcomes of the policy. The terms and languages used in the forest devolution papers showed the power of using expert knowledge for making policy. Analyzing terms of the forest devolution policy papers in Vietnam also helped to understand the hidden power relationship in the language of the policy. This supports the argument of Shore and Wright (1997) that analysis of language and use of expert knowledge is a key to understanding the power relationships in the policy. However, how are power relationships exercised in practicing the policy?

The critical anthropology approach seemed limiting in helping to deal with this. Understanding how the policy is implemented in practice could not be achieved fully by applying the thoughts of the critical anthropologist.

The ethnographical view of Mosse (2005) helped to understand the nature of power relationship through exploring the social or project life and for each specific activity in a certain context. The complexity of the interpretations in implementation of the forest devolution in Loc Tien and Thuong Quang supports the argument of Mosse (2005) that implementation of policy or project is based on an interpretation by a given community. These interpretations created difficulty for controlling the project and so lead to the different outcomes of the policy. Therefore, an important issue in implementing policy is the capacity to monitor those interpretations. An ethnographic approach also helps to have a broader view in analyzing the nature of power relationships through looking at the compromises of the actors in implementing policy. However, it is a special challenge for the researchers who were not really engaged in implementing policy to enquire about this aspect. Mosse examined the compromises made between the project implementers and the beneficiaries in doing project activities and analyzed how this influenced the project's outcomes. Only a person who is a member of project as David Mosse was can fully investigate and understand this aspect.

The above discussion indicates that understanding the whole process of the policy from the papers to practice could not be achieved by applying a single approach in analyzing policy. Enquiry in policy analysis, therefore, needs to have a combination of different approaches as suggested by Keeley & Scoones (1999) and Sutton (1999).

#### 8.6.2. Property rights for forestry land and natural forest management

As introduced in chapter I, this research explored the process and consequences of both devolution of forestry land to individual households and natural forest to villages or household groups. This is a change from the state property regime to private and common property rights. Two approaches of property rights were used to examine the relationship between devolution of rights to forest and management practice as well as the conflict brought by the devolution implementation. Following are some discussions about these two theoretical approaches.

##### ➤ *Private property right school*

Devolution of forestry land to an individual household is transference from the state property to private property. As discussed in chapters VI and VII, after titling forestry land to individual household, the forestry land users

invested labour in planting and tending forest on the devolved land. The planted forest area was expanded in both Loc Tien and Thuong Quang after devolution. The plantation brought entitlements of cash income for the land users. The productivity of the land in terms of income from timber planted on the land was improved compared to the bare hills that had been managed by the state before devolution.

However, there was still a part of the devolved forestry land area has not been planted because the land user did not have enough capacity to invest in farming the land. Moreover, almost all the planted forest areas on the devolved land were developed based on the financial sources funded fully or partly by international organizations or the government. Investment in developing the forest on the private forestry land is a result of not only holding a land title but also of development of the market for timber products. This showed that individual land titling is one of the factors that encouraged land users to invest in the devolved land. Titling forestry land to individual households also created conflicts between the land users and non-beneficiaries that are rarely discussed in the literature of the private property scholars. This indicates that private property rights are not the best as claimed in this school. Private property right holding is not enough to secure tenure.

➤ *Common property rights school and common pool resource theory*

Devolution of natural forest to village or household groups is transference from the state property to common property. The findings in both communes (Loc Tien and Thuong Quang) showed the importance of commons management of the natural forest resources for the livelihood of the poor as claimed by the scholars of the common property school. After devolution of natural forest to villages in Loc Tien or to household groups in Thuong Quang, the forest areas were managed by investing labour in protecting and tending the forest. This supports the arguments of the scholars of common that common property is not open access but it is managed collectively.

For examining maintenance of the village or household group-based natural forest management, this research looked some variables such as building the institutions (rules) for collective management (Varughese & Ostrom, 2001; Ostrom, 1999), and some enabling conditions, offered by Agrawal (2001) such as location of the resource, size of group and resource, clearly defined boundary, past experience, and supportive external sanctioning institutions.

The evidence from the study sites showed that the quality of the institutions for managing the village-based natural forest was influenced

mainly by facilitation of external actors (foresters from the DFPD) because it was developed based on the guidance of the government and support of the DFPD. This challenges the conclusion of Varughese & Ostrom (2001) that heterogeneity of community is a key factor influenced quality of the institutions for managing common resources. Here, the state's interventions influenced more quality of the institutions for the devolved natural forest management.

In the coastal community (Loc Tien), the efficiency of the devolved natural forest management was improved thanks to its location that allowed easy policing of the illegal loggers and the experience of the forest protector group. In the mountainous area (Thuong Quang), prevention of illegal logging was limited because of lack of support from the commune authority and the DFPD although the size of forest area and size of the group are smaller than that in Loc Tien (size of the forest area from 45 to 115 ha compared to 511 ha; the size of groups from two to 10 households compared to 178 households). These forest protection groups also have long experiences of where and how the illegal loggers log timber in the forest. This evidence also questions the hypothesis of Agrawal (2001) that the small size of resources and groups is one of the principles for maintaining collective action for management sustainability of common pools resources.

In both communes, the boundary of the devolved natural forest area was clearly defined based on topography and resource characteristics but results of preventing illegal logging were not similar between two study sites. The variable of clear boundary definitions offered by Agrawal (2001) seems to have less meaning in improving management activity. Dilemmas due to everyday life relationships prevented the forest protectors from prohibiting illegal loggers in the village in both Loc Tien and Thuong Quang. Management efficiency of natural forests, therefore, depended also on everyday life relationships, which is not mentioned in the commons literature.

Efficiency of village or household group-based natural forest management in Thua Thien Hue, Vietnam, depends on the organization of collective action, support by enacting and executing the law, as well as relationships in every day life. The size of the group, resource and internal institutions seemed to have limited significance.

The evidence from examining the contributions and limitations of devolved forestry land to individual households and natural forest to villages or household groups in Thua Thien Hue indicated that private property or common property did not help to achieve full efficiency of forest land use and management. The findings from this research supported thoughts of the

Institutionist school that efficiency of land use and management as well as security of tenure depend on the politics of access and control rather than a title or the common (Ellsworth, 2004). However, for the objective of pro-poor rural development, this research supports the idea of introducing common property regimes in natural forest management with complete devolution from the state along with cooperation of the state's authority in exercising legislation.

### 8.6.3. Environmental entitlement framework in analysis of impact of devolution

As discussed in chapter VI, gaining an endowment of statutory rights to forestry land and natural forest was influenced by the legal papers and interpretations of external actors in the implementation process of devolution while individual relationships and sympathy in every day life determined access based on traditional rights. This supports the argument of Leach *et al.* (1999) that the process of mapping endowments is influenced by both statutory and customary systems.

In chapter VII, the evidence indicated that transforming the endowment of forest land rights to gain entitlements (benefits) from the devolved land depended on financial resources and labour capacity of households, support from international organizations and the state, as well as the security of the statutory rights.

In the case of devolution of natural forests, there is no utility of the timber for the forest protectors yet because of the complex process of getting timber and lack of support to exercise the commitments between the state and the forest protectors. Execution of the regulations of benefits determined the gaining of entitlement to timber for the beneficiaries. Therefore, transforming the endowment of statutory rights to utilities from natural forest is influenced by the support of external institutions (in execution of regulations set up by the state) as well as holding statutory rights and the household's resources.

The findings in chapters VI and VII indicated that processes of mapping both endowment of statutory rights and entitlements depended on interpretations and the exercise of the regulations in practice rather than the regulations in the policy papers, again in line with the conclusion of Leach *et al.* (1999) that endowments are outcomes of negotiation between the actors rather than the result of fixed rules in the law, and power relationships are important issues in analyzing mapping processes, an aspect missing in Sen's argument as Leach *et al.* (1999) stated.

This study found that distribution of endowments to and entitlements from the devolved natural forest and forestry land were decided mainly by

the rights of state actors in the process of devolution implementation. Although in the extended environmental entitlement approach, Leach *et al.* (1999) emphasized importance of institutions at all levels (from macro to micro level) the discussion mainly focused on micro level (social differences between local social actors or social groups in the community that influence endowment and entitlement mapping). Arguments on the influence of the executing state institutions on endowment and entitlement mapping process seem to also be limited in this approach.

This research also found that it is a challenge for researcher to specify variables of entitlement. This may be the reason for the abstract term of entitlement “effective command...” that makes analysis of the entitlement mapping process difficult to achieve.

Mulvaney (2003) has argued that the extended environmental entitlement approach of Leach paid limited attention to the heterogeneity of the ecological process. In this thesis, the author did not have enough evidence to comment on this aspect and did not look deeply in the change of forest conditions. However, this research supported the point of view of Leach *et al.* (1999) that outcomes of the environment (forest in particular) depended very much on the institutions and their execution in society rather than characteristics of ecosystems.

A strong point of the extended environment entitlement approach of Leach *et al.* (1999) is pointing out the relationship between endowment and entitlement in evaluating impacts of devolution. This helped to understand outcomes of the forest devolution policy in relation to endowment of rights. However, this approach does not help to see broader outcomes of devolution such as analysis of sustainability of livelihood because it did not help to look at relationships between different sectors as well as the history of the household economy. This may be a limitation of Leach *et al.*'s approach.

#### **8.6.4. Feminist environmentalism**

The findings on gender issues crossed over chapters V, VI and VII of this thesis and support the arguments of Agarwal (2001b) that common resources are important for poor women. Forest devolution programmes limited the participation of women. The absence of women in the process of forest devolution was a result of the customs and social norms such as the thought that forest production is male work, the workload of housework, again consistent with the findings of Agarwal (2001b; 1997a) in South Asia. These influenced a smaller gain of endowments of statutory rights and loss of some entitlements from the devolved forest for women. However, gaining less

endowment of statutory rights to the devolved forestry land by women in this research also results from a lack of attention by external actors (forest officers, state management officers). This aspect was not discussed by Agarwal (2001b; 1997a) in South Asia.

## 8.7. Reflection of methodology and methods

### 8.7.1. Methodology

It is a good idea to start research from an observation of practice. The research issue in this thesis was recorded to be the critical issue in Vietnam in practice by the researcher's community and the policy makers who attended the workshops organized by RDViet project network. This was reflected through the presentations on the research issues and its primary findings in the scientific workshops of the RDViet project with attendance of the researchers from the agricultural and forestry universities in the whole country, with representatives of some ministries and some national and international organizations who are working in rural development in Vietnam.

From the initiation of this study to the day of writing this reflection, the author learned that when the research idea originated from practice, it is useful in terms of achieving the objective of making a change in practice. However, it is very challenging for the researcher to interact with the theoretical frameworks to achieve both academic objectives and solve the practical problems at the same time.

Starting the research from the issue observed in practice also makes the study difficult to link with a single theoretical framework. This is in line with the statement by Phillips & Pugh (2000) that the research that comes from practical observation, often requires different theoretical frameworks.

### 8.7.2. Reflection on the methods

#### ➤ *Combination of quantitative and qualitative methods*

The research applied both quantitative and qualitative methods. It indicated that quantitative methods were very useful to give the evidence for supporting the claims of the author and it is easy to generate the findings. The analysis of quantitative data is also not complex and took a short time with the support of computer software. However, a quantitative method seems to be difficult to achieve given the nature of the research issues.

A qualitative method was quite useful and interesting for the researcher to understand the social and human aspects of the research. However, this method required a longer time in the field and it also challenges the patience of the researcher. Qualitative data requires not only the skills of researcher but also their enthusiasm. It is also a challenge to analyze and generate the findings using qualitative methods, especially when the data is rich and comes from different sources. However, qualitative methods should not be absent in the research that focuses on social human aspects. It is a good idea to combine both quantitative and qualitative methods in research.

➤ *Lesson learned*

The first lesson learned by the author through doing the research was the way of selection of the policy papers for analyzing. It should focus on the key papers only. With the extreme number of policy papers related to forest devolution in Vietnam, it was very hard for the author to do analysis of the policy. They should be filtered by discussion with the stakeholders to select the key papers before coming up with an analysis.

The second lesson learned was the ways of discussion in the dialogues with the interviewees when talking about the sensitive issues related to implementation of forest devolution, such as unequal distribution of forestry land devolved by the state. This needs to have not only skills but also the art of dialogue to understand the issue.



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## **Appendix I.** Norms for Classifying Forests in Vietnam

(Decision No. 682B/QĐKT QPN 6-84 on 1<sup>st</sup> August, 1984)

The forests in Vietnam are classified as 4 groups as followings

Group 1: Non-forest, including 4 types

- Ia. Specific characteristic of this type is covered by grass, wild banana and “*lau lach*”
- Ib. Specific characteristic of this type is covered by brushes, and some scattered small timber and bamboos
- Ic. Specific characteristic of this type is covered by the timbers that are generating and their tall are higher than 1meter with the density is 1000 trees/ ha.

Group II: Rehabilitation forest with small trees

- IIa. The forests are rehabilitating after shifting cultivation with the trees which prefer sunlight, growth fast, are at the same age and there is only one layer.
- IIb. The forests are rehabilitating after exhausted exploitation with the fast growth trees which prefer sunlight relatively. The spicy component of this type of forests is complex and not at the same age.

Group III: Secondary forests which are affected by human and the structure of the forest was changed

III<sub>A</sub>. The forests were exploited strongly. The forest structure of the forest was fully broken.

III<sub>A1</sub>. The forest was exploited exhaustedly. The forest canopy is broken. There are many creepers and bamboos in the forest. This type is divided into two types (III<sub>A1.1</sub>. incomplete rehabilitation and III<sub>A1.2</sub> – complete rehabilitation)

III<sub>A2</sub>. The forest was overexploited but it is rehabilitating well. Specific characteristic of this type of forest is that its middle layer occupies upper hand with almost all the trees having diameter about from 20 to 30 cm. The forest has at least 2 layers. This type is divided into two types (III<sub>A2.1</sub>. incomplete rehabilitation and III<sub>A2.2</sub> – complete rehabilitation)

III<sub>A3</sub>. The forest was exploited moderately or is developed from the forest type

III<sub>A2</sub>. The forest community is rather closed with two or more than 2 layers.

Specific characteristic of this type of forest that is different compared to III<sub>A2</sub> is having bigger timbers (diameter is higher than 35cm) can be exploited for use.

III<sub>B</sub>. The forest community is exploited by the selected method (extracting some high value timbers) but the forest structure has not been changed yet. The timber providing capacity of this type of forest is still high and its timber volume is rich with the big timbers.

Group IV: Primary forest. This forest is not exploited yet. The structure of the forest is stable with many layers and levels of diameter. However, this type of forest may lack of middle and lowest layers.

IV<sub>A</sub>. Primary forest

IV<sub>B</sub>. Rehabilitated secondary forest



