

DECENTRALIZATION AND LOCAL POLITICS OF FOREST MANAGEMENT IN VIETNAM: A CASE STUDY OF CỎ TU ETHNIC COMMUNITY

Hoang Huy Tuan

1. Backgrounds and Rationale

Nowadays, decentralization is a dominant theme in the discussion of policy of natural resource management in general, and particularly forest management. Decentralization has emerged as a major strategy for many national governments to achieve development goals, provide public services, and undertake environmental conservation (Agrawal and Ostrom 2001). Governments believe that decentralization not only can improve service delivery by bringing decision-making and implementation closer to the target population, but also can cut the central government's costs and improve efficiency by reducing the size of the central bureaucracy (Dupar, Badenoch et al. 2002).

In Vietnam, decentralization has occurred within special sectors such as forestry, agriculture, and so on (Dupar, Badenoch et al. 2002). Decentralization of forestry in Vietnam can be traced back from the late 1980s to the early 1990s. Before the economic reform policy, popularly known as *Đổi Mới* (Renovation) that was initiated in 1986, forest management had been highly centralized. Under the *Đổi Mới* policy, the government has allocated forestland to households and individuals for planting both protection, and production forests since 1994. Management authority was directly transferred from the state to the households and individuals through the Forest and Land Allocation (FLA) policy. There are two main

© Copyright 2006 – Hoang Huy Tuan

objectives of FLA policy. Firstly, handing authority of forest resource management over to local people, the state expects that local people will be able to obtain additional benefits generated by forest management activities and forestland resources. Secondly, by encouraging participation of local people in forest management, it is presumed that communities/villagers will be able to effectively manage allocated forests, which were formerly assigned to state forest enterprises and others state agencies. Devolving rights to local people can bridge the gap between customary and statutory rights, heighten tenure security, and harmonize relations between government and local resource users (Meinzen-Dick and Knox 2001).

In Thua Thien Hue province, FLA has been initiated since 1995 through the implementation of project VIE/020/ITA (funded by the FAO). Thuong Lo commune of Nam Dong district was chosen as the pilot commune for the FLA implementation. Under this project, Nam Dong district's authority allocated "forestry land¹ without a forest cover" to households for reforestation. In 2000, the provincial authority has initiated a trial of allocating natural forest to the community and household groups. Thuy Yen Thuong village (Phu Loc district) was selected for this trial. Natural forest allocation has subsequently expanded to other communes, such as Loc Hoa (Phu Loc district), Huong Loc, and Thuong Quang (Nam Dong district) through the foundation of a SNVforHue (Dutch NGO) in 2003. Of these locations, Thuong Quang commune was chosen for this study. There are three main reasons for the selection of this research site. Firstly, the FLA implementation in the case of Thuong Quang commune is a turning point in the provincial strategy of forest management, because the Thua Thien Hue Provincial People's Committee (PPC) withdrew some of the natural forests that belonged to the Khe Tre State Forest Enterprise (SFE) to allocate them to household groups with the aim of sustainable forest management and a contribution to poverty alleviation on the one hand, and Khe Tre SFE reform on the other hand. Secondly, Thuong Quang commune is in a remote area. More than 50 percent of its population is Co Tu people who have lived closely to the forest from time immemorial, while the above-mentioned communes are Kinh people, except Thuong Lo commune. Thirdly, there has not yet been any deep research on forest decentralization in Thuong Quang commune so far.

¹ Forestry land is the land designated primarily for use in silviculture production, including land with natural forest, land under afforestation, and land used for forestry purposes such as afforestation, forest nursery, and protection for natural rehabilitation, forest enrichment and experimental research on silviculture (Article 43, Land Law of Vietnam 1993).

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

As with most ethnic minorities in the country, the Cờ Tu people living in Thuong Quang commune formerly lived inside the natural forest areas in high mountain locations. In the Cờ Tu's traditional society, land and forests are considered as common property (ghost forests, spiritual forests, watershed areas, etc.) or private property (land for shifting cultivation and gardens; and resident land). The Cờ Tu people used and managed this land and forest under customary laws. In the village's domain, natural resources are owned by community/village. A village patriarch served as a representative of villagers and was in charge of management of natural resources and social aspects, and solving problems, which emerged within the village and between villages. The households/villagers owned as many plots as possible, but they were allowed to own only those plots that belonged to their village and that were not being used by other villagers. Meanwhile, forest products were considered to be open-access. Villagers gained benefit from forest through shifting cultivation, by collecting non-timber forest products and hunting, and by cutting solely timber for building houses and making coffins. The Cờ Tu's livelihood strategy has depended on natural resources. Their livelihood activities are mainly shifting cultivation, gathering, and hunting for subsistence purposes. Each villager must abide by the strict rules on rights and obligations of natural resources utilization and management, which are constructed by villagers. These rules are not only effective within the village, but also neighboring villages. Definition of ownerships is the foundation through which the community has effectively managed natural resources. Therefore, land and forest tenure conflict within a village and between villages seldom occurred.

After the liberation in 1975, upland areas were considered as potential regions for expanding agricultural production, and the government established Thuong Quang commune as a new economic zone. The government settled Cờ Tu people at the forest edges, and migrated Kinh people from the lowland to Thuong Quang. The government established SFE in Nam Dong district (Khe Tre SFE and Nam Dong SFE), and assigned Khe Tre SFE to manage and utilize whole natural forest areas in Thuong Quang, the main task of which is logging. The Cờ Tu people no longer have the right of management and utilization of forest. They are not allowed to practice shifting cultivation. In this manner, the state tends to neglect the existence of the Cờ Tu people who have been living with the forest from time immemorial. Rather than be considered managers and protectors of the forest that they considered as their homeland, the Cờ Tu people were now illegally practicing shifting cultivation, and viewed as destroying the forests. As a result, conflicts of benefits from forests between villagers and Khe Tre SFE emerged.

Since 1994 the Khe Tre SFE has engaged the Co Tu people in forest protection activities according to their annual management plan through contract. Under this approach, the Co Tu's customary laws of forest management were ignored. The heart of the policy on natural forest protection contract is that the state (Khe Tre SFE) hires villagers to protect their forests. Therefore, although Khe Tre SFE has contracted with villagers for forest protection, the contracted forests continue to be destroyed. There are two main causes: (1) contracts for forest protection are short term and unstable. The contracting budget completely depends on the annual plan of government and taxes from logging, and does not provide villagers with benefits. Villagers are not allowed to cut timber, hunt, or implement shifting cultivation, while Khe Tre SFE cut thousands of cubic meters of timber annually; (2) due to the shortage of production land, the Co Tu people continue to practice shifting cultivation in those forests. When the Co Tu people are resettled by the government, they are guided to cultivate wet rice by the government, although the area provided is small and its productivity is very low. Furthermore, they are not allowed to use the forest for shifting cultivation and only receive small benefits from the forest through the forest protection contract with Khe Tre SFE (about 477ha of natural forest are contracted for 3USD/ha/year). The Co Tu people have confronted many problems such as losing rights of access to forest, shortage of land for production, poverty, and so on. During the last decades, forests in Thuong Quang commune were degrading day by day and now much of the forest is poor or degraded. It was generally believed that the local peoples' control over forest resources would lead to sustainable forest and forestland management if their long-term benefits are connected closely with forests. The provincial government therefore has withdrawn part of the natural forest area of Khe Tre SFE to allocate it to household groups for a period of 50 years beginning in 2003. In this manner, the provincial government adopts FLA policy by allocating natural forest to households.

Previously, forests had been managed through contracts with villagers, although this was ineffective and contracted forest was still being destroyed. Now, forest management has shifted from contracting with villagers to allocating to villagers. In this context, a question is raised on what happens to forest management in the Co Tu ethnic community after forest decentralization. It not only depends on powers and rights that are given up, and accountability relations, but also depends on social relations among social actors.

2. Conceptual Framework

Decentralization is not a new phenomenon in developing countries, but its emergence has differentiated over time and place. According to Agrawal and Ostrom (2001), since political leaders, international donors, and local people and their leaders have begun to see decentralization as a means to achieve political-economic and policy objectives, decentralization has been an important objective of state policy. Studying decentralization in developing countries, the World Bank has reported “Of seventy five developing countries and transitional countries with populations greater than five million, all but twelve claim to be embarked on some form of transfer of political power to local units of governments” (Agrawal and Ribot 1999)

Decentralization is a term that is difficult to clearly define. It is divided into many forms and looked at through various respects by scholars. According to Agrawal and Ribot (1999) and Ribot (2002) decentralization is any act in which central government formally cedes power to actors and institutions at lower levels in a political-administrative and territorial hierarchy. Meinzen-Dick and Knox (2001) define decentralization as transferring both decision-making authority and payment responsibility to lower levels of government. Similarly, Cheema and Rondinelli (1983) define that decentralization is the transfer of planning, decision-making, or administrative authority from the central government to its field organizations, local administrative units, semi-autonomous and parastatal organizations, local governments, or non-governmental organizations. Although decentralization is defined by many scholars, most definitions refer to the giving of powers and rights from central government to actors at lower levels. Decentralization has been implemented under various forms. Its forms include political, administrative, fiscal, and market decentralization. Political, administrative, fiscal and market decentralization can also appear in different forms and combinations across countries, within countries and even within sectors.

Part of the reason why so many different terms (forms) are used to describe decentralization is that decentralization can take place along many dimensions, towards multiple levels, and for several types of tasks (Agrawal and Ostrom 2001). Scholars have viewed the study of decentralization from multiple dimensions. Agrawal and Ribot (1999) look at decentralization from three main factors: actors, powers, and accountability. In their conceptualization, the political and administrative domains of decentralization are characterized by the mix of these three underlying analytical dimensions. Djogo and Syaf (2003) analyze the decentralization process by linking authority and power relations to the accountability of forest

resource governance. A conceptual framework is developed by Meinzen-Dick and Knox (2001) that considers potential roles, incentives and capacity issues for each actor in the certain context; and also considers the relationships among these institutions in terms of decision-making, service provision, resource flows, and accountability. There are no clear prescriptions, but it is useful to consider who makes what types of decisions, what services each provides, who pays whom for the different services, and how and to whom each institution is accountable. Additionally, Agrawal and Ostrom (2001) analyze decentralization through examination of its politics and property rights. They focus on the politics of decentralization to identify the actors most likely to initiate decentralization activities. Considering property rights under decentralization, the rights and capacities that are transferred to social actors at lower levels of political organization can be examined.

This study tries to analyze forest decentralization through multiple dimensions by incorporating analytical frameworks of the aforementioned scholars such as Agrawal, Ribot, Ostrom, Knox, Meinzen-Dick, and so on. Since there is no factor that stands alone, decentralization is seen through the interaction of these factors at multiple scales. This study also examines how these dimensions play out in local politics under forest decentralization. The study's conceptual framework views the FLA as forest decentralization. Therefore, this study first identify social actors who are involved in FLA and examine how they have performed in the process of FLA at various scales with their roles, incentives and capacities. Those roles can be roles in decision-making, resource mobilization, rules enforcement, monitoring, and so on. Incentives can refer to costs (financial and opportunity costs), benefits (tangible and intangible), and property rights. Capacities can consider financial resources, human resources (labour, knowledge and skills). Secondly, at the village (grassroots) scale, the FLA policy creates new social actors, so-called forest recipients and non-recipients. Therefore, it not only changes relationships between villagers, but also between villagers and other social actors. Additionally, translating legal rights into rights in-practice plays an important role, as it will determine whether or not the FLA policy is successful. Therefore, this study analyzes the local forest politics of forest decentralization by focusing on how social relations change in the Co Tu ethnic community in terms of power of decision-making, accountability, property rights; how to translate legal rights into rights in-practice; how to change the governance structure; and gender issues.

3. A Rang and A Ka Villages-Research Site: Resources and the Co Tu' s Customary Law on Land and Forest Management

Since the study focuses on changes in local forest politics in the Co Tu community under the FLA, the selection of research site was based on the following criteria: (1) all of the villagers are Co Tu people; (2) the community is poor and has long depended on natural resources (land and forest) for its subsistence, and without access to these resources the community would barely survive; and (3) the community has been involved in the FLA process, with this criterion including village with many forest recipients and village with few forest recipients. Among seven villages in Thuong Quang commune, A Rang and A Ka villages met the above criteria to be a good example for this study. Both A Rang and A Ka villages are situated in flat land surrounded by mountains, which is covered with tropical rainforest. Generally, the socio-economic conditions, historical and cultural factors, and ethnic identity of both villages are similar. However, A Rang village was selected to represent a village with a majority of forest recipients, while A Ka village was selected to represent a village with few forest recipients. In the A Rang village, the forest recipients occupy around 88 percent (30/34 households), while in the A Ka village the figure is 12 percent (6/54 households).

The location of these villages is shown in Figure 1 on the following page, in which

② represents A Rang Village and ③ represents A Ka Village.

3.1. Basic information about A Rang and A Ka villages

The population of A Rang village is 162 people, consisting of 34 households, in which 32 households received forest. The population of A Ka village is 286 people consisting of 52 households, in which 6 households received forest. Basic information about A Rang and A Ka villages is presented in table 1. Regarding household wealth, households in both villages are divided into three categories. The criteria for wealth ranking are similar. Households of all three categories in two villages have insufficient rice to eat. Food security, therefore, is very important for local people. A Rang village consists of 6 better-off households,

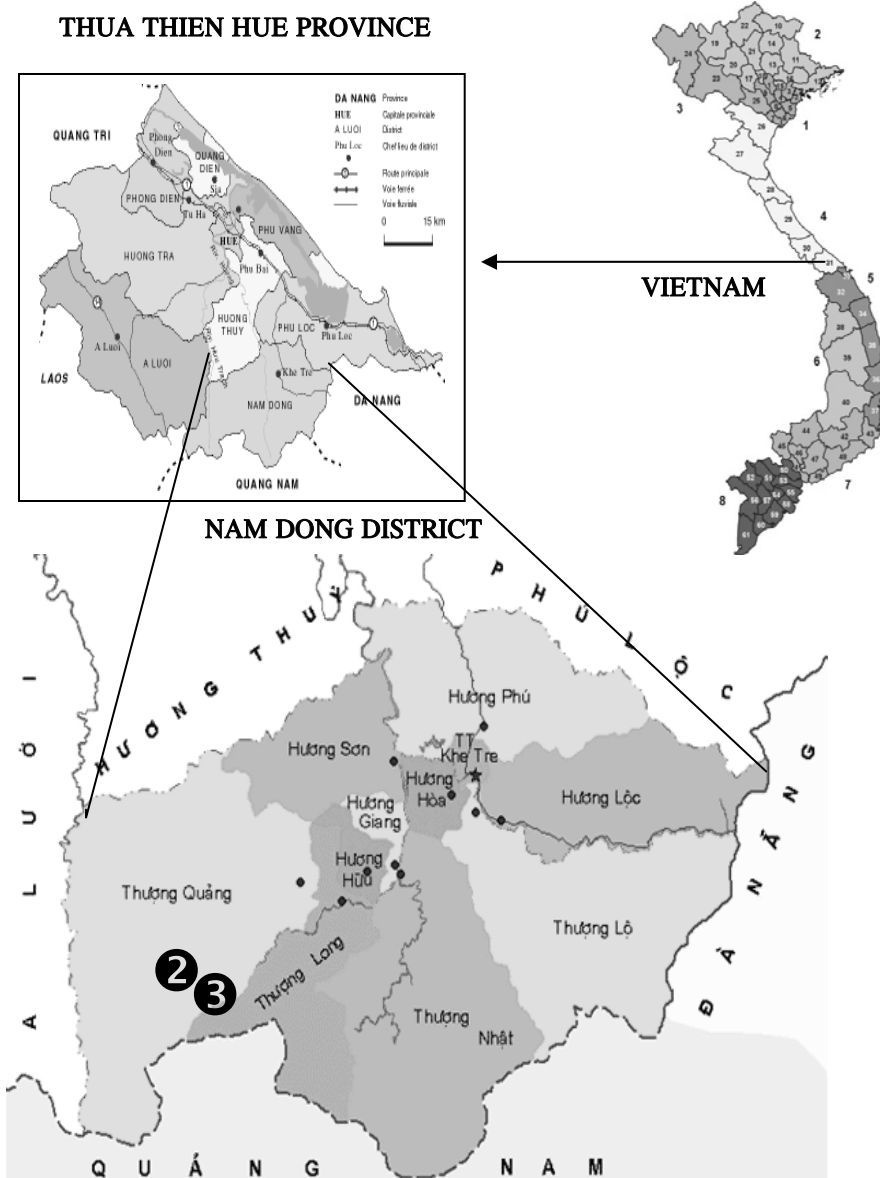


Figure 1: Location of research site

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

representing 18 percent; 11 medium households, representing 32 percent; and 17 poor households, representing 50 percent. In A Ka village, there are 13 better-off households, making up approximately 25 percent; 16 medium households, making up approximately 31 percent; and the rest, 23 households, comprise the remaining 44 percent.

Table 1: Basic Information about A Rang and A Ka Villages

Criteria	A Rang Village	A Ka Village
1. Founded in* (**)	1975	1975
2. Demography* (**)		
- Number of households	34	52
- Population	162	286
- Labor	69	123
- Average family size (persons)	5	6
3. Agricultural land use patterns**		
- Shifting cultivation (ha)	2.5	5.5
- Home garden (ha)	1.3	2.5
- Rice field/Wet rice (ha)	2.2	2.8
4. Allocated forest*		
- Recipients (households (groups))	30 (3)	6 (1)
- Allocated forest area (ha)	156.6	112.1
5. Rubber (ha)*	35.7	46.9
6. Household Wealth		
- Better-off (%)	18	25
- Medium (%)	32	31
- Poor (%)	50	44

Source: *: Thuong Quang CPC 2004; ** Field survey in 2005

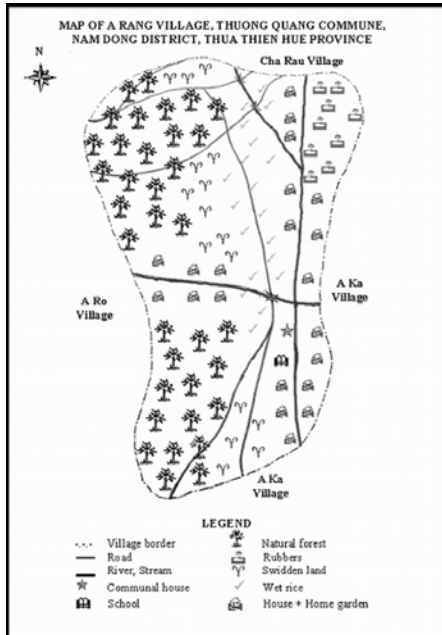


Figure 2: Map of A Rang village
Source: Field survey 2004

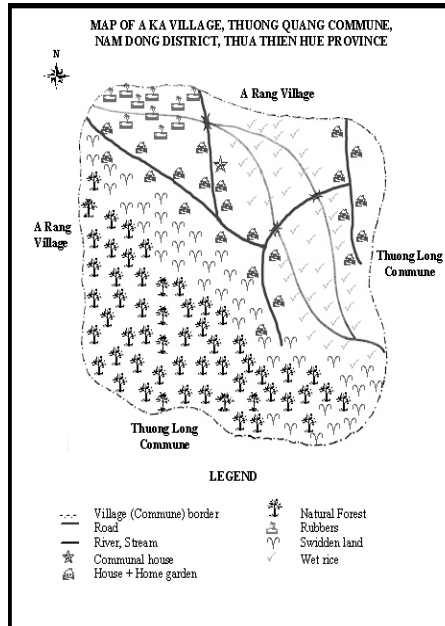


Figure 3: Map of A Ka village
Source: Field survey 2004

3.2. The ethnic identity of the Co Tu and the history of A Rang and A Ka villages

Co Tu is one of the oldest ethnic groups in Vietnam. They are related to the Cham and Kinh ethnic groups as well as others residing in the Truong Son-Tay Nguyen mountainous region (Tuan, et al. 1984; and Van, Son and Hung 2000). According to Manh, Hong, and Thong (2001) and Hong (2002), most of the Co Tu people live in Hien and Giang districts of Quang Nam province (neighboring province). The rest spreads out in the western mountainous areas of Nam Dong districts, the southwest of A Luoi district in Thua Thien Hue province and others.

In traditional Co Tu society, the village (*Vel or Vil*) is the grassroots administrative unit. The Co Tu village has well-defined boundaries. Boundaries among villages are defined by traditional institutions (Van, Son and Hung 2000). Each village has a village patriarch (*Takoore Vel/Vil*), who is elected from among the elders by villagers. The

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM

Hoang Huy Tuan

village patriarch has much experience in cultivation, worship, and social aspects and is in charge of management and solving problems related to natural resources and social issues as well. All villagers consider the village patriarch the pillar of the communal house (*Guol*). If such a pillar is broken, the communal house will collapse. As a result, the village would disappear (Manh, Hong, and Thong 2001). The Cơ Tu have an abundant store of folktales, folk-songs, folk-dances, and folk poetry that are handed down from generation to generation among the broad masses of the people. The Cơ Tu are particularly famous for folk festivals, such as the hunting and the *Đâm Trâu* (buffalo-stabbing) festivals. Being nomadic, the Cơ Tu tribe mainly practice shifting cultivation. Besides hill rice (the staple food), they plant corn, beans, sweet potatoes, cassava, melons, other vegetables and banana. Hunting and gathering also play important roles in their daily activities.

According to elders in two villages, their ancestors originated from Hien and Giang districts of Quang Nam province. After 1968 they migrated to the high mountainous area near the boundary between Quang Nam and Thua Thien Hue provinces. In 1975, when the Thuong Quang commune was established, they were separated into two small groups and settled at the forest edge in order to found two new villages that are presently A Rang and A Ka villages under the lead of the Communist Party. In each village, besides the village headman who is nominated by CPC as a representative of the local authority at the grassroots level, the village patriarch is still elected and respected by villagers. However, the role of the village patriarch currently has weakened because many traditional activities and customs are not practiced anymore. As a result, the Cơ Tu has lost the habit of consulting the village patriarch regarding production experiences, or when they have problems and they are involved in conflicts. Nowadays, most conflicts or problems are resolved by the local government, which hands down decisions from the top. Hence, it is difficult to avoid the bias that sometimes leads to conflicts.

3.3. The Cơ Tu' s customary law on land and forest management

Land and forest are the natural resources most tightly linked to the interests of each individual, community, and nation. Especially in the upland areas, land and forest have an intrinsic ecological value that goes beyond its obvious economic value. Normally, in areas where ethnic minorities live and work, the matter of managing land and forest resources must take into account both government goals and policies and the special characteristics of each locality.

Living in a mountainous area, forest has cemented the Co Tu way of life. It closely connects their livelihood strategies that formerly depended on shifting cultivation and a gathering and hunting mode of life. The Co Tu people divide forest into four kinds of forest: (1) ghost forest (2) spirit forest; (3) headwater forest; and (4) forest for exploitation. The ghost forests are formed by oral transmittance of strange phenomenon relating to their manner and custom, and spirit life as well. The spirit forests are where gods such as forest, water, and genii live. The Co Tu people assume that if you outrage genii, it not only disturbs the personal but also community safety. The Co Tu's customary law strictly prohibits destroying ghost forest. Headwater forests are used to protect water sources, and cutting timber is allowed for communal interests such as building communal houses, making poles for the buffalo-stabbing festival, or making sculptures for folk festivals. The exploitation forest is used for cutting firewood and making coffins.

In the Co Tu's traditional society, land and forest tenure consists of two regimes: common property and private property. Common property is understood at three levels: community, clan/family and family branch levels. The ghost forests, spirit forest, headwater forests, and grass land belong to the village. The land for shifting cultivation and the forests for exploitation are distributed by the village. Normally, the village patriarch takes charge of distributing land and forests to clans, while the head of clan in turn distributes to branches of clan or directly distributes to households. These distributions are based on negotiations among clans within the village, among clan branches within clan, and among households within clan branch or clan. The exchange, inheritance, and transfer usually take place within clan. The recognition on restriction of individual interests over forest has reflected the sustainability of common property. All villagers, therefore, equally benefit from the forest area within the village (Manh, Hong, and Thong 2001). In addition, according to the elders, NTFPs sites are claimed as the property of the people who find them. For instance, if you detect a beehive on a tree, you just thrust at that tree and stick a branch of tree towards that beehive. In that case, although you have not exploited it yet, anyone would recognize that you are the beehive's owner. Therefore, they are not allowed to exploit it.

Concerning the village border, between two villages there usually is a 'buffer zone' (Co Tu people call Ghê non Krung). Both villages agree to strictly prohibit exploiting that area in any way. Conflicts within village or between villager and neighboring villagers are resolved by village patriarch(s) through negotiation and applying punishment. Conflicts between villages are resolved by negotiation

between village patriarchs, village elders' council and village diplomats (Koanh P'roah).

4. The Roles, Incentives and Capacities of Social Actors Involved in Forest Decentralization

Generally, the social actors involved in the FLA process can be divided into four major groups as follows: (1) local governments, (2) government agencies, (3) user groups, and (4) NGOs and private sectors. In the case of Thuong Quang commune, social actors who are involved in the FLA process are the PPC, District People's Committee (DPC), and Commune People's Committee (CPC) as local governments; the Forest Protection Unit (FPU), Station of Natural Resources and Environment (SONRE) and Khe Tre SFE as government agencies; the household groups as user groups; and the SNVforHue as NGO. Why have social actors been involved in the FLA process? This study has answered this question by analyzing their roles, incentives and capacities.

4.1. Roles of social actors

The local governments involved in the forest decentralization in this context were bureaucratic arms of the central government such as the PPC, DPC and CPC. Although the People's Committees were not directly involved in the FLA implementation, they play an important role. The PPC has initiated natural forest allocation to communities, household groups, and households. Formerly, the whole natural forest in Thuong Quang commune was owned by Khe Tre SFE. In order to implement the FLA, the PPC established the Provincial Steering Committee, and decided to withdraw parts of the natural forest under Khe Tre SFE management to re-allocate to villagers. The DPC's role was to decide which commune would be selected to carry out the FLA, and to establish the District Steering Committee (DSC), Working Group (WG), and Commune Land Registration Council (LRC). The CPC plays a central role in the whole FLA process in terms of resolution of problems that relate to the FLA implementation in their locality and conflicts with neighboring communes. The CPC also decides to choose a technical service provider, which helps it to implement FLA at the commune scale. The evolution of the forestry policies has gradually shifted the forest management from a centralized system to decentralized system. The role of local governments, thus, has changed according to such policies.

Because forest decentralization implies a change in the role of government agencies from direct management of the forest resource to providing a legal framework and support services, the government agencies play a role as counselors, and help local governments promulgate the legal documents that are valid in their locality. They also are in charge of the FLA implementation. According to the legal framework, the government agencies of the forestry sector should be involved in the FLA process at various scales. However, in fact, the FPU is involved in the whole FLA process, the SONRE is involved in some steps relating to the LUC issue. The FPU is a member of the DSC and head of the WG, and also is chosen as a technical service provider. The FPU, therefore, plays a central role in the whole FLA implementation process. Additionally, they will monitor and control the activities of forest recipients. Meanwhile, the SONRE does not perform an active role in the FLA process, although the FLA implementation is one of their main tasks. Concerning the forest recipients' activities over their forest, the role of the Khe Tre SFE has changed from direct management of forest into service providing agencies, although they are not involved in the FLA process.

User groups of the FLA in Thuong Quang commune is limited to household groups. Their role was changed from forest protectors by contract with Khe Tre SFE into forest owners. Since the FLA has given user groups a role in governance of allocated forest, they play a major role in making decisions, coordinating activities and dealing with problems concerning allocated forest areas. At the same time, the FLA increased the responsibilities for user groups. User groups, therefore, still need to be providing with some technical services, training, rule-enforcement, and dispute resolution by government agencies.

The SNVforHue is the sole NGO involved in the FLA as a donor. They have supported local governments and government agencies (hereafter called the 'local authorities') approach, and have provided finances to carry out FLA in Thuong Quang commune. The SNVforHue has significantly contributed to the participatory approaches to carrying out the FLA process by organizing several training courses on participatory approaches for the WG.

4.2. Incentives of social actors

There are many social actors involved in the FLA process, but their incentives are as different as chalk and cheese. Under the pressure of the demands of

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

environmental protection and biodiversity conservation from national and international levels, the local governments strive to reduce deforestation by conducting FLA. They expect that the FLA policy could prevent deforestation, and contribute to alleviating poverty. The FLA program in Thuong Quang commune has an aim of get more local people's participation in forest protection, at least in the allocated areas, because forest recipients must execute the official regulations in the LUC. In addition, local governments also want to reduce the cost of resource management, because the FLA can indirectly shift the burden of cost of forest management from the 'local authorities' to user groups. In terms of political aspects, one of the reasons local governments are encouraged to be involved in the FLA program is political promotion. The leaders of local authorities, especially at the commune level, would like to gain a higher position when they execute the state policies well.

For the government agencies, the FPU is eager to be involved in the FLA process, because they get many benefits, although their main task is to deal with violations of forest protection and ensure the observance of forest protection and development legislation. The FPU is a government agency, whose budget comes from SNVforHue which improves their capacity building related to the FLA implementation. Moreover, the FPU would like to be involved in the FLA process because they can easily monitor and control the forest-recipients' activities later on. In contrast to the FPU, the SONRE has inactively participated in the FLA process, because they did not get benefits from SNVforHue. The SONRE has participated in the FLA process, due to their mandates assigned by the DPC. In addition, in the case of Thuong Quang commune, all allocated forest areas formerly belonged to the Khe Tre SFE. The SONRE, therefore, was afraid to conduct FLA, because they do not want to create conflict between them and the Khe Tre SFE. The Khe Tre SFE is not directly involved, but they support the FLA process. They entirely agreed with the PPC's decision that withdrew parts of own their natural forest to allocate them to household groups, because those forest areas are poor and degraded forest, which cannot be exploited in the coming ten to fifteen years. In addition, the budgets for such forest area management from government continue to shrink. They, thus, would be faced with increasing constraints to manage the forests. It can be said that the FLA program has created an opportunity for the Khe Tre SFE to shift the cost of forest management toward the forest recipients, who would bear the cost of such forest areas.

The user groups could get both tangible and intangible benefits under the FLA policy. The motivation of the local people to be involved in the FLA policy is to

have an official right to use the forest and forestland as well as the related benefits, and to will it to their children. The forest recipients are allowed to use 5-20% of allocated forestland for agricultural production to meet their needs of food for their short-term living requirements, and to collect NTFPs, which are the most important source of cash income for many poor people in remote areas. In addition, government agencies provided technical services and training programs relating to their interests. For instance, the SNVforHue has funded training courses on NTFPs plantation techniques, particularly on how to plant and nurture the more profitable NTFPs such as rattan, and conical hat leaves.

Two major objectives of SNVforHue in the first phase are (1) supporting the forest protection and management programs, and (2) strengthening the capacity of the forestry sector agencies, and local people for FLA implementation. According to Mr. Le Viet Tam, the SNVforHue's collaborative forest management advisor, the SNVforHue supported the 'local authorities' in carrying out the FLA policy at first site of the project, because they expect to draw a lesson from the FLA implementation process to expand the project to some other provinces in the North Central region of Vietnam in the next phase. In addition, they would like to be dedicated to environmental preservation and poverty alleviation goals.

4.3. Capacities of social actors

In terms of capacity, it is necessary to consider finances, knowledge and skill, and coordination among social actors. Concerning the financial aspect, the FLA in Thuong Quang commune needs a vast budget to conduct the FLA, such as organizing workshops, training courses, implementing field surveys, supporting farmers after allocating forest, and so on. Since the district's annual budget is very limited, subsidies or contribution from the SNVforHue to the implementation of the FLA process is meaningful.

Since the user groups are ethnic minority groups, finance is a fundamental requirement for their long-term sustainability. If the user groups cannot raise enough cash and labor for their life, they will not invest in allocated forest management. Therefore, initial investment from the government or NGOs will encourage the local people to receive forest. However, heavy dependency on such external resources will undermine the autonomy and decision-making ability of the user groups, and the incentives to use the funds efficiently.

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

Knowledge and skills of social actors include both technical and management aspects. The SONRE normally has about five staff members, most of whom have limited forestry professional skills and knowledge. They currently concentrate on residential land and agricultural land allocation, because they get significant support from the Department of Natural Resources and Environment (DONRE). In terms of FLA, the SONRE are lacking in knowledge and experience of forest inventory, allocating forest in the field. They, therefore, were invited to be involved in some of the steps related to the LUC issue with their main task. On the contrary, the FPU is involved in the FLA as the chief implementer. Because they have about twenty full-time staff, and most of whom are forestry engineers and forestry technicians, and have much professional experience and capacities in terms of forest inventory, and implementing FLA. However, being forest rangers, who have been accustomed to top-down approaches, it was the first time that the FPU staff members worked closely with farmers by applying the participatory approaches.

For user groups, indigenous forest knowledge is certainly important, but they lack knowledge of state policies regarding forest management, as well as scientific knowledge and information. Therefore, training and extension services are often play a critical role in strengthening the capacity of user groups. Where the FLA program improves local people's capacities, there may be stronger incentives to receive forest. The cases of A Rang and A Ka villages are good examples. It is very difficult to conduct the FLA in A Ka village. Only 11 percent households received forest, because they did not understand the FLA policy. Contrary to the A Ka village, where the FLA project seems to be unsuccessful, villagers in A Rang village have supported such project. Eighty eight percent of households received forest, because they were clear about the FLA policy.

Coordinative ability is one of the important factors that could result in potential success of the FLA policy. In the context of Vietnam, the PPC and the DPC are social actors that play a key role in coordinating the FLA process. The Nam Dong DPC lacks experience in FLA process coordination. Therefore, they could not coordinate collaboration of government agencies to carry out FLA. The DPC has assigned the FPU to conduct the whole FLA process, while only assigned the SONRE to conduct some work related to administrative procedures and LUC issue. Legally, the SONRE plays a key role in the FLA implementation process, including the LUC issue. The DPC, hence, must assign them to conduct the whole FLA process with assistance of other government agencies. Even the Station of Agriculture and Development (SARD), who takes charge of state managerial responsibility for forest and forestland at the

district scale, was not given the task to carry out the FLA process. In addition, the Khe Tre SFE was also not invited to be involved in the FLA process, although the forest which will be allocated to household groups, formerly belonged to them. Because of the lack of experience in the coordination, the progress of FLA was not smooth. Therefore, the process of FLA implementation in Thuong Quang commune is not yet completed.

5. Local Forest Politics of Forest Decentralization

5.1. Local forest politics in the Thuong Quang context

It is necessary to consider the local forest politics by contextualizing the above aspects in the context of Thuong Quang. Therefore, it can be seen that there are changes in the relationship between the ‘local authorities’ and villagers through institutional arrangements of forest management; and the relationship between forest recipients and non-recipients by changes in rights of forest. In addition, the nature of the powers transferred and the accountability relations under the FLA program have been embedded in the changes in the relationship among social actors.

Forest institutional arrangement is understood as a set of guiding principles for forest management. It consists of formal and informal institutional arrangements. Basically, formal institutional arrangements take the form of contracts and allocation, for example the LUC, and their issuance requires agreements between different partners on sustainable forest management. These guiding principles are set for nation-wide acknowledgement and implementation. Informal institutional arrangements are defined as guiding principles within the village or community, based on customary law, norms, and rules. They emerge from locality-specific social consensus and negotiations on modes of appropriation of forest. The village’s forest management regulation is a good example of institutional arrangements under forest decentralization. After the FLA, villages must be constructed the village’s forest management regulation. The village’s forest management regulation is considered to be the guiding principles for allocated forest management. It combines formal institutional (state law) and informal institutional (customary law) arrangements in forest management.

In addition, we can examine the changes in relationship between forest recipients and non-recipients, which occurred under the FLA program by analyzing the

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

transfer of rights and property rights. Property rights can be defined as relationships among social actors with respect to things such as natural resources (Agrawal and Ostrom 2001), and if one individual has a right, then someone else has a commensurate duty to observe that right (Schlager and Ostrom 1992). We, therefore, base our classification of types of property rights on those that have been developed by Schlager and Ostrom (1992) to analyze changes in rights over forest under the FLA at the village scale. Such classification is modified to correspond with the local context, as presented below:

Access: The right to enter a defined physical property such as the right to go into or to walk on the allocated forest.

Withdrawal: The right to obtain the products of forest such as the right to cut timber, and to collect NTFPs.

Management: The right to regulate internal use patterns and to transform the resource by making improvements such as the right to use allocated forestland without forest cover for agricultural production, to plant trees in forest, to thin forest, and to enrich forest.

Exclusion: The right to determine who will have an access right, and withdrawal right such as the right to stop violators who cut timber or do any activities without permission and the right to determine who can cut timber and collect NTFPs.

Alienation: The right to sell or lease the above rights such as the right to sell forest products, the right to transfer, exchange, lease, inherit, and mortgage the allocated forest.

The transfer of property rights in this context could be seen as a transfer of the 'bundle of rights' represented by the five aforementioned types of rights. The forest decentralization program often speaks of an attempt to give user groups 'a sense of ownership' so that they willingly take care of, and invest in the forest. Although 'a sense of ownership' is difficult to convey without real rights, where governments have borne the cost of developing the forest, there has been reluctance to transfer its ownership to user groups (Meizen-Dick and Knox 2001). However, user groups often face challenges in the transition from legal rights to rights in practice. It is necessary to explore such challenges by using Leach, Mearns and Scoones's environmental entitlements framework (1997), which considers legal rights as 'endowments' and the rights in practice as 'entitlements'.

Governance structure is one of the important components of the forest management system in the locality. Governance can be defined as the exercise of legitimate authority in transacting affairs, and is broadly understood to refer to the maintenance of social order through endogenously evolved sets of rules or authority structures, or some combination of locally-evolved and externally-imposed rule sets (Mearns 1996b; cited in Ngaïdo and Kirk 2001). Therefore, this study concentrates on changes in roles of key social actors who are executing the forest management rules in their locality as executors. Such changes are representative of changes in the local governance structure under the FLA. There are four key social actors: (1) the village patriarch and (2) the head of the recipient group, who can be seen as representatives of the local community; and (3) the village headmen and (4) the CPC as representatives of local government.

5.2. Changes in relations among social actors under the FLA policy

The previous section looks at roles, incentives and capacities of various social actors involved in forest decentralization. In addition, social relations have changed under forest decentralization. It is useful to examine the multiple dimensions of changes in social relations in terms of the transfer of powers and property rights, accountability relations, and institutional arrangements as well. This section first treats changes in relations between villagers and the ‘local authorities’ in the context of changes in forest institutional arrangements. It then looks at changes in relations among four groups of social actors through the nature and scope of powers transferred and administrative and political accountability. And finally, it examines changes in relations between forest recipient and non-recipient by analyzing the changes in forest rights and property rights.

5.2.1. Dynamics of institutional arrangements for forest management: shifting from forest contract to forest allocation

Relationships between villagers and the ‘local authorities’ have changed along with forest institutional arrangement changes, which have shifted from contracts with local people for forest protection to allocation of forest to local people. Formerly, all forests in Thuong Quang were owned by the Khe Tre SFE. They were the official managers of such forests, in which they performed tasks of logging, wood business and processing, afforestation, and forest enrichment. Among them,

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

logging is the main task. The Khe Tre SFE, therefore, had more powers of forest control. Since 1994, following the Đổi Mới policy, the Khe Tre SFE's monopoly of forest resources has been gradually abolished, and they have changed their tasks from focusing on forest exploitation to focusing on forest management. In order to secure new tasks under that circumstance, the Khe Tre SFE considers villagers or village as collective units under contract for forest protection and management. However, the institutional arrangement for forest protection, which is negotiated between the Khe Tre SFE-forest owner and village-forest protectors, must abide by state law (Decree No. 01/CP and Decision No. 202/TTg). Villagers or villages, who become the 'forest guards', have to sign a contract to follow the regulation concerning forest protection. Since the decision-making of such regulation is stipulated by the central government outside the village and commune context, the Cờ Tu people's everyday practice and customary laws on forest management become meaningless. The Cờ Tu people are officially deprived of their access to, and control over their forests, although all of them depend on these forests for providing subsistence goods such as land for shifting cultivation and animal grazing, NTFPs, firewood, and wood for building houses. In other words, under the contract for forest protection policy, they have formally lost control over forest, a resource which is instrumental for their well-being.

Apart from abiding by the contract for forest protection, the practice of shifting cultivation in the area is also prohibited by the FPU. However, the Cờ Tu people have in fact continued to practice shifting cultivation in the Khe Tre SFE's forests and even in the contracted forests, due to it being a major activity that provides staple food for their living. The 'local authorities' gradually realized that their efforts to stop shifting cultivation in their locality could not succeed unless they negotiated with the Cờ Tu about the terms of shifting cultivation. Both parties were able to negotiate and arrive at an agreement regarding this issue. The 'local authorities' designate certain areas of the barren land where the Cờ Tu can freely practice swidden farming. The designated area, however, is usually small and insufficient for cultivation. Many households, therefore, continue to practice shifting cultivation in the rich forests where the Khe Tre SFE cut timber for processing or selling. Swidden lands are usually located deep in the forest and far from the village, making access difficult. To attend to their crops, local people build shelters on their own fields and stay there through the planting, weeding, and harvesting periods. The distant location of the fields makes it difficult for both the Khe Tre SFE and the FPU to enforce the regulation against clearing forest for shifting cultivation. The fact of recent years, the Khe Tre SFE mostly concentrated on logging, and was not interested in protecting the forests. Meanwhile, local

people had no feeling of ownership. They, therefore, were not willing to protect forests but used the forests for their own short-term purposes. As a result, natural forests in Thuong Quang commune were degrading day by day.

All natural forests in Thuong Quang commune are classified as production forest. Thua Thien Hue authority would like to adopt the Vietnamese government's natural forest allocation program with the aim towards sustainable forest management on the one hand, and SFEs reform on the other hand. Therefore, they withdrew one part of natural forest under the Khe Tre SFE's management to allocate to household groups in Thuong Quang since 2003. The two cases of A Rang and A Ka villages in Thuong Quang commune revealed two very distinct outcomes of FLA policy. The implementation of FLA has led to diverse institutional arrangements for forest management. One village (A Rang village) accepted it, and the other one (A Ka village) declined the official policy implementation. Although the social habits and customs of villagers in both villages are similar, their perceptions about the FLA policy are quite different. The A Ka villagers would like the state to allocate forest to village/community. They do hope that their customary law will be restored under the community forest management. Their demand, unfortunately, was not met. The lack of transparency in terms of a benefit mechanism is another reason that villagers in A Ka village refused the FLA program. On the contrary, A Rang village accepted the forest allocation to household groups, although they were not content. In fact, villagers in A Rang village wished to receive forest by community. However, due to the lack of the cultivable land (average swidden land is 0.07 ha per household, and average wet rice is 0.06 ha per household), villagers expected that they would convert a part of allocated forest to agricultural production such as shifting cultivation.

There are some main reasons why the district authority could not allocate forest to community. Firstly, since the FLA took place before the Land Law of 2003 was issued, the DPC was not authorized to allocate forest to community. The FLA takes more time and legal procedures in order to allocate forest to community, because of it needs to be approved by the PPC. Meanwhile the SNVforHue would like to achieve the project's purposes and activities on time. They, therefore, want to allocate forest to households or household groups, because the FLA takes less time to complete it in this case. Secondly, the district authority also supports natural forest allocation to households or household groups, because they would like to consolidate their political position on the one hand, and prove their capacity in the process of forest management reform on the other hand.

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM

Hoang Huy Tuan

The FLA policy led to changes in the institutional arrangement for forest management. The relationship between the villagers and the 'local authorities', therefore, has changed as a result. Currently, the relations between the Khe Tre SFE and villagers are deteriorating day by day. Remaining forest areas are mostly medium forests, and the Khe Tre SFE still derives benefit from them through logging. Thus, they do not want to have contract with villagers for forest protection. On the contrary, the win-win relationships between the FPU and forest recipients have been established since the beginning of the FLA implementation process. The FPU is the key government agency representative of the 'local authorities' and takes charge of many activities in the FLA implementation process, assisting villagers in the process of a village's forest management regulation construction, and the post-FLA activities.

Unlike the former forest institutional arrangement that was mainly concerned with the relationship between the Khe Tre SFE and villagers, the forest institutional arrangement under the FLA policy is concerned with the relationship between villagers and various social actors such as the FPU, the CPC, and the DPC. The close relationship between the villagers and the FPU was established since the PPC decided to withdraw the forest under the Khe Tre SFE's management to allocate forest to the local people with funding from SNVforHue. Before the FLA, the relationship between them was mostly about dealing with violations of legislative forest protection. During implementation of FLA, the FPU played the role of technical service provider. After allocating forests, they acted as legal consultants on forest management. Such role is a clearly shown through assisting the village to construct the village's forest management regulation. However, the process of such regulation construction was rejected by the A Ka villagers. They agreed with the FPU about constructing the village's forest management regulation if the forests belong to village. For A Rang village, villagers accepted developing the regulation, because most of them received forest. In addition, one of the FPU functions is to execute legislation of forest protection, and ensure the observance of forest protection and development legislation within a locality.

5.2.2. Limitation of transfer of decision-making powers

The state perceives the FLA policy as decentralization in forest management. However, the powers of control over exploitation of forest resources, in fact, must conform to policies and guidelines that are made by the central government, although this power is often exercised by local governments and government agencies. Power

of use of allocated forest is mainly transferred the forest recipients, but this power is still subject to state laws.

Although the powers of forest recipients over their forests were transferred, those powers are still limited, and depend on the ‘local authorities’. Even within allocated forests, cutting of timber, gathering of NTFPs, and hunting of wild animal requires the permission of various stakeholders. With regard to wood products, annually the forest recipient group is to make a plan for harvesting of wood from the forest in accordance with the benefit principles that are stipulated by the village’s forest management regulation, and forward it to the CPC for confirmation. The FPU and the head of the group or representative of the group subsequently visit the location and verify the number of, and types of trees to be harvested, the harvesting method and that the transportation of wood will be carried out in such a way that the protective function of the forest is harmed as little as possible. They are then to take minutes, which are appraised by the Department of Agriculture and Rural Development (DARD), and finally submit the plan to the PPC to grant a permit for logging. The forest recipient group has to ask the FPU for checking and stamping before the logging, transport for processing or sale. For NTFPs, based on the guidelines of the FPU, the forest recipient group makes a proposal and forwards it to the CPC for confirmation. After accepting it, the CPC submits it to the DARD for approval and issuance of a harvesting license. For the common wild animals such as wild pig, deer, and so on, the forest recipients are allowed to hunt, but they must make a proposal to submit to the CPC for confirmation. Through the FPU, the proposal is submitted to the Forest Protection Department (FPD) for issuance of a license. In addition, the FPU will provide the guidelines for hunting, and monitor the development of the wild animal sources.

5.2.3. Administrative and political accountabilities relations

Under Thuong Quang’s circumstances, this study looked at accountability relations by concentrating on two dimensions: administrative accountability and political accountability. The first dimension concerns the changes in relationship between the ‘local authorities’ (local administrators) and villagers, and the latter concerns the changes in relations between ‘local authorities’ and forest recipient groups.

With respect to the first dimension, the FLA policy has placed new responsibility and rights related to forest management in the hands of the village headman, who was appointed by the CPC through polling of villagers’ opinions. The village

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

headman is also upwardly accountable to the CPC for issues related to execution and enforcement of state law on forest protection and management within the village. The village headman is also downwardly accountable to their constituents. For instance, the village headman is responsible for the guidance and control of households in implementing the village's forest management regulation; to coordinate benefits of villagers received from external support such as technical and credit services, as well as contributions of villagers to forest protection and management; to resolve all conflicts and deal with those who break the village regulations on forest protection and management. Villagers can openly talk about the village headman's performance in the village meetings, and lodge complaints through him to the CPC.

In practice, the village headmen have little downward accountability to their villagers but their primary accountability is upwards to the CPC. They face many problems. In A Ka village, villagers often feel that the village headman is more of a representative of the CPC than them in terms of forest management. It is very difficult to meet villagers' demands. For example, through the village headman, villagers claim the 'local authorities' permit them to freely gather NTFPs as their customary law dictates. Unfortunately, their request is not accepted, even if they are allocated forest. Therefore, villagers often complain that the village headman does not represent their benefits. Even in A Rang village, where the village headman is highly appreciated after the FLA implementation, the village headman also hardly exercises downward and upward accountability. He does not have the authority to punish outsiders who violate the village's forest management regulation, but only the power to arrest violators and make a record of the violation and then report to the appropriate authorities, namely the FPU and CPC. In some cases, nobody wants to be the village headman, because they have few financial and political incentives to assist villagers, while they often face many difficulties in conflict resolution within their village, and in the prevention of outsiders' violations.

The second dimension of accountability concerns the relationship between forest recipient groups and 'local authorities'. The FPU retains most powers over allocated forest. They hold and exercise substantial formal powers of rule-making and enforcement in relation to such forests. The FPU is not only upwardly accountable to the FPD and the DPC, but also downwardly accountable to the forest recipient groups. For instance, they take charge of guiding forest recipient groups in planning and implementing forest protection schemes, and improving forest protection knowledge and skills in addition to and protecting the forest

owners' legitimate rights and interests when such rights or interests are infringed upon by others. However, with respect to allocated forest, the FPU punishes violators who are arrested by forest recipients.

Accountability relations under the FLA policy have resulted in flexibility and a diversity of social arrangements, because it recognizes, and combines customary laws and state laws in forest management. The result of this management law hybrid can be observed in the village's forest management regulations. However, these regulations are still dominated by state law. For example, the village's forest management regulations stipulate that the timber harvested from allocated forest can only be used for the following purposes: making coffins and agricultural production tools such as plough and rake; public and domestic work use; building houses; and sale for recipients, group fund, and the village fund. However, the process of logging must abide by legislation on forest protection and development. Meanwhile, the Khe Tre SFE, state owner of the forest, annually obtains permission to cut timbers in the forests that are not allocated to local people.

5.2.4. Changes in rights and property rights over forest

Before the FLA implementation, all villagers in both villages had the same roles as protectors of Khe Tre SFE's forest through contracts with the village. The FLA policy has created new social actors that are forest recipients and non-recipients at the village scale. The relationships between villagers, therefore, have changed accordingly. Such changes have been clearly manifested through the aspect of forest rights. It is first necessary to compare the legal rights of forest resources before and after the FLA. Together with the establishment of Thuong Quang commune, provincial government established the Khe Tre SFE in order to control all forest areas in the commune. Therefore, villagers did not have any legal rights to those forests prior to 2003. Even for the contracted forests, they only had the right to go into or to walk on the contracted forests only. To gain money from the Khe Tre SFE by contract for forest protection, they must take turns patrolling and checking the forest. In this way, all villagers play the same role as protectors for the state.

Looking at the Co Tu's customary law, in both studied villages, all villagers have rights of access, withdrawal, management, exclusion, and alienation over forests within their village territory. The villagers of neighboring villages only have right of access. However, their customary laws have been gradually lost since the Khe Tre

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

SFE was established. Before the FLA implementation, like other natural resources such as land and water, forest resources were managed under the state property regime. According to forestry regulations, local people have right of access only. They lost the four remaining rights, when compared with the former. Any activity that relates to the forest resources must be permitted by the state. The FPU and Khe Tre SFE, who are representatives of the state, take charge of forest management within the locality. They, therefore, have all of the above rights to oversee and perform forest management tasks.

After the FLA implementation, the legal rights of forest recipients changed significantly, in that their legal rights are now the same rights as the Khe Tre SFE's former rights and their customary law. Other people such as the non-recipients and villagers of neighboring villages are unchanged in their rights. However, gaps between de jure and de facto rights of forest still exist, and vary between the two studied villages.

In the A Rang village, most households are forest recipients and they have managed their forest by the village's forest management regulations. Forest recipients have all rights over their forests and rights of access and exclusion over the forests of other groups (within village territory). Today in the A Ka village, non-recipients still strictly adhere to their customary laws. For instance, they gather NTFPs by proprietary notations during the discovery process (right of withdrawal), and will swidden land to their son (right of alienation). In addition, they do not allow any outsiders to come to cut timber or collect NTFPs within their village territory (right of exclusion). In the case of both villages, although villagers of neighboring villages have only right of access, they in fact still cut timber and gather NTFPs in the allocated forests (right of withdrawal).

5.3. Causes of gaps between legal rights and rights in practice

The previous section has shown the changes in forest rights and the problems in translating legal rights and rights in practice, which often occur under forest decentralization. This section explores causes of such problems to seek an answer as to whether decentralization leads to better forest management or not. This study found out that three potential issues can lead to the gaps between de jure rights and de facto rights.

First, an enabling environment to enforce rights, which is necessary for the recipients to fulfill their rights, is lacking. Looking at A Rang village, which is representative of the case of most forest recipients, the forest recipients experience difficulty in exercising rights to allocated forests. They cannot exclude outsiders, such as villagers of neighboring villages or Kinh people within or outside the commune, due to a lack of a legal environment to enforce those rights, while there is no positive support from the 'local authorities'. Particularly, the right to deal with forest violations is very limited. The forest recipients, even the heads of groups do not have authority to punish outsiders, who commit wrongdoing in their forest such as cutting timber, gathering NTFPs and practicing shifting cultivation, but only have the authority to apprehend violators and make a report of the violation, thereafter informing the FPU. In most cases, the violators, who are aware of such problems, often do not sign their name in the report when they do not see any of the FPU or CPC staff accompanying the forest owners (forest recipients). Therefore, they can escape punishment. Enforcement plays an important role in forest tenure security, yet it is a main challenge facing the forest recipients if there is a lack of support from the 'local authorities'. In the case of Thuong Quang commune, even the FPU finds it impossible to effectively support forest management operations in the locality. Lack of staff and resources are emergent challenges for the 'local authorities' in providing support to help forest recipients to enforce their rights. In addition, in the case of A Ka village, allocated forest management is still dominated by customary laws, due to the fact that most villagers are non-recipients. Therefore, exclusion of their activities related to forests is impossible.

Second, conflict between members (forest recipients) and the heads of the group still exist. Within forest recipient groups, the allocated forest has just been distributed between groups. However, the forest of each household within the group has yet to be divided. Moreover, most members of groups have not been invited to participate in forest allocation in the field. They, therefore, would not know exactly where their forests are, and it is very difficult to detect someone who is committing wrongdoing in their own forests.

The third issue is concerns the forest tenure security that is included with the issuance of the LUC. The LUC, which certifies the forest recipient as the real forest owner for a period of 50 years, does not only help them avoid possible forest disputes, but also ensures the security of their forest tenure and promises a sustainable source of income in the future. In addition, the LUC allows forest recipients to access credit and bank loans in order to invest in developing their forest. Unfortunately, all forest recipients have not yet been issued the LUC so far.

They are worrying about their rights over allocated forests. In particular, the landless households cannot convert allocated forest without forest cover to land for agricultural production, such as shifting cultivation to meet subsistence food for their living.

5.4. Changes in local governance structure

Concerning governance structure, my study would like to look at the changes in the roles of key social actors at the grassroots scale such as the CPC, village headman, village patriarch (traditional village headman), and the head of the forest recipient group. Studying changes in their roles could help us understand the changes in governance structure under the FLA.

Results of the study found out that the FLA did influence the roles of key social actors concerning forest management in the communities. In the Cờ Tu's traditional society, the village patriarch plays an important role in the life of villagers. He is considered as the pillar of the communal house. However, his role has changed with time and environmental changes, particularly changes in policies. Under the policy of contract for forest protection, the roles of three key social actors (the head of the forest recipient group has not yet been established at that time) in forest management in both of the studied villages were of no significant difference as evaluated by the villagers. The Khe Tre SFE directly signed a contract with the village, and thus, the role of each villager is equal in that case.

After the FLA, in the A Rang village, the roles of these key social actors varied significantly. Conversely, there was little variation in the case of A Ka village, except for the roles of the village headman. The result of the study found out that in the A Rang village, although the roles of village patriarch are considerably reduced, he still performs some important roles in identifying village boundaries, resolving conflicts and providing information about forest and land use history. Presently, the village patriarch is an indispensable person in regard to providing information of the communities. Meanwhile the CPC appears to be the most important social actor in forest management within the locality, although the forests were allocated to household groups. By comparison between two key social actors, the village patriarch, who is the representative of the traditional society, and the village headman, who is the representative of the commune government at the village level, this study pointed out that after FLA implementation, the villagers have appreciated the roles of the village headman more than the village patriarch. During the period of

the field work, my observation from the two studied villages concurs with the villagers' assessment of the roles of these two key social actors. It is very difficult to talk with villagers if the village headman has not introduced me to them before. My study, therefore, is impossible if there is a lack of support from the village headmen. For the heads of the forest recipient groups, a new social actor, their roles seem to be weaker in comparison with others. They play the role as a bridge between members of the group and the 'local authorities'.

5.5. Improvement of women's roles under forest decentralization

Formerly, activities that were related to the contract with the Khe Tre SFE for forest protection were completely in the hands of men and village dignitaries. According to the explanation of the local people, men are preferred over women in those activities. Besides, the level of the participation in forest protection and management of the local people is not high, and is still passive. The main reason for this is due to inadequate policy relating to benefits. For example, when the villagers detect anybody conducting any activity that violates forestry law, they see no incentive for reporting it. Moreover, women in this area seldom or never participate in social work. Hence, they also ignore this activity.

The participation of women in the FLA process was much less than men, because Cò Tu women faced many problems such as a language barrier, and traditional status. In addition, women are usually busy with housework and with their children and therefore, have no time to participate. The results of the survey showed that on average women account for 40% - 50% of participants in village meetings and the 3-D model exercises in the A Rang village, while this rate is normally 20% or lower in A Ka village. Women, in general, participated more in village meetings than in fieldwork. In addition, although the forest has always been seen as men's domain and women often rely on men for decisions in related matters, by participating directly in the FLA implementation process, women are now better aware of their rights and responsibilities in forest management. However, in the men's perception, the forest protection and management is not the work of women.

In fact, although forest recipients have not yet issued the LUC, the women's status in the family and in community life will be considerably enhanced, due to the fact that the LUC bears the names of both husband and wife. With their names on the LUC, women can borrow money from the bank and most importantly, take the

sole ownership of the plot in the case of death of their husbands. Under the FLA policy, changes in inheritance have significantly improved the roles of women in the family. In the Cơ Tu traditional society, when the father died, the first-born boy has full powers to manage assets and operate all activities in their family. Daughters are not allowed to be involved in possessions management. All sons inherit equally, while daughters do not inherit anything. Presently, for forest recipients, the inheritance of allocated forests abides by the FLA policy. Both son and daughter receive an equal inheritance of allocated forests from their parents, even if the daughter is married.

Generally, the perception of the role of women in the family and community in both villages has progressed. Most women participate in the discussion with the husband on the household's activities. However, the men still make the final decisions.

6. Conclusions and Recommendation

Vietnamese society has opened significantly since the 1980s. In 1986, the Vietnamese Communist Party adopted economic reform policy, popularly called *Đổi Mới* (Renovation) policy, which shifted the economy from a centrally-planned economy towards a market economy-oriented socialist system. Together with the emergence of a market-oriented economy under *Đổi Mới*, since the early 1990s, the Government of Vietnam has undertaken the FLA policy to improve forest management and contribute to alleviating poverty.

The study sought to understand how various social actors have been involved in the FLA process in Thuong Quang commune, Thua Thien Hue province. In addition, A Rang and A Ka villages were selected as representatives of the Cơ Tu ethnic community to examine how local forest politics have changed under the FLA policy. A Rang, a policy-accepting village and A Ka, a policy-refusing village were contrasted. This section presents the major findings of the study, provides theoretical discussion, implications of the policy and some recommendations, and finally offers further study suggestions.

6.1. The main findings of the study

The FLA implementation in the case of Thuong Quang commune is a turning point in the provincial strategy of forest management. Because the natural forest allocation can be done if the Khe Tre SFE gives up its claim on the natural forests, although the forests, which are allocated to household groups, are poor forests. In this context, the study's conceptual framework views the FLA policy as forest decentralization. Social actors involved in the FLA process at different scales were investigated. Local forest politics of forest decentralization also were examined. The four key findings of the study are as follows:

The first finding observes that the forest decentralization process has transferred significant powers to the district authority, which is not only upwardly accountable to the provincial government, but also downwardly accountable to the commune authority. The forest recipient has mainly been transferred the power of use of allocated forest, but they are still subject to the state laws. Meanwhile, the central government handed the power of control of allocated forest over to government agencies. The local governments are still more accountable to their superordinate than their subordinate. Although the powers of forest recipients over their forests were transferred, those powers are still limited, and depend on the 'local authorities'. Even if cutting timber, gathering NTFPs, and hunting wild animals within allocated forests, forest recipients must ask the permission of the DARD, and the FPD, and are overseen by the FPU. Even NTFPs, which provide a regular income for forest recipients cannot be collected as an open-access resource. In order to gather NTFPs, forest recipients have to make a proposal based on the guidelines of the FPU, and then forward it to the CPC for confirmation. After accepting the proposal, the CPC submits it to the DARD for approval and issuing of the gathering license. The FLA policy has placed new responsibilities and rights related to forest management in the hands of the village headmen, who were appointed by the CPC through polling of villagers' opinions. However, in practice, village headmen have little downward accountability to their villagers, but their primary accountability is upward to the CPC. In addition, although accountability of the commune authority to the villagers and communities is established, it is very weak. The leaders of the commune authority were involved in the FLA policy, because they would like to receive a promotion when they execute the state policy well.

The second finding makes a proposition that gaps between legal rights and rights in practice of forests always exist, and vary between the two studied villages. In A Rang village, most households are forest recipients, they have managed their forest

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

by the village's forest management regulations, which are hybrid between customary law and state law. Today, in A Ka village, non-recipients still strictly adhere to their customary laws. For instance, NTFPs sites are claimed as the property of the people find them and swidden land is willed to a son in the family. They also do not allow any outsiders to come to cut timber or gather NTFPs within their village territory. In the case of both villages, villagers of neighboring villages still cut timber and gather NTFPs in the allocated forests, although they are not allowed. The forest recipients, in fact, have faced significant problems exercising their forest rights. The main cause of such problems is a lack of legal environment to enforce those rights. The forest recipients, even the heads of groups, do not have authority to punish outsiders who commit wrongdoing in their forest such as cutting timber, gathering NTFPs and practicing shifting cultivation, but only have the authority to apprehend violators and make a report of the violation, thereafter informing the FPU.

The third finding argues that reducing costs of forest management is a major incentive for the 'local authorities' to be involved in the FLA policy while the Co Tu people involved in the FLA policy have short-term demands. Better coordinative ability is one of the important factors that could result in potential success of the FLA policy. The Khe Tre SFE is not directly involved, but they support the FLA policy. They entirely agreed with the PPC's decision that withdrew parts of own their natural forest to allocate them to household groups, because those forest areas are poor and degraded forest, which cannot be exploited in the next ten to fifteen years. In addition, the budgets for such forest area management from government continue to shrink. They, thus, would be faced with increasing constraints to manage the forests. It can be said that the FLA program has created an opportunity for the Khe Tre SFE to shift the cost of forest management to the forest recipients, who would bear the cost of such forest areas. Both studied villages wished the state to allocate natural forest to community/village, but their demand was not met. However, villagers in A Rang village accepted the FLA policy, because they would like to possess the official right of forest, and convert a part of allocated forest to swidden land, where shifting cultivation can be practiced to meet food demands. In the context of Vietnam, the PPC and the DPC are social actors that play a key role in coordinating the FLA process. The Nam Dong DPC lacks experience in FLA process coordination. They could not coordinate collaboration of government agencies to carry out FLA. Therefore, the progress of the FLA was not smooth. The forest recipients have not yet received the LUC. It could be said that if there was good coordination at the beginning, government agencies will closely collaborate

to conduct the FLA. As a result, the implementation of the FLA would be very easy and fast, including the process of issuing the LUC.

The fourth finding provides a proposition that although the women were often ignored, they are now more aware of their rights and responsibilities in forest management. The roles of women in family have been significantly enhanced through changes in inheritance under the FLA policy. Presently, allocated forests are equally inherited by both son and daughter. During the FLA implementation process, women's participation was much less than that of men. The women participated in village meetings more than in fieldwork. However, women's active contribution to the whole FLA implementation process also had significant impacts on the local authorities' awareness of gender issues.

6.2. Policy implications and recommendations

The FLA, which took place in Thuong Quang commune, should be seen as a radical and innovative policy in forest management for the provincial authorities, because they withdrew part of the natural forest areas under the Khe Tre SFE's management and allocated them to local people. Devolving property rights of forest resources to forest recipients has provided confidence and they will reap benefits in the future if they invest in the forest today. They, therefore, will have motivation to manage their forest effectively.

However, the findings from the study show that the forest recipients still face an insecurity of forest rights, due to the lack of legal environment to enforce rights. This problem indicates that the FLA has not always been successful in achieving all objectives. Moreover, even if central government transferred the complete rights and responsibilities to forest recipients, and villagers built the village's forest management regulation, the 'local authorities' still have a critical role in enforcing regulations, punishing violators, and settling disputes between forest recipients and outsiders. Therefore, forest recipients certainly need an enabling environment to enforce rights over their forests. Without such institutional framework, rights or property rights may not be valid and the aim of the FLA policy will be not achieved. In order to deal with this problem in Thuong Quang circumstance, the CPC and the FPU should be strengthened to provide support to the forest recipients so that they can enforce the granted rights, particularly monitoring and sanctioning violators.

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

Through the FLA implementation, the 'local authorities' expected that the forest recipients' control over forest resources would lead to sustainable forest management if their long-term benefits are connected closely with forests. However, in the case of Thuong Quang, most forests allocated to villagers, are poor and degraded forests. It takes a long time for such forests to achieve maturity so it may be ten to fifteen years before major logging is possible, while the forest recipients bear all costs managing the forests over this period. Therefore, if the central government transfers the responsibilities (the costs of forest management) to forest recipients, they must also transfer commensurate rights (benefits). The correspondence between the potential costs and benefits, which transfer to forest recipients, is necessary for forest recipients to undertake many management tasks, and is one of the most important incentives that the state can offer forest recipients to induce them to bear the costs of forest management.

The LUC allows forest recipients to access credit and bank loans in order to invest in developing their forests. However, benefits from timber, the most important resource, come only after a considerable period. The forest recipients could become debtors in the case in which they borrow money from the bank to invest in developing the forest, but this development is ineffective. For dealing with this matter, it may be useful to combine the FLA program with other rural development projects, which provide more immediate benefits such as agricultural extension, financial assistance, rural credit (borrowing money without interest) and infrastructure development. Apart from those projects, sustainable NTFP management should be introduced to help forest recipients to make use of their forest in the long term.

The coordination among the government agencies in the FLA implementation process should be taken into account. It could lead to whether or not the process of the FLA is smooth. The results of this study points out that although the agreement regarding the FLA implementation was signed by the district's government agencies, most government agencies, in fact, did not perform their tasks well. They often considered the implementation of the FLA as an additional, rather than an integral duty. The lack of coordination mechanisms, particularly the benefit mechanism is a major cause of this weak collaboration. Therefore, even though the agreement is signed, the DPC has to continue to coordinate the communication, sharing of information and benefits, and build trust among government agencies.

The FLA in Thuong Quang started in 2003 and at that time the FLA policy was mainly geared to individual households and household groups. The community had not yet

been formally recognized as a subject of the FLA policy. However, in practice, community-based forest management is a form of forest management, which was widely practiced in upland Vietnam, and is still preferred by many ethnic communities. This is one reason that A Ka village declined the FLA policy. Since 2004, under Land Law of 2003 and Law of Forest Protection and Development of 2004, the community-based forest management is officially recognized as a valid form of forest management. Moreover, the DPC has authority to allocate forest to communities. Therefore, the district authorities should allocate forest to A Ka village if villagers still need to receive forest to manage it according to the community-based forest management.

6.3. Suggestions for further study

By implementing the FLA, the state expected that it would contribute to alleviating poverty, and achieve sustainable forest management. It is obviously too early to assess this in this study due to the FLA process only being very partially implemented. Moreover, how forest-based livelihood strategies of local people can be improved and a sustainable ecosystem can be maintained are major questions for those who are concerned with sustainable development. Therefore, I would like to suggest further research on forest decentralization as follows: (1) studying the effect of the FLA policy on forest resources in terms of both the quantitative (area, volume) and qualitative (biodiversity) aspects; and (2) studying the impact of the FLA policy on local people's livelihood strategies.

In addition, this study was limited to one commune. However, in practice, the FLA policy was carried out in different places in Vietnam, and has been concerned with various ethnic minority groups and Kinh people. Therefore, the study does not allow the author to make generalizations. Comparative research, thus, needs to be conducted in other sites, and other ethnic minority communities and Kinh communities as well, to draw more generalized conclusions.

References

- AGRAWAL, Arun and Jesse RIBOT
1999 'Analyzing Decentralization: A Framework with South Asian and West African Environmental Cases.' *Journal of Developing Areas* 33: 473-502.

DECENTRALIZATION AND FOREST MANAGEMENT IN VIETNAM
Hoang Huy Tuan

- AGRAWAL, Arun and Elinor OSTROM
2001 'Collective Action, Property Rights, and Devolution of Forest and Protected Area Management.' Pp. 73-107 in Ruth Meinzen-Dick, Anna Knox, and Monica Di Gregorio (eds.), *Collective Action, Property Rights, and Devolution of Natural Resource Management: Exchange of Knowledge and Implications for Policy. Proceedings of the International Conference*. Feldafing: DSE/ZEL.
- DJOGO, Tony and Rudi SYAF
2003 'Decentralization without Accountability: Power and Authority over Local Forest Governance in Indonesia.' Paper reported to CIFOR.
- DUPAR, Mairi, Nathan BADENOCH et al.
2002 *Environment, Livelihoods, and Local Institutions: Decentralization in Mainland Southeast Asia*. Washington D.C.: World Resources Institute.
- HONG, Nguyen Xuan
2002 *Kinh Nghiệm Quản Lý Hệ Sinh Thái Nhân Văn trong Vùng Người Tà Ôi, Cơ Tu, Bru-Vân Kiều ở Thừa Thiên Huế* [Experiences in the Human-Ecology System of the Ta Oi, Co Tu, Bru-Van Kieu People in Thua Thien Hue Province]. Hanoi: Ethnic Culture Publisher.
- LEACH, Melissa, Robin MEARNS, and Ian SCOONES
1997 *Environmental Entitlements: A Framework for Understanding the Institutional Dynamics of Environmental Change*. IDS Discussion Paper 359. Brighton, UK: Institute of Development Studies.
- MANH, Nguyen Van, Nguyen Xuan HONG and Nguyen Huu THONG
2001 *Luật Tục của Người Tà Ôi, Cơ Tu, Bru-Vân Kiều ở Quảng Trị, Thừa Thiên Huế* [Customary Laws of Ta Oi, Co Tu, Bru-Van Kieu People in Quang Tri and Thua Thien Hue Province]. Hue: Thuan Hoa Publisher.
- MEINZEN-DICK, Ruth and Anna KNOX
2001 'Collective Action, Property Rights, and Devolution of Natural Resource Management: A Conceptual Framework.' Pp. 41-72 in Ruth Meinzen-Dick, Anna Knox, and Monica Di Gregorio (eds.), *Collective Action, Property Rights, and Devolution of Natural Resource Management: Exchange of Knowledge and Implications for Policy. Proceedings of the International Conference*. Feldafing: DSE/ZEL.
- NGAIDO, Tidiane and Michael KIRK
2001 'Collective Action, Property Rights, and Devolution of Rangeland Management: Selected Example from Africa and Asia.' Pp. 73-107 in Ruth Meinzen-Dick, Anna Knox, and Monica Di Gregorio (eds.), *Collective Action, Property Rights, and Devolution of Natural Resource Management:*

- Exchange of Knowledge and Implications for Policy. Proceedings of the International Conference.* Feldafing: DSE/ZEL.
- RIBOT, Jesse C.
2002 *Democratic Decentralization of Natural Resources: Institutionalizing Popular Participation.* Washington D.C.: World Resources Institute.
- SCHLAGER, Edella and Elinor Ostrom,
1992 'Property-Rights Regimes and Natural Resources: A Conceptual Analysis.' *Land Economics* 68: 249-262.
- TUAN, Tran Van and et al.
1984 *'Dân Tộc Cơ Tu', Các Dân Tộc Ít Người Ở Bình Trị Thiên* ['Co Tu Ethnic' in Ethnic Minorities in Binh Tri Thien]. Hue: Thuan Hoa Publisher.
- VAN, Dang Nghiem, Chu Thai SON, and Luu HUNG
2000 *Ethnic Minorities in Vietnam.* Hanoi: The Gioi Publisher.