

Forest Tenure Reform in Viet Nam: Experiences from Northern Upland and Central Highlands Regions

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The last two decades have witnessed radical changes in the forest tenure legal framework in Viet Nam. While in the early 1990s, the State was the primary manager of forests, the approval of the Forest Protection and Development Law in 1991 and Land Law in 1993 opened the door to take forest management out of solely State hands. Subsequent legal enactments have elaborated these forest management arrangements to include private property. In 2003 and 2004, revisions to the Land Law and Forest Protection and Development Law enabled legal recognition of communities in managing land and forest resources.

This paper provides an analysis of the on-the-ground picture of the implementation of forest tenure reform in two provinces in Viet Nam. Using empirical evidence from eight villages (four in each province), the authors argue that while forest land allocation (FLA) has been widely implemented, it has not been able to provide necessary control over the forest to local people. Power relations, customary practices, and pressure from markets, among other factors, have (re)shaped the tenure arrangements at the village level. Furthermore, the expected effect of FLA to contribute to poverty alleviation has not been achieved. By contrast, there is a danger of reverse impact from FLA on poverty alleviation.

Introduction

After the end of the American War,⁴ State management of forest resources was practiced all over Viet Nam. At the national level, the Ministry of Forestry was set up in 1976 and put in charge of State forestry. At the provincial level, the Department of Forestry was established. State forest enterprises (SFEs) were set up as State organizations in charge of forest use and plantation at the field level.

By the end of the 1980s, it became clear that the current SFE system was not able to manage the national forest resources. At the same time, successes from the *Doi Moi* (economic reform) and agricultural land tenure reform in the 1980s provided an inspiration for forest tenure reform. In the early 1990s, the Vietnamese forestry sector changed in an attempt to involve various stakeholders (including the State and otherwise) in forest management. In 1991 and 1993, the Forest Protection and Development Law (FPDL) and Land Law were passed, respectively, providing the basic framework for various management arrangements other than State property. Accordingly, efforts were made to introduce private forest management arrangements. While the State still maintains the right to reclaim forests for public purposes in case of need, it has tried to give necessary tenure rights to different stakeholders to involve them in forest development. Various policies have been issued to guide the implementation of the forest allocation process, including Decree 02/CP of 1994, Decree 01/CP of 1995, and Decree 163/1999/ND-CP of 1999.

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⁴ Also known as the Viet Nam War in Western literature.

By the end of the 1990s and early 2000s, forest management by household groups and communities/villages emerged as a new form of forest arrangements. Although community forest management is not a new undertaking (Le 2001; Nguyen et al. 2004; Pham 2004; Tran 2005), experiments in forest management by local communities all over the country finally contributed to the legal recognition of community land tenure (Land Law of 2003) and community forest tenure (Forest Protection and Development Law of 2004).

On the one hand, reform in forest policies in the 1990s contributed to shifting the focus of forestry to protection and afforestation and to turn from State forestry to a more people-centered approach (Nguyen 2005: pp. 87–90). On the other hand, the process of allocating forest to local people was very slow and had mixed results (Ministry of Agriculture and Rural Development [MARD] 1999; Sunderlin and Huynh 2005). According to MARD (1999), despite many guidelines and instructions on forest land allocation (FLA), there was general confusion among officials responsible for the implementation of such policies at the district level because these policies were vague on how they should be implemented (p. 198). In some cases, policies on allocation of forest to individuals and households were not even implemented at all (Le 2006).

One important factor contributing to poor implementation of FLA was the gap between State policies and actual practices by local people. In Son La Province, Sikor (2001) found that the implementation of FLA policy was resisted by local people and the program did not achieve the expected success because “land allocation did not imply a shift of control towards villagers, but had the potential to weaken villagers’ control [over the land]” (p. 7). Similarly, prior studies on FLA in Dak Lak Province also showed that there was significant discrepancy between the legal acts and actual practices by the local people (Tran 2005; Tran and Sikor 2006).

In cases where successful outcomes of the FLA program were achieved, an important factor was the support from donor-led initiatives (Neef and Schwarzmaier 2001). Other successful factors include liberalization of agricultural outputs (Sikor 2001), availability of new technology for the local farmers (ibid), market opportunities for trees and crops (Roth 2005; Sikor 2001), and the ability to respond to the needs of local people (Nguyen et al. 2004; Nguyen 2005).

With regard to poverty alleviation, FLA has the potential to contribute to empowering local ethnic people and improving their lives. However, the FLA program’s effects on poverty alleviation among forest communities are rather poor, even negative. Nguyen (2006a) shows that forest land allocation in Dak Lak focused heavily on forest management but lightly on poverty alleviation. Bao (2006) indicated three major hurdles that prevent the poor from benefiting from FLA, namely the long forest production cycle, silviculture techniques unknown to many poor households, and lack of legal permits for trading of forest products. Using case studies and field surveys in various parts of the country, Dinh and Research Group of Vietnam Forestry University (2005) concluded that:

Land allocation in Vietnam has been based on the ability to invest in the land, with labor and capital. As poor people, including the ethnic minorities who are the majority of forest-dependent people, have shortage of both labor and funds, the policy has had the effect of excluding them from a larger share of the land allocation (p. 7).

In short, significant changes in the Vietnamese forest tenure situation have happened during the last two decades. Forestry policies have been readjusted toward more involvement of different stakeholders, particularly local populations, in forestry activities. However, the implementation of such policies has had mixed results, depending on various factors. In most cases, the effects of these policies on the poor have been rather limited, even negative.

This paper provides insights into the forest tenure situation and the implementation of Viet Nam's forest tenure policies, recognizing that such knowledge is necessary for their improvement. In a more concrete way, the paper aims to answer the question of how forest tenure arrangements are implemented at the local level. The paper will discuss the answer to this question, using empirical evidence from Hoa Binh and Dak Lak provinces.

Data and Data Collection

Data came from eight villages in Hoa Binh and Dak Lak provinces. The two provinces were selected to represent the diversity in socio-economic and forest tenure policy conditions in the country as a whole. Hoa Binh Province represents the northern upland region (Figure 1). Within Hoa Binh, four villages in two communes of two districts were selected for the fieldwork. Dak Lak was selected for fieldwork in the Central Highlands region. Within Dak Lak, four villages of three communes in two districts were covered by the field survey.

Figure 1: Location of Hoa Binh and Dak Lak Provinces



In each village, primary qualitative data were collected through two focus group discussions and two key informant interviews with traditional village elders and the State-elected village head. In addition, researchers' impression sheets also provided extra qualitative information about the study villages. Quantitative data were collected from a household survey based on a preprepared questionnaire.⁵ Selection of households for survey was based on the stratified random selection method. All households in the village were first ranked into different well-being groups based on villagers' perceptions. Three well-being groups—namely rich, medium, and poor—following local people's criteria, were identified. Within each group, households were selected randomly. In each study village in Hoa Binh, 25 households were covered by the survey. In Dak Lak, the survey was conducted on 20 households per village.

Altogether, 180 households were surveyed, representing a sample of 28.7% of the households in the study villages (34.5% in Hoa Binh and 23.7% in Dak Lak).

⁵ Interested readers are requested to contact the authors for a copy of questionnaires and data collection forms.

Besides primary data, secondary data in terms of literature and statistics at local (commune and village) and provincial levels were collected. Consultations with resource persons at provincial and national levels were also held to discuss issues related to the study.

Overview of the Study Villages

Study Villages in Hoa Binh Province

The four selected villages are located in Lac Son and Mai Chau districts of Hoa Binh Province (see Annex for more information on studied villages). Both villages in Lac Son District, namely Song and Khanh, are in Tan My commune, located in a semiupland area with relatively good infrastructure conditions. The Muong is the most populous ethnic group in Song and Khanh villages. Local livelihoods are strongly based on agriculture with the most prominent crops being paddy, maize, and sugarcane. Livestock raising, particularly cattle and pigs, also plays a role in the local economy.

The two villages in Mai Chau District, namely Noong Luong and Pha Danh, are located in the mountainous area of the province. Access to both villages is relatively difficult, particularly during the rainy season. Thai people are the dominant ethnic group in both villages. Agriculture is also the most important source of livelihoods, focusing on cropping of paddy, maize, and other annual crops. Livestock (cattle, buffalo, and pigs) raising is also well developed in both villages.

Study Villages in Dak Lak Province

Similar to Hoa Binh, the four selected villages in Dak Lak are also located in two different districts. Cham B and Tul villages are in Krong Bong District. At present, access to both villages is relatively good. Cham B is dominated by the Ede people and Tul is populated by the Mnong ethnic group. Cropping of upland coffee, maize, beans, and rice is the most important source of livelihood in Cham B. In Tul village, coffee, maize, and paddy cultivation is popular. Livestock raising is also common in both villages.

T'Ly and Diet villages are in Ea Hleo District with medium quality road access. Both villages are dominated by the Jarai people. Local livelihoods are based on agriculture, focusing on pepper, coffee, maize, and upland rice. Cattle raising is also common in both villages.

Study Findings

This section aims to provide the answer to the study question. Using the data collected from the study villages, various scopes in which forest tenure arrangements were shaped (and reshaped) at the village level are examined. The first part discusses the implementation of FLA in the study villages. Then, the current forest tenure situation in these villages is elaborated. The discussion continues with details on actual uses of allocated forest. This is followed by an examination of how forest tenure reform has contributed to poverty alleviation in the study villages. Finally, the influence of customary practices on forest tenure in the study villages is discussed.

Forest Land Allocation in the Study Villages

Forest Land Allocation in Hoa Binh

Hoa Binh Province undertook its FLA in 1993 to 1994, following Decision 64/ND-CP dated 27 September 1993 on allocation of agricultural land to households. Without any support from development projects, Hoa Binh probed for this information by itself. In both Mai Chau and Lac Son districts, Forest Protection Unit (FPU) in collaboration with the District People's Committee (DPC) prepared and implemented the FLA plan.

In the study villages in Mai Chau District, allocation of forest was on the basis of current upland fields. Local households were given forest near their existing fields so that it would be easy for them to take care of the allocated forest. By 1998, forest land-use titles (or Red Book Certificates, RBCs) were given to recipient households. However, the titles were confusing. Instead of serving as proof of full legal rights⁶ to forest land, it was stated in the RBC that the forest was only contracted to the RBC holder. Consequently, these forest RBCs did not grant their holders the full rights to forest land as stated in the existing land law and thus did not have much value for the local people.

A similar process and problem with regard to FLA happened in Song and Khanh villages of Lac Son District. Local people in the two villages were allocated forest in 1993 and received the forest RBC later in 1995. The forest RBCs that people in Lac Son obtained also stated that forest was only contracted to them.

Forest Land Allocation in Dak Lak Province

Unlike Hoa Binh, Dak Lak is a catalyst in Viet Nam in the allocation of natural forest to local people. Dak Lak's FLA was an experimental program, starting in 1998. During the first three years, forest was allocated to individual households and households groups. Subsequently, the province tried allocating forest to whole villages. Forest land RBCs were given to all local forest managers, including individual households, household groups, and communities.

FLA in Diet and T'Ly started in 1998 and was completed in 2000. Around 293.5 hectares of forest were allocated to 20 individual Jarai households in Diet. In T'Ly, only nine households were selected to receive a total of 139.1 hectares of forest. Forest RBCs were handed over to recipient households in March 2000. However, two issues existed with the outcomes of FLA. First, it allocated forest to only a small number of households (around 40% in Diet village and less than 10% in T'Ly). Second, the idea of allocating forest to individual households came from outside (Nguyen 2005; Tran 2005) and did not correspond with local traditions of forest management on a communal basis. As a consequence, villagers demanded forest reallocation to the whole community. Local authority responded to this request and forest was reallocated to T'Ly village in 2003 and to Diet village in 2004.

FLA started in Cham B in 2000 and was completed in February 2001. Forest land RBCs were handed over to recipient groups in June 2001. Approximately 569 hectares of forest were allocated to five recipient groups of 38 Ede households (out of 42 in the village at the time) in Cham B. In Tul, the FLA program started in 2001 with 1,130.7 hectares of forest allocated to the whole village. The forest RBC was granted to the village in 2002.

⁶ For example, rights to transfer, to exchange, to mortgage, to lease, and to inherit the land-use title.

Current Forest Tenure Arrangements in the Study Villages

Currently, there are two distinctive pictures of forest tenure in the study villages. In the villages in Hoa Binh Province, individual household forest management is found whereas local people in study villages in Dak Lak manage forests on a collective basis (Table 1).

In Song village of Hoa Binh Province, forest resources were allocated to only 37 out of 62 households in the village (60%). The situation is also similar in the other three villages. In Khanh village, forest resources are being managed by 16 households (23% of the village). In Noong Luong, 53 households (87%) in the village have legal rights to forest and the corresponding number in Cha Day village is 78 (80%).

In Cham B village, forest is currently managed by five groups of Ede households. The intention to only allocate forest to Ede people during the FLA process in Cham B has excluded Kinh households living in the village from participating in the management of allocated forest. In the other three villages in Dak Lak, local forest resources are managed by the whole community, which means every community member, regardless of original ethnicity, is a legal manager of the forest.

Table 1: Area of Forest Allocated to Local People in the Study Villages

Village Name	Total Area of Allocated Forest (ha)	Forest Recipients [†] (Households, HHs)	Forest Title Was Given to
Hoa Binh Province			
Song	110.2	37 HHs (60%)	37 HHs
Khanh	116.4	16 HHs (23%)	16 HHs
Noong Luong	206	53 HHs (87%)	48 HHs
Cha Day	185.1	78 HHs (80%)	78 HHs
Dak Lak Province			
Cham B	567.5	5 HH groups of 38 HHs (57%)	All groups
Tul	1,130.7	Community of 69 HHs (100%)	Community
Diet	293.5	Community of 74 HHs (100%)	Community
T'Ly	1,127.5	Community of 127 HHs (100%)	Community

[†] Numbers in parentheses refer to the percentage of forest recipients over the total households in the village.

Source: village surveys.

It is important to note that although forests have been allocated to local people in the study villages, they are legally required to get permission from competent State bodies (e.g. local administration) with regard to collection of timber and use of land in the allocated area for nonforestry purposes. In the end, actual control over the forest is still maintained by the State, although the rights have been formally given to local people.

In addition to allocated forests, there are also others in the vicinity of study villages, including forest allocated to people in the neighboring villages and nonallocated ones (i.e. forests still under State management). In Cham B and Tul villages, the surrounding forest areas include forest under management by the Communal People's Committee (CPC), local SOEs, and forest allocated to other villages. Similarly, there are forests under management of local SOEs and those allocated to other villages around Diet and T'Ly. In Song and Khanh villages, part of the surrounding forests is also under management of local SOEs. In the case of Noong

Luong and Cha Day, some forest areas around the villages have also been allocated to their neighbors.

Actual Use of Forest by Local People

Overview of Forest Use in the Study Villages

After the completion of FLA, local people continue to use both allocated and nonallocated forest resources. Local people in Dak Lak appear to be engaged more in forest activities than those in Hoa Binh. In general, all surveyed households have used forest resources since FLA, with 99% (79 households) being involved in the collection of nonwood forest products (NWFPs), 63% in clearing of forest for cultivation, and 36% in logging of timber trees. The corresponding figures in Hoa Binh are 72% for NWFP collection, 55% for clearing of forest, and 42% for timber logging.

Actual forest resource use varies across study villages, particularly timber logging and land clearing. In general, collection of NWFPs seems to be declining compared to before FLA. By contrast, clearing of forest for crop cultivation and logging of timber appear to be increasing. Nevertheless, the trend in uses of allocated forest resources differs across villages (Table 2).

Table 2: Trends in Using Allocated Forest Resources in the Villages

Village	NWFP Collection	Land Clearing	Timber Logging
Hoa Binh Province			
▪ Song	-	+	+
▪ Khanh	-	+	+
▪ Noong Luong	+	0	+
▪ Cha Day	+	0	+
Dak Lak Province			
▪ Cham B	-	+++	+
▪ Tul	-	0	0
▪ Diet	-	+	+
▪ T'Ly	-	0	+++

Source: based on surveys in the villages.

0 = no change; - = decline; + = an increase. The number of symbols refers to the degree of change.

In Hoa Binh Province, logging of timber and clearing of forest land for cultivation have also occurred since completion of FLA. In Song and Khanh villages, local people converted not only bare land at the edge of the forest but also inside the forest area into agricultural land. They also abused the right to collect dead trees for fuelwood by felling large living trees and waited until the logs had dried to bring them home. By contrast, few land-conversion or timber-logging activities have been observed in Cha Day and Noong Luong villages in Mai Chau District.

In Cham B village, clearing of forest land for cultivation is the most popular activity of all the study villages. It started at the time of FLA and boomed in the years after (see Nguyen 2005). By contrast, timber logging is most common in Diet and T'Ly. In both these villages, demand on timber used for pepper cultivation put high pressure on timber trees. Consequently, timber logging became very popular in Diet and T'Ly. T'Ly village is also known to be unique in Viet Nam with regard to commercial logging from natural forest by local people. In August 2006, T'Ly villagers harvested 370 m³ of round logs from its allocated forest area. The timber was sold at 616 million dong,⁷ which brought a net benefit of 283 million dong. In Tul

⁷ US\$1.00 = 16,000 dong (approx.).

village, neither clearing of land nor logging of timber from the allocated forest has been popular as in the other three villages.

Besides appropriation of allocated forest resources, local people also invest in tree planting. In Hoa Binh Province, forest plantation is present in all study villages. Between 1994 and 1998, local people planted acacia in their allocated forest with support from National Program 327.

The four villages in Dak Lak are of two extremes. In Cham B and Tul villages, a total of 190 hectares have been planted with acacia and eucalyptus. By contrast, almost no plantation has been found in Diet and T'Ly villages.

Factors Influencing Realization of Endowed Rights by Local People

Support from donor projects: Support from donor projects was present in various steps in the FLA process in Dak Lak; this support facilitated the program and rights' endowment for people. Two German-funded projects played an important role in the FLA process in Dak Lak in terms of provision of technical support on the FLA method, the participatory approach, and facilitation skills. Most importantly, they transferred the need to respect local people's traditional practices to their staff members and partners.

After the end of FLA, support for realization of local people's rights and duties was also provided by donor projects. At this stage, support to local people was provided with regard to (1) development/revision of village forest development and protection regulations and (2) implementation of village regulations. In T'Ly village, a German-funded project assisted local people in getting necessary permission to harvest 370 m³ of round logs, having them certified by the local FPU, and freely auctioning them.

Illegal logging: Demand from the domestic (local) markets put pressure on the forest resources in both study provinces. In Dak Lak, the development of pepper growing gave rise to the demands for pepper poles by local people. In Diet village, for example, between 1999 and 2002 there was an expansion of more than six hectares of pepper, necessitating the collection of around 7,000 timber poles from the local forests (both those allocated to study villages and otherwise). Yet, none of this timber was collected with logging permits.

In Song and Khanh villages, the rise in timber demand by not only people in the surrounding areas but also in other provinces (see To and Sikor 2006) has ignited unauthorized logging of timber resources (in the allocated and nonallocated forest). The situation worsened when early violators were caught but not fined. Such use of forest resources has undermined the efforts of local people to protect the allocated forest. The economic incentive of illegal logging can even make forest-allocated households illegally harvest their own timber for immediate benefits.

Gaps between statutory laws and customary practices: Evidence from the study villages indicates that local forest institutions still play a role in governing forest management activities by local people. Diet and T'Ly villages are two good examples of what works and what does not work if local practices are taken or not taken into account during the FLA process. Following the intention to try forest management by individual households, the earlier FLA allocated forest to a few individual households in the two villages. However, this form of forest management turned out to conflict with the customary practices of the local people, creating internal disputes between households with forest and those without forest. Realizing this problem, reallocation of forest took place in these two villages and local people were able to receive forest for community management. Since then, the two villages have been organized to protect their forest and benefits from it.

Absence/presence of tangible benefits and clear benefit-sharing arrangements: Unclear benefits and benefit-sharing arrangements are influencing the incentives of forest recipients to

take care of the allocated forest. One of the reasons that FLA in Song and Khanh villages in Hoa Binh did not achieve its expected outcomes was that the program was unclear since inception about the benefits that the villagers could have from the forest. By contrast, positive changes in forest management in T'Ly village can largely be attributed to clear benefits and benefit-sharing arrangements for local people.

Another issue is the distribution of benefits within a village or community. In the case of Hoa Binh, for example, distribution of forest resources was inequitable among villagers. FLA has created two groups of households in the village: one with forest and the other without forest. Even within the former group, there was also inequitable distribution of forest resources; some households received large areas of forest while others received very little. Such inequity in benefit distribution can serve as an incentive for illegal forest activities by both forest recipients and nonrecipients.

Local participation: Evidence from the study villages shows that the absence of active participation by local people during the FLA process has negative impacts on forest use and the management situation afterwards. The main reason concerns the knowledge of local people (both forest recipients and nonrecipients) about their rights, benefits, and duties as well as those of others, including the State. In the FLA process, with poor participation of local people, there was little or no opportunity to discuss State policies and local forest institutions (rules). As a consequence, the State officials involved in FLA were not able to learn from the existing practices in forest management by local people and local people were not (well) informed of State policies related to FLA, making it hard for both sides to achieve FLA objectives.

Forest Land Allocation and Poverty Alleviation

Although the discussion so far has indicated some contribution of allocated forest to local livelihoods, there is unclear linkage between forest tenure reforms and poverty alleviation in the study villages. The main reason is income generation from forest is not necessarily poverty alleviation and it does not guarantee that the poor will be able to get any generated income. For income generation to contribute to poverty alleviation, a mechanism that proactively supports poor households in the village needs to be in place (see Nurse et al. 2003).

Of the study villages, contribution of FLA to poverty alleviation was observed only in the case of T'Ly village, Dak Lak. Out of the benefits from commercial logging, 20 million dong was used as a loan for five poor households in the village (four million dong per household). The loan, which was of significant help for the poor households, was used for household economic development activities, such as livestock raising.

In most (other) cases, the benefits that poor households received from allocated forest were often minor. Derivation of forest products with high value often required significant investment of capital or labor resources or both (see Nguyen 2005, 2006b). However, poor households lacked both. As a consequence, the benefits poor households received from the forest were often of lower value than those derived by better-off households.

For the study villages in Hoa Binh, the potential for reverse effects on poverty alleviation has even been observed. First, in order to address the poorest of the poor, FLA was expected to provide them meaningful rights to forest resources. Nevertheless, survey results indicate that power relations were manifested during the FLA in study villages in Hoa Binh and the richer sector of the villages received access to the allocated forests while the poorer sector was left out. In Khanh village, for example, where only 16 out of 70 households had legal rights to forest resources, FLA information was not properly disseminated to all households in the village. Only communal and village officials and their relatives, mostly the richer households

in the village, were informed of the program and were able to apply for the land on time. Other households in the village did not know about the program until it was too late to apply.

Secondly, power relations influenced the distribution of allocated forest resources, even among households who received forest. In Song village, the size of allocated forest was unevenly distributed among recipient households. On average, each household received 5.8 hectares of natural forest and 1.6 hectares of plantation. However, there was a significant variation in forest size among households, ranging from as small as 1 hectare to as large as 16 hectares for natural forest and 0.3 to 3 hectares for plantation. Households related by kinship to local officials were able to receive forest of higher quality and nearer to the village.

Influence of Customary Practices on Local Forest Management

The discussion here focuses on four main points: (1) the existence of customary practices in management of forest before FLA took place; (2) the role of the traditional village headman in the FLA process and in daily use of forests; (3) respect of customary practices during the FLA process and in use and management of the allocated forest (individual forest in the case of Hoa Binh and community forest as in Dak Lak); and (4) representation of traditional forest management knowledge in existing forest governance at the village level. It is assumed that the presence of these factors in a village gives a good indication of the integration of customary forest management practices in the current situation.

Customary Practices in Forest Management before FLA

In general, customary practices existed in the management of forests in all study villages. In Cham B, the currently allocated forest area used to be communal forest of the indigenous Ede people living in Cham B (and Cham A village, which used to be combined with Cham B before the 1990s—see Tran and Sikor 2006). All indigenous people living in the area respected this tradition. They had to ask for permission (usually from the traditional village headman) before felling a tree or clearing land in the forest. Similarly, in Tul village the allocated forest area was traditionally regarded as the property of Tul villagers. All Mnong people in surrounding villages recognized this tradition. Within Tul, there was an understanding of where in the forest logging and land clearing were possible and where these activities were not allowed.

In T'Ly, the allocated forest used to be sacred forest for villagers. There was an area in this forest that local people only collected timber from for traditional events of the whole village. Logging for other purposes was not allowed. Similarly, customary practices in forest management also existed in Diet village before FLA. The allocated forest was also the area where people farmed and collected products for their needs.

A similar picture is found in Hoa Binh. Before FLA took place, people in Song, Khanh, and Noong Luong villages had an area of forest traditionally belonging to them. Except for NWFP collection, use of such forest area was only possible by people from the village. Permission by the village was required for outsiders for timber logging. In Cha Day village, there was an area of forest that was used for protection of water resources. Cha Day villagers collectively took care of the forest area for their needs.

The Role of the Traditional Village Headman

Although traditional village headmen are still recognized as important figures in most of the study villages, they did not play a decisive role in the FLA process. In the study villages in Dak Lak province, traditional village headmen were involved in the whole process. They were asked to help show the borders of the forest in the field. During village meetings,

traditional village headmen were asked for opinions. However, final FLA decisions were not made by them. Instead, State-elected village heads played more important roles in the decision-making process (see Nguyen 2006a; Tran 2005).

Various situations are found in Hoa Binh. In Muong (i.e. Song and Khanh) villages, traditional village headmen had no different role than any other man in the village. In both villages, State-elected village heads had a more decisive role than traditional headmen. By contrast, traditional village headmen in Thai villages (i.e. Cha Day and Noong Luong) played a very important role in the village in general. During the FLA process, they were asked for their opinions about forest use by the local people and they had decisive roles during village and group meetings.

Nevertheless, traditional village headmen do not have a strong role in forest use and management. Of all the interviewed households in both provinces, only two (1.1% of the sample) mentioned that they asked their respective traditional village headmen for their opinion and permission before they collected timber. No permission or opinions of traditional village headmen were sought for collection of NWFPs and clearing of forest for cultivation. Instead, interviewed households, including the traditional village headmen, emphasized the role of State-elected village heads in getting permission or opinions about forest use.

Respect of Customary Practices in Forest Management

Despite a long period of State claim over forest resources and a classical belief that traditional knowledge was “backward” (see Bui 1989; Ngo 1989), local knowledge of forest use and management remains in all study villages. In Dak Lak Province, indigenous people in the study villages still maintain various local institutions governing the use and management of local forests. During the FLA process, traditional boundaries of forest between study villages and their neighbors were taken into account. In daily life, various customary practices are still applied by local people, even on the allocated forest.

Nevertheless, such customary practices are being eroded. Economic growth coupled by population pressure gives rise to the demand on forest resources. In Dak Lak, accumulation of timber and forest land for cultivation happen as people fear that forest resources are getting scarcer and will be difficult to obtain in the future. In Hoa Binh, collection of NWFPs for commercial purpose has ignored the customary practice of sustainable harvesting.

Immigration has also made an important contribution to the erosion of local customs. In Cham B village, the customary practices described above do not apply for the Kinh migrants because they are not part of the indigenous Ede group. As a consequence, violations of such practices by migrants have happened but cannot be solved by customary law. Within the study villages, there is also erosion of customary practices. In recent years, local ethnic people, who would ask for opinions and permission from the traditional village headman concerning timber logging or land clearing in the past, have now turned to the State-elected village head or CPC. Many people have also chosen to ignore the rules (both statutory and customary) and just take the resources they need.

Existing Forest Governance at the Village Level

The existing forest governance in study villages in Dak Lak shows more integration of customary practices than in the villages in Hoa Binh. As discussed earlier, prior experiences in communal forest management exist in all study villages. The current form of forest management in study villages in Dak Lak is somewhat related to the traditional forest management practices that they had before. In Diet and T’Ly villages, particularly the former, the allocated forest is collectively managed by a system of village-based forest protection and management, which operates on the basis of both statutory law and customary knowledge.

In the four study villages in Hoa Binh, no forest protection team has been organized. Local people take care of their own forest on an individual basis. In each village, there is a village forest protection regulation, which serves as the framework for forestry activities. However, the regulations only reflect the duties of villagers to protect forest in accordance with the statutory legal framework and lack proper attention to the benefits of local people.

Summary of Findings and Policy Implications

This study set out to seek further understanding on forest tenure arrangements and forest tenure reform in Viet Nam. Using the empirical evidence from Dak Lak and Hoa Binh provinces, the paper aimed to provide an answer to the question of how forest tenure arrangements in the study sites were implemented. Findings from the study indicate that forest tenure reform is not purely a matter of forest management. It encompasses the cultural, economic, and political aspects of local life.

The study findings showed that contrasting processes of forest tenure reforms existed in the two study provinces. In Dak Lak, the FLA program has been able to take into account some variations at the local level and has initially provided people with actual rights to the forest. In contrast, Hoa Binh's FLA has been implemented on an ad hoc basis and become rather confusing for local people. Nevertheless, FLA in both provinces by itself has not been able to shape the actual uses of allocated forest. Other factors, such as support from donor projects, market pressure, clear benefit-sharing arrangements, gaps between statutory regulations and customary practices, and participation of local people, have influenced the actual forest tenure situation. Most importantly, findings from the field survey show that FLA works best in the areas where there is external support to local forest recipients after the completion of FLA.

Furthermore, FLA has generally created two groups of actors at the local level: those with legal rights to forest and those without these rights. In addition, inequitable distribution of forest resources also exists within the former. Power relations and access to information have shaped the distribution of forest resources among local forest recipients, particularly in the case of Hoa Binh. Poor and disadvantaged households, who have inadequate access to power and information, are often excluded. Consequently, little has been observed in study villages with regard to the effects of FLA on poverty alleviation. There is even a danger of creating reverse impacts on poverty alleviation in the case of Hoa Binh where power relations have resulted in FLA providing proactive access to forests to the wealthier sector of the village. Moreover, material benefits derived by poor households are often minor in economic value as they lack necessary resources to derive high economic value products. Only in T'Ly village of Dak Lak have poor households been proactively given access to community funds for household economic development.

Last but not least, the discussion indicated that actual forest tenure arrangements in the study villages are also influenced by customary practices. Traditional rules are still shaping the way how forest resources are used and managed. Nevertheless, the presence of customary practices varies across sites and the role of traditional rules has been degraded with pressure from economic growth, the increase of immigrants, and the dominant role of State-elected village leadership.

These findings have very important policy implications. Firstly, they indicate that the current forest tenure reform has not been meaningful enough for local people. Although FLA has given forest to local people, control over the forest resources by forest recipients is relatively limited. A meaningful FLA will not only enable local people to enjoy their rights to forest but

also contribute to involving them more actively in the prevention and combat of illegal use of forest resources.

Secondly, FLA has not been able to sufficiently contribute to poverty alleviation. To make FLA more beneficial for the poor people, it is important that a mechanism for equitable distribution of forest benefits, which positively discriminates the poor, should be developed and complied with. Transparency is also needed to avoid elite biases. Furthermore, capacity building and extension support, which positively discriminate the poor, should be provided after FLA to make sure that the poor are able to derive benefits from the forest.

Thirdly, gaps exist between customary and statutory laws. To avoid such gaps and to make local people more involved in forest management, it is important that State policies should be flexible to take into account local variations of customs and culture. In addition, local State officials should learn to respect local customs. They should understand that scientific forestry is not the only way to manage forest and that local people also possess important knowledge about their environment and forest management. Finally, attention needs to be paid to the design of policy implementation. The paper indicated that without a clear approach, the implementation of State policy may become very confusing. A clear design of the implementation program should include but is not limited to a consistent approach to be undertaken, clear definition of roles and responsibilities of actors involved, and a well-defined system for monitoring of the implementation. It should also give room for integration of local variations and feedback during the course of implementation.

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Annex 1: Summary of Basic Data of Study Villages

	Song	Khanh	Cha Day	Noong Luong	Cham B	Tul	T'Ly	Diet
Location (district, province)	Lac Son, Hoa Binh	Lac Son, Hoa Binh	Mai Chau, Hoa Binh	Mai Chau, Hoa Binh	Krong Bong, Dak Lak	Krong Bong, Dak Lak	Ea Hleo, Dak Lak	Ea Hleo, Dak Lak
Dominant ethnic group	Muong	Muong	Thai	Thai	Ede	Mnong	Jarai	Jarai
Number of households	62	70	97	61	67	69	127	74
Number of people	359	235	429	265	367	446	762	393
Number of laborers	140	150	272	165		216	329	134
Size of allocated forest	110	116.4	185.1	206	567.5	1,130.7	1,127.5	293.5
Form of forest allocation	HH	HH	HH	HH	HH group	Community	Community	Community
Year of allocation	1993–1994	1993–1994	1993–1994	1993–1994	2000	2001	1999 (2003)	1999 (2004)
Household with forest	37	16	78	53	38	69	127	74
Paddy land per head	0.0234 ha	0.0732 ha	0.0241 ha	0.0748 ha	0.0082 ha	0.0448 ha	0.0709 ha	0.0102 ha
Fishpond per head	0.0056 ha	0.1430 ha	0	0	0	0	0	0
Upland field per head	0.0253 ha	0.0387 ha	0.0460 ha	0.0502 ha	0.3597 ha	0.2874 ha	0.1969 ha	0.1349
Poverty rate	30.65%	27.14%	n/a	50.72%	43.28%	52%	42.52%	22.54%
Number of HHs surveyed [†]	25 (40%)	25 (36%)	25 (26%)	25 (41%)	20 (30%)	20 (29%)	20 (16%)	20 (27%)

Source: village survey.

[†] Numbers in parentheses represent the percentage of surveyed households over the total in the village.