

## **CHAPTER V**

### **LOCAL FOREST POLITICS OF FOREST DECENTRALIZATION**

The previous chapter concentrated on looking at social actors involved in the FLA process and their roles, incentives and capacities at the three levels of government jurisdiction where the FLA actually takes place: province, district, and commune. This chapter examines the local forest politics that have emerged under the FLA in two mountainous villages of Thua Thien Hue province. Local forest politics is a broad issue, and it relates to various aspects. This study looked at local forest politics of forest decentralization through aspects such as class and status relations (social relations), institutional arrangement, entitlement, governance structure, and gender.

#### **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. Status and class relations in this context could be considered as social relations. The FLA in Thuong Quang commune not only influenced relations among the “local authorities” and villagers, but also among villagers (forest recipients and non-recipients). Status mostly refers to the condition or position of social actors with regard to law, while class mainly refers to a household’s relationship according to economic, occupational or social status (Kerkvliet, 1990). 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. Inheritance and appropriation through labor investment are the most common rules according to which the local people establish their relationships with natural resources (Zingerli, 2001). 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 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 Ngaido 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 chapter 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, 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.

In the my perception, although the Khe Tre SFE pays for my village to protect forests, as well as supporting new technology to transform our farming systems such as intensifying wet rice cultivation, there is not sufficient compensation for our loss of control and access over forests. In the heart of the contract for forest protection is that we were engaged to protect the state's forests. Benefits from forests, thus, have shifted from households' subsistence farming demands to the Khe Tre SFE's business demand.

Mr. Ho Van Ta Reng, the A Ka village patriarch

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 (see table 5.1).

Table 5.1 Categorization of Natural Forest by Quality in Thuong Quang Commune

Types of forest	Area (ha)	Percentage	Management Unit		
			Khe Tre SFE	Household	CPC
Total	10,105.5	100.00	8,658.6	1,374.3	72.6
Rich forest	-	-	-	-	-
Medium forest	6,637.3	65.68	6,637.3	-	-
Poor forest	1,446.9	34.32	2,021.3	1,374.3	72.6

Source: Nam Dong FPU, 2003

For many years, the Co Tu households have been engaged by the Khe Tre SFE to protect natural forests to gain in cash of up to 50,000 VND (3USD) per hectare annually. These protection contracts are intended as a temporary solution, meaning that such solution is intended to protect the forests against destruction until suitable solutions for proper forest management are found. One of them is a reform of logging mechanism as stated in the MARD's Synthesis Report (2001), in which the government has restricted large-scale logging in natural forests to respond to the lack of sustainability in logging practices by SFEs. Forest management should protect threatened and endangered species, maintain ecological functions and the integrity of forests over the long term and conserve biodiversity in order to ensure that the benefits forests bring to society continue to flow. In addition, when the stewardship problem of improved use of forestland without a forest cover had been solved, the central government turned its attention to the second most serious case of misuse of forests: previously exploited, degraded natural forests. Two methodological problems in arranging a suitable management set-up for natural forests have been identified. First, the forests have a value, albeit in most cases not a high one, thus requiring some guidelines on how to use that value. Second, it is not self-evident that households or household groups or communities would be the new forest owners (Minh and Hans, 2002). However, although the forestry sector's policies emphasize the allocation of

natural forest to households, household groups, and communities, this can be done only if the SFE gives up its claim on the forest.

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 (see table 3.4). 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.

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 (see table 5.1), 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 clearly shown through assisting the village to construct the village’s forest management regulation. In addition, one of their functions is to execute legislation of forest protection, and ensure the observance of forest protection and development legislation within a locality.

After receiving forests, the village developed the village’s forest management regulation under the FPU’s assistance. The process of the regulation development is presented as follows:



Step 1: The FPU assists the villagers to prepare a framework for the village's forest management regulation. The rules should include the following parts: (1) what has to be done, (2) what is permitted, (3) what is encouraged, (4) what must not be done, (5) rights and responsibilities of the forest recipients, and villagers, (5) awards and penalties, (6) provisions for implementation.

Step 2: The FPU facilitates a workshop to prepare a draft of the village's forest management regulation. The workshop's participants consist of key staffs of the commune, village headmen, village patriarchs, heads of forest recipient groups, and representatives of non-recipients.

Step 3: Organizing a village meeting to get comments and approving the regulation.

Step 4: The village headman submits the regulation to the CPC, the Chairman of the CPC then signs it, and submits it to the DPC so that the Chairman of the DPC can make a decision on the village's forest management regulation.

Step 5: The village headman holds a village meeting to disseminate the village's forest regulation that have been approved by the Chairman of the DPC.

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.

### **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.

It is useful to apply Agrawal and Ribot's decentralization framework analysis (1999) to divide powers that have been devolved, into three major types of powers, which are legislative, executive, and judicial powers as presented below:

(1) Legislative powers (creation of rules): promulgating legal documents on the FLA policy.

(2) Executive powers (marking, implementing and enforcing of decisions): allocating and withdrawing forests, changing forest use purposes; compiling and managing dossiers on the FLA, organizing registration and recognition of ownership right over production forests that are plantation forests, and forest use rights; disseminating and popularizing policy on the FLA; and overseeing, inspecting the implementation of FLA, and dealing with violations of the FLA policy.

(3) Judicial powers (adjudication of disputes): Settling forest disputes.

Legislative powers are mainly exercised by the central government. In addition, local governments also have the authority to exercise such powers by promulgating legal documents that are valid within the respective locality. All other powers are mainly exercised by government agencies at provincial and district scales under the direction of local government at the same scale and the government agency in line at higher scales. The PPC and the DPC enjoy a high degree of autonomy and executive powers and oversee the work of government agencies at the same scale.

In recent years, the central government has devolved considerable powers to local governments in terms of decision-making concerning the FLA policy. According to the 1991 Law on Forest Protection and Development, the Prime Minister, on behalf the central government, has the competence to establish and allocate protection forests and special-use forests, which are of importance to the national scale or are located in inter-provincial areas. The PPC decides on the establishment of protection forests, special-use forests and production forests in their localities according to the forest protection and development planning that is approved by central government. They also have the authority to allocate forestland and forest to organizations and communities/villages. The DPC has the authority to allocate forestland and forest to individual households, household groups, and individuals.

Under the 2004 Law on Forest Protection and Development, the DPC has the authority to allocate forestland and forest to communities/villages, individual households, household groups, and individuals. Formerly, the CPC was the lowest administrative unit, which had no authority on state managerial responsibility concerning forestland and forest. Since Decision No. 245/1999/QD-TTg was issued, the CPC has been recognized as the lowest scale of state management on forestland and forest. They are in charge of organizing and directing the implementation of forest protection and the development plan within their locality, and collaborate with the district authority and government agencies to carry out the FLA process.

Government agencies are handed over judicial and executive powers by local governments. They, therefore, perform many functions related to the FLA, such as disseminating the policy, collecting data, issuing the LUC, and so forth. In Thuong Quang's case, the Khe Tre SFE's powers over allocated forest significantly changed. Before the FLA, the Khe Tre SFE had more powers to manage such forest. Currently, they do not have any powers over allocated forests. The relationship between them and villagers, therefore, is deteriorating day by day. Meanwhile the FPU, which provides a direct interface between the state and local people, has the power to interpret state policies and plans, and implement them in a way that corresponds with the legal framework of forest management. Also, power of other government agencies has changed very little.

In the case of A Rang village, village and forest recipient groups constructed their own regulations for forest management. Such regulation is in line with a new trend towards village autonomy, which is stipulated in the 2004 Law on Forest Protection and Development. This Law stipulates that the village or villager, who is allocated forest, shall formulate regulation of forest protection and management compatible with state laws. Such regulation must be approved by the DPC before implementation thereof. Meanwhile in A Ka village, most of the villagers do not have the powers over forests within their village, because they rejected the FLA policy. However, in fact, they still use the forest resources according to their customary law such as gathering NTFPs and hunting and trapping, although it is not permitted by the "local authorities".

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 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 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**

Rulers claim to be responsible to their people; people try to hold them to account. Accountability is thus the measure of responsibility.

Lonsdale, 1986; cited in Agrawal and Ribot, 1999: 482

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 central government has chosen upwardly accountable institutions to receive decentralized powers or responsibilities as part of their strategy to maintain central control over natural resources (Ribot, 2003; cited in Larson and Ribot, 2004). The village 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.

The volume of timber must be based on the annual logging quota, due to logging quotas and timber permits being the main instruments of state control over forest resources (Xu and Ribot, 2004). Annually, the Khe Tre SFE submits a logging proposal to the DARD, and the DARD will make a decision based on the annual logging quota of the province that is distributed by the MARD. For forest recipients, the volume of timbers must be abided the government regulation (Decision

178/2001/QĐ-TTg). In this manner, the central government requires quite a lot of upward accountability from lower scales, including the local agencies in the forestry sector (SFEs).

#### **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.

Under forest decentralization, the rights to forests devolved from the state to forest recipients. As a result, the relationships between villagers have changed. The forest recipients have distributed natural forests, including land, and granted the LUC for a period of 50 years. The LUC are renewable for another 50 years. The forest recipients have basic rights as stipulated by the Land Law of 2003 and Law on Forest Protection and Development such as the rights to transfer, exchange, lease, inherit, mortgage, re-lease, offer land use rights, guarantee, and contribute money by land use rights in general, and have rights and responsibilities in forest management as a non-state unit, which are regulated by the Decision 178/2001/QĐ-TTg in particular. Meanwhile the forest rights of non-recipients are unchanged. Since the natural forest allocated to household groups in Thuong Quang commune is intended for stable and long-term use for production forest purposes, they have rights as follows:

(1) Intercropping agricultural crops, medicinal plants or using the land for grazing of domestic animals and also other purposes as long as the activities are conducive to the continued growth of the forest. The forest recipients are allowed to use a part of allocated forestry land without forest cover for agricultural production, but not more than 20% of such land.

(2) Collecting forest products that are obtained from silvicultural operations.

(3) Cutting timber for domestic purposes, except for trees classified as "rare and precious". For major repair of a house, up to 10 m<sup>3</sup> can be cut. Applications for logging by forest recipients must be certified by the CPC and approved by the DPC who will then issue the logging licenses. The harvest shall be done under instruction and follow-up by the CPC. The wood cannot be sold.

(4) When the forest is mature for major logging, the forest recipients shall submit an application for logging to the CPC for consideration and then forward it to the DARD for approval and issuance of a logging license. After paying taxes, the value of the harvested wood is to be divided in different ways, depending on the status of the forest at the time of forest allocation, as follows:

a) For wood forests: For exhausted forest (poorest forest), the forest recipients have the right to enjoy the entire value of the forest. For forests under regeneration after shifting cultivation or cutting, with trees of an average diameter below 20 cm, 70-80% of the value is meant for the forest recipients, with the rest for the commune. Medium or rich forest with a wood volume of over 100 m<sup>3</sup> per hectare, 2% of the value of the harvested wood is meant for the forest recipients each year since the forest was allocated, and the remainder is paid to the commune.

b) For forests dominated by bamboo: the forest recipients have the right to exploit the forest in accordance with regulations in effect. After paying taxes, 5% of the value of the harvest is to be paid to the commune, with the remainder belonging to the forest recipients.

In addition, the forest recipients have the following responsibilities: (1) managing, protecting and using allocated forests for purposes within the allocated forest area given in the decision of allocating forest by the competent authority;

(2) maintaining and developing the allocated forest resources. The forest recipients must ensure regeneration of the forests within one year after harvesting; and (3) fulfilling all financial obligations as stipulated in applicable laws.

The above regulation mostly looked at rights related to the benefits from allocated forests. It is useful to consider the transferred rights and property rights by using the concept of property, which treats property as a right, not a thing; a right in the sense of an enforceable claim to some use or benefit of something (Macpherson, 1978). The forest rights devolved on the forest recipients by the FLA policy could be embedded in the “bundles of rights”, which are classified by Schlager and Ostrom (1992). Such “bundles of rights” are modified to correspond with the local context as presented above. Under the FLA policy, de jure rights and de facto rights over forest have changed in both A Rang and A Ka villages. Changes in legal rights in the two villages are similar, while changes in rights in practice vary. The changes in legal rights of forests under the FLA policy are shown in table 5.2

Table 5.2 Changes in the Legal Rights in A Rang and A Ka Villages under the FLA Policy

Rights	Before FLA			After FLA	
	Villagers	Villagers of neighboring villages	Recipients	Non-recipients	Villagers of neighboring villages
Right of access	right	right	right	right	right
Right of withdrawal	no right	no right	right	no right	no right
Right of management	no right	no right	right	no right	no right
Right of exclusion	no right	no right	right	no right	no right
Right of alienation	no right	no right	right	no right	no right

Source: Field survey, 2004

Looking at the Cờ 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 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 (see table 5.3 and 5.4).

Table 5.3 The Legal Rights and Rights in Practice in A Rang Village after the FLA Implementation

Rights	Legal rights		Rights in practice	
	Recipients	Villagers of neighboring villages	Recipients	Villagers of neighboring villages
Right of access	right	right	right	right
Right of withdrawal	right	no right	right	right
Right of management	right	no right	right	no right
Right of exclusion	right	no right	right	no right
Right of alienation	right	no right	right	no right

Source: Field survey, 2004

Table 5.4 The Legal Rights and Rights in Practice in A Ka Village after the FLA Implementation

Rights	Legal rights			Rights in practice		
	Recipients	Non-recipients	Villagers of neighboring villages	Recipients	Non-recipients	Villagers of neighboring villages
Right of access	right	right	right	right	right	right
Right of withdrawal	right	no right	no right	right	right	right
Right of management	right	no right	no right	right	no right	no right
Right of exclusion	right	no right	no right	right	right	no right
Right of alienation	right	no right	no right	right	right	no right

Source: Field survey, 2004



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).



Figure 5.1 Transporting Timber from Allocated Forest by Buffalo.

### 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.

We meet with difficulties in exercising the rights over forests given up. Households, particularly poor households from the village, who did not receive forests, come to our forests to gather NTFPs for their survival. We, therefore, cannot stop them from coming to our forests.

Ho Van Dot, forest recipient in A Ka village

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. One forest recipient in A Rang village complained that

We are invited to participate in many village meetings during the FLA implementation process. Government staff told us that they will invite us to go into the forest, which will be allocated to us, so that we sign in the minutes of allocation in the field. However, they broke the promise with us while they invited the village headman and heads of groups to be involved in forest allocation in the field. At present, in our group, the head of the group is the only person, who knows where our forests are, and gets benefit from the FLA.

Ho Van Tua, member of forest recipient group 2, A Rang village

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.

I am not so sure that I actually owned my forest, since I have not yet received the LUC so far. At present, I do not believe in complete rights over the forest being given to us in practice. Some villagers, especially women, still come to our forests to collect NTFPs, such as conical hat leaves, mushrooms, and so on. However, I cannot stop them, since those forests do not really belong to us. I will be very happy if the state gives me the LUC so I can become the real forest owner.

Mr. Ho Van Dy, Head of group 1, A Ka village

#### **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, expect 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”.

The roles of the four above key social actors are assessed by villagers through looking at their importance with respect to main activities in forest management. The main activities concerning forest management, which villagers consider as an assessment criteria, are the identification of boundaries of village, forest, and land; permission issuance; forest use control; violation punishment; conflict resolution; regulation development; and information provision. Levels of importance in the activities are measured by scoring from 0 up to 100, because it is very easy for local people to evaluate.

Based on the assessment result (see table 5.5 and figure 5.2), the roles of the CPC over activities relating state law such as the permission insurance, violation punishment, forest use control, and regulation development, are highly appreciated compared to the others, while the conflict resolution is not highly appreciated, because the CPC mostly pays attention to accountability to superior authorities.

Table 5.5 Changes in the Roles of the Key Social Actors in A Rang Village

Criteria/Activities	Before the FLA			After the FLA			
	A	B	C	A	B	C	D
Identification of boundaries of village, forest, and land	16	15	8	11	14	14	2
Permission issuance	8	7	14	2	13	23	0
Forest use control	8	8	13	3	11	22	20
Violation punishment	10	11	14	5	12	23	5
Conflict resolution	23	23	18	22	23	15	19
Regulation development	11	13	7	8	13	18	8
Information provision	14	13	10	12	13	11	10
Total score of each social actor	90	90	84	63	99	126	64

Source: Field survey, 2004

Note: A = the village patriarch; B = the village headman; C = the CPC; D = the head of forest recipient group



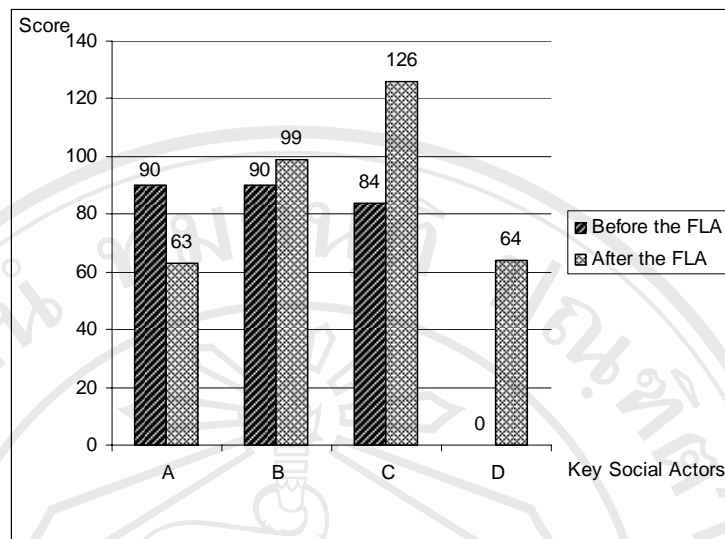


Figure 5.2 Comparing Roles of the Key Social Actors in A Rang Village under the FLA Policy

Note: A = the village patriarch; B = the village headman; C = the CPC; D = the head of forest recipient group

### 5.5 Changes in Women's Roles

Perceptions of women's position in the family and their rights over productive resources such as land and forest have changed over time and place. Studying gender and land rights in India, Agarwal (2003) showed that the issue of women's land rights is not only important today, but it is likely to become increasingly important over time. India's agrarian transition had serious gender inequalities in intra-household allocations from resources controlled by men, and a notable potential for production inefficiencies with unequal gender land distribution. Some relevant gender research in Vietnam points out that both men and women use forest products for their daily living, both of them play important roles in forest resource management. However, their knowledge, experiences and needs of forest management vary. It depends on their roles and responsibilities in their families and in the community, and the concrete contexts as well. Therefore, managing and using natural resources in general and forest resources in particular will not arrive at effective sustainability and equality if gender issues are ignored. This study strove to analyze the real situation of gender roles in forest utilization and management, and changes in gender roles under the FLA policy as well. The study results in both villages are similar, which are presented as follows

### 5.5.1 Gender Roles in Natural Resource Management and Utilization Activities in A Rang and A Ka Villages.

This section looks at gender roles through two dimensions, which are labor arrangement in households and role in management and decision-making. In terms of labor arrangement at home, the result of the household survey pointed out that women participate in most living activities of the family, while men take charge of heavy work. However, women also partake in activities considered as heavy work such as plough, and cutting timber, especially in households lacking manpower. In order to undertake all activities, the women have to get up early and go to bed late. They have to spend an average of fourteen hours per day working while men spend only ten hours (see table 5.6).

Table 5.6 Labor Division by Gender in the Summer Season (March-August of Lunar Calendar)

Time	Women	Men
3:00 a.m.	Waking up	Sleeping
3:30 a.m.	Going to market to sell produce or cooking food and mash for pig.	Sleeping
6:00 a.m.	Going to the field	Tidying himself up
7:00 a.m.		Going to the field
10:00 a.m.	Coming backing from the field, cooking/cleaning house, feeding animals	
11:00 a.m.		Coming back from the field, helping wife with some housework.
12:00 p.m.	Having lunch	Having lunch
12:30-2:00 p.m.	Working around house	Taking a rest
2:00 p.m.	Going to the field	Going to the field
6:00-7:00 p.m.	Cooking dinner	Taking a bath, chatting, exchanging productive experiences with neighbors
7:00-7:30 p.m.	Having dinner	Having dinner
7:30-9:30 p.m.	Cleaning house, taking care of children, cooking mash for pig	Taking a rest, watching television

Source: Field survey, 2005



Figure 5.3 Woman Gather the Taro Leaves from Forest for Raising Pig



Figure 5.4 Woman with Housework



Table 5.7 Profile of Activities by Gender

Location	Activities	Who implement?	Duration
In the forest	Charcoal burn	M	Wife bears child, need money
	Collecting firewood	F/m	year-round
	Gathering “Đót”	F/m	January to March
	Gathering conical hat leaves	F/m	Sometime
	Gathering rattan	M/f	Sometimes
	Logging timber	M/f	Sometime
	Trapping animal	M	Regularly
	Gathering forest taro leaves for pig raising	F	Regularly
	Gathering bamboo shoot	M/F	July to October
	Reforestation	M/f	Seasoning
	Contracted forest protection	M	Regularly
Home stead	Gardening	M/f	Year-round
	Raising poultry	F/m	Year-round
	Raising livestock	M/f	Year-round
Paddy field	Plough	M/f	Seasoning
	Transplanting rice seedlings and weeding	F/m	Seasoning
	Harvesting	F/m	Seasoning
Housework	Take care children	F	Everyday
	Cleaning and tidying up house	F/m	Everyday
	Cooking wine	F/m	Year-round
Services	Making broom	F	Year-round
	Selling agricultural and forestry products	F	Sometimes

Source: Field survey, 2005

Note: M: exclusive male, F: exclusive female; M/F equally between male and female, M/f: predominantly male, F/m: predominantly female

Some forest-based activities are very hard and time consuming, and some women in the village conduct these activities, such as gathering rattan and conical hat leaves. These resources become exhausted, and are located in remote areas far from the village. Therefore, it is very dangerous for women when they go alone to the forest because no one would know if something happened to them such as an attack of wild beasts, sweeping away by flood waters, and so on. As one woman who used to gather conical hat leaves said.

Going alone in the forest I feel fear and sadness. Before, when my daughter stayed at home I used to call for her and we would go together. However, she is married now; I therefore, do not dare to go into the forest alone.

Mrs. A Rat Thi Xong, woman in A Rang village

However, due to the need for a cash income, while the husband pays little attention to the family's economy, many women have to shoulder all the work from caring for the house to household expenses, and they have to go into forest alone to gather conical hat leaves and rattan. In addition, the women often go to the forest to gather non-timber forest products to sell when the family has unexpected expenses or emergency cases such as children being ill or paying school fees. Another NTFP that women collect, is a material for making brooms, called "Đót". This activity is often conducted from December to March. At the same time, another activity which generates a considerable source of income is the buying of "Đót" to dry and store for making brooms in the winter season. Annually, broom making brings relatively high cash income for the family in comparison to other livelihood activities. Moreover, women also gather other NTFPs such as forest taro leaves (for raising pig), honey, mushrooms, and so forth. In the process of forest planting and caring, 100% of women participate in many activities except heavy activities such as cleaning vegetation and digging holes.

Although the land for wet-rice cultivation is limited, wet-rice cultivation is one of the important activities for the local people because this is the main source of staple food for the household. The stages from rice sowing to harvesting, although not divided between men and women, imply the work of women. It is simple and not hard work, but requires patience, carefulness and detail, thus most of the women in this area take charge of this work. In the busy harvest period, the men often help by carrying rice and drying rice straw for women. In the absence of a man, the woman takes charge of these activities. In crop planting, the areas are often not too large and can be gradually harvested and the women take charge of most activities from sowing and planting to harvesting, processing and storing. In of families, the man understands and sympathizes with his wife and he will share on-farm activities to some degree with his wife to reduce her burden. In addition, animal raising is also carried out by most women in the area. It does not only bring cash income for women, but also provides fertilizer for cultivation.



### 5.5.2 Improvement of Women's Roles after the FLA Implementation

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 Co 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.

Forest protection and management is the men's job, because it is hard work. Women cannot do hard work, but they can take care of children and do housework only.

Village headman of A Ka

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.

I am very happy to see my name on the LUC. It makes me feel I have some rights over forest, and my role in forest management is highly appreciated.

Ngoc Thi Noi, woman in A Rang village

Under the FLA policy, changes in inheritance have significantly improved the roles of women in the family. In the Co 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.

## 5.6 Summary

This chapter presents the findings of the study relating to the changes in local forest politics under the FLA. It is divided into the five sections. Section 1 has considered the local forest politics in this context through various aspects such as changes in social relations, rights of forests, and governance structure; problems in transition from legal rights to rights in practice; and gender issues. Section 2 examined the changes in social relations between the villagers and the “local authorities”, and between the villagers (the forest recipients and non-recipients). Section 3 provided an account of problems, which the forest recipients faced in translating legal rights into rights in practice. Section 4 analyzed the changes in local governance structure. The last section looked at gender issues under the FLA policy.

In Thuong Quang commune, this study examines the changes in social relations by analyzing institutional arrangement changes, the transfer of powers and accountability relations, and forest rights and property rights changes as well. The forest institutional arrangement shifted from a contract with local people to allocation

of forest to them. When there were contracts for forest protection, the villagers act as “forest guards”. In this manner, the state ignored customary law, and paid little attention to local people’s benefits. Under the FLA policy, it can be seen that the forest institutional arrangement is a result of a hybrid arrangement between state law and customary law. However, it is dominated by state law. In addition, the relationship between the Khe Tre SFE and villagers is currently lost, while the win-win arrangements between the villagers and the FPU have been established.

In terms of transferring nature and the scope of powers, the contents of state management over forests concerning the FLA policy embed three types of powers: legislative powers, executive powers, and judicial powers. The first type of power is mostly exercised by central and local government. The local governments hand over the remaining types of power to government agencies. Under the FLA policy, central government has only been handed powers of use of allocated forests over forest recipients.

The accountability relations are seen through two dimensions: relations between the “local authorities” and villagers, and between the government agencies and forest recipients. The first one is mainly concerned with relations between the “local authorities” and the village headmen, who are representatives of the villagers. Under the FLA policy, the village headman has new responsibilities and rights related to forest management. He is not only downwardly accountable to their constituents, but also upwardly accountable to the CPC. The second one deals with relations between the FPU and forest recipient groups. The FPU still retains most powers over allocated forests. They are upwardly accountable to the FPD and the DPC, and downwardly accountable to the forest recipient groups.

Regarding the social relations between villagers, this has significantly changed under the FLA policy. Before the FLA policy, the relations between villagers were equal in contracting with the Khe Tre SEF for forest protection, where all villagers are “forest guards” and have the same role in forest management. After the FLA policy, new social actors have been introduced, namely forest recipients and non-recipients. The relationships between villagers have changed. Legally, forest recipients have more rights over allocated forest such as rights of access, withdrawal, management, exclusion, and

alienation, while non-recipients have right of access only. However, in fact, de facto rights of outsiders (non-recipients, villagers of neighboring villages) are different in comparison with de jure rights and this also varies between two studied villages.

Although the forest rights have devolved to the forest recipients, the rights are still limited, and depend on the “local authorities”. In fact, gaps between de jure rights and de facto rights still exist. There are three major reasons leading to such problems. The first is a lack of a legal framework to enforce those rights while there is no positive support from the “local authorities”. Secondly, most recipients do not know the exact location of their forest, and the allocated forest of the group has not been divided among their members. Therefore, the forest recipients experience difficulty in exercising their rights in practice. Finally, the LUC has not been issued so far leading to insecurity of forest tenure and many problems in allocated forest management.

The governance structure is viewed by comparing the role of four key social actors, which are the village patriarch, the village headman, the CPC, and the head of the group, before and after the FLA implementation. The findings of the study showed that, before the FLA implementation, the roles of these social actors are similar. However, their role has significantly changed after the FLA implementation, but only in the case of A Rang village. Currently, the role of the CPC and village headman is more highly valued than the village patriarch. The role of the head of the forest recipient group is weaker in comparison with the remaining key social actors.

With regard to gender issues, most women take part in many livelihood activities. Men often have more decision-making rights than women, although women have to spend more time working than men. Women’s participation in the FLA process was much less than men. However, women are now more aware of their role, rights and responsibilities in forest management through direct participation in the FLA implementation process. In addition, the roles of women in the family have significantly enhanced through changes in the inheritance of allocated forests.