

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

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

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

6.1 The Main Findings of the Study

The FLA implementation in the case of Thuong Quang commune is a turning point in the provincial strategy of forest management. Because the natural forest allocation can be done if the Khe Tre SFE gives up its claim on the natural forests, although the forests, which are allocated to household groups, are poor forests. Formerly, all forests in Thuong Quang commune belonged to the Khe Tre SFE. The Cơ Tu people were engaged in forest management through contract with the Khe Tre SFE. In this manner, the Khe Tre SFE mainly concentrated on logging, and considered Cơ Tu people as “forest guards”. They ignored customary law, and paid little attention to Cơ

Tu people's benefits. Therefore, the Co Tu people were not willing to protect forests but used the forests for their short-term purposes. As a result, in recent years, natural forests have progressively degraded. Facing the above problem, the provincial government has been seeking political and social solutions in order to protect natural forests. In 2003, the Thua Thien Hue PPC, therefore, withdrew some of the natural forests which belonged to the Khe Tre SFE to allocate them to household groups with the aim of sustainable forest management and a contribution to poverty alleviation on the one hand, and Khe Tre SFE reform on the other hand. Under the FLA policy, the role of the Co Tu people shifted from "forest guards" to forest owners. In this context, the study's conceptual framework views the FLA policy as forest decentralization. Social actors involved in the FLA process at different scales were investigated. Local forest politics of forest decentralization also were examined. The four key findings of the study are as follows:

The first finding observes that the forest decentralization process has transferred significant powers to the district authority, which is not only upwardly accountable to the provincial government, but also downwardly accountable to the commune authority. The forest recipient has mainly been transferred the power of use of allocated forest, but they are still subject to the state laws. Meanwhile, the central government handed the power of control of allocated forest over to government agencies. The local governments are still more accountable to their superordinate than their subordinate.

Currently, under the FLA policy, although the central government devolved powers over forest on the "local authorities" and local people, they still require quite a lot of upward accountability from lower levels, including the local agencies in the forestry sector. However, the powers of control of 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 the "local authorities". The power of decision-making of logging is a good example. 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 timber must abide by the government regulation (Decision No. 178/2001/QD-TTg).

Although the powers of forest recipients over their forests were transferred, those powers are still limited, and depend on the “local authorities”. Even if cutting timber, gathering NTFPs, and hunting wild animals within allocated forests, forest recipients must ask the permission of the DARD, and the FPD, and are overseen by the FPU. Even NTFPs, which provide a regular income for forest recipients cannot be collected as an open-access resource. In order to gather NTFPs, forest recipients have to make a proposal based on the guidelines of the FPU, and then forward it to the CPC for confirmation. After accepting the proposal, the CPC submits it to the DARD for approval and issuing of the gathering license.

The FLA policy has placed new responsibilities and rights related to forest management in the hands of the village headmen, who were appointed by the CPC through polling of villagers’ opinions. However, in practice, village headmen have little downward accountability to their villagers, but their primary accountability is upward to the CPC. In addition, although accountability of the commune authority to the villagers and communities is established, it is very weak. The leaders of the commune authority were involved in the FLA policy, because they would like to receive a promotion when they execute the state policy well.

The second finding makes a proposition that gaps between legal rights and rights in practice of forests always exist, and vary between the two studied villages. In A Rang village, most households are forest recipients, they have managed their forest by the village’s forest management regulations, which are hybrid between customary law and state law. Today, in A Ka village, non-recipients still strictly adhere to their customary laws. For instance, NTFPs sites are claimed as the property of the people find them and swidden land is willed to a son in the family. They also do not allow any outsiders to come to cut timber or gather NTFPs within their village territory. In the case of both villages, villagers of neighboring villages still cut timber and gather NTFPs in the allocated forests, although they are not allowed. The forest recipients, in fact, have faced significant problems exercising their forest rights. The main cause of such problems is a lack of legal environment to enforce those rights. The forest recipients, even the heads of groups, do not have authority to punish outsiders who commit wrongdoing in their forest such as cutting timber, gathering NTFPs and practicing

shifting cultivation, but only have the authority to apprehend violators and make a report of the violation, thereafter informing the FPU.

The third finding argues that reducing costs of forest management is a major incentive for the “local authorities” to be involved in the FLA policy while the Cờ Tu people involved in the FLA policy have short-term demands. Better coordinative ability is one of the important factors that could result in potential success of the FLA policy.

The Khe Tre SFE is not directly involved, but they support the FLA policy. They entirely agreed with the PPC’s decision that withdrew parts of own their natural forest to allocate them to household groups, because those forest areas are poor and degraded forest, which cannot be exploited in the next ten to fifteen years. In addition, the budgets for such forest area management from government continue to shrink. They, thus, would be faced with increasing constraints to manage the forests. It can be said that the FLA program has created an opportunity for the Khe Tre SFE to shift the cost of forest management to the forest recipients, who would bear the cost of such forest areas. Both studied villages wished the state to allocate natural forest to community/village, but their demand was not met. However, villagers in A Rang village accepted the FLA policy, because they would like to possess the official right of forest, and convert a part of allocated forest to swidden land, where shifting cultivation can be practiced to meet food demands.

In the context of Vietnam, the PPC and the DPC are social actors that play a key role in coordinating the FLA process. The Nam Dong DPC lacks experience in FLA process coordination. They could not coordinate collaboration of government agencies to carry out FLA. Therefore, the progress of the FLA was not smooth. The forest recipients have not yet received the LUC. It could be said that if there was good coordination at the beginning, government agencies will closely collaborate to conduct the FLA. As a result, the implementation of the FLA would be very easy and fast, including the process of issuing the LUC.

The fourth finding provides a proposition that although the women were often ignored, they are now more aware of their rights and responsibilities in forest management. The roles of women in family have been significantly enhanced through

changes in inheritance under the FLA policy. Presently, allocated forests are equally inherited by both son and daughter. During the FLA implementation process, women's participation was much less than that of men. The women participated in village meetings more than in fieldwork. However, women's active contribution to the whole FLA implementation process also had significant impacts on the local authorities' awareness of gender issues.

6.2 Theoretical Discussions and Contributions

The previous section presents the key findings of this study. It is necessary to understand what and how the findings contribute to the understanding of the theories and concepts, because the findings illustrate and provide some novel insights into the way we think about decentralization and everyday local politics in forest management.

6.2.1 Dimensions of Decentralization

This study has considered the policy FLA as decentralization in forest management, due to forest management authorities being transferred from the central government to institutions at lower levels such as SFEs, Forest Management Boards, communities, household groups, households and individuals through the FLA. The findings of this study correspond with the deconcentration or administrative decentralization, and political or democratic decentralization, which are defined by Ribot (2002a). The FLA created new administrative units from the central to the local scales, in which each administrative unit is strictly accountable to the unit above. For example, the SCs at various levels (provincial and district levels) that are appointed by local governments to coordinate activities concerning the FLA. The WG at district and the LRC are established to implement the FLA. The WG and the LRC are responsible for conducting surveys, preparing forest land use and allocation plans, allocating forest land in the field, and completing administrative procedures. These two units report to the district SC, which in turn provides progress reports to the provincial SC. In this manner, the FLA could be seen as administrative decentralization or deconcentration. In addition,

the state allocates forest and forestland to communities, households and individuals for stable and long-term use for forestry purposes within 50 years. The forest or forestland recipients have rights, namely, the right to transfer, exchange, lease, inherit, mortgage, re-lease, offer land-use rights, guarantee, and contribute money by land-use rights. But at the same time, they must use forest and forestland for the right purposes that are stipulated by the FLA policy. Thus, the FLA could be considered as political or democratic decentralization in forest management. However, in fact, the central government mostly transferred the powers (rights) of forest use to forest recipients. The powers of decision-making of forest recipient are limited, and depend much on the “local authorities”. Therefore, the FLA policy is more relevant to deconcentration or administrative decentralization than political or democratic decentralization. Democratic decentralization aims to increase local people’s participation in local decision-making (Ribot, 2002a,b).

Although the FLA is initiated by the PCP (provincial government), there is no social actor that operates in isolation and all of them are important social actors on the institutional landscape of decentralization (Meizen-Dick and Knox, 2001). For instance, A Rang village represents a successful case of the FLA policy, because the villagers (user groups) have supported such policy. Meanwhile, most villagers in A Ka village refused the FLA policy, so it seems to not be a successful case. In addition, the finding of the study also shares an idea with Meizen-Dick and Knox (2001) that shifting the responsibility (costs) to users for resource management is often one of the major motivations for a government to engage in decentralization. For example, allocated forests, which formerly belonged to the Khe Tre SFE, are poor forests. The forest recipients bear all costs of management of such forests, while they cannot benefit from forest products in the coming ten to fifteen years. If those forests are not allocated to local people, the Khe Tre SFE would be faced with increasing constraints to manage the forests, due to the budgets for managing those forests being continually reduced by the government. Therefore, allocation of poor forest is a good opportunity for the Khe Tre SFE to reduce costs of forest management.

In terms of power relations, accountability relations, and property rights aspects in decentralization, the findings of this study can contribute to both this concept and the

concept of everyday local politics. Therefore, the theoretical discussion of findings regarding these issues will be presented in the next sub-section.

6.2.2 Everyday Local Politics

The findings of this study concerning powers, accountability relations, and property rights could contribute to both the concepts of dimensions of decentralization and everyday local politics. With regard to transfer of powers in decentralization, the results of this study showed that in recent years, the central government has devolved more powers to local governments. For instance, since Decision No. 245/1999/QD-TTg was issued, the CPC has been recognized as the lowest scale of state management of forest and forestland. It proves that central government formally ceded powers to institutions (social actors) at lower levels in a political-administrative hierarchy as defined by Agrawal and Ribot (1999), and Ribot (2002a). The findings of this study also contribute to Agrawal and Ribot's framework for analyzing decentralization (1999) in terms of power dimensions, which are divided into three categories: power concerning legislative, executive, and judicial realms. For instance, although the legal documents on the FLA policy are mainly promulgated by central government, the local government still has authority to promulgate legal documents on the FLA policy, which are valid within the respective locality. In this manner, the central government handed over legislative power to local governments.

In fact, the central government only transferred the power of use of forest resources to forest recipients, and handed the power of control over to the local governments. However, the local governments are still accountable to their superordinate more than their subordinate. Although accountability of the commune authority to the villagers and communities is established, it is very weak. This finding partially agrees with arguments of some scholars that in many cases of decentralization programs concerning natural resource management, very little significant power is actually transferred, while in others the powers that are decentralized are concentrated in the hands of a local elite (Conyers, 2000; cited in Agrawal and Ribot, 1999). For instance, concerning cutting timber, the forest recipient group is to make an annual plan for harvesting wood from the forest in accordance with the benefit principles that are

stipulated by the village's forest management regulation, and forward this plan 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 is appraised by the DARD, and finally submitted to the PPC to grant a permit for logging. The forest recipient group has to ask the FPU to check and stamp the timber before the logging, transport for processing or sale.

Concerning the transfer of rights (property rights), the results of this study pointed out that the forest rights, which transferred from central government to user groups (forest recipients), are embedded in five types of property rights: rights of access, withdrawal, management, exclusion, and alienation. The findings of the transfer of rights corresponds with the “bundles of rights”, which are most relevant for use of common-pool resources under Schlager and Ostrom's classification. In addition, under the FLA, gaps between legal rights and rights in practice still exist. This supports the environmental entitlement framework that has been developed by Leach, Mearns, and Scoones (1997), in which the *de jure* rights could be seen as an “endowment”, and *de facto* rights could be considered as an “entitlement”. For example, according to the FLA regulation, the forest recipient has the five above rights, and others (non-recipient, villager of neighboring villages) have only the right of access. However, in fact non-recipients in A Ka village still gather NTFPs from sites where they have proprietary claim (right of withdrawal), and will the swidden land to their son (right of alienation). In addition, they do not allow any outsiders to cut timber or collect NTFPs within their village territory (right of exclusion). In the case of both villages, villagers of neighboring villages still cut timber and gather NTFPs in the allocated forests (right of withdrawal).

In brief, the study pointed out that, although the state considers the FLA policy as forest decentralization, the powers that central government transferred to forest recipients are not in correspondence with the responsibilities, which claim forest recipients manage forests. The powers of decision-making that concern the exploitation of forest products, mainly transferred to the “local authorities”.

Therefore, the findings of the study suggest that the FLA policy currently could be seen as a mix of administrative and democratic decentralization, in which the administrative decentralization is predominant.

6.3 Policy Implications and Recommendations

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

However, the findings from the study show that the forest recipients still face an insecurity of forest rights, due to the lack of legal environment to enforce rights. This problem indicates that the FLA has not always been successful in achieving all objectives. Moreover, even if central government transferred the complete rights and responsibilities to forest recipients, and villagers built the village's forest management regulation, the "local authorities" still have a critical role in enforcing regulations, punishing violators, and settling disputes between forest recipients and outsiders.

Therefore, forest recipients certainly need an enabling environment to enforce rights over their forests. Without such institutional framework, rights or property rights may not be valid and the aim of the FLA policy will be not achieved. In order to deal with this problem in Thuong Quang circumstance, the CPC and the FPU should be strengthened to provide support to the forest recipients so that they can enforce the granted rights, particularly monitoring and sanctioning violators.

Through the FLA implementation, the "local authorities" expected that the forest recipients' control over forest resources would lead to sustainable forest management if their long-term benefits are connected closely with forests. However, in the case of Thuong Quang, most forests allocated to villagers, are poor and degraded forests. It takes a long time for such forests to achieve maturity so it may be

ten to fifteen years before major logging is possible, while the forest recipients bear all costs managing the forests over this period. Therefore, if the central government transfers the responsibilities (the costs of forest management) to forest recipients, they must also transfer commensurate rights (benefits). The correspondence between the potential costs and benefits, which transfer to forest recipients, is necessary for forest recipients to undertake many management tasks, and is one of the most important incentives that the state can offer forest recipients to induce them to bear the costs of forest management.

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

The coordination among the government agencies in the FLA implementation process should be taken into account. It could lead to whether or not the process of the FLA is smooth. Coordination mechanisms are not only information exchange, but also revenue flows (who pays for what) and mutual accountability (Meizen-Dick and Knox, 2001). The results of this study points out that although the agreement regarding the FLA implementation was signed by the district's government agencies, most government agencies, in fact, did not perform their tasks well. They often considered the implementation of the FLA as an additional, rather than an integral duty. The lack of coordination mechanisms, particularly the benefit mechanism is a major cause of this weak collaboration. Therefore, even though the agreement is signed, the DPC has to continue to coordinate the communication, sharing of information and benefits, and build trust among government agencies.

The FLA in Thuong Quang started in 2003 and at that time the FLA policy was mainly geared to individual households and household groups. The community had not yet been formally recognized as a subject of the FLA policy. However, in practice, community-based forest management is a form of forest management, which was widely practiced in upland Vietnam, and is still preferred by many ethnic communities. This is one reason that A Ka village declined the FLA policy. Since 2004, under Land Law of 2003 and Law of Forest Protection and Development of 2004, the community-based forest management is officially recognized as a valid form of forest management. Moreover, the DPC has authority to allocate forest to communities. Therefore, the district authorities should allocate forest to A Ka village if villagers still need to receive forest to manage it according to the community-based forest management.

6.4 Suggestions for Further Study

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

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