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Change through conservation: protected areas and institutional change in ethnic minorities in Nam Dong district, Vietnam

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ABBREVIATIONS

5MHRP	-	5 Million Hectare Reforestation Program
BMNP	-	Bach Ma National Park
CBNRM	-	Community Based Natural Resource Management
CPC	-	Commune's People's Committee
DARD	-	District level of Agricultural and Rural Development
DPC	-	District's People's Committee
FLA	-	Forest Land Allocation
FPU	-	Forest Protection Unit
FMPB	-	Forest Management Protection Board
HUAF	-	Hue University of Agriculture and Forestry
NTFP	-	Non-Timber Forest Product
MARD	-	Ministry of Agriculture and Rural Development
OARD	-	Office of Agriculture and Rural Development
ONRE	-	Office of Natural Resources and Environment
PES	-	Payments for Environmental Services
PPC	-	Provincial People's Committee
SFE	-	State Forest Enterprises
SNV	-	Netherlands Development Organization
USD	-	US Dollar
VND	-	Vietnamese Dong

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FOREWORD

This thesis would not have been produced without the enduring help of Tran Nam Tu. Mr. Tu is teacher at the HUAF and was during the period in Vietnam facilitator, advisor, translator, motivator and most of all the local supervisor of this research. Whenever help was needed and for any purpose, Mr. Tu was prepared to help, even during the period of thesis writing back in The Netherlands. Besides that, he was the best possible company to get an introduction about the Vietnamese culture.

Furthermore, the support of Paul Burgers, supervisor on behalf of the Utrecht University, was vital to bring this research both to a good start and end and by toning down the time pressure. Mr. Burgers was also the very person who made the internship that lead to this research possible, thanks to his contacts in Vietnam.

The possibility to conduct this research in Hue was further offered by both the Tropenbos Institute and HUAF. Tropenbos financially supported this research and was by means of the advice of Director Mr. Nghi and Ms. Ngi important for thinking about new directions in the research. HUAF made it possible to make use of the services of the university and it provided space for the various workshops organized during this research. These workshops were organized in order to improve the research, and to put attention on the forest sector in Thua-Thien Hue province.

For the practical execution of this research, many other persons should be mentioned for their help. This is certainly true for the students of Hue University Thien, Dan, Hang, Chien, Thao, who were indispensable with their translating activities within the research, but just as much through their attempts to introduce foreign researchers in Vietnam and by showing the many interesting aspects of the Vietnamese society.

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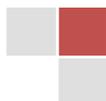
INTRODUCTION

The Western model of development is more and more subject of critique among scholars and beyond because of its obvious failure to bring an equal base of growth – either in economic, political or social sense. In Ecuador, and to a smaller extent in the rest of Latin-America, the popularity of an alternative to this strategy in which first and foremost economic growth is pursued is growing. This alternative is a more humanistic model in which a collective well-being forms the base for an integral growth in all economic, political, socio-cultural and environmental systems. Attention for the harmony of environmental systems and the development of indigenous communities stands in this 'regimen' at the same level as economic growth and admits the interdependence between the various 'wheels' of society (Walsh, 2010, pp.15).

Although this particular model for development has not yet been gaining foot on the ground in other parts of the world, the global and integral crisis in the field of climate change, energy and economics in the beginning of the 21st century, proves that such a broader and integral mode of development is needed. Aspects that the neo-liberal school let slip away, such as the environment and the human crisis in development are gradually returning on the agenda.

Hence, attention for the development of livelihoods of indigenous communities living in forested areas with high environmental value, as the major foci of this research, has been increasing during the last two decades. Despite this, successful combinations in practice, between (1) *development of their livelihood* and (2) *nature conservation*, are rare. The international community puts in the current postmodern era pressure on governments to achieve both goals; the most frequently chosen method is the installment of protected areas. However, the most important objective of protected areas still is the achievement of nature conservation. The consequences of protected areas can therefore be big for the local communities coming to live within them. Despite the good intentions, protected areas often result in a major restriction of the customary system of indigenous people and in a further limitation in their income generation, because of the salience of the natural environment in the livelihood strategy of many indigenous communities. Not only the ways to earn an income are changed, but their complete way of life, the organization within their community and their value system are affected.

The importance of adopting the indigenous needs and priorities in the management of those protected areas and in the management of natural resources in general has been more and more often recognized. The reason for this can at the same time be controversial - it can for instance be an instrument of the State government to perform a greater form of control on these formerly independent groups – but has potential. Community-based forest management systems are expanding all over the world and the indigenous knowledge about natural resource management becomes increasingly applied in policy. Even in case that these kind of participatory

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methods are proposed however, the challenge remains to implement them in such a way, that the benefit is derived by the local people, that control is effective and that customary systems are respected.

This research focuses on the way in which customary institutional systems of indigenous communities are affected by and included in national land reform policy in Nam Dong district, Vietnam. The change of land ownership and the installment of protected areas started a complete new phase since the start of the process of Forest Land Allocation (FLA). In 1993, FLA was started on national scale and the main aim of these reforms was to transform the collective system in order to bring agricultural land under individual ownership. Although the broader reforms in the country – not only within agriculture, but reforms within the whole economic sector (Doi Moi) – proved to be successful in general, FLA is still accompanied with many challenges. Various articles (Gomiero e.a. 2000; Sikor & Nguyen 2007; Boissiere e.a. 2009) stress that the overall capacity is not enough to (1) initiate the process of FLA properly in all districts of the country, (2) monitor and control the effective execution of it and (3) to guide the local communities in the process, in order to develop their local livelihood. In the Nam Dong district, one of the poorest parts of the country, FLA is still often accompanied with negative consequences for indigenous' livelihoods. Different forms of FLA (either to individuals, groups of households, or whole villages) are executed, also causing different outcomes of the process. Either positive or negative, the impact in the organizational system of ethnic minorities because of the adoption in the mainstream political and institutional system is always considerable. In this research, two villages in Thuong Long commune, Nam Dong district, with different stadium and status of FLA, are studied in order to get grasp on the impact of the process of FLA on their institutional system.

An institutional view on changes in the forest sector in Vietnam is highly relevant, because so far, there is no clear answer on how customary institutions are changed, and most of all on how this change can create an improvement in benefits for local people. Besides the relevance to study institutional change in this specific context, an analysis of institutional development is also highly significant for the improvement of natural resource management. Various studies have been stressing the relationship between having a well-functioning institutional system on the one hand and the sustainable use of environmental resources and rural development on the other hand.

In order to be able to analyze this institutional change, this research exists of two major parts. In the first part, the theories and concepts as used in this research are explained, just as an introduction about national forest management policy is given and the methodologies are explained. The second part exists of the actual results of this research. This analytical part contains an important chronological aspect, in which is started with the traditional days of Ka Tu customary law forest management. Next, the focus is put on the development of this customary system in the current forest

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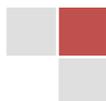
management. This thesis is ended with conclusions about the research and recommendations for the future.

Part 1: Theoretical & Regional Framework

In the first part of this research, the theories and concepts used are explored. Secondly, a national and regional analysis of the forest sector is given and ultimately the focus is put on the methodology used in this research.

CHAPTER 1: THEORETICAL FRAMEWORK

During the last couple of decades, much has been written about the management of natural resources. The debate about the role of institutions in this management was initiated lively after the call of Garrett Hardin. In his famous contribution *The Tragedy of the Commons* (1968) he argued that governmental intervention in natural resource management was a precondition to prevent individuals from making choices purely on their self-interest, something that would in the end deplete all natural resources. Elenor Ostrom initiated to represent twenty years later the group with a different view on institutions and developed the idea that a 'one-solution cures all' does not exist and hence, institution-building should be done at different levels. In this process, an important role should be reserved for the local people and their existing institutions in such a way that these local users see them as legitimate (Ostrom, 2008, pp. 17). Both views have been devolving and taken up by others and a considerable amount of articles been written about institution-building in the last decades.

In order to be able to understand a complex reality and to be able to get grasp on institutional change in a theoretical way as well, the IAD-framework as developed by Ostrom (1994) is used in this research as a useful tool. Following Koontz (2003), a proper way to conceptualize public policy is to make use of three different conceptual layers: frameworks, theories and models. A framework is the structuring level, that

Figure 1.1: Conceptual layers
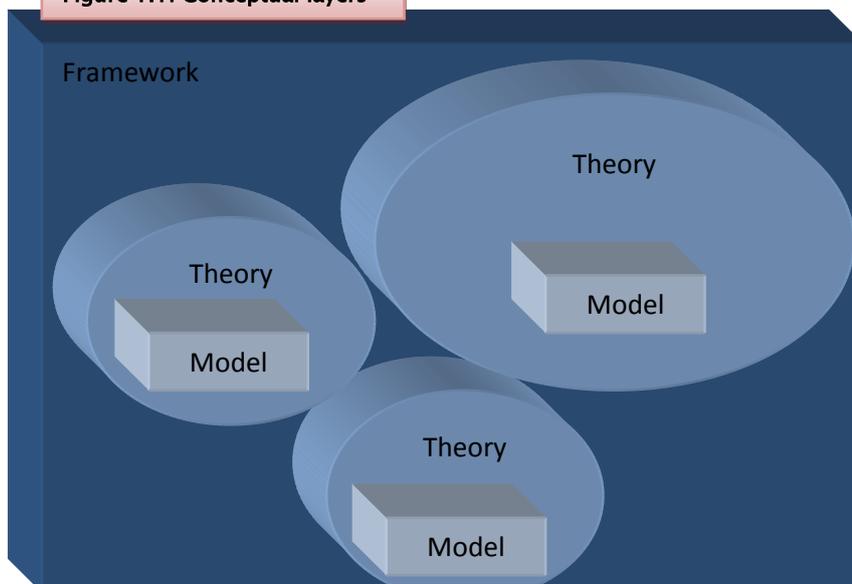
exists of different selected theories (figure 1.1). These theories might indeed origin from different disciplines, and are studied in relation with each other. A theory is more specific and tries to 'link and explain phenomena in a way that is generalizable beyond a given event. Models are the most specific of the three and try to test hypotheses with its different concepts and deductive logic (Koontz, 2003, pp. 2)

The IAD-framework, as developed by Elinor Ostrom, provides a good starting point for a proper forest management analysis. Following Ostrom, the process of policy-making, taken shape by individual choices, is influenced by factors external from these policy-makers. These four external factors, mentioned by Ostrom e.a. (1994) are:

- factors of the physical world: this includes for this research factors such as the terrain, diversity of species, the size of the forest, the variability of resource units and the current condition of the resource;
- attributes of the community in which the actor is embedded, for instance the homogeneity in preferences in the group and the distribution of resource among group members;
- rules that create incentives and constraints for certain actions and;
- interactions with other individuals.

The action arena, 'a social space in which individuals interact, exchange goods and services, engage in appropriation and provision activities, solve problems, or fight' (pp. 28), should be the main unit of analysis. Within this action arena, different elements are included, for instance 'participants in positions who must decide among diverse actions in light of the information they possess about how actions are linked to the potential outcomes and the costs and benefits assigned to actions and outcomes' (pp. 29).

Another important characteristic is that the IAD-framework is multi-dimensional and therefore operating at three different levels: (1) *the operational level*, including day-to-day activities affecting the action arena; these regular daily activities are influenced by (2) *the collective choice level*, where policy-makers define rules and (3) *the constitutional level*, where the conditions are formulated about how participants of the collective choice level are selected and how their relationship will be (choice of policy agenda, regulations about elections) (Koontz, 2003, pp. 4-5).

In this research, the IAD-framework is the structural factor and analysis takes place by first focusing on the question how the power structures from the constitutional level created conditions in such a way that the collective choice level can make policy to influence the operational level, on which the last focus is placed in the second part of this thesis. To be able to research these three levels properly, the four external factors of policy-making in the social arena are central during the whole research. This

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permanent focus on all four factors is necessary, because of the fact that the four are all interrelated and constantly influencing each other and institution-building.

In this theoretical framework, first the decentralization process is analyzed just as the way in which this results in reforms for land use and protected areas. Further, the emphasis is put the meaning of conservation areas for indigenous communities living within them, also in the context of a possible agenda of ethnodevelopment from the side of the government. The meaning of the concept of institutional change forms the latter part of this chapter.

1.1 DECENTRALIZATION AND NATURE CONSERVATION

Since the beginning of the nineties, many former authorative regimes have been changed in characteristics after a decentralization of power. Agrawal and Ostrom (2008, pp. 45) distinguish four factors behind this process. In the first place, many developing countries decentralize in order to reduce expenditure and to be more efficient. Second, by devoluting power towards lower levels there occurs also a transfer of costs to these levels. Third, international donors financially stimulate mechanisms that empower local partners. Fourth and last, governments more and more acknowledge that the control of resources should not necessarily be kept at State level, but it can be transferred to private actors just as effectively. Furthermore, it is argued that decentralization is part of a more universal process that sees individuals more and more responsible for their own actions, rather than a strong state that should lead its citizens towards modernization (Agrawal and Ostrom, 2008, pp. 49). Also in Asia, decentralizing processes have been creating a shift of responsibilities away from the central level, although this process many times stopped at provincial and intermediate levels.

Because of these processes, decentralization is a hot topic in scientific articles. However, a lot of different ideas of the concept of devolution and decentralization are circulating and the two terms are frequently used in an interchangeable way. Most of the times, what is meant is the transfer of power to lower (government) levels is meant. In this research, *devolution* is understood as the transfer of rights from the State to lower levels and the local communities, in which power increases at these lower units, following Fisher (1999). This is different from *decentralization*, in which the amount of power in itself is not changed; the only difference is that administrative functions are transferred. He also adds a third form of transfer of power, *devaluation*.

Within devaluation different forms exist. The process of the transfer of power can be stopped at lower government levels, and the communities not directly benefit from this devolution. But still, the control of lower government levels does not increase in this form. Another possibility is a model that implies a somewhat bigger amount of devolution: the enablement of public participation thanks to broad government programs, in which the people are given responsibility and benefits, in exchange for

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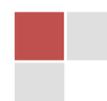
their participation. A more inclusionary form is devaluation in which also control is transferred to the local communities (Pierce Colfer and Capistrano 2005, part 1).

1.1.1 LAND REFORMS

Partly related to the decentralization processes, a global trend of land reform has been taking place in recent times. Considering forest management, these reforms result in a change of emphasis from power of the state to control by local actors, mainly in order to be able to represent the claims of local communities in a better way. Another reason for the growing attention of land decentralization is the growing global focus on the livelihoods of rural poor and the importance of forests within those ways of life (Sikor & Nguyen, 2007, pp. 2010).

The devoluted responsibilities can be moved to a variety of actors. In Vietnam, emphasis is placed on the supply of land use rights to individual households, whereas Bolivia saw responsibilities mainly given to district levels and India to the active participation of village communities. Edmunds and Wollenberg (2003) made a distinction in the different types of empowered actors in devolution policies. They distinguish between village committees, households/individuals, local government organizations and corporate legal organizations. Empowerment in land use rights in itself also may occur in many different forms, ranging from a broad definition as *ownership rights*, to a relatively limited one in the form of *use rights* and as exclusionary as *proprietary rights*.

A problem that occurs frequently by designing devolution-policy is that the diversity of local actors is overlooked, resulting in a situation in which the needs of certain groups are assured, at the expense of others. Agrawal and Ostrom (2008, pp. 61) mention an all too often occurring unintended consequence of decentralization processes, for example the possibility of elite capture. Local inequalities might be aggravated because powerful decision-makers are only the ones with control and the devaluation of power makes them in their position even more powerful. Sikor and Thanh (2007, pp. 645) argue that this might be the consequence of state-centered governance policies, which are often more characterized by exclusion rather than regulation of customary groups. This exclusionary form of policy neglects overlapping claims made by multiple actors on specific resources (Sikor an Thanh, 2007, pp. 652) and is not flexible in the sense that specific adjustments cannot be easily made. State-led land reform for that reason may curtail the real development of rights for local natural resource users. Responsibility remains in the hands of the state and devolution may even be focused on a final strengthening of authority of the state. In the part below, a more explicit focus is placed upon the exclusionary form of government-policy.

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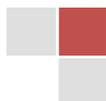
1.1.2 CONSERVATION AND NATIONAL PARKS

Next to the global trend in decentralization of forest management, nature conservation and environmental sustainability became major themes worldwide during the last quarter of the twentieth century. The presentation of the famous Brundtland-report in 1987 was a marking point for thinking about sustainable development. Since the publication of the report, the idea developed that environmental concerns cannot be separated from any form of development in developing countries. For that reason, nature conservation is a recurrent theme in international development studies. Since many complex links between poverty and environmental degradation exist, conservation should not be seen apart from poverty. However, Zingerli (2005, pp. 734) adopts the idea that current conservation programs causes other forms of deprivation for people depending on the protected resource, such as social injustice. A greater extent of understanding of the social and political consequences of the creation of protected areas is needed to get grasp on the causes and consequences of the creation of national parks. This could also result in more effective conservation programs (Ghimire and Pimbert, 1997).

The idea of national parks has undergone an upsurge thanks to Gareth Hardin and his school of thinking. In a situation of a common-pool resource, such as forests, the tragedy of the commons of Hardin (1967) suggests that without institutional arrangements the resource will eventually be depleted because each individual resource user will only pursue its self-interest. For this reason, collective institutions are necessary for the sustainable use of the resource (Andersson, 2006, pp. 28). One way of doing this is the creation of a national park, thereby implying that strong government arrangements are necessary to make nature conservation possible.

With the creation of national parks, man gets separated from his environment, as if they form part of two completely different worlds. This separation has profound consequences for people living within the national parks, often indigenous people (West e.a., 2006, pp. 256). A consequence of this global movement in favor of conservation is that the money available for conservation programs comes from international donors, who mediate often directly with national governments. Apart from that, also the wider ideas about conservation are generated from international donors, who spread their vision via the state on the indigenous communities. Entering the space of decision-making becomes more and more unlikely for indigenous, blown away by international political power (Colchester, 1997, pp. 125).

The conservation programs could seriously threat indigenous communities. They are likely to be in a disadvantageous position vis-a-vis the policy-makers, because of the lack of relations of the indigenous outside the community. Their lack of political representation in decision-making, often results in marginalization if nature conservation programs belong to the plans of the government. National parks reflect the interest of the first group and customary institutional arrangements become meaningless in a situation in which policy is made nationally and outside the village
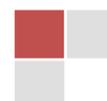
borders. The consequence is that non-local parties (from international, national and provincial levels) decide over the fate of local forest users. This generalization holds a special danger, in which a desired outcome by policy-makers becomes the only possible outcome in the view of the powerful actors. They would be able to change the outcome in such a direction so that they fit in their desired set of results (Brockington e.a., 2008).

But there is another aspect reason for the created distance between policy-maker and policy-recipient. The fact that on a global level environmental concerns are fiercely discussed automatically implies that the discussion becomes somewhat superficial and undefined. West e.a. (2006, pp. 261) use the terms 'generification' and 'decomplexification' to make complex situations easier and make people fit in fixed categories. In this way, pursuing conservation plans, that are usually not coherent with indigenous economic and social system, becomes easier to grasp for distant project managers. Distant environmentalists might be ignorant about the specific needs of indigenous, just as these local people do not see much value in general societal benefits for the future. The outcome is just as unbalanced, with the local communities almost exclusively marginalized by the new situation of protected areas. Conservationists are unlikely to make compromises in their control over the protection program, deciding on important matters of forest management and demarcation without consulting the local forest users (Ghimire and Pembert, 1997, pp. 9-18).

National parks can also offer new possibilities to local communities, however. With the help of external actors, economically viable activities such as agroforestry can be promoted. And also without damaging the biodiversity of the park, local people can use their knowledge in order to collect plants with medicinal working or other specific forest products that can find their way to the market more easily now, because of the greater connectivity with networks outside the forest. The same is true for other business-like activities, exploiting the extra possibilities that a greater amount of tourists could supply. Moreover, other chances exist especially in the field of protection activities. Since pressure on the environment increases for many indigenous groups, their specific knowledge can be more easily combined with scientific knowledge of external ecologists, just as their rights can be researched by lawyers (Colchester, 1997, pp. 124; Ghimire and Pembert, 1997, pp. 21). On the other side, adversaries of this view agree that protected areas cannot be considered as effective because they do not consider local livelihoods as an important factor.

Ghimire and Pimbert (1997, pp. 2) categorize means of conservation into two broader groups. The first category is aimed at improving or restoring the resources, for instance by afforestation and agroforestry. The second group exists of strategies that focus on forest preservation by the actual protection of biodiversity. The latter one is highly relevant for livelihoods of indigenous people, since their resource use becomes often restricted by limitations on property rights.

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The problematic contest between conservation and development stems on the one hand from the different interests that exist among conservationists. Next to different motives for protection that different actors would have (Table 1.1), the point of view of the state can also be that national parks are the best option because they can maintain their influence on natural resource management more easily in this way. Despite of these differences between actors in motivation for protection, the means would be for most of them the installment of protected areas (Ghimire and Pimbert 1997, pp. 4).

Table 1.1: Different actors and their motives in nature conservation

State representatives:
Public interest, future generations, income from foreign exchange, need for state to steer any form of conservation

Environmentalists:
Necessary to conserve biodiversity, income from foreign exchange

(Inter)national commercialists:
Importance of generic resources, tourism, income from foreign exchange

1.1.3 BUFFER ZONES

Buffer zones have been frequently used methods when conservation zones come together with populated areas. It should provide alternatives for the loss of forest rights of local people and at the same time form an ecological frontier to protect the biological integrity of the actual protected area. The success of protection areas is influenced majorly by its neighboring areas.

The characteristics of buffer zones all around the world varies greatly in geographical, authorative sense and in terms of actual management. Buffer zone may partly or completely coincide with national parks or lie completely outside them; the management may be entirely in hands of the national park or shared with the local communities or other stakeholders (Stræde and Treue, 2006, pp. 251-252). In the next part, the people living in the forest are put central to increase understanding of their relation with nature.

1.1.4 SOCIAL CONSEQUENCES OF PROTECTED AREAS

If indigenous people become incorporated in the Western model of conservation – in which the separation between man and nature becomes institutionalized – it is probable that the way in which these people see themselves in relation to nature changes. Even indigenous language becomes infiltrated by 'conservation jargon'.

Gender relations are likely to change in case of the installment of a protected area, since many conservation programs are directed to men as the agents for social change. In the Maya Biosphere Reserve in Guatemala, this resulted in a social reorganization of women seeking alliances outside family spheres and broadened their social networks and influence in society in that way. As has been touched upon already, the creation of national parks brings forests in connection with market forces. Tourists become interested in the area just as crops become commodities instead of self-subsistence products. In other words, a commodification starts to take place in which economic value is put on things. The special way in which indigenous forest users perceive their nature will be destroyed because of this commodification (West e.a. 2006, pp. 260-263).

1.2 INDIGENOUS COMMUNITIES

Following Hart (1982, pp. 40) is it also unrealistic to see indigenous groups as homogenous; they are as disunited as any other societal organization. Following the famous contribution of Agrawal and Gibson (1999, pp. 638), a community is not homogenous, but each individual of the community is instead acting for its individual interests. For this reason they do not just accept external norms from external users that can endanger their individual interest. Agrawal and Gibson follow their argumentation by arguing that authority should lie at the local community to assure that the involved resource is managed effectively. These local resource users should be the ones who are in charge about:

- Making the rules about how to use manage and conserve the resources;
- Implement the created rules;
- Resolute conflicts when the rules are enforced.

Agrawal and Gibson (1999) even take this idea further by arguing that communities are not even bounded entities, especially since the broadening of networks seems to reach formerly isolated indigenous groups. Examples are the adoption in the world of NGO's and international conservation programs. Relations and links with actors from outside makes that drawing a line between the internal and the external becomes more and more tricky. This does not always correspond to the perception of external policy-makers.

Table 1.2 shows the different forms of diversity existing within the community. This list can easily be extended by different distinctive groups. Within the main group of community members a lot of variety exists, considering differences in age, power and gender. It may be clear that all members of indigenous groups are affected by property restrictions, generated from outside the community, but that the most hardly hit are the weaker parts of the community, who are even more dependent on their unrestricted use of forests.

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Table 1.2: Division within indigenous communities	
Social status	Elites
	Community members
	Landless
	Migrants
Economic activity	Hunting
	Forest gathering
	Fishery
Distance from park	Living close
	Living far away
Wealth	Richer households
	Poorer households

1.2.1 SOCIAL ORGANIZATION IN INDIGENOUS COMMUNITIES

Local organization in the indigenous villages was necessary because of the shared dependence on the forest and proved to be useful because of the functionality of cooperation to manage local economic activities properly. Indigenous groups are usually managed by three different administrative groups, consisting of the *advisory group* of mainly elderly people, a *legislative group* consisting of officials from the community or powerful people with authority and an *executive group* consisting of Village Heads, entrusted by the community members. The regulations of these groups together form the most important part of the institutional system, regulating social relations and people's relation with the environment among other things (Tropenbos, 2004).

The sense of kinship in the indigenous communities is mainly based on three elements:

- the inclusion in the household and extended family, which lies at the heart of social organisation;
- the inclusion of the same generation or group of age. These relations are more built upon trust and obligation and can become an important source of social insurance;
- the inclusion of the village.

These three elements create a complex system of informal relationships and social and economic interaction. Next to these different social and administrative groups, all government, donor and NGO-projects are implemented through so-called management boards, development boards and supervision boards at the commune level. These organizations are involved in many activities ranging from hunger eradication to infrastructure supervision, are widespread in any local commune and exist and endure thanks to the particular program. At the same time, these boards are

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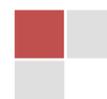
not always known for their downward accountability and rather characterized by their
lack of information towards the villages (Tuan, 2006, pp. 176).

Studies about village institutions are rather ambiguous in their opinion about the
success of the local management system. Perceived democratic institutional
mechanisms such as village meetings and elections are found to be trapped in the
overall inequality of the local government system. This is especially true for the
participation of women, poor households and ethnic minorities (Thi, 2009).

1.2.2 INDIGENOUS FOREST SYSTEM

A central question in a situation in which a government argues that national
institutional rights should replace local institutions, is whether or not this indigenous
system is a proper way for conserving biodiversity. Natural resource management by
indigenous communities is often seen as a balanced and harmonious relation between
man and nature. Furthermore, the customary law system secured the social
organization in the community (Leach e.a. 1999, pp. 229; Ba 2002, pp. 18). A problem
with this perception is that it is too static as if external factors have been distorting this
equilibrium in recent times and as if this can only be solved by (1) a return to the
traditional and unofficial regulations or (2) a replacement of the traditional institutions
by new ones. Any such a generalization of indigenous systems is unfounded, because
there are also groups, for instance in Ecuador, India and Nepal (McKean, 2000), for
whom it resulted impossible to create effective regulations in order to secure
sustainable forest use.

On the other hand, it is not in principle unfounded that traditional systems might be
considered as one of the main causes of deforestation. This often relates to slash-and-
burn activities, which cannot always be considered as environmentally sustainable.
The bad reputation for shifting cultivation especially persists in Vietnam. New land is
acquired by slashing and burning of existing forests in order to create swiddens.
Farmers customarily grow various crops intensively and in rotation during
approximately two seasons on a certain place, after which the soil is depleted. Then
the farmers go in search of new land and clear another part of the forest. For this
reason, shifting cultivators are often negatively depicted as 'forest eaters'. In order to
be able to properly maintain shifting cultivation, a low population density is required
(Fox e.a. 2000, pp. 25).

Not all shifting cultivators are necessarily a danger for the environment; a more
nuanced image should be given. Shifting cultivation for example should not be seen as
a single method causing deforestation. In reality, the process consists of numerous
different methods, which certainly not all imply a negative change of soil structure. This
has mainly to do with the fact that not all strategies are focused upon leaving the soil
entirely depleted after extracting its productivity. A general tendency is to categorize
shifting cultivation in three groups. First, the people who really shift fields and
residence in a determined period of time, as part of their cultural system. Second, the

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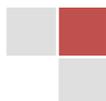
rotational cultivators, who do not change their place of living frequently, mainly rotate their fields. Third, the transitional shifting cultivators, who do practice slash-and-burn activities, do this only temporarily and as part of a greater agricultural system. Many lands are left fallow in order to regenerate vegetation (Fox e.a. 2000). The sustainability of the process depends mainly on the regeneration of forest when the land is not used for shifting cultivation.

Colchester (1997, pp. 112) describes that the amount of knowledge, developed thanks to a historically close relation with the land that indigenous have, often results in less degradation than in non-indigenous regions. This knowledge is reflected by complex institutional and sometimes spiritual systems and is many times related with a long-term commitment to remain in the area. Therefore, local institutions are important for nature conservation. Ghimire and Pembert (1997, pp. 22) consider institutions of and cooperation within indigenous communities as highly relevant, bringing people on a local level together in order to make use and protect forests at the same time by sharing knowledge. Cooperation on a high level has been taking place for centuries already within many indigenous communities and for that reason, local rules can be seen as an active instrument for conservation. From the perspective of the indigenous people themselves however, it may be argued that they are not pure conservationists, but seem to know 'how to interrelate man and nature' (Colchester, 1997, pp. 113).

At the same time however, it is not always sure how indigenous people deal with changing external circumstances. Less and less land becomes available for effective use of forests, due to a growing population pressure or the creation of protected areas. For that reason shifting cultivators are forced to practice this on a smaller amount of land and to increase pressure on their environment. This has been happening in Vietnam during the last few decades, mainly because of migration of Kinh people from the lowlands to the forests (Rerkasem e.a., 2008). As the indigenous systems become more linked with external networks and market forces, a growing demand for cash crops and surpluses places even a more weight on their use of natural resources. At the same time, new technologies and other types of crops may severely change the institutional system of indigenous and further stress the relation with nature.

1.2.3 ETHNODEVELOPMENT

The role of the state is a vital one concerning the rights of indigenous people and ethnic communities. Being the major distributor of income, status and power within a society, the government has much power to create development for certain groups within society. National parks may be an instrument for this, either positively or negatively for some groups. As argued before, conservation programs are not always exclusively focused on environmental sustainability. National parks can have severe effects on indigenous systems and prove to be an effective method for national governments to gain control over the formerly independent indigenous people and their natural resources (Peluso, 1993).

Within the scientific paradigm of post-development, the local community and social groups entered as the major actors to be researched. This awareness was accompanied by a greater attention for cultural aspects of society. Various writers stress the cultural divergence and a greater amount of cultural plurality taking place under globalization (Joseph, 1997). An increased global and local exchange of identities has resulted in a bigger ethnic awareness via new or more far-reaching ways of communication, and therefore for a greater amount of ethnic diversification.

In his categorization of processes generating conflicts, Hettne (1993) mentions the control of natural resources. Forests might 'just' be a very important resource for any other group than an indigenous population, for whom the forest represents a way of life. These differences in conceptions may generate another dimension of conflicts around natural resources. Hettne labels these conflicts as a conflict between two paradigms: (1) growth and modernization versus ethnodevelopment and (2) functional versus territorial development. Following the guidelines for development via territorialism, specialization should take place in every region. It can be questioned to what extent such an isolated view on regions can be maintained in the current times of globalization. In the functionalist approach, emphasis is placed on the development of regions as such. The growing pressure on and competition for natural resources implies the growing amount of pressure on and conflicts between major users of these resources. For the protection of the way of life of indigenous communities and their livelihood, and therefore their economic, political, social and institutional system, territorialism should have priority in the development process. Indigenous groups almost always have a local base, culturally closely linked with their environmental aspects of their natural habitat and the use of local resources. This implies that any development that overexploits the natural resources in the region, also threatens the respective indigenous community. A situation in which the community itself forms a serious threat to its own environment, as many governments argue, is therefore highly interesting. If the forests are threatened by the same way of life of the indigenous groups however, the functional aspect of the forests becomes in severe danger. Central in the debate about functionalism and territorialism should therefore be the consequences of the traditional way of life for the forests.

This lack of influence about the decision of installment of the national park and the marginalized position of local people can sometimes not be separated from a broader context. With the installment of national parks, the independent position of indigenous people, in a perceived distant position from governments in the cities, is ended. Active participation in the management of and decision making about the protected areas does not fit in a strategy to gain control not only over the indigenous communities, but also over their systems of management and control over resources. Hence, attempts for conservation that ignore rights of local people – following international rights their institutions should be respected in any kind of conservation program – cannot always be distinguished by actual state interests which have in reality little reference to

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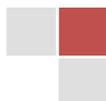
conservation (Colchester, 1997, pp. 110; Clarke, 2000; Ghimire and Pembert, 1997, pp. 23).

1.3 INSTITUTIONAL CHANGE

National parks, whatever their motivation for creation, have profound impact on people living within these areas. For that reason, a deeper understanding of the institutions that shape forest management and the way of life of indigenous people is useful for this research.

1.3.1 WHAT IS AN INSTITUTION?

The importance of both formal and informal institutions has been regaining much attention in the development debate recently. Places are under constant influence of others, institutional systems get more and more in contact with others, and institutional change is part of this dynamism. As in the context of this research; since the formerly indigenous forests are adopted in formal government plans, with the adoption of the land in protected areas, the rather independent institutional structures of the indigenous people are now more and more influenced by the institutions of the government. In other words, institutional change is inevitable. The desirability of this change is frequently discussed, but given the complexity of this process, the first step would be to create a greater understanding of this process. In this part, four points of debate about institutional change will be given, following the example of Buitelaar e.a. (2005, pp. 892-895).

The first discussion among institutionalists is whether change comes forth from intentional design or is a consequence of an instrumentalist process. Those who regard institutions as designed phenomena see them as 'devised rules, procedures and organizational structures that will enable and constrain behavior and action so as to accord held values, achieve desired objectives, or execute given tasks' (*Alexander* in Buitelaar e.a. 2005, pp. 892). Other advocates of institutional design stress that property rights are not created by a natural process, but are the consequences of collective action in order to make the fulfillment of certain objectives of government policy possible. This view becomes problematic if the randomness in survival of certain institutions and the disappearance of others is considered.

In another view on institutional change, a strong belief in the market is evident. A selection of more effective institutions occurs by means of market forces. Certain economists claim that this efficiency is present in the transaction-costs idea; an effective institutional system reduces costs made by every transaction (Putnam, 1993). State-planning is hardly possible, because of the efficiency of the market and his coherent rational choice mechanism of individuals. There is simply no space for government forces to interfere with the market. A critical remark suggested by Buitelaar e.a. (2005, pp. 893) is the question how inefficient forms of government can still be maintained by institutions.

Thirdly and partly related to the transaction costs-approach is the influencing view of institutional-path dependency of Douglas North. Transaction costs as an object in history also influence institutions. North argues that institutional systems are badly-needed in order to decrease uncertainty and to make interaction with others possible. The historical structure of institutions decides for a major part the way in which interaction is done today and limits the possibility for future variation. A certain path is taken in history by making institutional choices, but this path remains extremely dynamic, because of the learning effects that every decision generates (North, 1989).

The foregoing rather economic views on institutions have all been deliberately criticized for neglecting the role of power relations. Inefficient institutions are likely to be sustained if useful to certain powerful groups. This idea is problematic in itself for the reason that any institutional change from socially marginalized groups is unlikely, whereas a process such as any form of social emancipation is often not started from powerful actors.

The more sociological approach is relevant, however. Sociologists stress the importance of cultural aspects of institutions. Rather than having an instrumental function, institutions are reflections of value-systems, help to set norms in how to behave and give reference for orientation within society. Hence, institutions are a product of a society's historical background, culture, religion, values, beliefs, knowledge, skills, health conditions, poverty level and other socioeconomic conditions. In this way, institutions reflect what is socially legitimate and will therefore be more likely to end in proper solutions, but do not follow the logic of instrumentalism (Andersson, 2006, pp. 29). This sociological view is complex in a theoretical sense, because it means that institutional change comes from within rather than it can be seen as an external force. Institutional change comes forth from modifications in society's changing values and thus from changing institutions, whereas these rules of the game itself are influenced by institutional change.

1.3.2 SOCIALLY EMBEDDED INSTITUTIONS

This sociological view implies that the idea of institutional design is already captured in institutional evolution. Any incentive of policy-makers to make, adapt and define institutions to make society more effective, concrete or transparent, is a reflection of the trade-off made on economic, political and social aspects. Because of this trade-off, institutions reflect the different paradigms present within society and institutional design is already occurring as a socially embedded process. In this sociological view, importance is given to the capabilities of certain actors to stimulate institutional change. First, they need a certain capacity to create sufficient societal basis by means of their societal recognition, leadership and practical skills. Second, they should have learning mechanisms to reflect on institutionalization processes by means of a broad historically embedded framework (Buitelaar e.a. 2005).

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When will institutional change effectively occur then? Following Kingdon (1995), initializing conditions are struggles in society that can be perceived as sufficiently relevant, available solutions in the policy field and political support and action. This would create the necessary power to generate institutional change, but not at any time. Critical moments for institutional change emerge, when pressure increases. This can be the moment in which a mainstream institutional arrangement starts to be challenged. Only the next step is the utilization of this moment; if occurring, a break with former traditions occurs and true institutional change is taking place. A different view on institutional change is that it is a process and is happening all the time. Society is continuously on the move and cultural and value systems are changing as well; as a consequence, institutions, which represent societal norms and values, are changing continuously as well (Buitelaar e.a. 2005, pp. 896).

1.3.2 FORMAL AND INFORMAL INSTITUTIONS

In literature about institutions is often distinguished between formal and informal institutions. This is particularly relevant in the context of this research, because of the fact that this distinction became relevant when governmental forces began to influence indigenous communities.

Formal institutions are those that 'are openly codified in the sense that they are established and communicated through channels that are widely accepted as official. Informal institutions are socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke & Levitsky 2004, pp. 728). Those informal institutions are generally known but are not officially regulated. Because they do not need to be documented, these informal institutions might be even more persistent than formal institutions (North, 1997).

1.3.4 CONSEQUENCES OF INSTITUTIONAL CHANGE

Relevant for this research is the question how society ultimately responds to changes in the existing institutional arrangements. Applied to a situation of natural resource management, Sick (2008, pp. 97) takes the view that the creation of a new institutional system for sustainable use of resources when institutional change has occurred depends strongly on the regional and contextual aspects. Conservation of the natural resource itself, either communal forest, irrigation water, aquatic resources is possible if the resource is fundamental for the users' survival and a socially accepted form of consensus can be reached among the group (Prins e.a. 2003, pp. 103). However, Connor and Dovers (2004) argue that institutional modifications may change the dynamics of resource allocation and for that reason might be a catalyst for change in the whole society, given a central position for this resource in a community. This causes uncertainty in a broad sense, not stopping with accessibility to or economic profit of the resource, but also influencing 'established patterns of use, social opportunity, cultural norms and life patterns' (Connors and Dovers, 2004, pp. 186).

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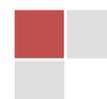
With this statement the point is reached in which theoretization about institutional change becomes challenging, because institutional change becomes both affected by existing social relationships and informal connections between actors, but they themselves alter these social, political and economic as well.

The impact of institutional change for the individual depends for an important part on the power and reliability of the existing institutions within the community. This institutional strength determines what happens with the individual's relation to the resource and their actual entitlements to use the natural resource or not. An important factor in this institutional change is the perception of equity between forest users. If changes in property rights are generated from external powers, it is likely that norms about values are contradicted. Social cohesion might be in danger in such a situation (Sick, 2008, pp. 99).

As we saw before, institutions are a frame of reference and rules of the game that give different stakeholders the possibility to interact with each other. Connections and networks exist in many different forms between people - political, economic, ethnic connections to name just a few - and makes it possible to interact with others, because they are the means of communication and the way of supplying and receiving information. Having a close network of contacts within a community facilitates the process of institution-building because in that way trust is built and uncertainty diminished (Putnam, 1993). Institution-building becomes much more difficult however, in a situation in which those social relationships are relatively non-existent, as happens frequently when institutional relationships between indigenous and governmental powers are sought. A situation in which conflict occur more rapidly could be a logical consequence due to the lack of a similar frame of reference (Sick, 2008, pp. 97-98). To be able to minimize the chance of conflict, national law should be set up in a flexible way so that there is still room for complementation of indigenous institutional systems (Mahanty, 2007, pp. 96).

At the same time however, institutional change are not always a potential source of conflicts but may also create possibilities and more productive institutional arrangements and equitable relations between stakeholders. New motivations for cooperation might be automatically created by institutional change, to enable sustainable resource management in the new situation (Prins e.a., 2003, pp. 103).

1.3.5 THE RELEVANCE OF THE COMMONS

Why would it be so problematic if the local institutional system would be replaced by new and other institutions, created by the government? Exactly because these communities are the building blocks for development, according to the 2009 Nobel-prize winner Elenor Ostrom (1990). The common resources such as forests, water and energy that she is referring to, can be most effectively managed by the people who use them instead of by government regulations or by private companies. Following

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Ostrom, the capacity of individuals to govern themselves would be taken from them,
just as the disappearance of a feeling of common ownership will occur.

CHAPTER 2: REGIONAL FRAMEWORK

In this chapter, the forest sector in Vietnam is analyzed first by looking at broader national developments such as the connection between deforestation and rural poverty, after which the process of FLA is further analyzed.

2.1 DEFORESTATION AND RURAL POVERTY

Forest loss is severe in Vietnam. The country was still covered by forests for 43% in 1940; in 1990 this percentage reduced to a meagre 27.2%. Large-scale migration to the Highlands from the 1950s onwards contributed heavily to deforestation by increasing the pressure on forests. Other factors that contribute to forest loss include warfare, agricultural activities, uncontrolled logging, the instalment of plantations producing timber and activities of State Forest Enterprises (SFEs). These factors have not only been causing deforestation, but also forest degradation, which means that the quality of the remaining forests has been declining as well. On average, logging contributed to the decrease of forest cover for 98.000 hectares a year during the period 1976-1990. Thanks to reforestation programs and the creation of forest plantations, the percentage has been brought back to a 36.7% in 2004 (Gomiero e.a., 2000, pp. 120-122).

At the same time however, rural poverty is widespread. Although Vietnam has experienced considerable economic growth, this success did not spread much outside urban areas, leaving behind the countryside where 90% of poverty is centered (Shanks e.a. 2003, pp. 5). Hence, the nature of poverty seems to be changing, although poverty is still very much related to ethnic origin (Table 2.1). Considering the importance of forests for the livelihood of many people living in the countryside, the relation between deforestation and poverty is quickly drawn. It becomes more and more acknowledged by the Vietnamese government that poverty is related with broader forms of social and economic deprivation. To change this situation, the state has been implementing projects and plans aimed to reduce both poverty and deforestation. Management of forests has generally been strongly controlled by the central government, not only because of their communistic nature, but also because of their reluctant opinion towards the sustainability of methods of traditional and indigenous groups (Sunderlin & Ba, 2005). Decentralization of forest management has been taking place during recent years, for example in the form of FLA. To be able to understand this process, a closer look on broader reforms of the Vietnamese economic and institutional system is necessary.

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Table 2.1: Changes in poverty rates in Vietnam since 1993				
	1993	1998	2002	2004
Overall poverty rate (%)	58,1	37,4	28,9	19,5
Ethnic minority population classified as poor (%)	86,4	75,2	69,3	n/a
Kinh and Chinese population classified as poor (%)	53,9	31,1	23,1	n/a

Source: Nguyen e.a. (2008, pp. 5)

2.2 DECENTRALIZATION

Vietnam has a socialist and centralist tradition. Since 1986 onwards however, the government has been focusing on integration in the world economy by pursuing the famous *doi moi* reform process. The results are official fiscal and administrative decentralization, with the provincial level as the major beneficiary level (Figure 2.1). A main consequence is that the country is now much more open to external influences (Zingerli, 2005, pp. 736). The reforms also included reforms on land use rights, in which a market was created to sell land use rights to often foreign investors. The same is true for many other types of reforms that took place in the past two decades (e.g. administrative policy, state housing and trade policy). These processes were often initiated by the local government who saw new options of effectively governing in a market economy and tried to maintain control in the new situation after reforms. There are, however, also many voices that distinguish many centralist forces at work, with the central government trying to regain power by a redefinition of roles of the local government (Malesky, 2004; Fritzen, 2006, pp. 6). Fritzen (2005, pp. 17) points out that lines within ministries obstruct the real degeneration of power. This is especially true for the private sector and the civil society, which is still predominantly controlled by the central government (Fritzen, 2005, pp. 10). Malesky argues correctly that is more likely that both processes of decentralization and decentralization take place at the same time. Despite the partial reform of the economic system by adapting to the market forces, there is still a large part of the economy strictly planned, resulting in the fact that all government levels still have to follow regulations on production quotas. This makes it difficult at these lower government units to develop a different production system (Dupar and Badenoch, 2002, pp. 13-14).

Figure 2.1: Decentralization in Vietnam
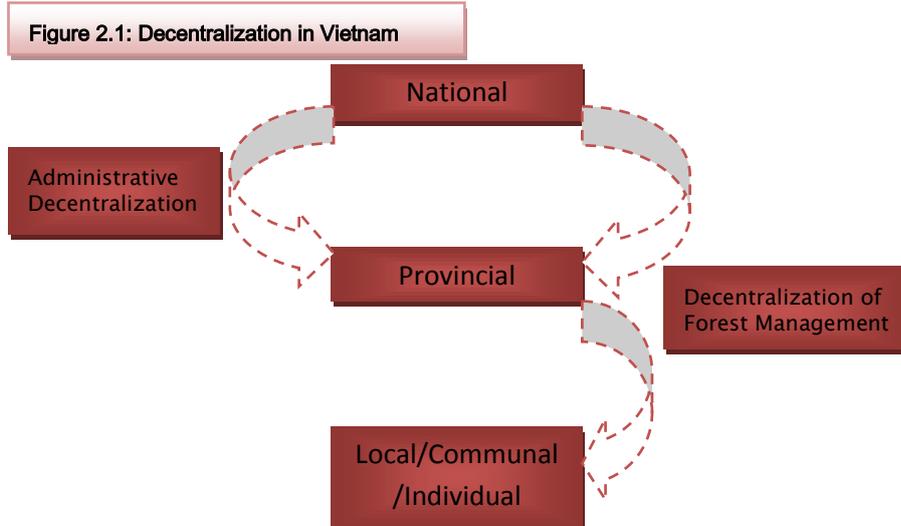
2.3 CONSERVATION PROGRAMS

The Central Highlands are thus characterised by both deforestation and rural poverty. The Vietnamese government acknowledges the possible relation between the two and launched the 5 Million Hectare Reforestation Program (5MHRP), in which poverty alleviation and the protection of forests are on the same agenda. The main goal is to bring forest cover back to the level of the 1940s by reforestation, enrichment planting and the creation of protected areas. Another more general focus is on the development of livelihood options for people dependent on forest to make their living (Van Kuijk, 2008, pp. 13). Although the cutting of timber is necessarily restricted, local people should still be able to extract valuable products from protected forests. The program includes plans to designate special use forests, to which all sorts of protected areas, such as national parks belong (Boissiere, 2009, pp. 2744). The ultimate goal of this conservation program is to bring forest cover in Vietnam back to the level of 1943 (de Jong e.a. 2006).

2.4 FOREST LAND ALLOCATION

Mostly relevant for this research are decentralization policies in the forest sector since Doi Moi, well known under the name of the reforms, FLA. Before the sixties, forest management was organized by communities itself, but from then on, centralization was introduced, resulting in cooperatives and policy to exclude ethnic minorities from access to land. As from then on much more actors came to discover the value of the forests, deforestation and land degradation were spread widely. It proved the need for a different system than the collective one pursued before. At the same time, reforms were seen as an opportunity to alleviate poverty and stop deforestation at the same time (Sunderlin & Ba, 2005, pp. 47).

Reforms in the land use system were applied under the Land Law in 1988, mainly created in order to be able to allocate land in general; collectively owned plots became

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allocated to individual households. Because of the initial success of this policy, the Land Law was extended in 1993 to include forest land as well. The effective forest land allocation however, succeeded in steps. A major reformal step was the possibility to not only allocate barren and degraded land to households, but also special use and protection forest. Although the reforms on land in general and forest land in particular have less broadly reached the central part of the country than it did in the lowlands, it nevertheless created a situation in which collectively owned land became allocated to individual households and organizations on a relatively broad scale (Sikor, 2001).

In reality, FLA means that land and water under influence of a long-term policy and managed for agricultural, forestry and aquacultural purposes is allocated to individuals, households group of households, villages or other organizations. Following the ideas of FLA, the main principle is that every plot of land that can be described as forest, is allocated based on the financial willingness of individual households. This basically means that households with financial possibilities have more chance to get land allocated then poor households. This is related to the fact that much forest land is actual bare land, and the households need money to invest on the land before being able to cultivate the plots at all. For this purpose, they are financially stimulated to manage and to reforest the land as well (Gomiero e.a. 2000, pp. 123). After land is allocated to the households, the people receive Land Tenure Certificates or Red Books, which secures them of the right to use the land for either forestry or agroforestry purposes, for which they will not be charged. The households have the possibility 'to transfer, exchange, lease, bequeath the land use right and to use it as a collateral for loans' (Minh and Warfvinge, 2002, pp. 11). This does not mean, however, that people have formal ownership. These certificates are just a legitimation of use of the land a duration of 50 years, but the government does remain the legal owner of the land.

By offering economic incentives to local farmers, FLA should bring more sustainable maintenance of the land resources. The other objective of FLA is that local people are given additional returns, related to forest management and forest activities. Furthermore, a successful implementation of FLA can bridge the gap between the customary and official law systems and improve security of tenure and communication between government and local forest users (Tuan, 2006, pp. 170). As was observable in the increase in forest cover of both natural growth and plantation forests between 1993 and 2002, this strategy was not completely unsuccessful (Boissiere e.a., 2009). However, this does not necessarily mean an improvement of the socio-economic situation of many peasants in the Highlands. Furthermore, a major limitation is that FLA is far from completed yet, as is observable in Table 2.2.

Table 2.2: Different categories of community forest in Vietnam in 2009

Type of forest	Percentage
Forest managed by community with a contract	39,6
Customary community forest without certification of state	9,2
Forest managed by community with allocation certification	51,2

Source: Sen Hoang Thi, 2009, pp. 21

2.5 5 MILLION HECTARE REFORESTATION PROGRAM

FLA is closely linked to other programs in the Vietnamese forest sector, such as the 5 Million Hectare Reforestation Program (5MHRP). The 5MHRP is the successor of the Program 327, which was more broadly focused on barren lands and hills, alluvial coastal areas and water surface areas. Because Program 327 became more and more modified in the exclusive direction of forests and ultimately a new policy in the form of Program 661 was invented, focused on protection forest and special use forest land. This Program 661 is better known as 5MHRP and was spread over the period 1998-2010. It includes activities of protection, regeneration and afforestation. Regarding to 5MHRP, it can be concluded that the Program was a considerable success in the beginning, considering figures for national forest cover that increased from 33, 2% in 1999 to 35,8% in 2003. At the same time, the plantation of protection and special use forests was considerably behind schedule. Figures about the situation since 2003 are not available (Thuan, 2005).

Major international partners are involved in the implementation of the 5MMHRP. Nevertheless, the program has to deal with a lack of fund, with the State only covering two-third of the total amount of needed money. Furthermore, also because FLA has not been implemented on a sufficiently broad scale so far, a problem for the Program is to identify adequate land for production forests and to attract other economic actors on a broad scale interested to be involved in rehabilitation of forests (Do Dinh Sam e.a., 2004).

2.6 ETHNIC MINORITIES-POLICY

Next to their special position in the centre of the forest which is of major relevance for their livelihood, the Ka Tu people furthermore have a special position within Vietnamese society for being part of the group of indigenous minorities in the country. This part focuses on the relation between the government and ethnic minorities.

The policy of the Vietnamese government towards indigenous people has been characterized by paternalization and ethnocentrism until deep in the twentieth century. A lack of understanding about the indigenous practices and their real socio-cultural

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way of life was reason for a less favorable position for ethnic minorities. Integration into the mainstream Kinh-society has been the major goal of policy towards indigenous (Van de Walle & Gunewardena 2000, pp. 177-180). For that reason also did the government until the beginning of the twenty-first century not differ indigenous people as a separate category. The *Kinh* were regarded as the mainstream Vietnamese inhabitant, all others were ethnic minorities, although some of them had a much longer history in certain regions than the *Kinh*. In this way, as in many other parts of South-East Asia, the creation of an image of foreigners was often created, because of linkages of a certain ethnic group with their counterparts in other countries. The historical binding of the ethnic group was thereby neglected (Clarke, 2000). Although this categorization has officially changed a few years ago, minorities do still not have a status as full-fledged Vietnamese. The historical distinction between Kinh and other ethnic minorities created a situation in which the former have a higher status than ethnic minorities, certainly than those without a properly developed agricultural system. As a consequence of this generally accepted notion, the Kinh model of development is often adopted as the right one by both policy-makers and even the ethnic communities themselves. Hence, external development projects are generally accepted and traditional customs, although proved effective, neglected in policy (Duncan, 2008, Introduction).

In general, ethnic communities in Vietnam have a few things in common. The most important one is that most land was communally owned and did not have any monetary value. Spiritualism played an important role in the management of the forests. This system came under pressure on the national level when the attempts to integrate ethnic minorities in the Vietnamese society resulted in large-scale resettlement programs. The broader goal was to separate ethnic minorities with their traditional land and to mix them with the Kinh, so that their traditions and customs became more and more blurred (Boissiere ea. 2009, pp. 2745). Efforts to collectivize the Vietnamese agricultural system brought millions of Kinh to the Highlands, thereby occupying forest land without consideration of land rights or compensation for the loss thereof for indigenous people. The consequences of these flows of migration are profound, not only socially and environmentally, but also culturally. Especially relevant for the livelihood strategies, was that the space of the traditional environment of many communities became heavily occupied by others and that the pressure on the forest therefore increased. On the other hand, these migration flows of Kin people also resulted in broad-scale financial investments in the educational and health sector (Persoon e.a. 2004, pp. 50-51; Ba 2002, pp. 18).

Furthermore, in the seventies and eighties, the Vietnamese government tried to convert swidden cultivators into permanent cash crop growers, for example in the form of coffee bean growing, as an alternative source of income (Fox e.a. 2000; Persoon e.a. 2004, pp. 48). Clarke (2000, pp. 413-415) describes a broad government program, not only specifically focused on the termination of deforestation by indigenous
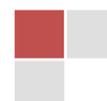
communities, but the plans were also implicitly focused on gaining control on the independent ethnic minorities. He demonstrates how ethnopolitics towards indigenous minorities in the Central Highlands of Vietnam resulted in economic deprivation as well. Being distrustful to the support of ethnic minorities in the national project, after some had been supporting the United States in the war, the government tried from the eighties onwards to gain control over the development of the local farmers, who were mainly specialized in rice production. In an attempt to integrate the independent ethnic groups in the national economic system and thereby decreasing their traditional independence, the state (1) subsidized the introduction of coffee and rubber as cash crops in the region (2) supported the spread of the dominant Vietnamese language and (3) forced the mainstream Vietnamese group of the *Kinh* to migrate from the North to the Central Highlands. The connection with the national and global market has resulted to be advantageous for some, but socially and economically very problematic for most of the local people.

However, since the 1990s, more and more attempts are made to adopt ethnic minorities in the national system. In 1998, a major step was taken when Program 135 was initiated, explicitly to support ethnic minorities by building infrastructure in and around their communities (Klump, 2006).

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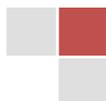
CHAPTER 3: METHODOLOGY

This chapter explains the way in which the collection of data eventually takes shape. It first describes the research area and its villages, then it formulates the main research questions and formulates the main concepts. Finally, the ways in which the data is collected are described, just as a prediction for the expected results is given.

3.1 RESEARCH AREA

In order to research the impact of FLA on an indigenous community, two villages were selected in Thuong Long Commune in Nam Dong district, located in the south-west of Thua-Thien Hue province (figure 3.1). Thuong Long is one of eleven communes in Nam Dong, inhabiting 21.953 people. Many people from Ka Tu origin in Thuong Long Commune have been relocated from districts in Quang Nam province. As a consequence, the commune is a mix between people of Kinh (59,4%) and of Ka Tu (40,6%) origin. The district is one of the poorest in the country, with an average yearly income of 156 USD. Nam Dong exists of mountains, some of them located in Bach Ma National Park, lying within the borders of the district. In Nam Dong, a percentage of 65% (40.000 ha) is still covered with natural forest and it can be found in official statistics that since 1999 no deforestation has taken place. Reforestation programs with acacia plantations even resulted in a growth in the forest area. The area merely exists of subsistence farmers, who have been only marginally adopted in market networks of the major cities in the area, Hue and Da Nang, despite of various programs aimed on poverty alleviation (Wetterwald e.a. 2004, pp. 45-49; Tri & Webb 2004, pp. 3).

Figure 3.1: Research are in Thuong Long commune
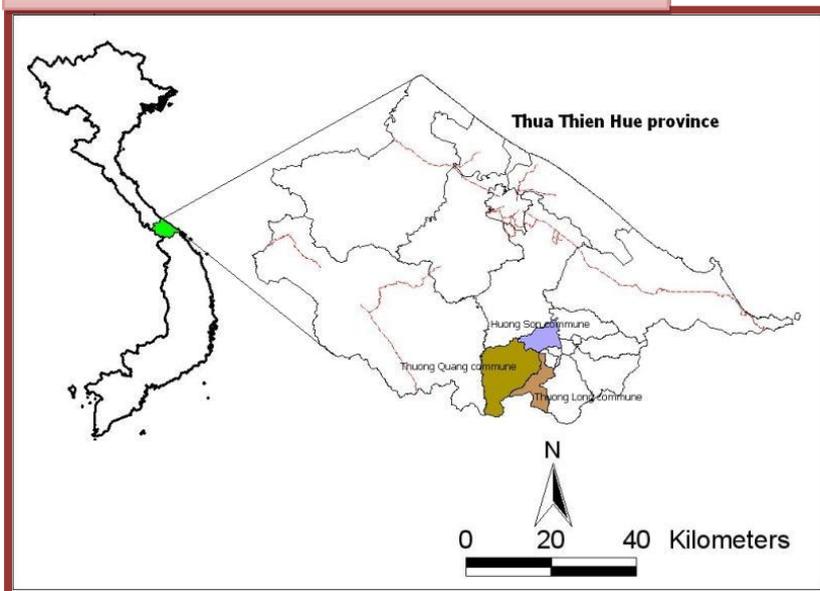
Source: Tri and Webb (2004)
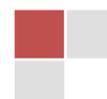
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In Nam Dong, the official owner of the forest land is the DPC, but if the land is not allocated, it belongs to the Former Management Protection Boards (FMPBs) in the commune or to BMNP. In practice, this means that 3000ha is owned by the DPC. In the whole district, the amount of protection land allocated is 70%, of plantation land 30%. However, the extent of allocation in the different communes varies considerably, with Thuong Long only in an earlier stadium of allocation than for example the neighboring Thuong Quang commune. Since 2007 however, Thuong Long has land allocated to groups of households, while in other communes only individual households are allocated.

To be able to research the consequences of two different institutional frameworks, the two villages that were selected in Thuong Long commune have two with different forms of FLA; in Village 5 groups of households have an important role in forest management, whereas in Village 8 this additional division of forest protectors is not made and the Village Leader is able to decide how forest management is brought in practice.

Both villages exclusively exist of people of Ka Tu origin. Village 5 contains 43 households with totally 215 inhabitants and is known as one of the villages with the highest income per month per villager ($53 USD) of all eight villages in Thuong Long commune. Village 8 as one of the lowest ($43,5 USD) and has 75 households with a total of 362 inhabitants. Following the Chairman of the CPC, the difference in income has been existent for a long period of time already and is mainly stimulated by the fact that Village # 5 is located more favorably. This location-advantage is mainly explained by the fact that natural forest is closer to Village # 5 than to Village # 8 and because of the closeness of the main connection road from Khe Tre. On the other hand, Village 8 has an important natural resource in the presence of a forest located close to the river. This watershed protection forest is richer in vegetation.

3.2 OBJECTIVES & RESEARCH QUESTIONS

The main objective of the research is to get grasp on institutional development of the ethnic Ka Tu in Nam Dong district. This results in the following research question:

What is the impact of the new regulatory framework generated as a consequence of Forest Land Allocation (FLA) on institutional development of the ethnic Ka Tu?

From this question, the following subquestions are selected.

- *How were customary institutional arrangements of Ka Tu people arranged before FLA?*

- *Which are the main stakeholders in the implementation of FLA?*
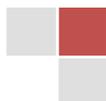
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+ *In what way have institutional arrangements regarding forest use been changed since the implementation of FLA and what direct influence does this have on the livelihood of local communities?*

+ *In what way do group characteristics of the Ka Tu communities influence institution-building?*

+ *What is the impact of the new institutional arrangement on the endowments and entitlements of Ka Tu people and how are these related to their legal property rights?*

+ *What are the prospects of benefit-sharing mechanisms to contribute to livelihood development of Ka Tu people?*

3.3 CONCEPTUALIZATION

In order to describe the use of certain concepts and the practical use during the collection of data, the next part will further elaborate upon definitions mentioned in the research questions.

New processes are created after institutional change from the original customary system into a legislative situation, supported by government policy. A complete methodology is necessary in order to be able to properly study the institutional change of Ka Tu people after FLA. However, the exclusion of FLA as a sole cause of change is not always correct, since change is catalyzed from different processes. For this reason, during the research and the collection of data, the land and use of the villagers is the main point of focus. In this way, next to FLA, which is the main cause of institutional change according to this research, other processes that stimulate changes in land use are analyzed.

For this purpose, first, the original customary institutional system of Ka Tu people is analyzed; secondly, there is a focus on the current important stakeholders in forest management; then the actual legal changes in forest management and the way in which group characteristics influence institution-building are described; the fourth focus is on the change in endowments and entitlements and the result of the FLA on common property rights, itself influencing effective entitlements; fifth, the possibilities of benefit-sharing mechanisms to develop concrete improvement of livelihoods of people are explored. In the conclusion, the main problem of how this new regulatory and legal framework have been changing the customary law of Ka Tu people is answered.

The research follows, in other words, a sequence of starting with the past customary law system without state institutions, to the current government-led institutional framework, ending with the possibilities of a future benefit-sharing system (table 3.1).

Table 3.1: Sequence research

Past	Today	Future
Customary law Ka Tu	Forest Land Allocation	Benefit-sharing

3.3.1 ENTITLEMENTS AND ENDOWMENTS

The devolution of forest management rights and even changes in status of local groups do not automatically mean empowerment for local forest users (Sikor and Nguyen 2007, pp. 2022). Whether institutional changes become beneficial or not for targeted groups depends largely on the political-economic situation of forest users. It is therefore not likely that the benefits derived from devaluation are spread in an equal way among the forest users.

In their entitlements framework for Community Based Natural Resource Management, Leach e.a. (1999), use a framework around the concepts of endowments and entitlements as a means to examine the impact of forest devolution on local communities. In this context, endowments are 'the rights and resources that social actors have' (Sikor and Nguyen 2007, pp. 2011). They reflect the accumulation of formal land use rights and social sanctioning and differ for that reason between persons, since they all have different formal and informal effective status on the use of their land. This combination of official and unofficial statutory rights may therefore come from government regulations as well as power relations on a local level and gender relations. Entitlements are 'the alternative sets of utilities derived from environmental goods and services over which social actors have legitimate effective command' (Sikor and Nguyen 2007, pp. 2011). Access is therefore as a keyword related to this concept. This can change the villagers from people with usual entitlements as land use rights into beneficiaries of the land, people with entitlements. All actors, whether they are private companies, individual households or communal groups have a different amount of bargaining power, because of varying possibilities to access natural resources. Although statutory rights might be equal – for example between all different households within a community – lower income or lower social status between households may result in smaller entitlements and smaller effective access (Sikor and Nguyen 2007, pp. 2011). These power structures might be deeply rooted in society and even institutionalized in some segments, resulting in a situation in which certain groups benefit at the expense of others.

Sikor and Nguyen build further upon the popular work of Amartya Sen to forest management, adopting the idea that access to resources is differentiated per social group. However, Leach e.a. argue that Sen's approach is not completely suitable for natural resources, because the conceptualization of endowments and entitlements is not broad enough. For that reason, they translate and extend the entitlements-

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approach of Sen. It is not only relevant what someone's endowments are, it is also of major importance to research the process of how people gain their endowments as to research the process of how they change their endowments in entitlements or not. Apart from that, Sen is mainly focused on differences in access between actors as a result of market forces, thereby disregarding the importance of social and political trade-offs. Leach e.a. (1999) include these tradeoffs explicitly in their framework as well.

Leach e.a. also argue that the relationship between entitlements and endowments works in two-ways. Endowments can not only be changed in entitlements, but also enhance the effective capabilities of people. If people receive the endowment of production land for instance, they then also have the possibility to sell the products after they are harvested, from which they develop their financial situation, because of the sold timber. From this follows that entitlements also develop in endowments.

In the research, the entitlements and endowments are analyzed by focusing on qualitative factors and perceptions of the people. Furthermore, a qualitative analysis of the collection of NTFPs and the amount of land owned are used to analyze.

3.3.2 PROPERTY RIGHTS

For some authors, the possession of property rights implies the full dominion over a certain thing (Devlin 2001 cited in Thi, 2009, pp. 49). This means that the owners have the right to 'trade, sell, buy, mortgage and inherit' (Thi, 2009, pp. 49). For others, the rights of ownership can also be partly and shared. In this research, a broader definition is used in which property rights can be defined both legally and customarily.

It is generally accepted that property rights are more secure to an owner, if these access rights to its holder are clearly defined. He is more in control of his land, better able to invest in his land, and collective action is enhanced. The usual categorization of user rights is in three types: If the rights are held by state institutions, it is public property; if the community or group own the rights, there can be spoken of common property; in case of individual ownership, it is called private property. Sometimes, a fourth category of open access is mentioned (Thi, 2009, pp. 50).

In this research, the major focus will be on common property rights. These rights are only available for a selected group of users, and are collectively owned. The interesting aspect of common rights is that they always imply private property rights as well, often resulting in the nickname 'shared private property' supported by the legislative system of the government. They are often used to enhance the sustainable use of the resource and can also be shared by groups of individuals, being subdivided again. A few advantages of common property rights, often mentioned in literature include:

- Some resources (the sea, forests) should not be divided, because they represent a common value and can only keep their integrity if they are managed in a collective system;
- Property rights are shared, meaning that also benefits and costs are not kept for certain persons;
- The cultural connectivity can be strengthened, because social linkages are enforced;
- It can reduce individual risks of livelihoods, for example because of external shocks.

Achieving a sustainable collective property system is in many contexts a major challenge, partly because it is for example difficult to restrict access for non-members, since there is many times a situation of a common pool resource. Another difficulty is stimulating people to invest in the property. Institutions are needed to organize these responsibilities. These rules should focus on:

- the regulation of exclusion of non-group members
- the tasks of members;
- arrangements of monitoring of the process;
- arrangements of treating with violations;
- arrangements of conflict-resolution.

It is not to be expected that people are always able to develop their own institutional system. Although they depend on the resource on the long-term, people often make individual considerations if the common good is scarce.

The five rules mentioned above are studied in Nam Dong, mainly in a qualitative way with the help of semi-structured interviews with the local people as well as policy-makers and key informants.

3.3.3 GROUP CHARACTERISTICS

Haley (2004) summarizes the major findings about the important factors of indigenous to achieve development, in this case in the United States. Firstly, from this follows that sovereignty is of major importance for indigenous groups, since the group itself is the only one that knows the real objectives of the community. Moreover, they are the only ones tempted to learn from their own mistakes and who can truly reflect upon themselves, because they mainly have to bear the consequences, rather than outsiders. Secondly, institutions are relevant, because local people should also be able to get things effectively done; Haley mentions 'a business management separate from the political leadership, an independent judiciary to resolve disputes and effective bureaucracy' (pp. 192). Another important and related matter is culture. Institutions, as

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they are a reflection of culture, should fit in the cultural frame of reference of the local people, to make them legitimate.

Van Laerhoven (2008, pp. 5-6) listed the factors influencing the ability of forest users to manage forests. These indicators do seem to influence forest management on a community level, although their concrete impact on forest management has not always been theoretically proven. Firstly, group size has an influence on the ability of the whole group to organize themselves and the perception of the impact of input of individual group members is less in a bigger group. At the same time however, it might be argued that smaller groups have more difficulty to create a monitoring system. Secondly, homogeneity of the community increases the probability of successful management of forest resources because it lowers the chance of conflict. This influence is not unambiguously neither, because heterogeneity may have a positive influence as well, since this implies that certain group members have a bigger interest and will contribute more than others in creating an effective management system. Thirdly, leadership within the group is a factor, although the perception of equity should be secured. If leadership implies an unequal distribution of rights, the impact on collective action decreases. Fourthly, the aspect of dispersion seems to be clear-cut, since organizing communal management is easier when households are not dispersed. A fifth aspect that van Laerhoven mentions the actual centrality of the forest in the livelihood of the people. Using the concept of salience, the suggestion is made that groups can overcome difficulties if the perceived importance of the resource is big enough. Following Gibson (2000) however, salience is not a sufficient factor. If a lack of scarcity of the resource is not perceived, the community will not act together as much. The sixth factor that van Laerhoven emphasizes is the influence of external factors, mainly property rights, provided by external agencies, such as the government. Clear regulations on this point, can provide the right conditions to regulate forest management. Finally, the autonomy of the community is vital, to create a situation in which decisions on management are seen as legitimate. Government interference can either play a negative role, by crowding out local initiatives and a positive role by providing much needed institutions for sanctioning and conflict resolution.

By focusing on these variables (group size, homogeneity, leadership, geographic dispersion of households, centrality forest in livelihood of people, influence of external factors, autonomy) mentioned by Van Laerhoven and influencing on institutional strength, an answer should be given to the question whether or not a common-property system can work or not in this context.

3.3.4 SECURE PROPERTY RIGHTS AS ENTITLEMENTS

The concepts of entitlements, endowments and property rights are related and should be analyzed coincidentally in this research. Entitlements and endowments can in this context be analyzed by focusing on property rights. In the FLA-process people receive

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land, either for protection or production purposes or for both of them at the same time. According to Wang and van Kooten (2001, pp. 13), property rights are entirely in the hands of the owner if they are:

- Comprehensive: they are officially assigned to the owner, who has the official right and dispose, according to his needs;
- Exclusive: the owner is not only owner of the land, but also of all costs and benefits derived from it;
- Transferrable: the owner can exchange the property voluntarily with others

Furthermore, 'property rights must be enforceable, which means that property cannot be held without assurance that there is proper enforcement - of all three conditions - by the State' (Wang and van Kooten, 2001, pp. 13). If these property rights are not complete, it is less likely that property owners are likely to change their endowments in entitlements.

For this reason, by focusing on the completeness of the property rights of people, it can be analyzed whether or not people have a broad set of entitlements of their land. The role of the state is also vital in analyzing this, being the main provider of these tenure and property rights.

3.3.5 BENEFIT-SHARING

Even if a situation is created in which the group characteristics prove to form such a base that institutional change develops in a direction in which efficiency and sustainability is created, the new institutional system should also provide for enough prospects on profit for the local communities. In a context of protected areas, this would mean an alternative benefit than the unrestricted harvesting of timber, like the custom was in the traditional system. For this reason, a situation in which both conservation of resources and a sustained level of subsistence for the local farmers is secured, would be vital for the success of protected areas. Following international human rights and various United Nations declarations, what has been people's way of life for centuries – e.g. the free use of forests following customary institutional systems - cannot be hindered by pursuing change in official land allocation laws without supplying an adequate alternative. Following this, benefit-sharing mechanisms have been frequently implemented in for instance water resource management; however, the affected and advantaged stakeholders and the differences within the different stakeholder-groups are not always well elaborated upon.

As a concept, benefit-sharing can have many meanings and should be specified further in order to come to a proper understanding. Mahanty e.a., (2007, pp. 5) define it as a 'range of monetary and non-monetary benefits that could emerge from Community-Based Natural Resource Management (CBNRM). Benefit-sharing is not only about the whole, fair and equitable share of benefits derived from resource

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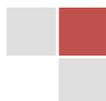
management, but should provide for conditional factors such as clear communication between different stakeholders and possible mediators, also considering the different power positions of all actors involved (Morokosi & van der Zaag, 2007, pp. 1323-1327).

An important factor in benefit-sharing is the creation of compensation mechanisms. This provides the people living in a national park that are affected by limitations in their forest use with a sustainable and therefore long-term alternative. The basis of the outcome of this alternative – should a win-win situation for example be pursued? – depends for a large part on the autonomy and capacity of the implementing agencies. Compensation may take many different forms, ranging from income or non-monetary benefits, such as more secure resource rights, subsistence resource use (e.g. food and fuel wood) and political empowerment (Mahanty e.a. 2007, pp. 5). Morokosi and van der Zaag (2007, pp. 1327) show that the affected actors should be targeted as the major beneficiaries of compensation policies, which should be clearly reflected in the law system, in which participation and capacity-building is emphasized. In this way, benefit-sharing mechanisms should provide the local population with a compensation for their loss of rights in the best possible way. Hence, in the creation of compensation mechanisms, understanding of processes within and around the community are vital, including institutional arrangements of the community and the involved authorities. An important condition for success is the grade of true compensation. For example, a financial compensation for the loss of possibilities to harvest timber might be less attractive for community members than the continuation of the harvesting of timber (Mahanty e.a., 2007, pp. 92).

The extent of security of land rights has important implications for the actual acquiring of benefit sharing. The more legally secured the land rights, the higher the possibility for a bigger share of benefit. At the same time, secure rights are not more than a condition for the acquirement of compensation, because people's effective entitlements matter as well. People may have the official right to use land, but what if they do not have the capacity to do so, or what if rights to access land are in practice controlled by the Village Leader? In any case, if rights are held not by individuals but by groups of households or at village level, collective decision making considerably influences the final arrangement. This local governance implies a political process in which will be decided over the distribution of benefits. Mahanty e.a. (2007, pp. 104) point to the observation by participants – and members of local communities - that many local organizations are in structure the same as in the national system, in which accountability to the national level seems to be more important than downward accountability. However, if legitimacy of these local institutions is sufficient, it is an option in benefit sharing to opt for communal benefits, such as infrastructure. Next to the amount of legitimacy of the local governance, the level of trust and transparency of decision making within the community are important factors of the amount of success in this case (Mahanty e.a. 2007, pp. 94-101).

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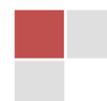
The prospects of a successful development of benefit-sharing mechanisms are central as a concrete option for the development of their livelihood after FLA and can therefore be a final point in institution building. It is also the last step in this research, bringing together the aspects of communication between stakeholders, the security of property rights and the division of endowments and entitlements in the communities. However, the development of these mechanisms depend for a large part on a pro-active attitude of the government, the facilitator of these mechanisms. In the research, a qualitative analysis of the possibilities of benefit-sharing is made by focusing on the conditionalizing factors, here summarized:

- Clear communication between stakeholders;
- Security of property rights;
- People's effective entitlements;
- Legitimacy institutions and relevance customary law;
- Trust, transparency and participation in decision-making.

3.5 CONCEPTUAL FRAMEWORK

The concepts are all grouped together in a conceptual framework (see appendix #1) in which institutional change is explained. The start is in the left-upper section in the box of *customary law of Ka Tu*. This customary law has now been influenced by all different government programs, grouped together under the heading *government interference*. Perceived as the most important of these projects is FLA mainly influencing both the effective endowments and entitlements in the daily livelihood of people. The institution-building processes and benefit-sharing mechanisms are placed in the same section as government interference, since they were respectively designed by the government or dependent on State support. Institution-building mainly influences the endowments of people, whereas the benefit-sharing mechanisms influence the transfer of endowments into entitlements. It decides mainly what the effective benefit will be of the new endowments created by the new regulatory framework. Finally, group characteristics mainly decide the available opportunities after institutional change.

Important to mention is that the concepts used in this research, such as *village*, *community* and *(local) Ka Tu people* represent the same thing, namely the households under survey. Apart from that it is important to know the distinction between *commune*, the lowest official organ of the government, mainly represented by the CPC and *community*, the households under survey.

3.6 DATA-COLLECTION

In order to be able to research the impacts of FLA, a systematic form of data-collection should be pursued. Both qualitative and quantitative ways were used throughout the

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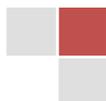
research. The methods used for each of the separate subquestions is represented in Table 3.1.

3.6.1 KEY INFORMANTS INTERVIEWS

Interviews with key persons in the decision-making field was thought to be vital to get to know the motives behind choice made in the forest sector. Furthermore, these interviews were meant as another means to analyze the broader forest sector and the harmony within it. The interviews were generally conducted in a semi-structured way and were held with the chairman of the CPC and FPU, a Commune Ranger, a representative of SNV - the local NGO from the Netherlands and represented by Mr. Tam - an official of BMNP and Mr. Hong, an expert on Ka Tu communities of the Hue University.

3.6.2 HOUSEHOLD INTERVIEWS

In order to get grasp on the livelihood strategies of local Ka Tu people, semi-structured were conducted with individual households, ten in every village. Their main objectives were to explore the thoughts of the villagers on the influence of the government in forest management in comparison to the era without state-interference, the perceived impact of FLA and the change in culture that the people have experienced during the recent years.

3.6.3. QUESTIONNAIRE

For both villages a questionnaire was created and conducted with a total of 60 households. A representation of half of the households in Village 5 (23 in total) and 8 (38 in total) were randomly selected with the help of the household-lists that were provided for the communities. The lists were divided in groups of two households and all the time, the first of these two household was selected, the second one not. If one household did not want or could participate, the other one was approached. The length of the questionnaire was around one hour and had a broad set-up, aiming to get general information and information about a broad set of themes related to FLA and Ka Tu culture.

3.6.4 WORKSHOP

The workshop was an important venue to get many actors together to speak about the actual consequences of FLA. During the day, village leaders, officials of the BMNP, FPU and the communal and provincial government were provided a platform to express their opinion about forest management and to debate forest matters.

3.6.5 FOCUS GROUP DISCUSSION

A focus group discussion was set up at Commune level, in order to let poor households of both villages discuss the consequences of FLA for their position in the

village. A total of 7 households (three in Village 5; 4 in Village 8) were selected from an available list of poor households in the village. The main objective of the discussion was to explore the chances of poor households in protection and production activities, as well as to analyze the arrangements made by the government for poor households.

3.6.6 OTHER COLLECTION METHODS

Together with a group of local policy-makers a Venn-diagram of the institutions in forest management was created. This group existed of the Director of the Women's Union, the Chairman of the Farmers Union, a member of the OARD, the two Village Leaders and the Secretary of the CPC and discussed their opinion during and after the construction of the diagram.

Another vital interview took place with a relative outsider, in the person of Mr. Hong, teacher at the hue University and expert on indigenous minorities in Vietnam in general and Ka Tu people in particular.

Furthermore, maps were drawn by the two Village Leaders, in order to get an overview of their perception of village structures and the closeness of natural resources. The different methods used for every single subquestion is listed in Table 3.2.

Table 3.2: Collection methods

Research question (RQ)	Mode (Qualitative/Quantitative)	Method
RQ 1: Customary law Ka Tu	Qualitative	Interview Mr. Hong (Hue University), Semi-structured interviews,
RQ 2: Stakeholders	Qualitative	Venn-diagram, Focus group commune level, Stakeholder-analysis, Workshop district level
RQ 3: Change regulatory framework	Qualitative/quantitative	Semi-structured interviews, interviews key informants (Commune Ranger, Mr. Tam (SNV) chairman CPC, FPU), questionnaire
RQ 4: Endowments, entitlements, property rights	Qualitative/quantitative	Semi-structured interviews, questionnaire
RQ 5: Group characteristics	Qualitative/Quantitative	Questionnaire, semi-structured interviews
RQ 6: Benefit-sharing	Qualitative	Interviews key-informants (chairman CPC, FPU, Commune Ranger, Mr. Tam (SNV), representative BMNP)

3.7 EXPECTED RESULTS

As several articles already suggest (Boissiere e.a. 2009; Colchester, 1997, among others), both theoretically as in daily practice in Vietnam, development of indigenous communities and conservation of nature does not always go hand-in-hand. For that reason, institutional change might be a difficult trade-off between two institutional

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systems, in which the powerful, the governmental system, has the last say. This may probably cause many difficulties to adapt for the indigenous groups and their daily life is strongly changed by the fact that they live all of the sudden in a national park.

Part 2: Results

For this purpose of this research, first, the original customary institutional system of Ka Tu people is analyzed; secondly, there is a focus on the current important stakeholders in forest management; then the actual legal changes in forest management are described; the fourth focus is on the change in endowments and entitlements and the result of the FLA on common property rights, itself influencing effective entitlements; fifth, the possibilities of benefit-sharing mechanisms to develop concrete improvement of livelihoods of people are explored. In the conclusion, the main problem of how this new regulatory and legal framework have been changing the customary law of Ka Tu people is answered.

CHAPTER 4: CUSTOMARY LAW KA TU

Officially, the new policy of land allocation was based on the land use and unofficial property rights of the people in the village before the official allocation process. Hence, the customary institutionary system should form the basis for official state policy on FLA. What does customary law really consist of? In order to effectively analyze changes in the institutional system of the Ka Tu community, it is necessary to research the basis of the Ka Tu cultural system, from which it is possible to research any transformation. Going back to their institutional arrangements in the period without the widespread government interference as it exists now, it is important to keep in mind what aspects of their indigenous system can still be found in the new legislatory framework.

4.1 POLICY ON ETHNIC MINORITIES

During the last century, indigenous communities have been more and more included in government policy. This became already more apparent from 1945 onwards when village institutions lost power during the collectivisation period and production methods were imposed by the state (Shanks e.a. 2003, pp. 27). This developed further after the end of the American War. Many indigenous communities had to leave their land because of dangerous bombs and danger of Agent Orange[1]. For the Ka Tu people, who lived in Quang Nam province before the war, it meant that the government allocated their land for protection land or for other purposes. Ka Tu people could not return to their original grounds but were migrated further north, to Thua-Thien Hue province. From then on, they became marginalized by the forced relocation of their livelihood to the edges of the forests, while they had to share the forest with Kinh people. As a consequence of the increasing government control over the forest sector,

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[1] Especially in the centre of the country, the area around Hue and Danang (Blood and Anderson, 1993)

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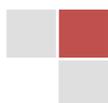
the management of the forests came for a large part in the hands of the SFEs and the practice of shifting cultivation was prohibited from then onwards, although several conflicts between the villages and SFEs did occur on this matter.

4.1 VILLAGE ORGANIZATION

Being one of the oldest ethnic groups in the current territory of Vietnam, community institutions of the Ka Tu were much more independent from government policy before 1945, when the French still occupied Vietnam, than they are now. Following Mr. Hong, lecturer in History and specialized in ethnic minorities on the Hue University, farming activities are traditionally central in the daily life of Ka Tu and form therefore for a large part the social structure in the villages. Another central aspect for the livelihood is the forest, since the Ka Tu have always been living in forested areas. The Ka Tu is traditionally a nomadic folk and shifting cultivation is therefore common practice in these farming activities.

Traditionally, the village (*Vel*) is administratively the most important unit, and has strict borders. Natural resources were controlled by the village or community under the leadership of a *Village Patriarch*. His role is a good example of how cultural values were represented in an institution as he was elected by the village, the manager of resources and the military master in the village. An important person for land management in the traditional village is the *land owner*, deciding on the ownership of land and sometimes the same person as the Village Leader. Another group of vital persons is the group of *mediators* on problems in the village, people who are elected by the other villagers because of their status in the village (Tuan, 2006).

The customary forest system of Ka Tu before liberation in 1975 was originated from a categorization in different forest types. It is either common property (ghost forests, spiritual forests and watershed areas) or private property (land for shifting cultivation and gardens, residential land). Ghost forests cannot be used for the extraction of timber, following the Ka Tu law system. Mr. Pham, village secretary in Village 8, tells that this part of the forest is called as such 'because people got lost easily'. The name of the spirit forest was motivated by the belief that anyone who would kill an animal in that part of the forest, would soon be killed himself. By watershed forest is meant the forest that protects water sources and is therefore always located closely to a river or a lake, for the villagers often an important natural resource.

The common property is divided in three levels; community, family/clan and individual households. The Village Patriarch distributes the land for the clans who in their turn negotiate about the following division for households. This division should secure that all villagers profit in an equal way of natural resources. So, individual households were allowed to own plots of land, while the forest could be accessed and used by every villager. For their subsistence, they depended almost exclusively on natural resources. This includes not only the forests, but also on NTFPs, obtained by
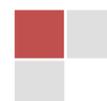
gathering and hunting. These NTFPs belong to the private property of households. Thanks to the rather strict rules on natural resource management and ownership, conflicts within or between villages were rare. Since there was more competition than cooperation between villages, contact was not that common. Between two Ka Tu village there usually exists a buffer zone, for which it is strictly prohibited to use the land (Tuan, 2006).

4.2 TRADITIONAL FOREST MANAGEMENT

Indigenous knowledge about the forest was developed in a sophisticated way after the Ka Tu have been living in the forests for generations. Different than Kinh people, who only came to migrate during the second part of the 20th century to the forested Highlands, the Ka Tu have been developing a forest system for centuries. Unlike the image that current policy-makers on forest management often express in Nam Dong district[2], the Ka Tu people did have many ideas on protecting activities and attempts to enrich the forest. Mr. Pham, the forest manager on village level in Village 8, says that Ka Tu people had more laws on forest management, mostly informal and communally shared, than people tend to think now:

 'We did not have an extended fining system as there is now, but instead people who cut too much timber at the expense of others, were blamed. The division between older and younger generations played an important role in this idea. The old people were the ones you listened to when were told that you cut too much timber. The elders told the youngsters how to select leafs and how to maintain good soil quality.'

The ideas about forest management were focused on unofficial regulations on periods in which people could not access certain parts of the forest to give it time to recover. For this purpose, they used a categorization of forests in different stadia; (1) regular forest, ready to use; (2) old forest, extra valuable but scarce forest and (3) recycling forest, degraded areas which should not be used in order to recover. Furthermore, the protection of the fertility of forest land focused on a conservative manner to exploit the forest on hills. They started to harvest trees on the middle of the hill and worked further downwards; the summit of the hill was left untouched, to take advantage of the protecting characteristics of the forest and in that way to prevent against flooding and soil erosion in case of heavy rainfall. Apart from that, knowledge about the different seasons in a year created a system in which resources were exploited in the most effective way in and around the village. These kind of activities were mainly related to hunting and fishing.

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[2] The view that Ka Tu customary system was backwards and undeveloped is among others expressed by the Chairman of the CPC, the Commune Ranger in Thuong Long Commune.

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Despite of the existence of a forest management system, many people now argue that indigenous knowledge about forest protection was almost non-existent. All villagers get courses from the government, which spreads its perception of 'harmful slash-and-burn activities' around the local communities. Shifting cultivation is certainly more harmful now than before, since protection in the traditional Ka Tu community was not as urgent as it is now. There is therefore still much to gain in forest management of ethnic communities. The Village sub-Leader told an anecdote about the absolute ban on hunting and catching any wild animals since 1975. Since then, the Village Patriarch had been trying to make the importance of the ban on hunting, but his story lost credibility when people found out that the Patriarch himself had many wild animals in his garden behind a wall.

Slash-and-burn activities were the most common way in which the land was exploited and are therefore, following the government, the major cause of deforestation. As was mentioned before, slash-and-burn activities exist in many different types and are not necessarily environmentally unsustainable, given that they are practiced in the right way. If farmers in a traditional Ka Tu village found a good plot of land, they marked it to become the owner of the land. In this way, they used to have different plots of land, in order to be able to give degraded plots time to recover by leaving that plot fallow for a period between five and ten years in general. It is impossible to prove the effects of this process on deforestation, but a vital aspect is that this system of swidden cultivation was based on a much greater forest area than is now available in Nam Dong district. People burned the trees, used the land for agricultural purposes and came back to the land after they left it fallow for a number of years, when the soil was fertile again. There was no lack of space and hence, no need to use this kind of agriculture in a more extensive way. When the lack of space became more apparent in the Vietnamese Highlands, mainly due to the migration of Kinh people to the forests, swidden cultivation continued but changed in character. It became much more intense, land was used until the soil became more depleted and was for that reason unable to recover again. As a consequence, even more land was needed and more land was burned to use for agricultural purposes (Thi, 2009). But still, it is not possible to say that the way of customary forest management of Ka Tu people threatened its environment definitely; the SFE had an important share in the growing amount of deforestation in the second part of the last century. It is more likely that slash-and-burn activities only became more harmful for the environment because of the lack of space that became apparent.

Today, at least on paper, the development of the well-being of indigenous people is an official government priority. More specifically, following the Millennium Development Goals (MDGs), the Vietnamese government tries to reduce ethnic inequality by (1) improving their skills in the Vietnamese mainstream language, (2) ensuring the individual and collective land rights of indigenous people and (3) to increase the share of indigenous people present in official authorative bodies at all
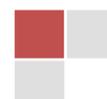
levels. Since 1994, local community members are more and more included in the management of forests. However, as was mentioned before, customary management of Ka Tu is perceived by many government units as underdeveloped. They all mention the lack of rules of customary Ka Tu forest management and the exclusive negative effects of the system. The problem of the system, mentioned by the chairman of the FPU, the Commune Ranger and the Chairman of the CPC, was that it was not under overarching control of the government and people did not feel much responsibility for a proper management of the land. This was also one of the reasons that the government wanted to change the State ownership into individual ownership, in order to create a system in which people feel responsibility for their land and would therefore control it in a more proper way. Since the start of FLA, population pressure and the number of stakeholders have only increased and further institutional change was inevitable. In the next chapter, the research focuses on the stakeholders, who shape institutional change according to their individual choices in the action arena.

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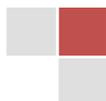
CHAPTER 5: STAKEHOLDERS FLA

In FLA, many different stakeholders are involved, creating a complex organizational structure. In order to successfully research the consequences of FLA, an analysis of these stakeholders is vital, since it is this group of stakeholders which is responsible for the created impact on the local communities. Who are the main stakeholders in FLA and what are their responsibilities?

5.1 STAKEHOLDER ANALYSIS

De Jong e.a. (2006, pp. 22-25) describes in what way the management of forests in Vietnam is organized. The government system is organized at four administrative levels: next to the national level the country has 64 provinces, 600 districts and 10.000 communes. Important for this context is the hamlet or village as the fifth unofficial level. This level is significant, considering the amount of relative autonomy the villages have; the local members of communities select the representatives of these villages. All in all, as a consequence of the many different organizations at the many different government levels, a complex system of different involved actors in forest management has been created.

MARD, DARD, OARD

The Ministry of Agriculture and Rural Development (MARD) and its Forestry Department and Forest Protection Department are responsible for the management of forest in general. A major activity of these institutions is the administration of special use forests. The Department of Agriculture and Rural Development (DARD) and the Forest Protection Sub-Department (or Forest Development Branch) are the advisory institutions of the Provincial People's Committee (PPC).

PPC, DPC, CPC

Although policy is shaped at state level, the major implementing level of forest management programs is the provincial and has the PPC as the accountable unit for the protection, development and the use of the forests. This is also proven by the relatively big differences in forest policy between different provinces. On the district level, management becomes more concrete, with one or two staff members occupied of the District People's Committee (DPC) who monitor forest development. The DPC implements activities and policy provided by the PPC and in turn creates guidelines for policy implementation for the Commune People's Committee (CPC). At the communal level, all communities with forest in its territory should employ forest staff. The CPC is the government organ on the lowest level. In this way, it forms the connection between the important policy-making organ on district level, the DPC, and the village. A big problem especially for the CPC is the lack of financial resources to pay forest employees.
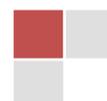
FPU and FPS

The DPC contains 424 Forest Protection Units (FPU) that employ 3,500 people in 424 districts, occupied with daily operational activities for the protection of forests and with the enforcement of the Forest Protection and Development Law on district level. It effectively controls on illegal logging, protects against fires and controls the overall forest quality. Furthermore, the FPUs carry out environmental education and training on forest matters in local communities. FPU is considered the most important actor in FLA, because they are given the responsibility to support the DPC with the daily control of the whole process. At the same time, they actively cooperate with the CPC and DPC on many fields. A blow for participation is that the FPU is not experienced in participatory approaches as the FLA implies, since they mainly consist of forest rangers, which have been used to top-down government policies (Wunder e.a., 2005, pp. 16-17).

The FPS is the executive agency of the FPU and is generally active in a few communes at the same time. In Nam Dong district, both units have a central role in forest management. The FPS that is active in Thuong Long commune has four other communes under its helm, trying to be a more direct organ to communicate with the local communities and attempting to mobilize the people in direct or indirect protecting activities. The FPS employed Commune Rangers in each commune and is occupied with the task to monitor the protecting forests in the commune. It means they are also active to explore for opportunities for logging in the protected areas. When important parts of the forests were destroyed in 2009 after the big storm number 9[3], the FPU and FPS decided to cut some trees to create space and to provide opportunities for the local people to legally cut trees that were damaged. Another task of these Commune Rangers is to explore the rights on production land after the supposed owner of this plot starts an official application to harvest the trees. This application happens via the CPC as well; the official application is done by the CPC, and then the FPS is asked to send its rangers. This emphasizes the close relation between the government, the FPU and the FPS as its executive agency.

ONRE

During the last decade, reorganization in the forest management sector also has made the role of other agencies more explicit. The Office of Natural Resources and Environment (ONRE) have been given a role in the planning of land use since the last major reorganization of the forest sector in 2008. This office belongs to the Ministry of Natural Resources and Environment and should become the most important role in FLA, taking over the responsibilities of the FPU. So far, a lack of capacity means that their effective role is still limited.

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[3] In Vietnam, this storm is known as Storm # 9. This storm, internationally known as Ketsana or Ondoy, was the ninth tropical storm that year and also caused considerable damage on the Phillippines (Rabonza, 2009)

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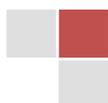
BMNP

The control of national parks depends for a major part on the provincial arrangements and is not the same in the whole country. Some are directly controlled by MARD, other special-use forests are under the administration of PPCs. In other instances, certain districts have control over the management of national parks. In Nam Dong, the official owner of the forest land is the DPC, but if the land is not allocated, it belongs to the FMPBs in the commune or BMNP. BMNP effectively controls and protects in the national park itself. It thereby actively cooperates with the FPU, the ministries and the District and Commune government. However, the BMNP does not have any official mandate in the buffer zone, since this area officially belongs to either the FPU or the FMPB. For this reason, they should always cooperate with other agencies such as the FMPB and the FPU in order to manage this part of the natural forest in a sustainable manner. Within the border of the National Park, the BMNP does have full mandate to make decisions on forest management, and is not obliged to cooperate with other organizations on every decision.

Following Mr. Van, Chairman of the CPC, the kind of cooperation between stakeholders had undergone some change since the rebordering in 2008. Since then, a large part of Nam Dong belongs to the buffer zone of the park. This means that the whole district falls under jurisdiction of the National Park, although in practice BMNP only three villages belong to the buffer zone of the park. One of them is Village # 8. In this village however, there has been no training course or direct communication with the villagers so far. Communication merely takes place with the CPC, but most villagers do not know where the borders of the park are and what it actually means to be within the buffer zone of it. Also the Board of the BMNP agrees that that there has not been a development program, although they provided training courses in some villages in Nam Dong district. Village # 8 was not part of this training course however, whereas in Village # 5, the village outside the buffer zone, the training course did take place. This was stimulated by the Green Corridor Project, which only took place in Village # 5, not in Village # 8.

(Former) SFEs: FMPBs

Within the forest sector, the former State Forest Enterprises have a special role. This is directly related to the centrally planned economy that Vietnam used to have until the 1990s. Before Doi Moi, SFEs were the main centres for production of new forests, in the period 1971-1990 contributing to 71.12% of the total regeneration of forest in the country, thereby heavily subsidized by the government. Other activities of SFEs varied from forest harvesting and the processing of products to rehabilitation of forests. In this period, SFEs were an effective instrument for the government to promote agriculture on fixed lands as an alternative to slash-and-burn activities and of the execution of resettlement programmes. Since the government withdrew its funding to these enterprises the former State Forest Enterprises encounter many difficulties to fulfil their
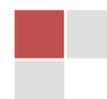
role under their new title: Forest Management Protection Boards (FMPBs). As privatised companies, many try to gain money by excessive logging, thereby contributing to a large extent to deforestation. Forest resources around these companies are depleted and their infrastructural system outdated. For protection forest however, the former FMPBs still receive subsidies from the state, making these enterprises both commercial as public (Minh & Warfvinge, 2002, pp. 5-6). FMPBs control special use forests of over 1000 ha and protected areas of over 5000 ha of forest.

As was mentioned before, the position of SFE's has been reorganized on national scale. It depends per district however, how this reorganization has been taking shape. In Nam Dong, the SFE has formed the basis of two new organizations, one in the village of Khe Tre, and one in the village of Nam Dong, called FMPBs. These organizations own large parts of forests, something that was decided upon on the provincial level. As with the former SFE's, most of the times the FMPBs keep the power to manage the protected forests, whereas contracts are signed with individual households to manage the production forests. The government actively tries to extend forests. Due to the small amount of forest extension workers however, they are not able to reach all districts. In practice therefore, State Forest Enterprises (SFEs) and non-state forest enterprises are filling up this space, supported by (inter)national donors. The two FMBP negotiated with the government that they are allowed to cut 2000m3 of forest a year.

Individual households

As we have seen, Ka Tu people live in the forest and used to live from the opportunities that the forest provides them. They still do that, but they now have to deal with national regulations on forest use. For that reason, they are the vital stakeholder in the FLA and much of the forest policy is focused to improve their livelihood.

Other organizations

At last, other organizations, such as the Farmers Organization or the Youth Union have a minor role in many communes or villages in the management of the forests. Their role mainly focuses on the support of local farmers that these organizations supply.

5.2 VENN-DIAGRAM

The importance of stakeholders is researched by placing two of the Village Leaders in Nam Dong (Village #5 and Village #8), the director of the Women's Union, the chairman of the Farmer's Union, an official of the CPC and the Commune Ranger, together in a discussion. This resulted in a Venn-diagram that is represented below (figure 2). They were given various papers with different actors and they could mark

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their position on the map. As came to the fore in discussion about stakeholders beforehand, people merely knew the different stakeholders at the level closest to the Commune. In practice, that meant that they indicated that they knew about the activities of the CPC much better than those of the DPC, but that they saw them as same organization. The same is true for the Commune Rangers that get their tasks from the FPU. This is a striking fact, because the people that participated all have access to information on Commune level in their representative role. This is why only the lowest available units from the same department are represented in the figure below; the figure contains just the CPC, but not the DPC.

People consider the CPC as a major stakeholder in forest management, mainly because they see the CPC as very relevant in general. They are said to have most influence on the daily life of all these organizations. The Office for Culture and Communication is part of the CPC and is found to be important mainly for the supply of information, but does not have direct influence on decision-making. The FMPB and FPU are both seen as important for the control of the forest, but people did not perceive the one more important than the other. The third ring exists of the Village Leaders and the Commune Police, because they do not have direct influence on policy-making, but have an important role in control (Commune police) or in sanctioning and conflict resolution (Village Leaders). The two outer rings consist of organizations with minor importance, such as the Farmers and Women Association, which only have supporting role. An interesting fact is that the village is also not considered as an important stakeholder, implying that the village does not have much influence in forest management.

Figure 5.1: Venn-diagram forest management Nam Dong
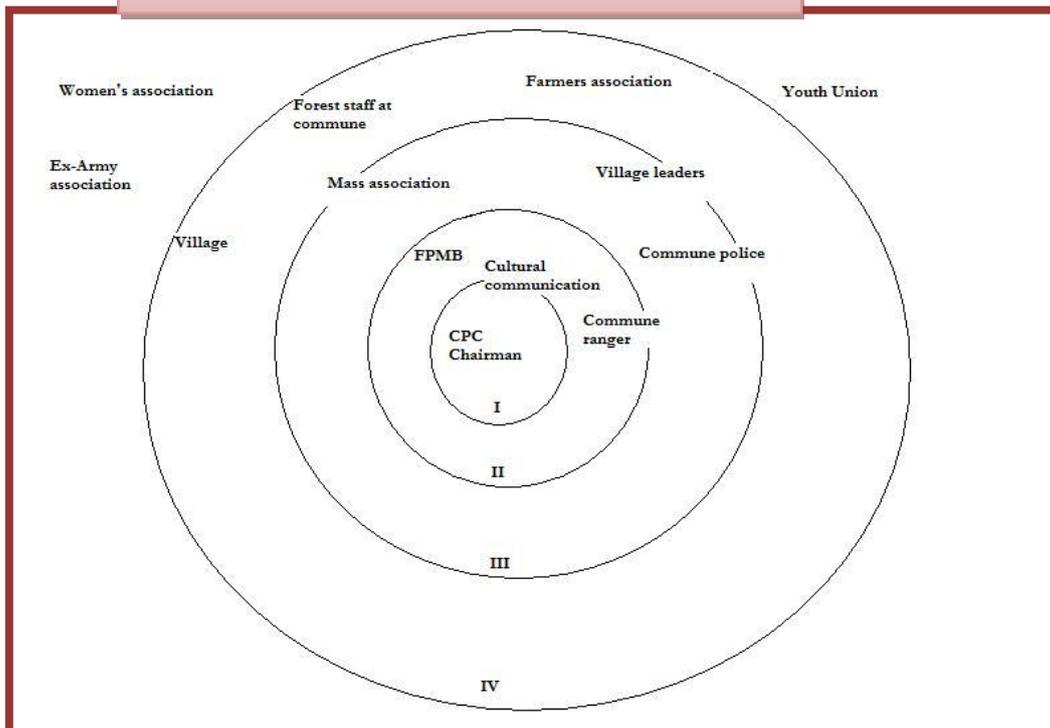
Hence, according to the different participants of the group discussion on the importance of stakeholders, the CPC Chairman, FMPB and the Commune Rangers are vital in FLA. What is the opinion of the villagers who are recipients of the policy that these important stakeholders shape? Which stakeholders matter in forest management and how has this been changed with the traditional village?[4] Following the questionnaire, the actor that is generally considered most important in FLA today, is the FMPB. Interestingly enough, the village as an independent unit is considered by its villagers just as in the Venn-diagram as a minor puppet in the execution of the process of FLA, despite of the plans on paper of the government. The same is true for the groups of households. It is furthermore notable that the CPC is considered more important than the DPC, although the former is in practice the more executive organ, steered by tasks from the DPC. On the other hand, it is obvious that the CPC is the much more visible unit for the local people as the lowest government organ.

Then, analyzing the differences of the relevance of the actors in traditional forest management according to the villages, there are a number of actors that significantly lost or won power compared to before FLA. From table 5.1 can be concluded that institutional change has been taking place, since the role of all mentioned actors in forest management, except for the *Village* as an independent unit and the *Patriarch*, have been changed significantly. Influence of *individuals* has been increased considerably thanks to FLA, according to the villagers, just as the power for united *household groups*. Furthermore, the two government organs *CPC* and *DPC* are more important stakeholders now, because the village traditionally ruled the forest independently, far away from the institutions of the central government. Also the influence of the *Leader* has therefore increased, as he was non-existent before and was only installed after the government gained influence in the village. The same is true for many people unions, such as the *Youth Union*, *Women Union*, *Farmers Union*, and *former-soldiers Union*, which got organized because of government policy. At last, a new actor according to the villagers is the *FMPB* as former SFE, which created importance in the second half of the last century only.

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[4] Villagers were presented a list of twelve different actors, and for all of them they were asked to fill in two lists and to give a number from **1 not important** to **5 very important** for 1) their current role in forest management and 2) their role in forest management of twenty years ago.

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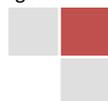
Table 5.1: Importance of different actors in FLA

	Indivi-duals	Groups of Households	Village (as an independent unit)	Patriarch	Leader	CPC	DPC	FMPB (former SFE)	Others
Perceived importance (from 1 to 5)	3.88	3.38	3.48	3.93	4.32	4.07	3.88	4.49	3.01
Ranked importance	5	8	7	4	2	3	5	1	9
Wilcoxon Signed Ranks Test[5]	0.000	0.000	0.158	0.523	0.000	0.000	0.000	0.000	0.000

5.3 LEADER, PATRIARCH AND SECRETARY

A major difference in the institutional system of Ka Tu people is the fact that the Communist Party has a representative in the form of the Village Leader now. Apart from that, the party is represented by a Secretary in the village. His role is usually less central than that of the Village Leader. He is mentioned in Village 8 as an important leader in village meetings, among his other activities, whereas he is considered less important in Village 5. Since the introduction of the Village Leader as the lowest government representative, he became the first one to communicate with the world outside the village. His duty is to form the connection between the government at commune level as a representative of the communist party and the village. He has to inform the local people about the policy of the party, the organization of village meetings and the supply of advice about sanctions and conflict resolution. In this role he is helped by the Secretary. The capacity of this Village Leader is vital because his skills decide the extent to which the decentralization process is guided in a successful way at the local level. The influence of the Village Leaders on local processes is more and more recognized by the government, who take and are able to take more initiative in adapting institutional project arrangements. This might have negative implications for overall empowerment because of their big political influence, but at the same time, if they do not function well in the eyes of the whole village, they will not be maintained by the community members.

Every Ka Tu-village still has a Patriarch. Although he lost political power to the Village Leader in general, every village still has maintains the eldest of the village, being elected by the other villagers. In Village 5, the Patriarch has been occupying his current role since 2000. He is only the third oldest in the village, but the other elders are either too old or too busy. The current Patriarch used to be the Village Leader and was elected by the other villagers as Patriarch. One of his tasks is to attend every

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[5] The Wilcoxon Signed Ranks Test is used to compare the means of the opinion of the villagers of the importance of mentioned institutions in the old days and today. The null hypothesis is that there is no difference between the perceptions of the two moments of forest management. Because the two variables are related and can both be seen as interval-variables, the Wilcoxon Signed Ranks Test is used to test whether these statistical distributions are different and have therefore changed or not. In the cases of the variables 'individuals', 'groups of households', 'Leader'. 'CPC', 'DPC', 'FMPB' and 'Others', the null hypothesis should be rejected, because the chance that this would be done unjust, is lower than 0,05 (e.g. 0,000 in all cases). This means that the distribution of perception of the importance of different institutions is different in all but two cases.

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village meeting and his main responsibility is to make the villagers and outsiders aware of the customs of the Ka Tu culture. For this purpose, the Patriarch makes important decisions about for example the character of a funeral or on how to act when a disease occurs in the village. Another important function is to solve conflicts in the village or mediate in conflicts between villagers. By any conflict, the Patriarch will discuss with the other older villagers and the Village Leader about how to solve the conflict or on possible fines. Keeping harmony in the village is his major responsibility. The Patriarch has no direct influence on forest matters, like the Village Leader; however, all people in the semi-structured interviews admit the importance of forest advice of the Patriarch for the younger generation. Following Mr. Xang, the influence of the Patriarch is important to organize the village based on the customary law and to protect that part of the Ka Tu people, whereas the Village Leader protects the connection of the village with the rest of the national system in the broadest sense.

The special role of the Village Leader within the government system implies that he is the one in charge during the village meetings, together with the Party's secretary - certainly in Village 8 - rather than the Village Patriarch. As a consequence of the increasing importance of other institutions, the important role of the Village Patriarch and other elderly people was reduced. In general it is believed by Ka Tu villagers that the Village Patriarch is not gaining importance in the village (Table 5.2) but this varies considerably per village. The same table shows that the difference between Village # 5 and Village # 8 is significant regarding the opinion of people about the current importance of the Patriarch in FLA. The Patriarch and Leader are still one of the most important decision-makers in FLA, but much more in Village # 8 than in Village # 5. This is mainly motivated by the influence of the government and the fact that external projects from outside – such as the Green Corridor Project, supporting the special form of FLA in Village # 5 (see chapter 7) – is usually communicated with the Village Leader, in his function to communicate between the village and the government or its supported projects. The staff of these projects is also influential, because they also have the chance to speak on several village meetings that are related to a running project. Apart from that, the household groups in Village 5, which developed knowledge about forest matters and give advice on forest management in the village meetings, gained considerable control. All these groups contribute to a certain extent to an undermining of the influence of the Patriarch and his role mainly changed into that of an informal institution.

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Table 5.2: Perception of general importance Village Patriarch

	More important	Same	Less important	Total
Village 5	2	9	13	24
Percentage	8,3%	37,5%	54,2%	100%
Village 8	10	18	7	35
Percentage	28,6%	51,4%	20%	100%
Total	12	27	20	59
	20,3%	45,8%	33%	

This information creates an image as if almost all stakeholders are more important now in forest management than before. This image is correct. A legible conclusion of this analysis of stakeholders is that the different type of stakeholders has increased considerably in the last decades. This has been observed by many villagers as well, according to the questionnaire and the semi-structured interviews. The actual management of the forest is now decided by much more different stakeholders than before, creating a more complex decision-making process, keeping in mind the different institutional values of these actors. The only institution that lost importance following the villagers was the whole village as an independent unit and the Village Patriarch as a representative thereof, reflecting the loss of customary law, which was effectively created over centuries at this village level. Exactly this village was in the customary system the most important institutional level. Most 'new' stakeholders have links with the government, indicating that most policy is shaped outside the Ka Tu community.

With all these different organizations, a complex system of new rules, with different kind of regulations, causing new restrictions and new possibilities for local actors, has been created. FLA is an important part of a new regulatory framework that exists because of these stakeholders. The character of this new framework will be focused upon in the next part.

CHAPTER 6: NEW REGULATORY FRAMEWORK

As we have analyzed the traditional customs of Ka Tu people in forest matters and the current structure of the forest sector in Vietnam, we are ready to explore the actual changes in regulations the new situation of FLA brought.

6.1 FLA ON A NATIONAL LEVEL

As was mentioned already in Chapter 4, the customary land management system lost terrain right after the American War, when every individual farmer was given a new plot of land after the migration to Thua-Thien Hue province. Since the start of FLA, the traditional land rights as they were described in Chapter 4 have been further abandoned. This was the main consequence of the criterion that the land had to be redistributed by the FPU on the basis of equality. It means that every household had to receive upland, midland and foothill land. In the end, approximately half of the farmers ended up with different plots than they had before, but first had to negotiate among themselves to come to an agreement. In case they were not able to reach an agreement, the CPC and FPU decided (Gomiero e.a. 2000, pp. 131). The same thing happened in Nam Dong district, according to the Chairman of the CPC

6.2 TYPE OF ALLOCATION

The objective of FLA was to create a situation in which local people that depend on the forest have more opportunities and the forest would be protected at the same time. In order to get to this result, three different kinds of forest land could be allocated to the villages and its inhabitants:

- **Special use forests**: The goal of this kind of forest, which forms 15,4% of the total assigned forest area in 2004, is environmental protection, tourism and protection of sites with historical value.
- **Protection forests**: Covers a much larger part of the country (48,1%) and these forests are created to form a protection to water streams, to conserve soil against erosion and prevent natural disasters. These protection forests can be divided in three different categories as well, depending on forest cover in the area. If there is a forest cover between 50 and 80%, it falls under the category of less critical; if it is between 30 and 80%, it is critical; is there less than 30%, it is categorized as highly critical. Less critical protection forest is often allocated to individual households. The same is true for some normally critical protection forest however, if it falls under the current Program 661. Protection forests are sometimes used for production of timber and recategorizations of production forests into protection forests have been quite frequent since allocation.
- **Production forests**: This type, which forms 36,46% of the allocated forest area, tries to conserve forests as well, besides their main goal: the supply of

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forest products such as timber and non-timber forest products (NTFPs). Reforestation policies have been motivated by wood production - production forests are a partly answer to the growing demand for paper, furniture and construction timber - and environmental-service motives. The government tries to stimulate the development of production forests to decrease the price of this timber. A large part of the production forest is allocated to individual households, the other parts are owned by both the government and the FMPB. This also means that individual households are stimulated by various incentives to grow timber and that good money can be earned by producing this wood (Thi, 2009).

The provincial government redistributed, in line with FLA, part of the land owned by the local FMPB to individual households in the form of contracts with a length of fifty years. This policy-change is a reflection of the general belief that forests could be more effectively protected if they are combined with long-term benefits of the local communities. In the whole district of Nam Dong, the amount of protection land allocated is 70%, of plantation land 30%. However, the extent of allocation in the different communes varies considerably, with Thuong Long only in an earlier stadium of allocation than for example the neighboring Thuong Quang commune. Nevertheless, Thuong Long has land allocated to groups of households, while in other communes only individual households are allocated.

The fact that land has mainly been allocated to so-called 'forest land without forest cover' caused a situation in which people started to think about the sustainable use of these lands, because now they had a personal interest to take care of it. Although this land has not been broadly reforested, soil erosion has nevertheless been diminished because it has become grown with permanent vegetation. The fact that the government has been generally successful in the allocation of forest land without effective forest cover entails a problem at the same time. This land does not represent a great commercial value, unlike the degraded forests. Ownership was considered as the problem again, because of the low value of these forests. This resulted in a situation in which the forests were broadly exploited for short-term purposes. A long-term and nationally accepted solution has still not been found on this aspect, although now local households have been found willing to protect these areas against an annual compensation and the government has been drafting plans for benefit-sharing plans (Minh and Warfvinge 2002, pp. 11). Finding an owner for real protection forest is a less difficult task, because they will be paid by the government for their protection activities, possibly perceiving these benefits greater than the accompanying restriction of protected zones.

There exist different kind of actors that qualify for allocation, which mainly depends on the type of forest land. Protection forest can be allocated to either whole villages, groups of households or individual households, whereas production forest is
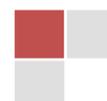
exclusively transferred to individual households. Since most poor forest is located further away from the villages, it is a big challenge for the villagers to effectively manage the land. The management problems are also of administrative kind, because villages are not officially considered as a formal government level and communes cannot be allocated properly, being too big to form an effective management organ which can easily lead to a lack of feeling of responsibility for the land. Ka Tu people in general prefer to share responsibility for land far away from the village and to get land allocated individually for land closer to the village, because it is easier to manage this land individually (Minh & Warfvinge, 2002, pp. 13-15). This was also mentioned by Mr. Tam of SNV. A more effective way of allocation then, also recognized in international literature about forest management, is a group of households within a village to manage the forest around the village. Hence, in practice, much land in villages became divided between households and some land was given to larger groups of management. However, these groups had at the beginning of FLA no legal document, because of the absence of the village or the hamlet in the official administrative framework in the country. In decision 163 of the government this problem was partly solved by a change in law. From then on, it was allowed to allocate land to non-legal goodies, such as the household groups. Shanks e.a. (2003, pp. 27) argues that during the reforms, the village organization regained some of its authorities, also thanks to the revision of the Land Law in 2003. Following this legal modification, population communities came to be recognized as land users and therefore is the existence of traditional village institutions around natural resource management officially acknowledged.

6.3 PERCEPTION OF THE FOREST

A central question is whether the forests are still as important as they used to be in the Ka Tu communities. It is mentioned in the literature (Castro & Nielsen, 2001) that contact with actors outside the community and a growing dependency on the government – as occurring in Thuong Long commune with the Ka Tu people - will also cause diversification of the economy. Agriculture is certainly more diversified in the village, since people have the knowledge to grow products such as cassava and banana and they have more and more instruments to grow buffalos, cows and chicken (Table 6.1). Although the forest is still the central aspect of the Ka Tu community, people increasingly gain an income on activities other than forestry. A small amount of people also indicates that they earn part of their income on activities such as teaching on the local primary school.

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Table 6.1: different economic activities other than forestry

	Activity	Number of people	Percentage
Agricultural activities	Paddy field	36	60.0%
	Cassava	31	51.7%
Animal husbandry	Buffalo	28	46.7%
	Cow	26	43.3%
	Chicken	18	30.0%

An important aspect is furthermore that the forest plantations are now fully accepted in the vocabulary as parts of the forest, from which a big part of the livelihood of people now exists of. Slash-and-burn activities still persist on a small scale, but government policy is directly focused to ban it completely. The search for alternatives and diversification of livelihood-strategies - for example by cultivation of rice and provision of education, both provided by the government – also meant a less central position of the forest in the livelihood of the villagers and a loss of knowledge about forest management in younger generations. Nine out of every ten villagers believes that knowledge about the forests is nowadays less present than 20 years before.

A big question is also whether or not the villages feel responsibility to take care of the natural forest since government policy is very much focused on nature conservation. From the questionnaire it becomes clear that most people consider the way in which their parents used the forest and the way in which the forest is exploited nowadays, as different. However, this varies considerably between the two villages; in Village 8 this is believed by *only* 62,9%, but in Village 5 (88,0%) there is almost nobody who thinks forest use is still the same; a significant difference[6]. This might be explained by the different form of FLA in the villages; Village 5 has a new form of FLA in the village, which is, by appointing only certain households for the management, different from the traditional model.

Most people mention the importance of the conservation of forests for future generations or to prevent to make flooding possible in the rainy season. Although

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[6] This can be concluded after applying the phi φ because two dichotomous variables were tested by a significance level of 95 %. The null hypothesis is that there is no relationship between the two variables 'current way of forest use and that of the parents is different' and the respective Villages. It results that the null hypothesis should be rejected, because the chance that this would be done unjust, is lower than 0,05 0(e.g. 0,030). This means that there is a relation between the two villages and whether they think there is a difference between the way their parents used the forest and their own forest use. Village 5 believes much more in change in forest use than Village 8.

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people admit to be afraid that their illegal activity is being discovered by patrollers, they sometimes still opt for the profit that the cutting of timber will bring them. People who are involved in the protection of forests do not get much money for compensation and switch their activities to the harvesting of timber in these forests, which is, although it is illegal, often financially more beneficial.

6.4 TRADITIONAL FORESTS TODAY

The new distribution of forest land, already before, but also during and after FLA, had a major impact on the traditional categorization of land in ghost, spiritual and watershed protection forest. Close to the villages this division hardly exists anymore, since almost the entire ghost and spiritual forest has been cut or damaged during the war. Seven out of every ten villagers and especially the older people, still believes it exists further away from the villages. Interestingly enough however, the community in Village 5 was in general much more able to indicate on what distance the forest was located, since 83.3% of them said to have an idea about its location. On average, people made clear that the ghost/spirit forest is located on a distance of 2,8 kilometers. The same information was for Village 8 respectively 37,8%. They furthermore gave a much more misty indication of the distance of the forest, with just one villager that indicated that the distance was less than five kilometers; if people had an idea, they most of the times mentioned a walking distance of one day and many said that it is located close to the border with Quang Nam province. All in all, most people do believe that ghost and spirit forest still exist, but it seems to be located much closer to Village 5 than to Village 8. This also makes clear that every village would have its own ghost forest and that it is not generally accepted that people from different villages enter each other's ghost/spirit forest, since the distance from Village 8 to the ghost and spirit forest of Village 5 is less than ten kilometers and is located in another direction; if people would know about the ghost forest of Village 5 and were allowed to use it, then they would also know where it is located. Furthermore, the watershed areas do exist close to Village 8, the forest close to the river, following an indication of 71,4% of the people in the village. Watershed areas do not exist close to Village 5, as only 16% agrees at its existence.

Indicators

Regulation on:
- ✓ Exclusion non-members
- ✓ Responsibilities members
- ✓ Monitoring
- ✓ Sanctioning
- ✓ Conflict resolution

6.5 NEW INSTITUTIONAL FRAMEWORK

Not only has land been distributed in a different way, FLA meant a complete new institutional framework, in which the roles of all traditional and new stakeholders is regulated and the rules of the game called FLA are legally binding. In this part, this new institutional framework is analyzed following five different indicators.

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6.5.1 EXCLUSION OF NON-MEMBERS

In general, the exclusion of non-members of any kind of allocation is for a large part arranged by the so-called Red Books. These are land use certificates that people receive for the next fifty years and decide the purpose of the land. With the Red Book, people are now able to exclude people from their land, supported by law. Many people in the semi-structured interviews consider this as the most important positive aspect of the possession of a Red Book. A household in Village # 8: 'I feel much more secure about the ownership of my land now, because I do not have to share it anymore.' In this case however, what is mostly referred to, is the production land.

The most important challenge is the exclusion of people who are not part of a certain arrangement regarding the protection forest. Outsiders are interested in the extraction of wood in this area, because of the valuable wood in the protected area. For institution-building, it is important to consider the different kind of arrangements for protection forest in the different villages. In the workshop in Nam Dong, leaders representing villages with arrangements on commune-level, admit it is difficult to control the forest, because of various reasons: (1) the amount of protection land per person is too big; it takes too much time and more money is needed to compensate for the loss of possibilities to work on other aspects, for example production land and (2) the protection forest is located too far away from the villages. This problem of control not only occurs with the villages; people in both villages admit that they sometimes also cut timber illegally on the area of the FMPBs, because they do not control the land frequently enough.

Since FLA has been implemented in Thuong Long Commune, the borders between the different villages, especially between their different natural forests, have been growing in importance. Although the villages are no official legislatory units in the Vietnamese government system, they are acceded to that extent that it is not allowed to access the natural forest of other villages. However, also here, the problems of protection arise; the controlling teams are not able to control and patrol properly and people from other villages harvest timber in forests of other villages. An example is the recent conflict between Village # 7 and Village # 5 in Thuong Long commune, when villagers of the former were found to cut wood in the natural forest of the latter. The CPC, which was informed by villagers, decided that a fine of $50USD should be paid to Village 5. In the end, only $10USD was paid, the rest was paid in the form of a donation of beer to the village. This was accepted by Village 5.

6.5.2 RESPONSIBILITIES OF THE MEMBERS

The responsibilities of the members are also mentioned in each different Red Book. In general it can be said that, just as in the traditional Ka Tu villages, there is a group of people with considerable more importance in the social hierarchy than others. In the old days, those were the mediators, solving any kind of problems in the villages, informally chosen by the other villagers and most of the times the older men with

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prestige. The older men are still important in the current Ka Tu communities, but their role as more important villagers is partly replaced by the officially elected members of a protecting team, if existing in the village. Just as before, these villagers are elected, because of their prestige in the village. People in the focus group discussion and the semi-structured interviews stress the importance of these villagers in decisions about forest management. Right now, the team of official protectors existing of elected groups of households only exists in one of the two researched villages. Another difference with the traditional Ka Tu system is that these protectors are absorbed in the democratic system of the State and are not longer an informal institution. Moreover, the current protectors are not necessarily the older ones, since at least three out of ten protectors is younger than thirty years in this group that is officially called the group of *forest protectors*. Hence, each village has control over the decisions on how to divide tasks within the village. Because of the group of *forest protectors* only exists in Village 5 in that form, people in this village have in general much more decision-making power regarding the forest than other villages. The protecting household group exists of a group of 12 households. A difference with the mediators of the traditional system is that the role of the current groups of households is limited to forest matters. This is relatively limited because the forest is losing salience in daily life of Ka Tu. Also in Village 8, agreements are made on village-level on the protection forest, but this is not within the legislatory framework. All in all, institutional change has been causing the introduction of these democratic mechanisms, such as official elections, which are acceded and stimulated by the government; the outcome however, having certain prestigious villagers with decision power, is similar.

In the focus group discussion, the existence of elections in the village was discussed. Following the participants, this representation on village level has potential to reduce conflicts on land management in the village, because of the fact that the group is a representation of the village and this should ideally be reflected in the choices they make following their responsibilities. At the same time they point at the fact that many decisions on forest violation – for example decisions on fines – are forwarded to the CPC, because it results to be impossible to make a decision for the protecting team. This does not improve the credibility of this unit.

6.5.2.1 VILLAGE MEETINGS

All members of a village should be present on the village meetings, organized on average three times a month. Based on the stories about drinking activities during the meetings, an important social aspect in Ka Tu community, these village meetings should be seen as an important social reunion as well. The agenda is mainly decided by the CPC, but topics can be the forest management system, local festivals or conflicts within the village. According to 98,3% of the villagers, the Village Leader is the leading institution in the meetings, but may - according to the represented discussion items - be replaced by either the Party's Secretary, the Patriarch, the

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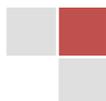
groups of households involved in protecting activities, the staff of a running project or representatives of the CPC.

The opinion of the farmers about village meetings reveals an important form of institutional change. Three out of four villagers thinks that the village meetings changed in content, compared to before FLA. However, only 7% of the people that declares that village meetings are still the same, is found in Village 5; a significant difference between Village 5 and 8[7]. Reasons for these differences are diverse, but the *increased participation* that villagers apparently notice is the most apparent, just as the fact they indicate to receive much more information about forest management and that far more different items are discussed during a village meeting. An explanation for the difference between the villages might be the ongoing Green Corridor Project (see chapter 7) and the corresponding special FLA with different protecting groups of households. This project intends to build structures for more than just secure land ownership – but also knowledge sharing, democratic development – and mainly tries to gain support and to spreads its ideas during village meetings. Moreover, a reason for a perceived change in Village 5 lies in the role of the household groups. According to the perception of several people in the semi-structured interviews, the household groups within this form of FLA have important instructing and informing roles in village meetings. The conclusion that the different types of FLA for natural forest (management by the whole village or having groups of households) have different institutional outcomes in the form of different types of village meetings is too drastic, but it might be one of the indicators that these differences in FLA are influential on daily life in Ka Tu villages.

Village meetings are in the new format also an important example of new entitlements for villagers. This will be further elaborated in Chapter 7.

6.5.3 MONITORING

In the monitoring of the process, a lack of clarity seems to exist, which has partly to do with a lack of organization in the forest sector. Now that the focus of forest management was shifted from state-forestry into people-centered forestry, the process of effective implementation throughout the country is slow and sometimes unclear for insufficiently trained officials. Several reorganizations in the forest sector during the past years have not improved the efficiency. Following Mr. Tam, advisor of SNV and already for several years working in the district, the FPU is the organization with

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[7] This can be concluded after applying the phi ϕ because two dichotomous variables were tested by a significance level of 95 %. The null hypothesis is that there is no relationship between the two variables 'current village meetings and those before FLA are different' and the respective Villages. It results that the null hypothesis should be rejected, because the chance that this would be done unjust, is lower than 0,050 (e.g. 0,002). This means that there is a relation between the two villages in whether they think there is a difference between the village meetings of today and those before FLA; Village 5 believes with a much greater number in a change than Village 8.
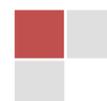
capacity and knowledge that is responsible for the allocation of land during the last years. Nevertheless, the mandate for FLA has officially been transferred to the less capable OARD in 2008, a change that might improve quality later, but creates confusion now. In the workshop, the lack of clear formal relations between actors and clarity on their respective responsibilities at the local level was stressed several times. As a consequence, there is a lack of detailed plans on forest management, because the involved organizations do not take enough responsibility. For instance, Mr. Xang admits that it is for the FPU not sufficiently clear what their benefit is in monitoring the process. Furthermore, different organizations are not sufficiently informed about the responsibilities of other forest organizations or are not sufficiently updated about changes in the forest sector.

FLA should not stop with the allocation itself. SNV was involved with the coordination of FLA and focused on capacity-building under their so-called Land Use Planning and Land Allocation (LUPLA)-method. Searching partnerships with other donor organizations forms an important part of their strategy, as they sought a partnership with Finnish ad German organizations. Post-land allocation means that an assessment is made in the village to find out the training needs, the access to financial resources for both the project and the local people and to construct a model in order to improve market access of the people in the villages and the products they want to sell. Such programs are broadly needed in Nam Dong district, since many villages are not sufficiently monitored after the biggest part of FLA occurred in 2002. A possible consequence is that the village is not able to protect its natural forest properly or that there is an increased number of conflicts with FMPBs about illegal activities.

6.5.4 Sanctioning

Sanctioning is now taking place following fixed procedures. Several households indicated that they, in case of any forest violation, would go to the Village Leader to report this. If it is an internal affair, the Leader, together with the Patriarch or other older villagers, decide the required fine. In many cases however, a different level than the village is concerned, after which a structured procedure is followed. In case of a forest violation on the land of the FMPB for example, the information is sent to the Commune Ranger. Together with staff of the OARD and the Police of the commune, the Forest Protection Station sends two representatives to identify the kind of violation that has taken place and who would be responsible, after which all this information is brought to the FPU. They will come to a decision based on the legal framework. Local people do not have much chance to deal with sanctioning violations outside their village; this means a major restriction in the indigenous autonomy of forest management, since they have in the end nothing to say about a possible sanction. Even for conflicts within the village, the Village Leader is the one who decides based on the legal framework instead of customary institutions.

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Another possibility is the land that belongs to the buffer zone of BMNP. In that case the BMNP will receive the identification of the violation from the CPC instead of the FPS and the BMNP is then the deciding agency on the sanction, thereby following the same legal mechanisms. However, following both an official of the BMNP and the Commune Ranger of the FPS, most information before and after the decision is shared.

The question is how often official procedures are indeed followed when an illegal activity occurs. Although all people in the villages following the questionnaire realize that a sanction might be the consequence of illegal harvesting of timber, illegal activities still take place. The observation that the controlling agencies - either controlling household groups, the FMPB, the FPU or the CPC – do not control as often as necessary and indeed neglect forest violations, was expressed in the focus group discussion and numerous times in the semi-structured interviews. The FMPB and FPU often use the method of getting informed by the other villagers about forest violation. Although illegal harvesting of timber can be very disadvantageous for the other villagers, it is unlikely that every violation will be reported by the other villagers if observed. It is a different story when people cut a lot of timber, but even then, according to the Village Patriarch, the fine is not high enough to sort out effect.

6.5.5 CONFLICT RESOLUTION

Conflict resolution is in general more dependent on the perception of the authorities. If any conflicts occur on village level there will be decided upon by the Village leaders and elders again. In case of conflicts that deal with affairs on commune level or when more units are involved, official procedures, such as the one described above, are followed.

6.6 CURRENT STATUS OF FLA

Despite the broad land reforms that took place during the last decade, only 20 to 30 % of all allocated land has been allocated following the plans of the government (Sunderlin & Ba, 2005, pp. 23). Gomiero e.a. (2000, pp. 138) argues furthermore that the FLA has other problems as well. There is a lack of participation (a further focus on participation can be found in chapter 7), a specific financial and technical assistance for *poor households* is absent and a broader development strategy to improve livelihoods is lacking. For this reason, Gomiero e.a. argues that FLA is too small a basis to create more sustainable practices. A main cause for the absence of this broader development image is the lack of coordination between different government levels and between ministries and forms of corruption in the public sector. Especially the poorer regions tend to suffer because of ineffectiveness of the public sector, since local governments in poorer provinces have least ownership (Fritzen, 2005).

The consequences of institutional change become apparent in this chapter as the current administrative system of the village is forced to follow the nationally implied
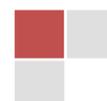
commune system and to neglect the customary institutional arrangements for a large part. Because the indigenous system is not directly adopted in the FLA and official procedures are too complex, a possible danger entails that villagers decide to work individually and outside the FLA-framework, rather than to find themselves back in the official process with higher transaction costs. Transactions costs are arguably higher now compared to before because of different reasons. Firstly, the traditional mechanisms of the villagers were much more adapted to the customary system; secondly, the procedures within the current system are complex and too lengthy; thirdly, there is a system of much more different stakeholders with different interests now. Apart from this, it is a system that has not been formed naturally as a representation of the local value system, but has rather been designed by government ideas, resulting in a static apparatus.

Whether this static apparatus, mainly designed by external stakeholders, has positive outcomes for the local population, is elaborated upon in the next chapter.

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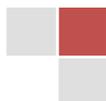
Nam Dong district has maintained its position as one of the poorest of Vietnam, also after the start of FLA. To what extent does FLA and its new institutional arrangements contribute to the creation of new possibilities on the local livelihood of the villages? This impact is not clear-cut, but depends on different livelihood-possibilities people have in practice. In this part, this set of possibilities is focused upon.

7.1 GREEN CORRIDOR PROJECT

A relevant project for the implementation of Forest Land Allocation in the commune is the Green Corridor Project (GCP), a four year initiative, started in 2004, in order to protect the biodiversity of the area. The Green Corridor is the area between Phong Dien Nature Reserve and Bach Ma National Park in the Thua Thien Hue Province. The main aims of the project are to:

- To strengthen management and prevent illegal activities
- To restore forests and support community livelihoods
- To increase awareness and training of local forest stewards
- To implement a participatory monitoring and evaluation system (WWF Green Corridor Project, 2006, pp. 10)

One of the practical ways to support local communities is to stimulate the FLA-process. Only 20 percent of all forest land in Vietnam has been allocated so far, and more to the FMPBs than to households or groups of households. Around the research site, all forest has been allocated to the FMPBs. In order to improve the legal situation concerning land use rights, local Ka Tu people are educated about their land use rights and how they can be more pro-active obtaining these official land use certificates.

In this whole process, Community Based Forest Management (CBFM) plays a vital role. As conflicts seem to play a role within and between villages, the way in which resolution of these conflicts takes place is important to understand CBFM. The aim of the GCP is to find culturally appropriate manners to resolute conflicts. In order to bring this aim in practice, the project tries to control whether the arrangements made are equitable. Any complaints can be reported at the CPC and DPC and accordingly dealt with on commune level. The situation in Thuong Long commune is very different compared to the situation before the start of the GCP. At that time, the FPU was in charge, and people in the focus group discussion admitted that any regulation of the FPU was not followed many times. Although it is certainly not true that any decision made by the project staff now is easily followed, according to the questionnaire, people do admit that the staff of the project listens to their problems and suggestions during the village meetings.

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Next to the GCP, international NGOs such as SNV and Helvetas are quite active in providing financial and technical assistance in the region. Since many indigenous groups are concerned, this assistance is vital for the long-term sustainability of these groups. Without this financial support, indigenous groups such as Ka Tu people are unlikely to do investments in land management. At the same time, the danger of a big dependence on external support is always present and it would in practice mean that external funders have more influence on the actual mode of protection and management than the communities themselves. This is already proved by the example of FLA in Village 5, which is stimulated and funded by international NGOs just in this village, creating a situation in which the farmers do not have much to say about the manner of implementation or about the conditions; they merely had the right to vote for or against this form of FLA. Other villages had this option to vote for this as well and although their villagers did vote for the decision to get this type of FLA, it has not been implemented yet, because the NGOs do not have the resources to start projects in more than one village in Thuong Long commune. In the end, the international actors that can develop much more political power from above than the indigenous communities from below are in charge.

7.2 ENDOWMENTS

As was mentioned in Chapter 2, endowments are, among other things and simply put, possibilities that social actors have. In FLA, these rights are mainly represented by the Red Books. These land use certificates secure mostly the property close to the house, since 93,3% of the people in both villages owns both a Red Book for an individual garden as for a rice field. Furthermore, it becomes very clear from the questionnaire that five out of every six people in the villages owns a Red Book for plantation forest, and that only four people in total own an official individual Red Book for the protection of natural forest. This latter figure does not tell the whole story of involvement of villagers in protection activities however, since it is known that villagers are *unofficially* involved in patrolling in the protected areas without being registered and hence without a Red Book. Even more importantly, most individual households that are involved in protection activities do this on the basis of a protection team rather than individually - as they are supplied per household group in Village # 5 and kept at Village level in Village # 8 - whereas the Red Books for production forest are exclusively individually owned. This might have consequences for the livelihood strategy of individual households, which will be rather focused on production forest than on protection forest, since they are able to make choices more independently with their individual Red Book for the plantations.

What is mostly important in the context of endowments, is the fact that the questionnaire makes us aware that nowadays less people depend on natural forest than on production forest. The percentages of both villages are not much different, so that in both villages the importance of forest plantations has surpassed the salience of

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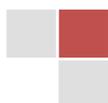
the natural forest in the daily livelihood strategy. Only 38,3% of the people sees the natural forest as a main way of living, while 75% of the villagers is dependent on production forest. This is an important observation, since this can be mainly explained by government interference. Plantations are financially and technically supported by the government and it is - because of the lack of knowledge and fund for the villagers - unlikely that the same observation would have been done without this support and the necessary changes in the land management system under FLA.

Furthermore, the natural forest was the main basis in the livelihood strategy of Ka Tu people in which slash-and-burn activities were central. The major reason that these activities are banned is because of the fact that the government prohibited them, whereas the villagers are not principally negative in their opinion about swidden cultivation. Not less than three out of every four villagers thinks that slash-and-burn activities are harmful for the forest, but some of them would still continue because of practical considerations. This is explained by the expression of a large share of the villagers in the semi-structured interviews that they understand that protection activities in the natural forest are important for future generations and against flooding; but that they at the same time would cut trees from the natural forest if it would not be controlled, because selling the trees is financially more attractive. Illegal activities also continue on a small scale, but this is only expressed by anecdotal information, as it is arguably a sensitive topic. It would mean that customary institutions such as harvesting of valuable timber endure, although they are harmful for the environment - also following the practitioners themselves - because the offered institutional alternatives from outside are financially insufficient.

7.3 ENTITLEMENTS

FLA has had an obvious impact on the set of legal rights local people have as well. People with a Red Book for production land now have the possibility to exclude others

Indicators entitlements
- ✓ Collection NTFPs
- ✓ Ownership land (Red Books)
- ✓ Equal participation
- ✓ Influence government

from their property. Furthermore, all people in the village have the right to access village meetings. This has not been changed compared to before FLA, but the content of village meetings has changed. An important entitlement based on the endowment of having access to village meetings, is the access to information about forest management that is spread on the village meetings. An example is the sharing of knowledge about the cultivation of acacia and rubber on plantations or about the activities of the FPU, CPC or FMPB. The legal right on participation for the villagers means they also have the possibility that they can decide on important decisions such as the decision of whether or not to have FLA in the village and what type of allocation would be most suitable for the village.

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Other entitlements that are initiated by their possession of a Red Book or their basic presence in the village are of a more financial background. The fact that agreements now exist for the shared profit of the selling of NTFPs for the people, secures their income base. Another entitlement is the fact that people now have easier access to loans, because the government has agreements with regional banks. This access to loans should increase the possibilities for villagers to invest in their land. A problem is that the loans are still inaccessible for poor villagers, because it is decided by law that every individual should have a business plan to be able to apply for a loan; in Nam Dong district, one of the poorest in Vietnam, the number of this category is small and the loans are for that reason still not available for the poorest. An adjacent problem is that some banks loan money without considering the growth period for the trees that was invested in. That leads to a situation in which people already have to pay back their loan before they even had the chance to make money. Because of the higher time pressure that farmers will feel, the intensity of farming activities is likely to increase which in that way might be causing soil depletion. Jourdain e.a. (2009, pp. 67) who wrote on development of Payment for Environmental Services (PES)-approaches in Vietnam, consider the attention for the poorest groups as vital for the overall success of economic programs, but admits there is a lot to win in Vietnam in that sense. Easier access to loans, although it has improved, is one of the main opportunities in poor communities.

In the next part, the focus is put on the endowments and entitlements of the major sources of income in Ka Tu villagers: production forests, protection forests, rice fields, gardens and NTFPs.

7.4 PRODUCTION FORESTS

In various occasions (workshop, semi-structured interviews) people point at their perception of an unclear set of benefits of the FLA and therefore their difficulty to change the endowment of their right to act in protection activities into an entitlement that would make them beneficiary of this right. This is much less true for production forest compared to protection forests, because the benefit of production forests is more obvious, because of the direct income that people can get by growing and selling the different trees. Since the effective implementation of Program 661, people in both villages have been cultivating acacia and rubber on plantations, thereby both financially and technically supported by the government. Opportunities for villagers to start their own plantation were slowly developed in the period 1993-1998, but were effectively started from 2003 onwards, when the Program 661 was implemented. Many villagers mention the importance of the money they receive from the government in order to buy fertilizers. The supply of these fertilizers is possible mainly thanks to the fact that FLA became supported by projects such as World Bank Project # 3 and the Green Corridor Project.

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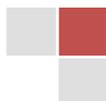
People can obtain the Red Book for production forests in different ways. The usual manner is that people receive the right to grow either acacia, rubber or areca directly from the government. The actual production land can be applied for via the Village Leader who does the official apply at the CPC. If the villager proves to have sufficient fund – possibly supported by the cheap loans at contracted banks – instruments and knowledge to work on the plantation, the land might be allocated. In practice however, a lack of productive land in the whole district means that few certificates are supplied in recent years. In the year that Program 661 was implemented in Nam Dong, 2003, most of the currently supplied Red Books (72,5 %) were already given. The land was allocated following the unofficial distribution of land at that time; it meant that the land was automatically given to the person who grew trees on that plot at that moment. Most of them already marked that the land was theirs, although it did cause conflicts several times. This way of allocation is not always sustainable, since many farmers burn – often already eroded – forest close to their homes in order to plant acacia on it and, by doing that, make that land their property. Although most land close to the forest is already given and possibilities to begin new plantations are low because of a lack of space, this form of slash-and-burn activities, although less frequently, still take place.

Another possibility to own production land is because of individual contracts with the FMPB. People receive financial support from the FMPB to get instruments to cultivate especially acacia, but profit that is eventually obtained from selling the trees, is to be shared with the same FMPB. The percentage varies per household. In this way FLA provides an opportunity for the FMPBs to shift the cost for forest management to the local villagers, but to keep at the same time the profits generated from the forests. It creates an unequal situation for the villagers, since the possibility to do business with the FMPB depends on the contacts people have with this board. Furthermore, the exact activities and the special position in relation to the state of the FMPB are rather obscure, thereby not increasing transparency in the forest sector.

More than 52,7% of the people saw their property of production land increased from the moment that they received the Red Book. People in Village 5 own on average more hectare of production land, although there is no significant difference with Village 8. On the other hand however, 12,7% of all the people in the villages saw their size of production land decreased. The reason for this decrease in individual property ownership is unknown, but it can be questioned whether their income is more secure if they do own more secure property rights, but at the same time less land.

Lots of people indicate in the semi-structured interviews that they would rather have more production than more protection forest. This is no strange development, since the plantations prove to be a major income source for many farmers, to be obtained mainly by the sale of the fully grown trees. At the same time however, the benefit for the rights of the production land people receive is sometimes low in reality. This has mainly to do with the relatively the long period before these trees are fully
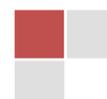
grown as a consequence of the relatively bad soil quality in Nam Dong. This is especially true for acacia, which is the most frequently cultivated tree on plantations. Apart from that, following 63,0% of the people their land has low quality; reasons for this are for instance low soil fertility, a lack of money available to buy fertilizers and a disadvantageous location of the plot, such as on hilly terrain. The land owned by the FMPBs represents a much higher commercial value in general. For that reason, the possession of production forest is still mainly attractive for its potential that has not been developed fully so far. This might be a dangerous development, having farmers calculating the profit that will only probably come after at least five years after planting (Dickinson and Khanh, 2008).

When people want to harvest the trees from their plantations, an official procedure should be started. In that case they inform the CPC after which this organization starts an official apply. The CPC asks its rangers to go to the forest to control whether the land is theirs or not. They also decide whether the soil belongs to public or private property. If the villager can prove that the land is his, he will be given permission. From that moment, people are free to sell it to anywhere.

7.5 PROTECTION FORESTS

As was mentioned before, the FPU is the most important implementer of FLA in Nam Dong district. This becomes especially clear when focusing on the situation of protection forests. One of their major objectives is to reduce slash-and–burn activities in the forest, either from villagers or from companies, and for that purpose the protection forests under FLA are installed.

Almost every villager goes to the forest. The variety in which this happens is great, however (Figure 6.1). Furthermore, all of them use the trees from the forest – either legally or illegally[8] – either to build goods from it, to use it as firewood or – a considerably smaller amount - to sell the trees to others. Most houses are entirely constructed from wood from the natural forest, just as doors and furniture.

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[8] It is not evident to say that this is an illegal activity, as different legal procedures can be followed to obtain the wood. The villagers themselves are definitely not open in giving information about illegal activities in the questionnaire, but the amount in which trees are used for purposes such as building and selling, is so big that it might be indicating that not this entire big amount of activities is legal.

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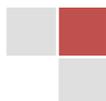
Figure 6.1: How often do people go to the natural forest?
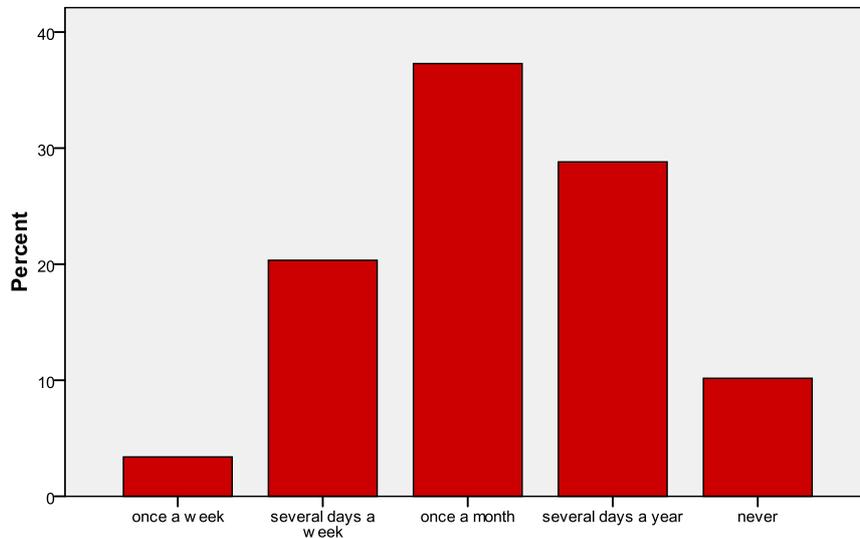
In every individual village, various types of management are possible. Following the interviews with the FPU, CPC and SNV, the villages themselves can decide on the type of management in their village. In reality, this is only partly true, because the final decision is made at commune or district level. It means that in all villages in Thuong Long commune the villagers were able to vote for the decision whether or not to have a group of households in their village, responsible for forest protection – given that this would also mean more active support from donors – all villages voted in favor of this decision. However, the plans have only been implemented in Village 5 and 7, the others are still officially awaiting a decision of the government. As was mentioned before, this is mainly due to the dependency on the financial support of donor organizations. In this case, the involved donors, grouped together in the Green Corridor Project, decided to support just one – and eventually two[9] - village in Thuong Long commune. Village # 5 was selected, in cooperation with the FMPB, FPU and most of all the District government, because the natural forest of this village borders the neighboring Thuong Quang commune, a competing institution from the perspective of Thuong Long commune.

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[9] Village # 7 has been implementing the same FLA for household groups under the Green Corridor Project, from 2009 onwards.
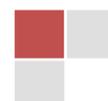
Table 7.1: Forest management in Village # 5 and Village # 8 in Thuong Long Commune under World Bank 3 project, 2002–2006

|	Village # 5	Village # 8
Number of protecting households	12 (10 selected by FMPB, 2 by village)	13 (10 selected by FMPB, 3 by village)
Size of protected area	62 ha	46 ha

In the two villages included in this research, different arrangements are valid. Until 2006, both Village 8 and Village 5, just as the other villages in Thuong Long commune managed the protection forest with a Red Book for the whole village. This was financially stimulated by the World Bank 3 project under the Program 661. The protecting team had the same face in every village in Nam (figure 6.2) and was divided in different units based on family kinship. Every household that was involved in the protection received money from the FMPB for these protection activities (1USD/day) and was free to spend this. In Village 8 for instance, the natural forest area was 46ha and this was divided in different parts, each of them controlled by the different participating households. Apart from this, a fee was supplied by the FMPB at village level, to be used for village meetings and cultural and social activities. Next to the participating household groups, a forest ranger of the DPC was involved in the monthly control of the forest in the village; the FMPB was responsible for secret and sudden controls that would take place twice a month in every village. The World Bank does not support this project anymore, because the 4-year project ended in 2007. Since that period, village arrangements in Thuong Long Commune have been changing and can be quite different in every village. The different kind of arrangements in Village 5 and 8 is the focus in the next part.

7.5.1 VILLAGE 5

As was mentioned before, the core of the protection activities in the natural forest in Village 5 is formed by 12 households, consisting of three protection teams of each four households (figure 6.2). Apart from this, also the Village Leader is part of this group, together forming the 'national forest protectors'. This team is characterized by hierarchy, starting with the Village Leader. He divides responsibility to the four group leaders, assisted by four vice-leaders. Finally, the other members shape the fourth and lowest level. All group members are elected by their fellow villagers, in which also an official of the DPC, the Forest Ranger of the FPU and a representative of the Green Corridor Project are present. These three people together decide the three criteria to choose members and decide the possible candidates. Finally, the people in the village decide the members of the household groups.

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Figure 7.2: Organogram forest

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          Village leader
               │
               ▼
          Team leader
               │
               ▼
          Vice-leader
          ╱    │    ╲
         ▼     ▼     ▼
  Group leader  Group leader  Group leader
       │           │           │
       ▼           ▼           ▼
          Group members
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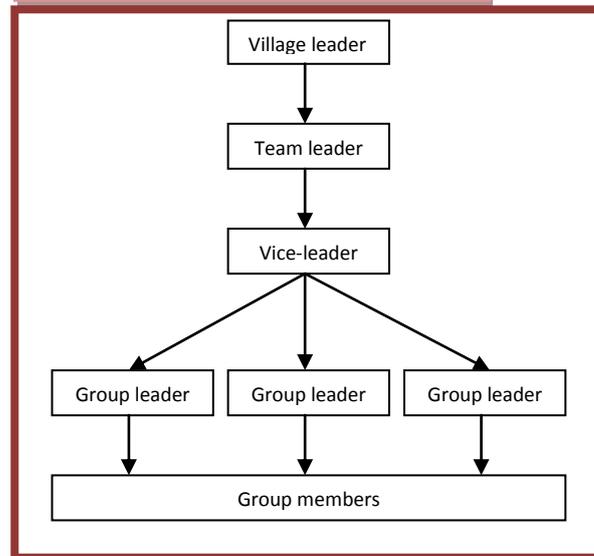
The people in these groups are important institutions in making decisions about forest matters and have an important role as advisors about forest management to the other villagers. This focuses on the collection of NTFPs, the most important product people nowadays get from the natural forest, and the limited harvesting of timber that is still allowed within the regulatory framework. The group also decides, in cooperation with the officials of the Green Corridor Project and the FPU, where the borders of the protected area will be created, although the FPU has the final call in the decision. Furthermore, the activities of the group of households exist of patrolling and controlling and every month there is made a comparison between the current condition of the forest and that of a month before. This is reported to the Village Leader. By any presumption of a violation, all villagers will be lectured in the next village meeting; there is no financial fine, because it is difficult to prove who the violator was. People are only officially fined in case of very clear evidence and repeating violations. The money that is paid as a fine, is used for common purposes in the village.

Following the semi-structured interviews and the focus group discussions, the major advantage of this form of control in which the household groups effectively protect the natural forest, is that (1) the decision of when and how much NTFPs can be collected from the forest lies within the village; (2) the incremental growth from the trees can be cut[10], although they need permission of the FPU and the DPC. In theory, the protecting unit can decide on how many trees could be cut, but it has to follow regulations of the DPC and (3) there is a type of benefit-sharing mechanisms proceeding in the village. This means that, ideally, the whole village can decide on when and how to harvest and on how much NTFPs can and should be collected.

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[10] The certain thickness of the tree is decided every year by the protection team in cooperation with the FPU. At the moment of research, this diameter was 8 centimeters. During the year, the incremental growth can be cut from this point.

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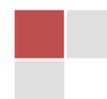
Another, probably even more important, example of benefit-sharing that a villager in Village 8 mentions is that most people in the village know how to measure the diameter of a tree, thanks to the sharing of knowledge under Green Corridor Project; hence, they know when the tree should ideally be cut, because the wood is more valuable after the tree has a certain thickness. This transfer of knowledge between and among the villagers, the experts on forest management of the Green Corridor Project and the government's officials or the FPU is central in the strategy. Apart from that, some villagers mention the increase of unity in the village as an important consequence; others think that it did not increase social cohesion at all, exactly due to the increased level of knowledge about and regulations in forest management. People argue that their fellow villagers rather use the knowledge they now have to profit individually at the expense of others. An example is the period for harvesting timber. Since people have increased knowledge about the right moment to cut a tree, competition for harvesting of timber increased.

Following the Village Leader, there still remain many other challenges in Village 5, mainly around the general notion of the lack of money to financially support the protecting household groups. There seems to be a skewed division of tasks in the protecting groups, as some people in the focus group discussion complained that not everybody takes its responsibility; some go much more often to the forest than others. Furthermore, also within the village, there is much more dissatisfaction about the current way of protection than in Village 8. As becomes clear in the questionnaire, there is a significant relation between the village and the desire to change the type of ownership of Red Books of the natural forest from individually owned to owned by the whole community. From the semi-structured interviews it results that many people shared their judgment about the current situation in which only a few groups of households are involved in the patrol of protected areas, as unequal. About half of the Village 5 does not consider this a fair solution for community management of the forest, because only a few households are truly involved in decision-making. Although the other half of the village is satisfied with the current situation, it can be concluded that this is not an ideal situation of CBFM, because of the dissatisfaction throughout the village.

Table 7.2: Percentage of people that wants change in ownership Red Book

	Yes	No	Total
Village 5	12 48.0%	13 52.0%	25
Village 8	5 14.7%	29 85.3%	34
Total	17 28.8%	42 71.2%	59

Approximate significance level – Phi (Dichotomous by dichotomous)	0.005

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7.5.2 VILLAGE 8

The group arrangements which are valid for Village 5 are greatly impossible to achieve in Village 8 because of the big distance to its natural forest and the ownership of this forest by the BMNP. It is located close to the border with Quang Nam province, at almost 30 kilometers away, so that people would need to spend a day to get there by foot. Apart from that, because of the fact that this part of the forest is owned by the national park, it is not possible to change it to collective ownership. The support from the World Bank project for Program 661 stopped in Nam Dong, so the FMPB plays a much more important role in the protection of the natural forest. Today, the Village Leader is in charge of the protection forests and the FMPB is still the organization who should be consulted first in case of any forest violation or a fire in the protected area.

The selection of individual households does on paper take place in Village 8 as well, but it is arranged very differently and the households get much less responsibilities than those in Village 5. The FMPB informs the villagers in meetings about the protecting area and the farmers who want to protect, sign protecting contracts with different lengths. Everybody who was present at the meeting in 2008, signed the contract. The major disadvantage of this arrangement is that the individual households do not get paid for the protection of the forest; the money is kept at the village level now and is mainly used for common goods, such as village meetings and cultural activities. The efficiency of the current contracts should be doubted, because the villagers are not satisfied with the arrangement and do not seem motivated to patrol very often. It even seems, following the semi-structured interviews, that it is difficult to find households wanting to participate in protecting activities at all. As a result, following the Village sub-Leader, people do not have the ownership of any protection land. The reason behind this is not only the unwillingness of the local people, but is also motivated to prevent the local people – who would also have the right to cut a small amount of the protected area in case that they would have the ownership to control the land – to cut some wood legally, without fulfilling their duty to protect because of the lack of financial motivation. In short, the agreements on paper and the use of Red Books, are not brought in practice. To solve this, the FMPB proposed to have permanent contracts for two years with individual farmers. This was rejected by the villagers, since there was no clear benefit, certainly compared to the financial compensation until 2006.

7.5.3 ILLEGAL HARVESTING AND SHIFTING CULTIVATION

People have been affected by government policy, in that sense that they are, since the installment of protected areas, restricted to use parts of the natural forest to which they used to go before. Especially in Village 8, where 71,4% of the people is not allowed to use certain parts of the forest that they used before, people have been affected. In Village 5, about half of the people has to go to other parts of the forest. This difference can be mainly explained by the more active presence of the FMPB in the natural forest

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of Village 8. Interestingly enough, 47,6% of the people who was affected, equally spread between the two villages, admits that they still illegally enter these parts of the forest. Most of them went to the forest to hunt on animals, get NTFPs or to harvest timber. Because of the large amount of people that still gets trees from the forest, it is not unimaginable that people exploit the forest illegally in these areas.

The campaign by the government on fixed settlement and fixed cultivation has limited the mobility of ethnic minority communities, but progress in improving their crop yields has not matched their population growth rate and the decreasing size of their farmland (Ba, 2002). As is apparent, illegal logging is still being done – in the questionnaire 13.3 % admits their illegal logging activities, keeping in mind that this percentage is possibly higher because of the sensitivity of the information - and even slash-and-burn activities have not been banned completely. It is evident that it might be difficult to determine the main actors responsible for these forest violations. Following the Village Patriarch, it is most of all the younger generation that cuts timber in protected forest and for a number of reasons:

'The first reason is that there are relatively many young people who just started to have a family and are still unemployed. If they also miss the advantage of earning an income because they own a Red Book for acacia plantation, then they more easily opt to harvest timber illegally as they need the money now and they do not have the time to wait after the plantation trees are fully grown to be sold. It is most of the times the younger generation who cuts illegally, furthermore because they are physically able to cut the thick trees and transport them to other places.'

In practice, some minor conflicts take place especially between and within the villages about the use of protection forests. Part of this is enhanced by the differences in endowments and entitlements that people own. Conflicts take place between people with certain rights and those without these rights. There are still people in the village who only own a Red Book for their garden and a small plot of rice. These two endowments do not bring them many other entitlements and for that reason, they do not have any other income. It is, also because of the lack of good control, attractive for these people to try to earn money with illegal cutting of timber. This not only happens between villagers, especially regarding production rights, but increasingly between villages about protection forests as well. The case mentioned in chapter 6 between Village 5 and Village 7 is an example of such a conflict. Those will keep taking place between villages with different land use rights, if control does not proceed properly.

Furthermore, the richer and protected forests tend to be in the hands of state-run organizations, which makes it difficult to generate a sustainable income from forests for the poorer ethnic minorities. During recent decades the area of protected forests is only increasing, making it more and more difficult for forest-dependent people to survive (Thuan, 2005, pp. 32). This is certainly true in case of Ka Tu people, who find

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their direct environment trapped in protection regulations, making it complicated to make legally use of the natural resource. For this reason and as a consequence of individuals, groups and companies who are either unmotivated or financially unable to protect the natural forest properly, illegal activities can and will continue.

Another continuing practice is that of shifting cultivation, especially on distant land. It should not be forgotten however, that not only Ka Tu communities, but also Kinh people have been practicing shifting cultivation since their migration to the forests during the past decades (Mahanty e.a., 2009, pp. 25). As a consequence, local governments see the difficulty of the total prohibition of slash-and-burn activities and come to concessional agreements with the local population, for example to practice swidden farming on small pieces of land. Since this amount of land is often not sufficient for the needs of the Ka Tu, shifting cultivation in practice still takes place in richer forests. A lack of feeling of ownership of the local communities often results in degradation of forests and continuing deforestation (Tuan, 2006, pp. 189). Although Ka Tu people do feel responsibility for the natural forest, the lack of clear ownership results in practical considerations; the need of space makes that shifting cultivation still occurs At the same time, although there are no official figures available, it should not be forgotten that the enduring slash-and-burn activities occur on a much smaller scale as before.

7.6 RICE FIELDS, GARDEN

As was mentioned before, 93,3% of all people in the villages own a garden and a rice field around their house. Of this group however, more than a quarter (27,3%) does not own a Red Book for it. That means that conflicts can still take place about these plots of land, because their ownership is less secured and sometimes even illegal[11]. The people that do own a Red Book now, owned the garden or rice field before that time already. The only difference for most of them is that they now have legal ownership over it.

7.7 NTFPs

The forest is central in the livelihoods of almost all Ka Tu. This is not only true for the timber itself, but also Non Timber Forest Products (NTFPs) and land and environmental services. NTFPs are not only important in commercial terms, but also important for the conservation of indigenous knowledge. Not without a reason, the collection of NTFPs is traditionally a substantial part of the daily life of the local Ka Tu people, with rattan, firewood, honey, bamboo and also animals as the main extracted items. However, this collection has been decreasing with 25% during the last twenty years. Following half of the people in the villages, this had mainly to do with a change in needs; people are much more active on growing acacia or areca on plantations and

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[11] Individual ownership without Red Book is not prohibited. It does, however, occur that villagers use land that officially – so with the Red Book – belongs to others.

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need less income from the collection of NTFPs. According to 35% of the respondents, many products are in general getting more and scarcer, especially regarding to rare herbs and medicines which are in some cases not available anymore. Interestingly enough, one out of every three people still hunt on animals in the protected areas, although this is majorly restricted nowadays. Furthermore, Nguyen (2005, pp. 201-202) argues that the commercial value of timber products remains the highest, also compared to NTFPs. Whereas the importance of NTFPs for rich and poor households has been more broadly recognized, poor people are generally excluded to gain the benefits of the selling of these products. This is mainly due to a lack of access to commercial markets, a major disadvantage that ethnic minorities have compared to the networks that the state and commercial organizations have.

But still, following Mr. Tam of SNV, the possibilities of the collection of NTFPs is one of the major benefits of the new regulatory framework of FLA. This benefit is not only based on the possibility to get these products, but also on the influence that people have within their community to decide on the amount of extraction. This is mainly decided by the villagers, although their usage should stay within the borders set by the FMPB or FPU and is controlled every month. The extraction limitations therefore varies in every village, depending on various factors such as the closeness of the protection forest and the type of available NTFPs. Fishery in Village # 8 is for example organized by the villagers themselves, who decided to send six to seven households weekly to catch the fish that is subsequently shared with the whole village. In the same Village 8, people point at the fact that the collection of NTFPs, although attractive, is limited because much of the forest they can legally go to, is located quite far away from the forest. For villagers in Village 5 it takes only thirty minutes to one hour to collect valuable NTFPs, whereas those of Village 8 have to walk at least 10 kilometers across the river to collect the products.

Local Ka Tu people are much more involved in the collection of NTFPs than the mainstream Kinh. However, because many Ka Tu admit to lack the knowledge in order to process the products, they rather sell the products inside their community and do hardly make market-profit out of it. The Kinh people, having a greater network, often come in as traders thereby setting the prices. It is unlikely that this will be changed, because local Ka Tu people are unlikely to improve their situation without help of international donors or specific development projects. This not only appears from the general lack of knowledge among Ka Tu people about processing products, it is also mentioned by (Wetterwald e.a. 2004).

Since the harvesting of timber is increasingly restricted by protection activities, forests have been more and more exploited for short-term purposes, already a long time before FLA. A long-term and nationally accepted solution has still not been found on this aspect and from the questionnaire it becomes clear that as a consequence, some of the traditional products that Ka Tu people used to collect before, such as medicinal plants, do not exist anymore.

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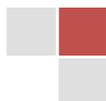
7.8 INEQUALITY IN ENDOWMENTS AND ENTITLEMENTS

It is important to consider the difference in income generation between richer and poor households. In general, it is often thought that poorer households depend much more on forest resources than richer households. However, Thuan (2005, pp. 50) found that mainly the richer households depend on forest resources. A big share of their income is earned from illegal logging, proving that illegal logging still is an important income source. He argues that better-off households have more potential to gain access to the forests to get timber products, either legally or illegally. He mentions the availability of machineries, the accessibility of markets and the network contacts of more affluent households. At the same time, he suggests that this means that the forest is a potentially bigger income source for poorer households if they are supported in the right way. Despite this, such a relation of richer households depending indeed more on the forest that poorer households was not found in the data in this research.

A prominent aspect of the current village situation is the potential for inequality, mainly on income level and location. This is not only catalyzed by FLA, as the reasons for entering the poverty circle can be obviously numerous. Poor households are often characterized because they own little land can only plant a little of no rice. Sickness and being too weak to work on the land or in the forest are other reasons for poverty in the village. Furthermore, inequality has a lot to do with location. As a contrast, richer households experience a relative advantage compared to poorer households, as they have been able to secure themselves of the most fertile land on the best locations, thereby marginalizing poorer households. Furthermore, households with a greater income are often the ones that own a buffalo or that know how to raise it; this is a big advantage because the buffalo is broadly used in Ka Tu communities for working on the agricultural land.

Furthermore, people without a Red Book for production or protection land have arguably less options than their counterparts with these land use rights. Because of the lack of possibilities, an alternative search of income of these people, for example by entering illegal logging activities, is a logical consequence. Moreover, richer households have more possibilities to transfer the benefit of having own land and more instruments into a broader set of options. Many poor farmers in the semi-structured interviews admit that don't have the fund, instruments or knowledge to invest on their plantation land, while the richer households do have financial resources. Without financial support for poor households, FLA can in this way result in a bigger gap between poor and richer households. This goes often especially at the expense of the younger people and households. Children of poor families do not always have the possibility to finish school because they have to help working on the land; younger households encounter difficulties to make a living and try to move to the city.

Inequality also exists between villages. Due to fact that international NGOs, in cooperation with the government, only have the fund for implementation of their supporting projects in certain villages, only these villages profit from the spread of

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information and other forms of project-related benefits. Among these are the provision of knowledge about group protection and the bigger form of participation in decision-making, apart from the financial stimuli. According to the questionnaire, villagers in Village 8 consider their influence on decision-making low, whereas villagers in Village 5 can give feedback with the implementers of the project which guided FLA in the village.

That relates to the observation by Nguyen and Sikor (2007, pp. 2022) that FLA has not helped to make poverty alleviation happen. Policy is too much focused on forest management instead of poverty alleviation. Poverty even had the possibility to develop in the Highlands, since policy changes occur in an unequal system in terms of power distribution.

Another vital aspect within the community, especially in relation to FLA, is that women seem not to participate as much as men, who take decisions about forest management in general. This is mainly due to the language barrier – many women only speak Ka Tu language and can therefore not easily participate in group discussions on village meetings - and their traditional role in society, being busy with the household. At the same time, FLA did improve the status of women, having now equal legal rights as men, while they were not considered as potential forest users before FLA. Women have just as much right to go to village meetings and there is a Women Organization at commune level.

7.9 COMMUNITY BASED FOREST MANAGEMENT

Land allocated to villages or groups of households is under FLA called Community Based Forest Management Areas, just as the areas maintained by independent indigenous groups that are not recognized by the governmental system. This does not correspond completely to the reality. Following the Village Patriarch in Village 5 there is discussion whether or not the Commune level should give up its own activities in forest protection – they own plots close to Village 5 just as in other parts of Nam Dong – and to move these rights as well as more financial support to the village level. In this way, the forest would become more collectively owned by the village again, which would increase both their endowments and their entitlements because of the fact that they will then have much more freedom in decision-making. They will then furthermore have the possibility to re-establish or maintain their customary institutions, although the government would remain in charge by controlling the overarching legal framework. A more naturally created institutional system, which represents the local values and is therefore more socially legitimate, would furthermore be more effective, because people would be more adapted to these customary rules.

Nevertheless, it is unlikely that CBFM would be truly developed and the CPC would give away its direct control on forest management. The loss of control would be a factor in itself already just as the fact that they can earn money by cutting and selling trees which pass the incremental growth agreed upon (see chapter 7.4.1).

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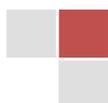
Furthermore, it can be doubted whether this would improve the condition of the natural forest, since it would mean even more responsibility for the households in protecting activities and it is unlikely that the Commune would have sufficient fund to support the villagers properly. An alternative would be the benefit to return the right to harvest on a small scale to the villagers as well, but this may imply the resume of deforestation.

In the focus group discussion, the question of how to allocate rights was being discussed. In Village 5 there is the situation of having just some groups of households involved in the management of natural forest. Is this model more preferable than to emphasize the whole village in forest management, in order to have a system of Community-Based Forest Management? In the latter model, all people in the village would be able to decide on forest matters and the focus groups stresses that this situation would me more equal in principle. Although in Village 5 the household groups that protect are elected by the villagers themselves, the focus group brought to the fore that people in the village want to decide on much more forest matters and actually want to have power as well to decide or not to have these household groups at all. Right now, these household groups are considered as most important decision-makers about natural forest; In village 5, not less than 96% of the people agrees upon their additional importance in decisions about FLA than others. Although this could be explained by the fact that every group, community or village contains certain people who have more influence decision-making within the village and the percentage is therefore not striking, there is still considerable difference with Village 8, where this percentage is *only* 76,4%[12]. The difference is probably explained by the fact that the groups of households with special responsibilities in the protection of natural forest only officially exists in Village 5. At the same time, still three out of every four people in Village 8 believes in a special importance of certain villagers in FLA, telling us more about a natural phenomenon in every group; some people take the lead. At the same time, people do admit that there is less unity in the village than before; more than half of the people think that villagers supported each other twenty years ago in general more than they do now (Table 7.3). This might be the consequence of having either official or unofficial groups of households occupied with the practical task of daily protection.

Table 7.3: Perception of unity among the villagers today compared to twenty years ago

	Frequency	Percentage

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[12] However, this difference is not significant. The null hypothesis is that there is no relationship between the two variables 'Opinion importance certain villagers' and the respective Villages. This is tested by using the phi ϕ, because two dichotomous variables were tested by a significance level of 95 %. It results that the null hypothesis should not be rejected, because the chance that this would be done unjust, is bigger than 0, 05 (e.g. 0,082). This means that there is no relation between the two villages and whether they think there is an additional importance of certain villagers in FLA or not.
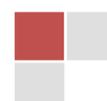
Less support now	33	55,0 %
Equal	16	27,1 %
More support now	10	16,9 %
Total	59	100 %

To what extent can the current situation in the villages already been considered as CBFM? Villagers are active in protecting activities at least in village 5, which in this case furthermore takes place in an open and democratic process. This is among other units supported by the FPU and FPS. However, these organizations undermine this relatively participatory model at the same time by having secret contracts with certain villagers, who get paid for giving updates about the access of strangers in the forests of the relevant villages. According to the FPU, this information is vital for the organization to get a real image of illegal activities in the villages in order to ban it completely. This way of protection forms a direct threat to the legitimacy of democratic mechanisms and the integrity of the people of the protection groups.

Another way in which CBFM is endangered is by the fact that monitoring and sanctioning mainly comes from external institutions instead of following the local institutions. This is officially regulated by law. Apart from that, although villagers on paper have responsibility for protection in every village, eight out of ten people in the semi-structured interview answer that it is none of their business if they see another villager with illegally cut wood. This is an important observation, because it implies that communal institutions nowadays are not easy to recover in the current institutional framework, which more focuses on individual interests by the stimulation of the development of individual property and the importance of individual land use certificates.

7.10 PROPERTY RIGHTS

Closely connected to the item of CBFM, the actual devolution of power that has been pursued may tell us a lot about the development of endowments and entitlements within the community. As was mentioned before, Vietnam has been devoluting power to lower government levels, just as many other developing countries. In the forest sector, this was mainly done under FLA. To what extent does this devoluted power benefit the decision-making rights of villages on their own land? The most important asset from which most people earn an income in these local communities, is the land in and around their villages, which is therefore important to analyze.

Going back to the three different amounts of real devolution of power of the government, mentioned by Fisher (1999), devolution has certainly not reached the point in which control is transferred to the villages. It can be argued that property rights are neither comprehensive, transferrable nor exclusive, because the control is in the hands of the government in the end. In the literature (Knox McCulloch e.a. 1998; Dickinson and Khanh, 2008) is emphasized that the actor who owns the land, has, in a

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majority of cases most power over it. In practice, the possibilities to make free use of the land are almost non-existent for protection forest, due to the strict protection regulations. For production land, people own the Red Book in which their use of the land for the next fifty years is guaranteed, but the government is still the one which controls the land in the end. That means that people do have a certain freedom to use the land in which they want to, but the practical possibilities are heavily influenced by government policy. This is mainly due to the same strict regulations and complicated procedures that cause major limitations on the use of the forest land, but also because of the dependence of the village on the government. This is exemplified mainly by the fact that, although lending money is easier now since the FLA, people still depend on governmental subsidies on plantations. All in all, property rights of the local Ka Tu villages are rather restricted to user rights, and fail the extendedness of proprietary rights.

Possibly even more important in a structural sense, communities also depend on the government in sense of the spread of knowledge. Many people admit that they lack real knowledge to grow other kind of species than those supported by the government, since the processing of products was not central in the traditional livelihood of many Ka Tu villages. According to the Chairman of the communal CPC, people who got production land allocated are free to decide what is cultivated, but in many cases the production of rubber, areca and especially acacia is stimulated, both financially and technically. For much of the knowledge the farmers depend on information supplied by the DPC via the CPC. As a consequence these products, and especially acacia, are often grown. The endowment of being able to, and having the rights to grow production trees does result in an alternative string of entitlements – e.g. the supply of information on how to grow acacia – but they still depend on the government, which is, as a consequence, able to keep control over the production cycle and the market situation; that control might be the reason that they mainly provide information about acacia.

The emphasis of the government on the production of acacia has far reaching consequences for the villagers. Acacia is one of the few species that is able to be cultivated also on soils with lower quality broadly available in Nam Dong and it is relatively cheap to invest in it. There are nevertheless also various disadvantages of growing acacia. This was especially apparent in the starting period of FLA. Acacia grew at a slow pace and pest attacks combined with poor soils and a remaining lack of knowledge resulted in very low profits from acacia. Although the problems are less apparent now compared to right after the start of the plantations, the quality of acacia is still too low. As a consequence, it cannot be a financially sustainable alternative to the logging of timber. In that case, to avoid a new circle of poverty, people don't have much choice but to illegally cut timber (Thi, 2009).

Although the land use rights of the people in the villages are far from complete and they depend for much of their knowledge on the government, their land ownership is

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still more secured than before, thanks to the fact that individual households are the legal owner of the document to use the land. People can still make the decisions of how to work on their land given that this method lies within the legal framework of the government. Whether there is a major general change in the possession of endowments and entitlements compared to the traditional system is not easy to analyze, because many Red Books were supplied for production forests that were non-existent in the traditional village. Furthermore, people now own Red Books for their garden and rice field, but were already the unofficial owner of gardens already in the old days. This used to be organized at village level, when people under customary institutions owned the land directly around their house. The new endowment that is attained by the possession of Red Books on garden land and rice fields is the securement of their rights. However, not many conflicts on land occurred on these endowments in a harmonious traditional Ka Tu village. Just as today, people marked their property of the garden or rice field by placing fences around it. Nevertheless, in case of conflicts due to an increasing lack of land - which most of all seem to occur on production land however - this legal ownership secures their daily income more properly, because the owner of the land is now easily identified.

7.11 DEVOLUTION OF POWER

The transfer of power in Vietnam as was started under Doi Moi and was to be followed in the land use system, has not reached the point in which the lowest government levels have more influence on decision-making. It can be argued that the devolution of power is in reality relatively limited. In forest management, power mainly remains at the provincial level, although the main implementing power is the DPC. The CPC does have an important role in the management system but merely as an executive organ of the DPC and as the connection organ with the local communities. The main observation is that people in the villages have more legal rights now on their own land; on the other hand, decisions about the natural forest are made by a higher government level and as we have seen, possibilities for CBFM are, due to the strict and complex regulations, in practice low. In the two villages, 36,7% of the people thinks that the village does not have enough influence on government matters at the moment, and this percentage is evidently enough higher in Village 8 than Village 5 (42,9% and 28,0%), because of the higher participatory standard of FLA in the latter. When focusing on the question whether government influence is a good thing for the village or not, the general image that rises is positive, although also for this variable, there is a significant difference in perception between the two villages.

Also the actual freedom of the communities in elective sense is relatively low and the government is overly present within the village these days, further limiting the individual freedom of the people in the villages. Within the village structure, the Village Leader and the Village Secretary form direct part of the People's Committee. The Village Secretary is just elected by party members in the CPC, whereas the Leader is

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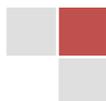
elected by two different groups. Only if both the locals and on the other hand the Farmers Association, Women Association, Youth Union and the War Veteran Association select the same person, he will be truly elected as the Village Leader. If this is not the case, the DPC decides. Also other organizations within the village, such as the Youth Union, the Women Association, the Farmer Association and the War Veteran Association are strongly linked to the Party and have considerable influence on 'economic development within the village, law abidance, population administration, promotion of literature and art, etc.' (Tuan, 2004, pp. 52).

What does this form of incomplete devolution of power to local government levels to local (indigenous) communities make clear about the actual objective regarding the inclusion of ethnic minorities in the Vietnamese society? A risk of the national reforms is that adaptations in law become to uniform to be able to respond to the specific needs of local communities. Since the government shares this fear, it has been trying to include the ethnic minorities in broad government programs on infrastructure and education – for example under Program 127 - and tries in general to respect to traditional way of living. At the same time it becomes also quite clear in Thuong Long commune, that protection of natural forest and production activities and the control over these processes and over the indigenous communities are the most important objectives of the government. It is important to stimulate the indigenous communities to develop – both from the government's perspective as from the indigenous communities' perspective – but this development should fit within the strict institutional framework and the objectives of a broad cultural program in order to bring the Ka Tu people and opther indigenous communities closer to the mainstream Vietnamese identity.

7.12 ETHNIC ASPECTS OF FLA

Following Mr. Hong, the fact that the traditional system of common property is now difficult to practice under FLA in which land becomes individual ownership, causes problems for Ka Tu people. In the theoretical framework chapter the three forms of kinship that generally exist in indigenous communities were mentioned. This is mainly due to the individual Red Books that villagers own now, which brings loyalty probably more in the direction of individual households. Even more important might be the fact that the collective agreements of slash-and-burn activities, and with it the communal system of shifting cultivation is replaced by plantations, which are mainly managed at individual level. Hence, it can be argued that the proper development of endowments into entitlements for Ka Tu people is limited, because people are not used to the new institutional emphasis on individual endowments. Mr. Hong argues further that Ka Tu people are not so easily able to create this broad set of options for themselves out of their individual property rights. For this transfer in entitlements, they mainly depend on the legal possibilities that the institutional framework offers them, but do not seem to be able to create new possibilities beyond the institutional framework. These options

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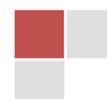
should not necessarily be illegal options, but can also be created within the options that national law offers them. An example of this lack of adaptability of Ka Tu people is their impotence to create more benefits out of the current system of protection forest or from FLA in general. Mr. Hang argues however that, the paradoxal situation of having to deal with individual ownership for people with a tradition of an emphasis on common property is acknowledged by the State as well. However, he concludes that this controversy and unclearness has not officially been solved yet, but there are indications that individualism has been entering the mindsets of the local people more and more.

There is therefore much to gain to improve local partnerships among Ka Tu people and especially between villages. An important way of the exchange of information[13], is the horizontal share of knowledge which takes place between villages and villagers. Cooperation between villages seems to be rather rare and people do not have much contact with people in other villages, although they are informed about the forest management situation in the other communities. Villagers are quite informed about the property management system of others in their village, but are for that reason at the same time much more able to defend their individual interests. This is mainly created by their individual land ownership certificates, non-existent before. This increased emphasis on individuals would not increase the sharing of knowledge among villagers.

An interesting aspect of a different focus of policy-makers and local people was mentioned in the focus group discussion. Villagers in the focus group discussion mention that documents and officials mainly seem to focus on the development of every different household, unlike the local Ka Tu community itself, which sees the community as a whole. They would prefer more policy focused on the village as a whole. However, also from the way of thinking of the Ka Tu, it is not always clear that they do think in the interest of the whole village. They do see the importance of forest protection for future generations and to prevent flooding, but if they would be allowed to cut valuable trees in the natural forest in order to sell them against profit, they would opt to harvest the timber; people also want to have their own property enclosed. Furthermore, the data from the questionnaire villagers makes clear that as much as 40% of the people would not want to be involved in communal patrolling or to be in the groups of households. This is an interesting aspect of moving loyalty in the direction of the individual. It can be argued that this is the consequence of having external aid programs from the government and NGOs which are mainly focused on individual development are stemming from a larger theoretical framework of modernization. The focus on the communal well-being of many indigenous groups is still absent in the mainstream neo-liberal and modern model for development (Walsh, 2010, pp. 18-20).

In general, both for production and protection forest, there are additional limitations in utilities because of the difference in culture between the government and the

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[13] Next to downward and upward flows of information, see chapter 8

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beneficiary of its policy. Following a description in law, land is only allocated to people who are 'capable of developing' the land. This is a legal excuse for the national institutions to exclude indigenous people who, in the view of the government, practice unsustainable ways of forest use. Since the national governments see the slash-and-burn activities of the numerous ethnic communities as one of the main reasons for the land degradation, these activities are consequently banned with the introduction of the new land use rights. Ka Tu people need to go in search for an alternative system for both the abandonment of shifting cultivation and the communal property rights. This has the potential of causing new conflicts within these communities, especially because a real alternative is not always offered or is practically not reasonable (Persoon e.a., 2004, pp. 54-55; Gomiero e.a., 2000).

The aspect of ethnicity does not play a big role *within* all villages, since for example the two research villages exclusively exist of Ka Tu people. In the whole Thuong Long commune however, just as in the Nam Dong district in a whole, the picture is slightly different. In general, following Mr. Tam of SNV, in villages where both Kinh and Ka Tu people live, Kinh people own relatively more production land compared to the Ka Tu people. This has mainly to do with the traditional custom of Ka Tu people; if the soil was not favorable enough to use the land when shifting cultivation was still being practiced widely, that just went on to another piece of land. This custom resulted in the selling of land to mainly Kinh people when FLA was introduced and land became monetized. Moreover, a potential cause of internal conflict within the village has to do with ethnical aspects, namely when traders from outside try to benefit from the forest-dependent situation of many Ka Tu people. Since many of the latter have more direct access to the natural forests than these illegal traders, which are in general of Kinh origin, the villagers are approached to illegally harvest timber and sell it to the traders. Apart from the environmental damage that is being caused by this more structural form of illegal logging, an additional problem is that the risk of the illegal harvesting of timber in this way is just attributed to the villagers as the actual executers of illegal logging. Nevertheless, from their perspective the acceptance of the offers of the illegal traders is a financially big opportunity, because they can earn much more money by selling valuable wood than by growing and selling acacia trees.

It is evident that not only the political adjustments in the institutional framework, but also the changing production systems in turn cause other forms of changes. The fact that these changes are accepted within the villages are partly motivated by the fact that Ka Tu acknowledge the gap in knowledge and their economic arrears to Kinh people and therefore adopt to State policy in general. On the other hand, this means that traditional customs of Ka Tu are in danger to a certain extent. Many young people dress like Kinh people and are, thanks to their increasing contact with people outside their living community not only influenced by the village elders anymore, but also by the mainstream Vietnamese to a greater extent. This process has been going on since government policy started to influence indigenous communities more broadly since the

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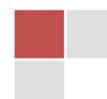
end of the Vietnamese war. Government policy brought infrastructure and education, conditional factors for development, but created at the same time more dependence on the State of the Ka Tu people as well.

This is further explained by the theoretical point of view chosen by Clarke (2000). The three ways in which the Vietnamese government tried to make the indigenous minorities less independent as was discussed in chapter 2, were executed as well in Ka Tu communities. The first method mentioned by Clarke, the trigger of subsidizing cash crops, occurs as well in Nam Dong by the domination of acacia and the provision of information thereof by the government. The second aspect is the spread of the Vietnamese language which connects, next to the provision of education, with the obliged knowledge of the Kinh language for each Village Leader. They all need to speak fluently Kinh before they are able to fulfill their task, and they are all educated following the dogma of Ho Chi Minh. People mention in the semi-structured interviews that Kinh people get generally less children than Ka Tu and eight out of ten believe that this has considerable impact on the size of Ka Tu families. However, Clarke's observation is limited to language. In the case of Ka Tu people this can certainly to be expanded with the cultural dispersion of Kinh in a broader sense. Not less than 40,7 % of all the people agree upon the spread of Kinh culture in Ka Tu communities, following the questionnaire resulting in the observation that there now exist less Ka Tu festivals than before and that people in the villages more and more wear their clothes in the same way as Kinh people do. The third aspect mentioned by Clarke, the migration of Kinh to the Highlands, happened in Nam Dong district as well, considering the observation that half of the people in Nam Dong is of Kinh origin.

Another form of kinship that of the inclusion of people in the same generation, has been changing as well. Since the traditional days, the older people have been occupying the most important roles in Ka Tu communities for example by occupying the role of mediators. Older people were the ones who gave advice to other villagers about important matters in the village and the forest. The additional respect for older people is not disappeared, but it is a fact that the younger generation is widening its network towards the Kinh people today. Especially the younger people wear their clothes and spend the money more and more outside the village, for example to drink alcohol on the markets. By having more contact with networks outside the village, the younger generation is much more influenced by the Kinh culture than the older generation.

Furthermore, the special characteristics that made the position of Ka Tu distinctive, for example the slash-and-burn activities or the widespread existence of common property, are evidently disappearing. The same is true for their unique geographical position - together with other groups - as inhabitants of the forest and the forest as their livelihood, since Kinh people during the 20th century in large amounts migrated to the forested mountains.

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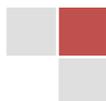
At the same time, Ka Tu culture is not disappearing completely and gains on certain terrains even in importance. People emphasize the importance of maintaining their heritage and all but one person in the villages regards it as important or very important that their children are taught in the Ka Tu language. Furthermore, both research villages, although they come literally closer to the Kinh communities, are exclusively inhabited by Ka Tu people. That means that these children are still raised in a Ka Tu neighborhood and thereby automatically adopting the Ka Tu culture. Another evidence for the statement that Ka Tu culture is not disappearing entirely is that daily practice today is not that different than that of a traditional community; individual property of land already existed in the old days just as shifting cultivation was practiced on individual level as well; village meetings are somewhat changed in content, but already existed in a more informal way in the traditional Ka Tu village.

The discussion about the actual disappearance or possible resurrection of smaller cultural identities can be continued for a long period, not only in case of Ka Tu people, but for so many other cultural systems all over the globe. There are many advocates of a view that local cultures are getting more and more important in comparison to the national state and its mainstream cultural identity (Escobar, 2006). This is partly supported by the situation in Nam Dong district as well. Because of the fact that the Vietnamese government tries to gain influence in areas in which indigenous communities used to live independently, for instance in Ka Tu communities, the special position of these minorities becomes more apparent. Traditional festivals and events are now just as heavily celebrated as before. The reason might be found in the extra effort of Ka Tu communities to distinguish its culture from that of the Kinh, who are more and more entering the territory of the Ka Tu culture these days. Hence today, the focus of the special position of Ka Tu people has increased compared to before the American War.

A persisting influence of Ka Tu culture does have a considerable negative impact, especially regarding the drinking culture in Ka Tu villages. People traditionally drink a lot of their home-made rice wine. Following the two Village Leaders, alcoholism is an important problem in the village and this has only been developing during the recent decades. Money earned by selling illegally harvested timber is used by especially younger people to spend it on the market in Khe Tre. Furthermore, it is a cultural characteristic that people drink the strong rice wine during the entire day and they drink a lot during village meetings and when visiting friends, which affects the productivity of the farmers, besides the fact that it is a financially unsustainable custom. Furthermore, some conflicts occur when people get drunk.

In this chapter, an analysis was made of the endowments and entitlements effectually have in FLA, and how this results in inequality, in economic, cultural or political terms. In the next chapter, the potential of benefit-sharing mechanisms of FLA is discussed.
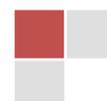
CHAPTER 8: BENEFIT-SHARING

8.1 BENEFIT-SHARING IN VIETNAM

Benefit-sharing mechanisms are often complex systems. This framework has not been developed until now, also because it is not supported by national law yet. The Vietnamese government is further developing a benefit-sharing approach, which would enhance the possibility of a secured form of legal benefits for the local people, but is now just in a beginning stage. Now many actors agree that too much unclearness in the whole system exists to have a clear policy on the provision of benefit, as an alternative to the loss of timber rights.

There are two Programs which describe an official benefit-sharing policy, the Program 661 and Program 327 (United Nations World Food Program). According to these programs, organizations such as SFEs and FPBs are able to pay individuals or households who perform the effective management of forests.

Vietnam has an official guideline considering the benefit for affected communities. '15% of the incremental benefit in Vietnamese Dong (i.e., the incremental tree growth since the forest has been protected, see also chapter 7) goes to the government and the rest to the household managing the area' (Asian Development Bank, 2007, pp. 37). In this way, local communities are tried to be given a motive to protect the forest in which they have a big interest now. The reasons that incremental tree growth forms the basis of this regulation, is mainly motivated in order to avoid tension between people with and without forest land, since forest growth is only measured since the start of this form of benefit-sharing in 2009. Although this is a clear rule, a problem in the Vietnamese context is the process of decentralization, in which national policy cannot always be implemented in the local level. Policymaking is centralized in Vietnam, but control happens for pragmatic reasons at the local and regional level. Within the forest sector this means that communities have no official status in civil law, but can be entitled following the Forest Protection and Development Law 2004 for protection activities. As a consequence of this inconsistency, it is not sure whether or not the benefits can be supplied at the communal level, within the regulatory framework of the state (Mahanty e.a., 2007, pp. 96).

Under Program 661, government money is furthermore available to support households in the investment on their land, although it is not more than 50.000 VND (3,3 USD). The official policy depends on the type of forest involved however. A problem is also that a major part of the policy only remains on paper and cannot be found back in official policy. The different rules for the various form of forest land, can be resumed as follows:

Special use forests:

People who own parts of special use forest are entitled to conduct cultural activities and ecotourism. Some households who own these types of forest have special contracts with the government for payment for plantation or tourist activities. In Nam

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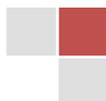
Dong district, the individual ownership of special use forests is not broadly implemented and the conduction of cultural activities or ecotourism is for that reason underdeveloped.

Protection forests:

The benefit-sharing policy for people to whom protection forests are allocated, is more complex. For the protection, regeneration and the planting of forest on this type of land, people can receive payments. Another form of benefit that they can derive, is that they can extract NTFPs from the forests, just like timber which does not come from growing trees (e.g. dead trees after storm). Depending on the contract, people are also allowed to cut timber after a certain amount of incremental growth, as was already mentioned in chapter 7. Furthermore, considering the big amount of degraded land in Vietnam, the compensation mechanism for people who got degraded land allocated, is relevant. They can get an additional fee for the planting of trees on this land. In that case, they are also allowed to cut those planted trees, with a cutting intensity not exceeding 20%. They are allowed to perform agricultural or aquacultural activities on a maximum of 20% of their land and if they exclusively invest from their own fund, can keep 100% of the benefit derived from it.

Production forests:

People with allocated forestland for production are allowed to perform agroforestry activities. For this, they are entitled to cut the trees on their land necessary for the needs of their own family or to build a house. However, they must start an official application procedure with the local government (CPC). The benefit derived from these production forests is not exclusively available for the farmers, since they can only keep 75-80% of the total products. At the same time, they are entitled to be financially supported by state fund. In case they invest from their own money however, they do not have to follow government regulations on production techniques (Wunder e.a. 2005, pp. 20-21).

8.1 BENEFIT OF FLA

In principle, one of the benefits of a proper way of protection of the forests, frequently focused upon in training in the villages by various (government) units, is the long-term sustainability of the forests. The Commune Ranger in Nam Dong describes it as follows:

'In an environmental aspect, the big benefit is the reduction of forest exploitation and to prevent the occurrence of soil erosion. The other direct benefit is that people can still grow timber and harvest NTFP.'

As was mentioned before, people themselves immediately point at the benefit of having much clearer rights about their own land. Three out of every four villagers sees the more secure ownership of their property as the biggest advantage that FLA
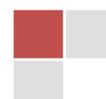
brought the village in general and the village in particular. A related benefit is that conflicts among the people within the villages are reduced, although contests about land did not disappear. The amount of other kind of benefits derived from FLA depends largely on the kind of FLA in the village. This is partly related to the support of NGOs, but the kind of possible benefit is in the beginning already different with another kind of allocation. The deriving of benefits is in Village 5 for example much more related to participation and knowledge sharing, whereas this in Village 8 is impossible to achieve, because of the lack of participatory models in this village. Many people in Village 5 also argue to feel more participation; according to the semi-structured interviews they rather feel this by being able to participate in village meetings than by being adopted in democratic models such as elections for protecting household groups. This is mainly related to the feeling that some people express that the government seems to care more about the people and their environment and that the State has been able to make people in a greater sense aware of their responsibility in sustainable forest use.

Other kind of benefits related to FLA and mentioned in the questionnaire are:

- the fact that people can receive money for the management of plots;
- the increased knowledge about forest management since the start of allocation;
- the more equal spread of endowments and entitlements among the people. Although this was mentioned by almost 10% of the respondents as a benefit, it is precisely inequality of rights where many others are complaining about;
- the fact that many of the land use certificates ensure 50 years of land ownership; this would mean that ownership for possible children is secured as well.

For the allocation with different groups of households or on village level, people in semi-structured in general argue to feel safer in the way they use land in or around the village, especially on controversial matters such as illegal logging. They mention that they can protect together with the rest of the group and divide responsibilities in that way. This cooperation is less visible in Village 8, because there only exists cooperation on village level. At the same time, a related problem to the groups of households that protect in Village 5, is that people point at the fact that some tension occurs between members of these groups and others. Benefits of the protection forest are shared, but not equally, since the members of the groups have more possibilities to get the NTFPs and timber. In order to solve these conflicts, the FPU argues that it would be better to place everybody at the same level, with an allocation on village level.

8.2 LIMITATIONS FOR BENEFIT-SHARING

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There are also various reasons why FLA does not cause benefit for the local people. A problem in the current situation of protection forests is that it is not clear what the benefit of effective protection would be. Many actors in the workshop as well as in the semi-structured interviews admit that one of the reasons is that people do not always get paid for their protection activities. Because of the fact that it is often a big amount of land that people in protecting groups have under their control, a lack of financial compensation makes that these people are unable to fulfill their job properly.

Furthermore, it is due to strict regulations very complex to cut the timber and eventually sell it in a legal way. After an official procedure for cutting of trees of incremental growth under Program 167 has been completed and the villager is given permission to cut the tree, a new and shorter procedure starts if he wants to sell the tree. A certain percentage of the benefit – which will be agreed upon in the same procedure – should be shared with the community, either by selling or when the timber is not sold. If any villager wants to cut trees from the protection forest in order to build a house, this is also allowed after a different procedure is completed. Apart from these procedures, the total amount of timber cut for the whole village is limited to a certain amount. In this complex way of making use of the forest, the local communities are not encouraged to make use of the natural forest in a legal way.

In general, many actors point at the fact that the real benefit of especially protection forest is unclear. As was mentioned before, the selling of timber is largely restricted for the local people and that implies their biggest potential benefit, is not feasible anymore. A clear-cut alternative for the loss of this benefit is not available until now. It means that people who are involved in the protection of forests do not get much money for compensation. This leads to an unfair situation, since the harvesting of timber in these forests, although it is many times illegal, proves to be more financially beneficial in some cases. Although people admit to be afraid that their illegal activity is being discovered by patrollers, the profit can be on daily basis in general 4 USD, whereas it is for other activities only 1 to 1,5 USD (Thi, 2009). If no solution is found on this lack of benefit of nature conservation, the protection of natural forest will not be included in common livelihood strategies of the rural poor.

Furthermore, the aspect of participation as a major form of benefit, should be toned down slightly. Although it is one of the guiding principles behind the FLA and despite of the good intentions in for example Village 5, all articles (Boissiere e.a. 2009; Gomiero e.a. 2000; Thi, 2009) stress the lack of participation of the local communities. Implementation of plans is a clear top-down process in which local farmers are informed about the allocation, but do not have much own voice. Following Fritzen (2005), this is caused by the lack of organization at the local level and the reluctance of local government planners to resist the participatory model. Next to a lack of transparency the FLA model has evidently a problem of transparency in some aspects; *on the one hand*, improving transparency is evidently attempted in for example the village meetings, when a downward flow of information about the formal rules in forest
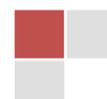
management is explained to the people. In these village meetings, since people consider their problems to be heard by the local government officials, an upward flow of information takes place to a certain extent as well. Especially in case of NGO-related projects, people do have the possibility to share the chances and limitations they encounter in their farming and forest activities. *On the other hand* however, people mention in the semi-structured interviews the difficulty to make the government aware about their need to make a more intensive use of the forest instead of supporting in the protection activities. Furthermore, aspects such as the processing of confiscated illegally cut timber at CPC level are absolutely unknown for the villagers. Further, it can be questioned to what extent the government is transparent in its supply of information towards about the responsibilities of each different stakeholder in forest management. For this research, it resulted to be extremely difficult to get answers about exact responsibilities. Moreover, the forest sector is organized in such a complex way that even the involved organizations are not well informed about each other's tasks in forest management. As a consequence, due to this lack of transparency, either created by unwillingness or complexity, holding policy-makers available for their policy is hardly impossible for the villagers. This potentially endangers a successful partnership between the local government and the villagers to create sustainable development for both the forest as the farmers.

Next to the development of capacity to be able to give people more control over their situation, benefit-sharing mechanisms are underdeveloped especially in communal terms. This is less true for Village 5, where the exchange of knowledge and the participation of local people can be advantageous for the whole community. Apart from the fact that this form of benefit-sharing is far from optimal, this model is non-existent in most other villages in Thuong Long commune. The creation of a successful CBFM is difficult to create in this way. The CPC should be the main official unit thinking about the development of democratic mechanisms, but because of the complexity of the forest organization all stakeholders should take responsibility in the creation of a proper benefit-sharing mechanism in the form of democratization. A broader form of participation of the local communities is not only desirable in itself, but it is also a theoretical condition for the proper development of a broader form of benefit-sharing system (see chapter 3).

8.3 RECOMMENDATIONS FOR IMPROVEMENT BENEFIT-SHARING MECHANISMS

Any benefit-sharing mechanism will give new challenges and opportunities alike to local communities. In many villages throughout the country, the forest is under pressure, many times because of illegal harvesting of timber by certain villagers. In this situation, these people capture the whole amount of incremental forest growth that can be legally cut. In order to let this benefit-sharing model with regulations about incremental growth develop successfully, the forest should get more time to recover before it is valuable enough to make an allowed form of cutting possible. This means

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that any form of harvesting of timber should restricted on the short run, causing a considerable burden on the community that would be even more restricted in its use of the forest. The advantage is that the cutting of timber will be legal in the future and people have ownership of a sustainable resource for the next generations. Furthermore, all villagers will have the same legal rights to cut, without being harmed by the violators.

Local participation and transparent flows of information may form an important solution to problems of management at the local level. Boissiere e.a. (2009) mentions the potential effectiveness of local communities to monitor and sanction in comparison to the ineffective state officials of today. Part of the problem is the lack of training for the local people, who do have sufficient knowledge about forest management, but lack experience with state policy. Sufficient training would considerably improve the capacity of the local forest users.

The major reason of underdevelopment of benefit-sharing mechanisms also lies with the earlier mentioned problem of having incomplete property rights for the local people. As was mentioned before, it can in general be argued that the actor who owns the land, has most power over it. Since private ownership of land in Vietnam is non-existent, private farmers are only entitled to use the land, but have no effective control over it on the long term. This is no insurmountable disadvantage if the plans of land use of local people do not contradict the global objectives of the government. It is another example of the institutional lock that the government created. Furthermore, it points attention on the paradoxal situation of having both a centralized as a decentralized part of the economy. This creates an overcomplex forest sector, which is limping on two different objectives; on the one hand, national reform, decentralization and increasing participation are pursued on the public agenda and on paper, while on the other hand, the government has a hidden agenda in which control is not renounced and in some cases even further tightened. As a consequence of this complexity, forest organization has been revised several times during the last decades, causing even more confusion. A clearer forest policy without contradictions might well be started with an institutionary compensation mechanism model for the local people.
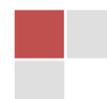
DISCUSSION & CONCLUSION

The indigenous rights are often closely connected to the relation with their livelihood and their natural resources. The ever apparent battle for these resources between governments or other more powerful actors has resulted in a quickly decreasing natural space for indigenous groups. However, the question of the proper way of development of indigenous groups is being put more and more on the agenda worldwide. Current forms of attention in Latin-American governments are pointing in this direction, and international pressure to protect indigenous rights are globally expressed (Gray, 1999). Although this does not always means an increase of the participation of these groups in the actual development of their own livelihoods, it is vital that the relation between indigenous groups, their environment and their customary institutional system is increasingly being acknowledged. Elenor Ostrom emphasizes the importance of maintaining customary law for both the development of these indigenous groups and the conservation of the national resource. According to her, the individual is more eager to manage the common resource if he sees the rules in practice to govern it as legitimate; and a feeling of common ownership unlikely to exist if this is not genuine (Figure 9.1).

Figure 9.1: Elenor Ostrom's challenge of the commons

Indigenous groups

Maintaining customary institutions

Conservation natural resource

Environment   Institutional system
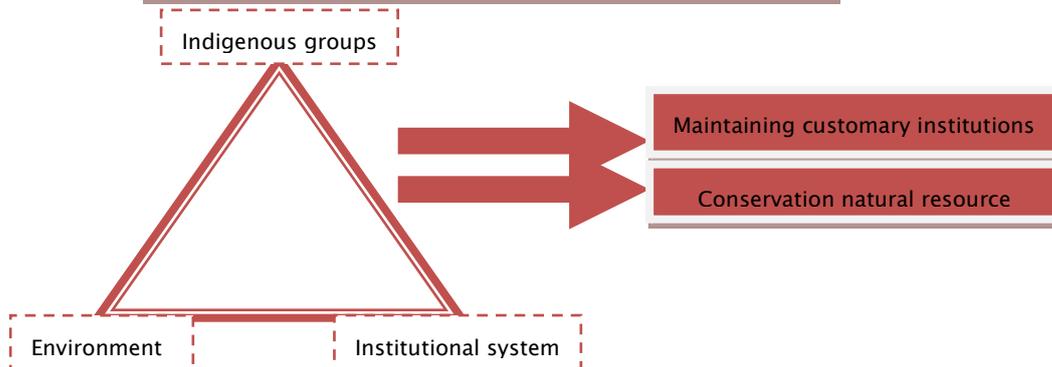
And this exactly seems to be the problem and touching upon the problematic understanding of institutions that distant policy-makers often have. It goes back to the question of the roots of institutions; vital phenomena for the functioning of any community, but a concept that is so difficult to get grip on and of which its character is still being discussed widely. As was being mentioned in the theoretical framework (chapter 1) there exist different views on institutions. Rather than to put emphasis on an economically efficient way of seeing institutions, an understanding of institutions as norms and values being culturally formed during a long period of time is becoming more prevalent. Having an institutional system that reflects the culture, norms and values of a certain group is much more likely to have a positive result on the community, than laws that are laid upon this community from outside. The problem with institutions from outside is that local people do not have feeling with them and

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hence lose their initiative to let these rules function well. Institutional change occurs within the community in an artificial process, creating inequality among people who are supposed to have greater formal role within this new framework and creating rules that are distant from the people. Furthermore, the common feeling of responsibility for the natural resource is alienated if rules are to be implemented that do not represent the community's values.

The rather sociological view on institutions (Andersson 2006, pp. 29; Kingdon 1995) is crucial especially in case of indigenous groups. Of course, the relevance of economic mechanisms for these groups should not be underestimated, as they are parts of society and are also increasingly included in the space of markets mechanisms; but communities other than indigenous groups, that put more emphasis on a shared feeling of culture as the major factor of cohesion, well-being and functioning is based, are hard to find. For that reason, this sociological view of institutions, and even more importantly, policy based on this view, is even more vital in case of indigenous groups and their environment.

And the interrelationship between indigenous communities, their environment and their institutional system cannot always be found back in official policy. Control over the natural resource, the indigenous community or both of them, often seems to be the root of the lack of indigenous participation. The same is true in Vietnam. This has also to do with the broader position of ethnic minorities and indigenous communities in Vietnam. Indigenous minorities in the Highlands have been politically and culturally marginalized and their livelihood in the forest became heavily threatened by the large-scale migration of the mainstream Kinh-people. The increase of political representation and participation as is observable in some other parts of the world, in Bolivia for example resulting even in the election of the first indigenous president in the history of the country, Evo Morales, is unimaginable in Vietnam; the impact that these indigenous groups or other civil society groups can produce, is not great due to the socialist tradition of the country. Vietnam is also a country with a relatively limited number of NGO's (bron); the, despite of the major adaption in the direction of decentralization, still centralist government is not easily influenced by actors other than the state.

INSTITUTIONAL CHANGE FOR KA TU PEOPLE

Influence of the government on indigenous communities, in case of Ka Tu people and other ethnic minorities living in the Highlands, resulted in an institutional change during the last few decades. This has been analyzed in this research by various sub questions. The extent to which these questions were answered in a satisfactory way is described below:

How were customary institutional arrangements of Ka Tu people arranged before FLA?
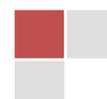
In the period 1945-1975 Ka Tu people for a large part succeeded in maintaining their customary law system, although this period is already characterized by a growing influence of the government. Their customary system depended for the major part on the cultivation of (former) forest land, which was based on shifting cultivation and broad indigenous knowledge about NTFPs and the harvesting of timber. This meant in practice that Ka Tu people knew how old a tree should be before it could be cut and how long land should remain fallow before it could be used for cultivation again. Since the daily system was based on these forestry activities, it also decided the village organization for a large part. Especially since the American war was ended in 1975, the Vietnamese government started to interrupt the independent lifestyle of ethnic minorities considerably by having major resettlement programs. A big share of the Ka Tu people, originally from the neighboring Quang Nam province, came to live in Thua-Thien Hue province, where it became much more difficult to practice their daily system of slash-and-burn activities. The practice of customary law, also in a broader sense, became influenced by the legal government system, as the resettlement was guided by governmental programs to support the communities on their new land.

Which are the main stakeholders in the implementation of FLA?

In general it can be argued that the active management of the forest, which mainly occurs under FLA, is now both decided and executed outside the village. Hence, the agencies influencing forest management are now to be found much more outside the community than within as a contrast to the situation before widespread government influence, when all important actors in the local management of the resource came from within the community.

From the literature (Wunder e.a. 2005; Thi 2009) as from this research – Venn diagram, household interviews - it results that the FPU has a major role in FLA, since this organ is occupied with the daily control of the process. Since it is mainly the government who is involved, almost all actors are in different ways connected to the State. This is not only true of the FPU, but also of the FMPB, as the former SFE. Nearly all of those agencies have in the end to deal with the local governments, in the form of the CPD and DPC. A characterization of the forest sector, is that there are so many agencies involved and procedures on management are so complex, that various people[14] stress the obscurity of the sector.

In what way have institutional arrangements regarding forest use been changed since the implementation of FLA and what direct influence does this have on the livelihood of local communities?

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[14] This overcomplexity was for example often mentioned in the workshop on FLA.

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The American war, large-scale migration and the different forms of unsustainable extraction of wood by a growing number of actors cause an ever more increasing form of deforestation, especially in the period 1960-1990. This proved the need for a different model for forest management than the collective one of after the war. It resulted in decentralizing reforms under FLA, in which land is categorized in different types. The most important of these are the protection and production forest, which can be managed in different ways. The stated objective of FLA was clear and viable: to allocate mainly the individual households in order to economically stimulate them to more sustainably cultivate their lands; for the individual farmers this would result in more opportunities in forest activities. People are both financially and technically stimulated to manage the protection and production forest.

Thanks to government support, people now have the possibility to cultivate alternative trees instead of just timber on production land. However, possibilities on this land are still limited, since many times land with poor soil quality is allocated and production is mainly focused on production of acacia. The successful management of protection forest is mainly obstructed by the lack of willingness to actively patrol, due to a lack of financial stimuli.

A major change and advantage of FLA is that people now own individual Red Book, which make it possible to exclude others from their land and make their ownership more secure. Furthermore, the indigenous system is now adopted in official government policy, resulting in the formalization of election procedures and village meetings. Whereas the latter is perceived by many villagers as a useful platform to have their voices heard, participation of local people is partly undone by the fact that the party often surpasses the opinion of the villagers or creates its own agenda. This happened with the decision of spreading the protection team of household groups also to other villages than Village 5. Almost all villages decided, after having officially voted to have this form of FLA, but the governmental agencies decided to postpone its decision. Another way of the undermining of the transparency of the FLA-model is the secret protectors that are paid by the FPU and keep them informed about possible violators. This especially undermines the involvement of villagers in protection.

In what way do group characteristics of the Ka Tu communities influence institution-building?

The organization within the village has changed as a consequence of the new institutional framework. This has to a large extent to do with the issue of ownership. Today, the village still has its own Village Patriarch and the unique Ka Tu festivals even seem to gain in importance during the recent years. Since government policy has been influencing the Ka Tu villages however, the organization in the village has been changing. One of the most important changes is the presence now of the Village Leader, an elected villager and the lowest representative of the government.
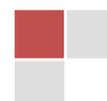
Compared to before, he stands at the same level as the Village Patriarch, but has more political influence and has the official lead over every meeting in the village.

Another major change is the current existence of household groups, either officially and relatively powerful such as in Village 5 or unlegitimized and rather weak, such as in Village 8. For some villagers, this resulted in a feeling of decreased unity. Although it is unlikely that all villagers had the same amount of influence on decisions regarding forest matters in the traditional system, the fact that this 'inequality' has been formalized might create less homogeneity in the village

What is the impact of the new institutional arrangement on the endowments and entitlements of Ka Tu people and how are these related to their legal property rights?
A most vital consequence of FLA is the fact that the collective system of the traditional days is replaced by one built on individual endowments. It is the major indication that the customary system has lost its importance. The individual rights are mainly exemplified by the allocation of individual Red Books, although land use certificate to a much lesser extent also exist for groups of households or the whole village. Due to the strict user rights that now exist regarding the natural forest, another major change is formed that this type of forest lost its centrality in Ka Tu society, although it is still an important aspect in livelihood strategies. A new category of forests, namely that of plantations, is becoming much more central in Ka Tu-livelihoods.

Apart from that, the most important impact is expressed in the greater form of individual contracts and arrangements instead of the communal way of forest management before. This is especially true for the individual plantations people that have now and which occupies the role of the 'new' forest, thereby financially and technically supported by the government. As a consequence of the actual limited possibilities for the extraction of wood from the natural forest it lost its salience in the livelihood of Ka Tu people, which is exemplified by a perceived decrease of knowledge about the forest and its possibilities, mainly among younger generations. It is also followed by a search for alternatives and a diversification of livelihood-strategies, such as nowadays the cultivation of bananas, cassava and the husbandry of animals becomes more and more widespread.

As a consequence of the decreased presence of customary law in the current Ka Tu society, knowledge about the forest is changing in character. On the one hand, typical indigenous knowledge about natural forest and the characteristics of NTFPs, especially at younger generations, is decreasing. This is also due to the fact that forest products are disappearing and, with them, the knowledge about them. On the other hand, knowledge sharing mechanisms, in this case certainly in Village 5, make sure that specific information about the cultivation of state-sponsored trees, such as acacia and cassava is spread. NGO-projects also contribute to this.

In short, it can be argued that FLA caused an increase of legal endowments for the villagers. Among these are of course the Red Books, land use certificates that secure

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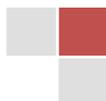
individual property. Importantly enough, most people own these certificates for production forest, rather than natural forest. FLA did cause also other forms of endowments, such as legal logging permissions, but the increase of endowments did not result in a major increase in entitlements and remain mainly theoretical. Participation did slightly increase mainly through the village meetings, but participatory mechanisms have not always been implemented in such a way that it caused a major improvement for the people in the villages. The same is true for the access to loans

What are the prospects of benefit-sharing mechanisms to contribute to livelihood development of Ka Tu people?

Although Vietnam is officially developing benefit-sharing models, as with so many other well-intended plans of the government, it has not yet brought in practice. This is a missed chance, because it is in the current situation not always clear for the local population what their benefit of FLA might be. On the one hand, increased forms of land security and – although limited, especially in Village 8 – participation are generally seen as beneficial; on the other hand people who are involved in protection activities are not financially compensated and legal procedures to extract wood from the forest or to sell it afterwards are so complicated that any benefit is difficult to reach. This has also broader consequences: nature conservation is difficult to combine with livelihood development if no sufficient alternative benefits for the loss of user rights can be developed. The lack of clear benefits from FLA should be one of the first point of attention of the government, because the local community should is aimed for as main beneficiary of FLA.

The major consequence of FLA regarding institutional change are listed in table 9.1.

Table 9.1: Major differences since FLA	
Village 8	**Village 5**
Management protection forest by village	Management protection forest by groups of households
Limited government influence	Widespread government influence
No external organizations involved	FLA supported by external projects
Limited amount of stakeholders	Growing complexity because of more stakeholders
	Legal democratic procedures
Informal village meetings	Institutionalized village meetings
Patriarch as most important for village	Leader as most important for village
Lack of regulations	Lack of clear regulations
Centrality forest for subsistence	Livelihood diversification
Shifting cultivation	Fixed cultivation
No training, information	Provision of training and information
Illegal logging	Illegal logging

IMPACT OF INSTITUTIONAL CHANGE

Connor and Dovers (2004) argued that the institutional modifications concerning a natural resource with a central position within the community, may cause change for the whole community. Applying this rule on FLA in Ka Tu communities, the forest is still very central in the Ka Tu society, since the institutional change catalyzed by FLA has a broad impact on the relations within the entire community. According to Prins e.a. (2003, pp. 103) it is, given this centrality of the natural resource for the community, also obvious that conservation of the natural forest has been able to occur; the forest is fundamental for the Ka Tu to survive. A possible danger might nevertheless be a change in the perception of equity, mentioned by Sick (2008, pp. 99). She argued that especially changes in property rights might endanger social cohesion, but it is more likely in the case of Ka Tu people that the different categories of importance and inclusion in the sense of decision-making, inequalities that are legitimized from powers outside, may cause problems for this cohesion. This should however not been overestimated yet, as homogeneity within Ka Tu communities is still rather big, considering the general perception about the importance of the conservation of the Ka Tu culture.

But although a disappearance of neither the natural resource (the natural forest) nor its user (the Ka Tu community) is likely to happen, it can be questioned if FLA is an improvement for both of them. Despite of FLA, illegal logging persists and may be due to FLA the feeling of responsibility for the forest has rather been decreasing; people rather cut wood illegally in an unsustainable way than to follow official and complex procedures in a sustainable manner and protecting activities to conserve the forest are not popular because of the lack of financial compensation. And the Ka Tu community is losing control over its own development, forced to obey an external institutional system.

CONTROL OF THE STATE

This external institutional system stems from the reforms as they have been implemented in the forest sector are state-led and although these reforms were aimed to cause a development for local communities by creating opportunities to be involved in the protection of their livelihood, in practice the project is mainly objected to create a development of the state. The government has been able to stay in control during the whole process and maintaining this control, by keeping the property rights at state level, seems to be priority number one. This forms a major restriction for the development of property rights for local people and therefore for the control they have over their own endowments. So decentralization is taking place, the plans to empower local communities are there, but control is kept at the central government level.

Getting back to the point made by Ostrom, the danger exists that indigenous knowledge, and customary knowledge about forest management will be depleted soon if the government-based institutional framework is maintained in its current form. Ka Tu

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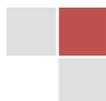
people have to adopt rules that are not theirs and that are force upon them from outside. This does not create major direct problems, but it does not help to create livelihood development on the short term and entails the danger of the sole adaption in the national economic system without having the typical communal characteristics that protect Ka Tu communities and their natural resources for overexploitation. Real progress is not expected if the indigenous movements will not be truly empowered as a group, being able to maintain control over its own development without giving up territory or its way of life.

LIMITATIONS

Although overall the research was done and finished with satisfaction, along the way some obstacles had to be evaded. In general, visiting the research site was not able without having permission of the authorities. Thanks to the help of Mr. Tu, this did not cause much delay; however, making appointments on the short-term was impossible. This was also more difficult due to the fact that some government officials were busy with their daily work.

Another major obstacle was the fact that an average (or higher) level of English as a language is not common in Vietnam. Working with translators is in itself already a major limitation, because a lot of first-hand information gets lost. The same is true when the interpretators are not familiar with major concepts of the research or have a sufficient knowledge of English but on the other hand lack knowledge about forestry in Vietnam. Some loss of information can for this reason also be expected in the analysis of the questionnaire results.

The lack of transparency in many interviews when discussing the role of the government or with potentially sensitive matters is another limitation. In the forestry analysis this was mainly obvious when talking about illegal logging activities in the villages. Carefully listening can give more clarity, but it often causes unreliable information if people continuously change their answers in semi-structured interviews because of the sensitiveness, although their answers can potentially be very relevant.

RECOMMENDATIONS

The forest sector is ample in Vietnam, just as the land allocation process itself. Because of the continuing reorganization of the sector, studies to clarify the different responsibilities of the different involved actors in the allocation process are necessary to increase the effectiveness of the process. Many stakeholders (both organizations as individuals) point at the perception that stakeholders do not communicate with each other sufficiently, also because they do not know each other's tasks in the allocation process.

For the government, it should be stressed that a provision of adequate benefit-sharing mechanisms would solve many livelihood problems that individual farmers in especially protection-activities encounter. Further research that focuses on the kind of benefit that should be provided, can make a difference, since not any kind of benefit would be of interest of the farmer, the involved organizations and the state of the forest. Another aspect is the analysis of who should be the provider of these benefits. In other words, if payments would be used to compensate the farmers for their protection activities, who should pay this money? Studies focusing on PES (Payment for Environmental Services)-mechanisms have big potential in the context of the forests in Vietnam. It remains to be seen to what extent the government takes initiative

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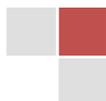
in the development of a legislative framework to make benefit-sharing mechanisms possible.

Furthermore, further research on the change of livelihood activities since the implementation of FLA are necessary to research for any unintended consequences of the process on the daily life of farmers. These unintended consequences are far from unlikely, since the forest is still central to many indigenous people and any change in the organization of the forest sector, will for that reason have impact on the farmers' livelihood.

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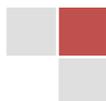
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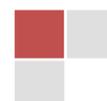
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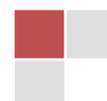
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APPENDIX 1: VILLAGE 8 MAP

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Date of interview (day, month, year): _____ **Village no:** _____
Interview number: _____

Questionnaire: Thuong Long Commune in Co Tu Villages

<Dear interviewer, thank you for conducting our interview. I have some comments for you to remember: some questions say, for example, <u>IF, YES-></u>, this means that you have to look at the previous given answer to decide whether you should ask the question or not. Sometimes I also left a comment behind the question, which is marked with "<….>", please pay attention to that as well. Please write down short answers and just use the given lines on the form. Please read out all the options, unless stated different. Please also try to get as much information as possible. You should not be satisfied with one short reply. If you have any questions during the interview, please call me (my name is Mr. Mucahid and my telephone number is 0126-8463-297 or call Mr. Tom and his telephone number is 0128-9418-616). **Thank you very much for helping me**>

Dear Sir, Madam,

My name is [_____]. I am conducting a research about Co Tu/Ka Tu people, their culture and how they use the forest. I am conducting this research for researchers from the Netherlands, a forestry organization called Tropenbos and Hue University of Agriculture and Forestry. I would like to ask you some questions. Is that possible? All the information you will give, will be used in a good way and if there are questions you do not want to answers, you are free to do so. Can I have 20-30 minutes of your time?

1 <General information>

First we want to know some information about you and your family.

1.1 Name: _____

1.2 Sex:

☐ Male ☐ Female

1.3 Age: _____

1.4 Income per month: _____

1.5 What is your ethnicity? ☐ Co Tu, ☐ Kinh, ☐ Others _____

1.6 Household size <including the respondent>: _____

1.7 Who is the head of your household?

☐ Me

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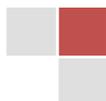
☐ My husband /wife

☐ My father

☐ My son

☐ Other, namely_____

1.8 Have you been living for all your life in this village?
☐ yes   ☐no

1.9 **IF no**, how long have you been living in this village?
_____years

1.10   Is your father from this village?
☐ yes   ☐no

1.11   Is your mother from this village?
☐ yes   ☐no

1.12 What is your function in the village?

☐ Village headman

☐ Village patriarch

☐ Village sub-headman

☐ Village elder

☐ Normal villager

☐ Other: _____

2   <u>\<Identity></u>

Now I want to know some information about your language, festivals and culture.

2.1 Can you speak Co Tu language?

☐ yes   ☐no

2.2 <u>IF Co Tu -></u> Can you speak Co Tu language better or worse than Kinh language?

☐ Better ☐ Same ☐ Worse

2.3 <u>IF Co Tu -></u> How important is it that your children will also know Co Tu language?

☐ Very important ☐ Important ☐ Not Important ☐ Not important at all.

2.4 <u>IF Co Tu -></u> Do you celebrate special Co Tu festivals?

☐Yes ☐No

2.5 Which festivals do you celebrate? <Just names>

_____
_____
_____
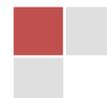
3 <Cultural and religious degradation>

3.1 Do you celebrate the festivals in the same way as 10-20 years ago?

☐Yes ☐No

3.2 Did Co Tu people have a different way of life 10-20 years ago?

☐Yes ☐No

3.3 IF yes -> Can you explain the differences?

_____
_____
_____

4 <Livelihoods>

We are now interested in how you earn your living.

4.1 Main source of living? <Multiple answers are possible>

☐ Farming

☐ Natural forest use

☐ Plantation forest

☐ Animal husbandry

☐ Other, namely: _____

4.2 IF farming or animal husbandry-> What do you harvest or what kind of animals do you keep?

_____
_____
_____

4.3   IF plantation forest -> What kind of trees do you plant?

☐Planting rubber trees.

☐Planting acacia.

☐Planting areca.

☐Others …………

5 <Entitlements>

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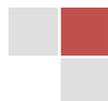
We are now interested in how much land you own and if you have a red book or not. The following questions will deal with that.

5.1   What kind of land do you have and do you own an official Red Book? <Ask for all of them separately> <u>Note that people can own land without having a Red Book, if someone does not own that type of land, write down 0 hectare in the table.></u>

Type of land	Size? (in hectare)	Red book?	Kind of ownership	Ownership of red book since: (year, for example 2004)
☐Barren and degraded land		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	
☐Plantation (acacia/rubber)		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	
☐Natural forest		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	
☐Rice field		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	
☐Garden		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	
☐Other land namely:_____ _____		☐Yes ☐No	☐ Individual ☐ Groups of households ☐ Community/village	

5.2 **IF they own a Red Book -** How much land did you own before you had the Red Book? <Write down in table.>

5.3 **IF they own a Red Book -** How do you feel about the rights of your land compared to before you owned a Red Book? <Write down in table.>

Type of land	Size before Red Book (in hectare)	Feel more secure? <only IF they owned that type of land>
☐Barren and degraded land		☐ More secure ☐ Equal ☐ Less secure

☐Plantation (acacia/rubber)		☐ More secure ☐ Equal ☐ Less secure
☐Natural forest		☐ More secure ☐ Equal ☐ Less secure
☐Rice field		☐ More secure ☐ Equal ☐ Less secure
☐Garden		☐ More secure ☐ Equal ☐ Less secure
☐Other land namely:_____ _____		☐ More secure ☐ Equal ☐ Less secure

5.4 Would you like to have (another) type of Red Book? ☐ yes   ☐ no

5.5 **IF yes**, what kind of Red Book would you like to have? <**don't** ask for all of them separately>

☐ Barren and degraded land

☐ Plantation (acacia/rubber)

☐ Natural forest

☐ Rice field

☐ Garden

☐ Other land namely:_____

5.6 Would you like to have a Red Book for the community?

☐Yes ☐No

5.7 **IF yes**, for which type of land?

☐ Barren and degraded land

☐ Plantation (acacia/rubber)

☐ Natural forest

☐ Rice field

☐ Garden

☐ Other land namely:_____

5.8 Do you think that the land you own has good quality?

☐ yes   ☐ no

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5.9 Can you explain why you think that?

_____
_____
_____

<Possible answers: soil fertility, location, good trees, right slope, etc.>

6 <Natural forest use>

The following questions will deal with importance of the natural forest in your daily life.

6.1 How often do you go to the natural forest?

☐Every day   ☐a few times a month

☐Several days a week   ☐a few times a year

☐Once a week
    ☐Never

6.2 Do you use trees from the natural forest?
    ☐ yes   ☐ no

6.3 IF yes, What do you use it for?

☐To build

☐To sell

☐As firewood

☐other _____

6.4 What part of the forest do you use?

☐Natural Forest (old forest/ protection forest)

☐Plantation Forest

☐Land allocated to me

☐Land allocated to others

☐ other _____

6.5 Do you collect products from the forest?
    ☐ yes   ☐ no
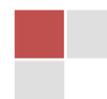
6.6 **IF yes**, what do you collect? Please check off all that apply:

☐ rattan ☐ bamboo

☐ nuts ☐ fruits

☐ firewood ☐ honey

☐ animals ☐ leaves

☐ herbs/medicine ☐ Other

_____

6.7 Did you collect different forest products in the past?
☐ yes ☐ no

6.8 **IF yes,** what did you collect in the past? Please check all that apply:

☐ rattan ☐ bamboo

☐ nuts ☐ fruits

☐ firewood ☐ honey

☐ animals ☐ leaves

☐ herbs/medicine ☐ Other

_____

☐ did not collect forest products in the past

6.9 **IF yes,** why did it change?

☐ Availability

☐ Quality

☐ Government regulation

☐ Change in needs.

☐ Advise by village patriarch

☐ Advise by village header

☐ Other: _____

6.10 Do you know where the borders of the protected areas exactly are?

☐ yes ☐ no

7 <Forest Land Allocation>

Now we want your opinion about the forest land allocation.

7.1 Since forest land allocation began in this area, are there parts of the forest that you are now not allowed to use

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anymore? ☐ yes ☐ no

7.2. **If yes**, how have you been affected? → <Ask for all of them separately>

☐ I now use other parts of the forest

☐ Loss of income

☐ Food shortages

☐ I have found new employment

☐ I have not been affected

☐ Other

_____

7.3 Do you ever enter these parts of the forest?
☐ yes ☐ no

7.4 **IF yes**, for what purpose?

☐ For logging timber

☐ To collect Non Timber Forest Products

☐ To hunt

☐ I did not enter these parts of the forest

☐ Other

_____

7.5 What do you think that the benefit for you is of Forest Land Allocation?

☐ Secure land ownership

☐ Receiving money for management

☐ Increasing knowledge about forest management

☐ Less conflicts about land

☐ More equal rights for everybody

☐ other_____

7.6 How do you think about Forest Land Allocation?

☐ Very positive

☐ Positive
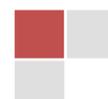
☐ Neutral

☐ Negative

☐ Very negative

8 < Changing community structure>

We are going to talk now about the most important people in your village and the way your village is managing the forest.

8.1 Please name the most important people for the village:

1) _____ 3) _____

2) _____ 4) _____

Possible answers:

(a) Village headman   (c) Village vice-headman
        (e) Forest rangers.

(b) Village patriarch   (d) CPC chairman and/or staff

8.2 Do you attend village meetings?

☐Yes ☐No

8.3 How often do village meetings take place? ____Per month

8.4 Who is in charge of the village meetings? <Multiple answers are possible>

☐Village headman

☐Village patriarch

☐Village elderly

☐Other villagers: _____

8.5 IF visiting village meetings -> What do you discuss during the village meetings? <Multiple answers are possible>

☐Village development issues

☐Forest use issues

☐Farming issues

☐Problems and difficulties

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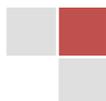
☐Other: _____

8.6 Were village meetings different 10-20 years ago?

☐Yes ☐No

8.7 IF yes -> Can you explain what was different?

_____

_____

_____

8.8 Was the village patriarch more or less important than 10-20 years ago?

☐More important

☐Same

☐Less important.

8.9 IF, **more or less** important -> Can you explain why?

_____

_____

_____

9 <Institutional arrangements>

9.1   Do you think that your village still has enough influence on decisions about forest management?

☐ yes   ☐ no

9.2 Can you explain why?

_____

_____

_____

9.3 How do you perceive the influence of the government in forest management?

☐ Very positive

☐ Positive

☐ Neutral

☐ Negative

☐ Very Negative

9.4 Who do you perceive as the most important person/organization in forest management **in the past and now**?
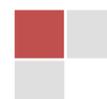
Please give mark from 1 to 5 <1 means: not important at all, 5 means very important:

	Forest management in the past	Forest management now
Individuals		
Group of households		
Entire village		
Village Patriarch		
Village Leader		
Commune People's Committee		
District People's Committee		
Forest management board		
Women's Organization		
Youth Union		
Former-Soldiers Organization		
Farmers Organization		
Other, namely_____		

9.5   If you compare the two rows in the last question: do you think there are big changes?

☐ yes   ☐ no

9.6   **If yes**, what is the main reason for these changes?

_____
_____
_____

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9.7   Are you happy with these changes?   ☐
yes   ☐ no

9.8   Do you perceive certain villagers as more important in forest management now, compared to before?

☐ yes   ☐ no

9.9   Why?

_____

_____

_____

10 <Loss of Indigenous Knowledge and forest management>

Now I want to know some things about the knowledge of the village about the forest.

10.1 Did you or your parents use the forest in a different way 10-20 years ago?

        ☐Yes ☐No

10.2 IF yes -> How did you or your parents use it differently?

_____

_____

_____

10.3 Do you think slash-and-burn farming is better for the forest or worse?

        ☐Better ☐Same ☐Worse ☐ No opinion

10.4 IF forest usage ->Who do you ask for advice about forest use? <Multiple answers are possible>

                ☐Nobody

                ☐Village patriarch

                ☐Village headman

                ☐Village elderly

                ☐Parents or other relatives

                ☐Other:

        _____

10.5 Will you teach your children or are you teaching your children how to make use of the forest?

                ☐Yes   ☐No

10.6 Can you explain why?

_____
_____
_____
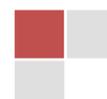
10.7 How do you think that the knowledge about forest management in the village developed? Please compare between the knowledge twenty years ago with now:

☐ People have more knowledge now

☐ Equal

☐ People have less knowledge now

10.8 Who told you how to make use of the forest? <Multiple answers are possible>

☐ Village patriarch

☐ Village headman

☐ Parents or other relatives

☐ CPC

☐ Forest management board

☐ Nobody

☐ Other: _____

10.9 Did you attend training on forest use?

☐Yes ☐No

10.10 **IF Yes,** who gave you this training?

_____

11 <Social problems and cohesion>

11.1 What problems do villagers experience?

_____
_____
_____

11.2 IF they did **not** mention alcohol problems -> Do you think alcohol usage is a problem in your village?

☐Yes ☐No ☐ Don't know

11.3 Do villagers generally support each other?

☐Yes ☐No ☐ Don't know

11.4 Can you explain why?

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_____
_____
_____

11.5 Did villagers support each other more or less 10-20 years ago?

☐More supporting

☐Same

☐Less supporting

12 <Changing world views>

The final questions will deal with the importance of forests.

12.1 Does this village still have the following forests? <Multiple answers are possible>

☐Ghost/Spirit forest

☐Forest to protect water sources

☐Forest for exploitation

12.2 Did your community have ghost/spirit forests 10-20 years ago?

☐Yes ☐No

12.3 IF they have ghost/spirit forests -> Do you know where they are located?

☐Yes ☐No

12.4 IF yes -> can you tell me where?

_____
_____
_____

13 <Forest protection>

13.1 Do you think forest protection and preservation is important?

☐Yes ☐No

13.2 IF yes -> Why is forest preservation important? <Do not tell the answers immediately, first let them answer spontaneously if no read out the questions & multiple answers are possible>
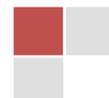
☐ Climate, draughts and storm prevention.

☐ Future generations

☐ Co Tu culture

☐ Housing and cooking

☐ Worshipping

☐ Other:

_____

13.3 How do you regard the importance of the forest in your daily life compared to the past?

☐ More important

☐ Equal

☐ Less important

Dear Sir, Madam, this is the end of my interview. Thank you very much for your cooperation. Have a nice day!