



## Whose Forest Tenure Reform Is It? Lessons from Case Studies in Vietnam

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### Policy Messages:

- In practice, the allocation of forest tenure rights to local people has not resulted in communities gaining actual control over local forests. For people to take meaningful control over these resources, necessary institutional mechanisms must be prepared and power transferred.
- Confusion over rights can undermine the efforts of forest tenure reform. Such confusion may be due to a lack of clarity in the policy framework, slow responses by authorities to remedy mistakes, and local people's limited knowledge of their rights and how to protect them.
- The impact of forest tenure reform on poverty alleviation is unclear. Support systems and benefit distribution mechanisms that pro-actively support the poor should be established.
- Local forest management traditions have endured in spite of decades of state control. With appropriate support, communities can build on these traditions and organize themselves to sustainably manage forests.

### Introduction

Over the last two decades, Vietnam has made significant progress in forest tenure reform, which aims to meaningfully include all relevant stakeholders in the management of forest resources. Under these reforms, forest area officially under the management of local people has expanded from almost nothing in the early 1990s to nearly 3.5 million ha (27% of the national forest area) in 2006. However, until now little is known about the extent to which such tenure reform has worked in practice and how it has affected local people's livelihoods and wellbeing.

To answer these questions, the Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC) and the Rights and Resources Initiative (RRI) commissioned a study in Vietnam. Hoa Binh province in the Northern Uplands and Dak Lak province in the Central Highlands (Figure 1) were selected to represent the country's diversity of socio-economic and forest tenure policy conditions. The study covered eight villages (four per province). The process of data collection, data analysis, and report writing took place between March 2007 and January 2008.

This policy brief presents some of the major findings of the study and focuses on four issues: actual control over forest resources; local people's confusion about their rights; impacts of forest tenure reform on poverty alleviation; and the ability of local people to manage forests. Stakeholders reviewed the study's findings at a national workshop in Hanoi.

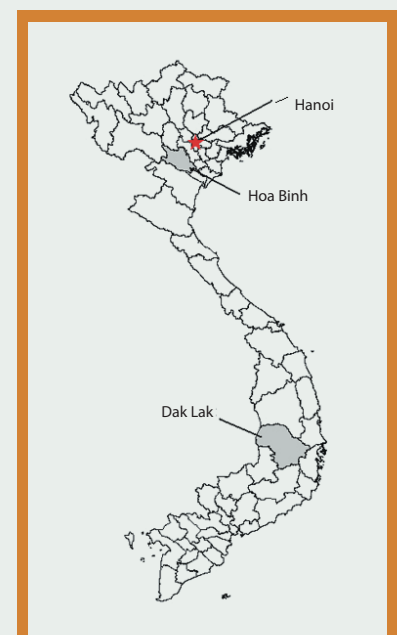


Figure 1: Location of the study site provinces

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## Actual Control Over Forests

There are eight forest tenure groups in each of the two study provinces. These include state actors such as state-owned companies, management boards for protection forest, management boards for special-use forest, people's committees, and the armed forces; and non-state actors such as joint-venture companies, communities, and individual households. One major difference between the two provinces is in the amount of forest area allocated under different tenure arrangements (see Figure 2). In Dak Lak province, state actors hold by far the largest share of the overall provincial forest area (over 96%), while non-state actors hold less than 4%. In contrast, most of the forest area in Hoa Binh province (81%) is under the management of non-state actors. In Dak Lak province, individual households are the smallest forest tenure group, managing only 0.8% of the overall forest area, while in Hoa Binh province they are the largest, with 79% of forest under their management.

In general, the best quality forests are still owned by state actors in both provinces. Non-state actors, particularly local people, have mostly been allocated poorer and degraded forests.

Most importantly, the state has a strong role in deciding the use of forest resources, including those already allocated to local people. For timber logging and use

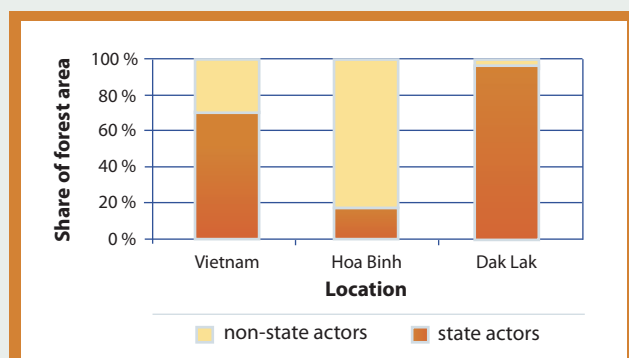


Figure 2: Share of Forest Area Managed by State and Non-State Actors in Vietnam

of forestland for cultivation, legal permission from state authorities is still required. This creates a situation where local people, even after forest tenure reform, still feel they are protecting the forest for the state.

## Confusion by Local People About Their Legal Rights

Forest recipient households are entitled to various rights specified in the existing legal framework. These include rights to transfer (i.e. to pass the title to other persons or entities), to exchange (for another title), to bequeath the title to family members, to mortgage the title for a loan, and to lease the titled land.

Yet, the study found that confusion remained over people's forest rights in Hoa Binh province. People in the study villages in Hoa Binh were allocated forest areas in 1993 and 1994. A few years later, they were provided forest land use titles, also known as Red Book Certificates (RBCs) for their color. However, a discrepancy remains between what is outlined in the RBCs and what is entitled by law. The RBC should by law be regarded as proof of full legal rights to the allocated forest land. Instead, the RBCs state that the forest is contracted to the recipients, saying nothing about the full range of legal rights as defined by law. The term "contract" stated in the titles implies that local people are merely protecting the forest for the state and receiving compensation for this work. As a result, local people are unsure about their rights to local forests, and thus do not give much value to the RBCs.

An important factor contributing to this confusion was the lack of clarity in the legal framework for forest land allocation during the early 1990s (see Box 1). Without clear guidance from the legal framework, the forest land allocation program in these villages was based on Decree 64 (dated 27 September 1993), which was designed to guide the allocation of agricultural lands—not forest lands—to households. Yet, until now there has been no action from local (forest) authorities to resolve this issue and inform local people of their rights to allocated forest.

### Box 1: Unclear Policies Regarding the Allocation of Natural Forests in the Early 1990s

Despite considerable government effort to allocate forest areas to local people, forest tenure policies in Vietnam in the 1990s were unclear on the matter of what to do with natural forests. While forest land without forest cover (i.e. bare land) could be allocated to local households with an RBC, it was not clear in the guiding documents (Decree 02, dated 15 January 1994, and Decree 01, dated 04 January 1995, on forest land allocation and contracting) whether the same could be done with forested land. Without the provision of clear and specific direction on the granting of land-use titles for forested forest land, state policies of the early 1990s left much room for interpretation as to whether standing forests could be allocated with title to local users or whether they could only be contracted out.

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## Forest Tenure Reform and Poverty Alleviation

While there is no doubt that the allocation of forest land to local people can help improve livelihoods, the extent to which forest tenure reform has contributed to poverty alleviation is still unclear. The main reason is that income generation from forests is not necessarily pro-poor and as such is vulnerable to elite capture. For income generation to contribute to poverty alleviation, mechanisms that pro-actively support poor households need to be in place.

Of the study villages, forest tenure reform has contributed to poverty alleviation only in the case of T'Ly village in Dak Lak province, where five poor households were provided with loans for household economic development activities. In the other villages, poor households have only been able to generate limited benefits from allocated forests. The production of high value forest products often requires significant investment of capital and labor resources, two inputs which poor households in these villages generally lacked. As a consequence, the benefits poor households have been able to generate from allocated forests are often less than those by better-off households.

In the study villages in Hoa Binh province, the study observed potential factors that could lead to increased impoverishment. Forest tenure reform here was expected to provide the poorest of the poor with meaningful rights to forest resources. However, local power relations influenced the distribution of allocated forest resources. In some instances, better-off villagers got access to

allocated forests while poorer villagers did not. Households with kinship ties to local officials have also been able to access forests of higher quality and closer proximity to villages.

## Ability of Local Communities to Manage Forests

On the whole, people in forest communities have the ability to manage forests allocated to them. In all the study villages, resident populations practiced customary forms of forest management long before the state laid claim to local forests. Although some communities may have been involved in the rapid deforestation that occurred in Vietnam during the second half of the 20th century, the study's findings indicate that traditional forest management systems that worked in the past are once again being put into practice. In some communities, there has been no interruption of these sustainable practices.

Forest tenure reform has provided local communities with legal rights to the forest areas that they have traditionally depended on for their livelihoods. With appropriate support from external agencies (e.g. local authorities and development projects) to back up the realization of their newly-acquired rights, communities will be better equipped to protect allocated forests from unauthorized uses and to benefit from sustainable forest management. In T'Ly village, for example, residents have established an effective local forest governance structure (see Box 2).

### Box 2: Forest Governance Structure in T'Ly Village of Dak Lak

Since the completion of forest tenure reform in T'Ly village, the community has set up a system to protect the allocated forest with support from a rural development project. The village has been divided into three teams, with each team comprised of three groups of 10-12 people. All adult men in the village are part of the forest protection system. A village forest protection and management board (VFPMB), made up of three elected members from each of the three teams, manages the forest protection system. The traditional village headman and the state-elected village head serve as advisors to the VFPMB.

### Summary and Recommendations

The findings demonstrate that forest tenure reform can be a complex process and requires a participatory multi-stakeholder approach over time to be effective. Problems are found in a number of areas, which include the devolution of forest rights to local people, ineffective implementation of tenure reform policies, and unclear linkages between forest tenure reform and poverty alleviation. Various factors contributing to these problems include the failure to transfer necessary decision-making power to local people, the absence of pro-poor mechanisms, the lack of respect for local knowledge and customs, the slow response by relevant authorities in remedying the mistakes made, and local people's limited understanding of the existing legal framework.

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**Summary and Recommendations** (*continued*)

Based on these findings, the following recommendations are proposed:

- **Make forest tenure reform more meaningful.** Tenure reform should not just be about devolving rights, but also about transfer of real power to local people. In addition, necessary support should be provided.
- **Make forest tenure reform more pro-poor.** Measures that need to be taken into account include the allocation of better quality forest, the equitable distribution of forest resources among recipients, the development of pro-poor mechanisms for benefit distribution, transparency in planning and decision-making, and the provision of pro-poor capacity building and extension support.
- **Respect local customs.** This can be done in two ways: (1) state policies should be flexible in accounting for local variation of customs and culture; and (2) local state officials need to understand that scientific forestry is not the only way to manage forests and that local people also possess equally important knowledge about forest management.
- **Evaluate (and remedy) tenure reform nationwide.** An evaluation of the reform process in all provinces should take place in order to draw out lessons and to identify mistakes to be avoided in the future. Where needed, measures should be taken to remedy the mistakes made so that affected people can benefit from the reform.
- **Provide appropriate legal education to local people.** A long-term process, this would likely start with the identification and prioritization of major problems as defined by local people, and followed by the interpretation of laws that relate to these problems into easy-to-understand guidelines. Various forms of communication (e.g. radio, posters, pictures, leaflets, trainings, and so on) could then be used to build awareness and understanding among all villagers.

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This policy brief summarizes findings from the study report entitled *Forest Tenure Reform in Vietnam: Case Studies from Northern Upland and Central Highland Regions* by Nguyen Quang Tan, Nguyen Ba Ngai, and Tran Ngoc Thanh. Interested readers can download a copy of this report from the RECOFTC website at [www.recoftc.org](http://www.recoftc.org) or email [info@recoftc.org](mailto:info@recoftc.org) for a hard copy.

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