

The governance capacity of forest land allocation policy in Vietnam

Thi Kim Phung Dang

Thesis committee

Promotor

Prof. Dr B.J.M. Arts
Professor of Forest and Nature Conservation Policy
Wageningen University

Co-promotor

Dr I.J. Visseren-Hamakers
Assistant professor, Forest and Nature Conservation Policy Group
Wageningen University

Other members

Prof. Dr A.P.J. Mol, Wageningen University
Prof. Dr R.G.A. Boot, Utrecht University, Netherlands
Dr Y. Yasmi, Food and Agriculture Organization, Bangkok, Thailand
Dr M.W. van der Zouwen, KWR Watercycle Research Institute,
Nieuwegein, Netherlands

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Thi Kim Phung Dang

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ABBREVIATIONS

Anon	Anonymous
ASEAN	The Association of Southeast Asian Nations
CADViet	The Training Center CADViet
Dak Lak PPC	The Provincial People's Committee of Dak Lak province
DARD	The Department of Agriculture and Rural Development
DFP	The Department of Forest Protection of Vietnam
DNRE	The Department of Natural Resources and Environment
DoF	The Department of Forestry of Vietnam
DOSM	The Department of Survey and Map of Vietnam
FLA	Forest land allocation
FIPI	Forest Inventory and Planning Institute.
FMB	Forest management board
FOs	Forest owners
FPs	Forest plantations
GSRV	The Government of Socialist Republic of Vietnam
Km ²	Square kilometer
Ha	Hectare
HH	Household
ICEM	The International Center for Environment Management
IISD	The International Institute for Sustainable Development
IUCN	The International Union for Conservation of Nature
Lao Cai PPC	The People's Committee of Lao Cai province
LUC	Land-use certificate
MARD	The Ministry of Agriculture and Rural Development of Vietnam
MoF	The Ministry of Forestry of Vietnam
NEA	The National Environmental Agency of Vietnam
NFs	Natural forests
NGO	Non-governmental organization
NTFPs	Non-timber forest products
PAA	Policy arrangement approach
PPC	The Provincial People's Committee
SFIPI	The Southern Institute of Forest Inventory and Planning
Tay Ninh PPC	The Provincial People's Committee of Tay Ninh province
UN	The United Nations
UNCED	The United Nations Conference on Environmental and Development
UNDP	The United Nations Development Programme
UNFPA	The United Nations Population Fund
US\$	US dollar
VND	Vietnamese dong
WWF	The World Wide Fund for Nature

Chapter

1

General introduction

1.1 Background

Human beings have always engaged in collective action. It is crucial to hunter gatherers and is of great concern to modern societies, which are struggling to effectively manage their public goods. Concerns are especially grave in the field of natural resource management, because essential resources might become depleted and valuable ecosystems undermined. Moreover, scholars are still debating the drivers that constrain humans from acting collectively for the sake of common goods, leaving us without a consensus on the best possible resource policy to solve or manage these problems (Meinzen-Dick and Knox, 1999).

This thesis was inspired by some of the above theoretical and practical issues, and particularly so regarding forest devolution and governance in Vietnam. Both concepts denote collective action, with the former concerning the enhancement of the role of local actors in a specific field of natural resource management, and the latter encompassing the general sense of societal cooperation. In addition, they have gained popularity over the last two decades. While forest devolution has been the main theme in academic studies on participatory forest management and community-based forest conservation, governance has become a key topic in many disciplines of the social sciences.

Forest devolution refers to the devolvement of power and authority from a central location to local actors, be they civil society organizations, communities or individual users (Fisher, 1999; Meinzen-Dick and Knox, 1999; Banerjee, 2000). It was a top forestry policy issue in the 1990s, when national governments in the developing world committed themselves, at least on paper, to large-scale forestry reforms from command-and-control governance to local participation (White and Martin, 2002; Sikor and Nguyen, 2007; Colfer et al., 2008).

International initiatives in forest devolution came from both within and outside the forestry sector. Within the sector, devolution was considered a solution to the failure of traditional forest management to halt deforestation (Banerjee, 2000). It was also expected to solve conflicts with forest-dependent people (Dahal, 2003). In a broader context, the discourse of sustainable development, which was first introduced at the UN Conference on Environment and Development (1992) in Rio de Janeiro, also had an impact. The recognition of the three pillars of environmental, economic and social developments has put issues of democracy, indigenous rights and conservation high on the agenda of natural resource management (Edmunds and Wollenberg, 2001). Forestry sectors worldwide were occupied with sustainable forest management, which highlighted not only effective management but also equity and social justice (Fisher, 1999). By setting the goal to reduce poverty by half, the UN Millennium Summit in 2000 further advocated forest devolution to improve local livelihoods (Sikor and Nguyen, 2007).

Through international conferences and international development projects, the rationales of international forestry in favour of forest devolution have further affected the forestry sectors in the developing world (Edmunds and Wollenberg, 2001). Demands for forestry reforms came from not only national governments – which were committed to forest devolution in order to reduce their expenditure on the massive forestry bureaucracies – but also from local communities, which struggled to maintain control over forest resources they so much depended on (*ibid.*).

Despite the broad consensus in favour of forest devolution, the institutional designs and performance of forest devolution policies vary considerably (Edmunds and Wollenberg, 2001). Apart from some successful cases in the Philippines, forest devolution in some parts of Indonesia, India and the Asia-Pacific region has had both positive and negative impacts (Banerjee, 2000). In some cases, both forests and local livelihoods have been improved (Edmunds and Wollenberg, 2001; Bhat et al., 2001), but in many cases, despite the improvement of forest conditions, forest users are still not benefitting from forest devolution (Banerjee, 2000; Edmunds and Wollenberg, 2001; Shackleton et al., 2002). In general, gaps exist between forest devolution rhetoric and practices (Fisher, 1999; Edmunds and Wollenberg, 2001; Meinzen-Dick and Knox, 2001; Edmunds and Wollenberg, 2003; Andersson, 2006; Dahal and Adhikari, 2008). Forest devolution in Asia and the Pacific region, for example, mainly devolves responsibilities for forest protection to local actors (Fisher, 2000). Forestry officials still dominate forest management in Nepal, India and China (Fisher, 2000; Dahal, 2003). Case studies in sub-Saharan Africa also reveal the high tension between the two objectives of forest devolution, namely to improve forests and to enhance local livelihoods (Ribot et al., 2010).

The growing interest in forest devolution has given rise to a great volume of literature (Agrawal and Ostrom, 2001; Shackleton and Campbell, 2001; Edmunds and Wollenberg, 2003), which mainly debates the factors that determine forest devolution impacts (Meinzen-Dick and Knox, 1999; Bovaird and Löffler, 2003; Agrawal and Ostrom, 2001; Kauneckis and Andersson, 2009). Some authors emphasize the limited devolvement of forest rights (Meinzen-Dick and Knox, 1999; Fisher, 2000), the lack of resources (Edmund and Wollenberg, 2003; Ribot et al., 2006) and elite capture of forest benefits (Banerjee, 2000; Edmund and Wollenberg, 2001; Ribot et al., 2006). Others point at the lack of accountability and conflicting central policies and institutions (Balooni et al., 2008). In general, most authors highlight the crucial role of institutions and property rights in successful forest devolution (Meinzen-Dick and Knox, 1999; Fisher, 2000; Agrawal and Ostrom, 2001; Edmunds and Wollenberg, 2001; Sikor and Tran, 2007). Local people are often depicted as 'victims' of forest devolution failure, and not much attention has been paid to the influence of their strategies on forest devolution. Studies on forest devolution also focus heavily on forest-related factors. Only a few authors (e.g. Nguyen, 2006 and Gomiero et al., 2010) pay attention to the influence of external factors on forest devolution.

In an attempt to discover the factors behind forest devolution impacts, scholars increasingly pay attention to governance issues in forest devolution (Agrawal and Ostrom, 2001; Dahal, 2003; Katerere, 2004; Dahal and Adhikari, 2008; Leotaud and McIntosh, 2009). Governance generally refers to the cooperation of societal actors to achieve their common goals (Frischtak, 1994; Kooiman, 1999; González and Healey, 2005). This is because the devolvement of power, rights and responsibilities from central governments to local people (Fisher, 1999, Meinzen-Dick and Knox, 2001; Shackleton et al., 2002; Edmunds et al., 2003) denotes a changing mode of governance (Agrawal and Ostrom, 2001), in which state and non-state actors cooperate to solve collective problems (Driessen et al., 2012; Visseren-Hamakers, 2013). It is also because governance has become an important political and academic issue over the last two decades (Jessop, 1998; Thomas, 2000; Malik, 2002; Graham et al., 2003; Kjaer, 2004; Jordan, 2008). Both practitioners in international development organizations

and academic scholars widely recognize that governance processes affect political, social and economic development (UNDP, 1997; Kooiman, 1999; Kaufman and Kraay, 2002; Abdellatif, 2003; Cubbin and Stern 2006; Graham and Fortier, 2009; Siddiqia et al., 2009). Governance practices have been evaluated on the basis of the concept of ‘governance capacity’, which is briefly introduced here and further elaborated in section 1.5 and in Chapter 3.

Governance capacity can be generally described as the ability of societal actors to work together in order to solve collective problems (Frischtak, 1994; Kjaer, 1996; Kooiman, 1999; Ahrens, 2000; Nelissen, 2002; Knill and Lehmkuhl, 2002; González and Healey, 2005; Christopoulos, 2006). Despite the great volume of literature on governance capacity, there are still questions about how the cooperation of societal actors shapes the performance of public policies (Dahal, 2003; Oluwu and Sako, 2003; Leftwich, 2008) and how this societal cooperation affects political, social and economic developments (Grindle, 2007; Pahl-Wostl, 2009). Scholars also debate what constitutes governance capacity and how to assess it in different governance situations (Hall, 2002; Gissendanner, 2004; Kaufman et al., 2006; Grindle, 2007). This thesis contributes to these theoretical and methodological debates on governance capacity and applies the concept to a specific case, namely forest devolution in Vietnam.

In short, forest devolution has become a main trend in forestry and forest policy worldwide, and discussions on what factors affect the impact of forest devolution are on-going. The limited understanding of the strategies of local people in forest devolution and of the effect of external ‘non-forest’ factors on forest devolution is prominent in these discussions. Furthermore, although there is a growing attention to governance processes in forest devolution, the evaluation of this governance is challenging because scholars are still debating the linkages between actors’ cooperation and the performance of public policies, as well as the assessments of governance capacity. These issues call for more theoretical understanding of methodological work on and empirical research into the specifics of forest devolution and its impacts on both forests and people (White and Martin, 2002; Rodden, 2003; Kauneckis and Andersson, 2009). This thesis contributes to addressing these knowledge gaps by assessing the governance capacity of a specific forest devolution policy in Vietnam, namely forest land allocation (FLA).

The following section provides an overview of forest devolution and FLA in Vietnam over the past 20 years. This is followed by the problem statement, the key concept of governance capacity, the research objectives and the research questions. The chapter then presents the three theoretical perspectives used in this thesis, the significance of this thesis, the methodology, the study areas, and the organization of the rest of this thesis.

1.2. Forest devolution in Vietnam

1.2.1. Vietnam's state forestry in the 1970s and 1980s

Vietnam had a long history of state forestry, which was first applied in the north of the country during the Vietnam War. The government introduced it in the south after the country was reunified in 1975. Vietnam's state forestry was characterized by the nationalization of forest resources, a highly centralized management and the exclusion of private actors (Sikor and Apel, 1998; Nguyen, 1999). According to the Government Ordinance on Forest Protection (1972), forests were the property of the people of the country, and the state managed forest resources for national interests on behalf of the people (GSRV, 1972). The General Department of Forestry (which later became the Ministry of Forestry) made all decisions concerning forestry visions and plans. It also prescribed both technical and management issues. At the provincial level, state enterprises were established to implement central plans on forest harvest and planting.

1.2.2. Vietnam's forestry reforms in the late 1980s

Vietnam's forestry reforms were embedded in the socioeconomic renovations (Doi Moi) that started in 1986. Doi Moi encompassed three main reforms: the democratization and publication of information, an open-door policy to foreign countries, and the operation of a market-oriented economy, which involved multiple stakeholders (Ari, 1999). The Vietnamese Constitution, which declares that Vietnam is a state 'of the people, by the people, for the people', legalized these reforms in 1992 (ibid.). The economic reforms were basically a move from a centrally planned economy to a household economy, which recognized households as the basic units of economic activities. Because 80% of Vietnam's population lived by agriculture, the first economic reforms under Doi Moi concerned land. The government dismantled agricultural cooperatives and returned agricultural lands to households (Chandrasiri and de Silva, 1996). The Land Law in 1993 further granted households long-term land-use rights that can be bought, sold, mortgaged, inherited and traded (GSRV, 1993). These broader changes facilitated the shift of Vietnam's forestry from centralized forest management to forest devolution for sustainable management.

1.2.3. The development of the policy of forest land allocation

The policy of forest land allocation (FLA) responded to the key problem of Vietnam's state forestry: under centralized forest management, forests became 'open access resources' because the state lacked the resources to manage them effectively. The government aimed to establish some local ownership of forests – which would lead to the better protection and management of forests and more benefits from them – by involving various actors (such as households, local communities and other organizations) in forestry.

In general, the development of the policy over the last 20 years can be divided into three main periods, which varied by target audiences of the policy and an emphasis on either forest rehabilitation or socioeconomic benefits. The first period began in 1991, when the Law on Forest Protection and Development officially stipulated the title of forest owners, which had not been mentioned in the 1972 Government Ordinance on Forest Protection. The Vietnam Forestry Development Plan, which was based on this law, announced the socialization of forestry¹ (MARD, 2001a) through FLA.

In 1993, Vietnam implemented the FLA policy nationwide, under National Programme 327 (1993–97) for re-greening barren lands. FLA in this period targeted households and emphasized forest rehabilitation. The government designated three categories of forests: special-use forests, protection forests and production forests.² Most forests in this period were designated as special-use and protection forests. The government allocated them to forest management boards (FMBs), which contracted households to protect natural forests and replant barren lands. These contractors were given annual contracts that granted them no right over the forests. In 1994, Decision No 02 further regulated the allocation of forest lands for long-term use, and in 1995 Decree 01/CP allowed forest enterprises to contract forest lands to local people and organizations to protect and plant trees.

In the second period (1997–2007), FLA was carried out together with National Programme 661 for the establishment of five million hectares of new forests (1997–2010), which replaced Programme 327. Although FLA in this period still emphasized forest rehabilitation, it paid attention to the development of production forests. At the beginning of this period, households were still the target audience. In the early 2000s, however, other actors (companies, organizations and local communities) increasingly became involved. The government gradually improved the rights and benefits of the involved actors. In 2001, the prime minister issued Decision No 08 on the management schemes of the three forest categories. According to the decision, production forests are allocated to FMBs, forest companies, households, companies and other organizations, such as military forces or local NGOs (GSRV, 2001a), but special-use and protection forests are allocated only to FMBs. The policy differentiates between two legal instruments for forest land allocation, namely land-use certificates (LUCs) and contracts. Contractors of plantations of special-use and protection forests receive long-term contracts of up to 50 years. Recipients of production forest plantations can become contractors or forest owners. Only forest owners receive land-use certificates (LUCs), which grant them the ownership of all forest products as well as management and alienation rights (Table 1.1). In the same year, Decision No 178 detailed benefit sharing for the recipients of natural forests. The revised Law on Forest Protection and Development in 2004 went further by stipulating the allocation of forest lands to communities and granting non-state recipients of production forest plantations the title of forest owners (National Assembly of Vietnam, 2004).

¹ This Vietnamese term denotes the involvement of multiple actors in forestry under Doi Moi, the on-going socioeconomic reform launched in Vietnam in 1986

² Special-use forests are for the conservation of biodiversity and cultural values, protection forests are for environmental protection, and production forests are for the production of timber and forest products (GSRV, 2001a).

The third period (since 2008) marks a turning point in FLA. The high profits yielded by rubber gave rise to a great demand for land for rubber plantations. Due to the scarcity of land for agriculture, the only potential sites for this expansion were forest lands. However, this expansion faced a barrier because rubber trees were not considered forest trees. In 2008, the minister of Agriculture and Rural Development addressed this barrier in Decision No 2855, which acknowledges rubber as a multipurpose tree that may be used in forestry. The minister also issued Circulation No 76/2007/TT.BNN, which dictated the conversion of 90,000–100,000 ha of poor forests in the central highlands into rubber plantations. While these two regulations opened the opportunity to expand rubber plantations, they caused changes not only in the focus of Vietnam's forestry from forest conversion to economic production, but also in the target audiences of the FLA policy from households to companies.

This thesis concerns the governance capacity of the FLA policy mainly in the second and third periods. However, since the impacts of FLA are cumulative, the first period is also indirectly implied in the assessment presented in this thesis.

Table 1.1. Overview of the two FLA instruments for different actors and forest types

Actors	Special-use forests	Protection forests	Production forests
FMBs	LUCs	LUCs	LUCs
Forest companies	Forestry contracts	Forestry contracts	LUCs
Households, groups of households	Forestry contracts	Forestry contracts	LUCs, forestry contracts
Local communities	Forestry contracts	Forestry contracts	LUCs, forestry contracts
Other organizations	Forestry contracts	Forestry contracts	LUCs, forestry contracts

1.3 Problem statement

The FLA policy has been evaluated by both policy practitioners and academics. Several studies reveal the rather limited participation of local people in the policy and its mixed policy impacts (Sikor, 2001, 2002; Nguyen, 2006; Tran and Sikor, 2006). These findings have raised the question why this has happened. Various answers have been given. For example, the national workshop on FLA organized by the Ministry of Agriculture and Rural Development in 2008, pointed at the policy's inadequate regulations for the participation of local people in the allocation of forest lands and benefit sharing (MARD-Tropenbos, 2008). It also pointed out the weak cooperation among the sectors involved, such as forestry, planning and investment, and land management (*ibid.*). Other authors blame the problems on either the limited property rights (Gomiero et al., 2000; Phuong, 2000; Sikor, 2001, 2002; Nguyen, 2006; Tran and Sikor, 2006; Clement and Amezcaga, 2008, 2009; Nguyen et al., 2008; To, 2008) or the conflicts between property rights and customary land occupations (Castella et al., 2006; Sikor and Tran, 2007).

These answers, however, are unsatisfactory and incomplete for various reasons. This thesis identifies five knowledge gaps in the existing evaluations of the FLA policy: (1) the influence of national forestry discourses, (2) regional differentiation, (3) governance aspects of FLA, (4) impacts of external factors and (5) local people's perspectives. These gaps relate to the relatively narrow scope of earlier studies on the FLA policy, regarding where the evaluations took place, what was evaluated and whose perspectives were considered in the evaluation. Below, I go into these gaps one by one, explain where they stem from and highlight how the present study addressed them.

The first gap pertains to the influence of national forestry discourses on the FLA policy. Vietnam's forestry reforms in the 1990s marked a shift in the national forestry discourses from state forestry – which excluded non-state actors and focused on the exploitation of timber (see 1.2.1) – to social forestry, which involved multiple actors and pursued sustainable forest management. This shift is reflected in the key policy of Vietnam's forestry reforms, namely FLA, which encompasses the participation of non-state actors in forest rehabilitation. Therefore, an understanding of the development of these discourses over the past 20 years helps to shed light on the overall discursive background against which the FLA policy has emerged. For example, this analysis helps to understand the specific opportunities for actors to cooperate with the FLA policy and the constraints on their cooperation and involvement from the main forestry reform discourses, and hence the specific nature of the conditions for the involvement of non-state actors in FLA. However, such an understanding is still lacking in the existing FLA literature. The present study therefore examined the national forestry discourses under forestry reforms and their impacts on the FLA policy.

The second gap concerns the narrow geographical scope of earlier FLA studies. Although the policy is implemented nationwide, FLA studies have been confined to pilot projects in the central highlands and the northern uplands. Although these areas can be used to examine the policy's impacts because they are among the country's most forested areas and are home to a large number of ethnic groups, this regional focus has various consequences. For example, there is little empirical evidence on the policy's impacts in the south of Vietnam. Given that forested areas in Vietnam are quite diverse in terms of natural and socioeconomic conditions, this knowledge gap calls for more comparative studies to discover the commonalities of and differences in the policy's impacts in different locations. The present study addressed this gap by evaluating the policy in different regions of Vietnam, including the southern part.

The third gap pertains to the governance aspects of FLA. By involving multiple actors in forestry, the policy mirrors the changing forest governance in Vietnam: from a centralized state forestry to a system with people's participation. The policy's impacts are thus reflected in the extent to which actors' participation indeed takes place. Although previous studies generally show that non-state actors do not get fully involved in the policy, several issues remain, concerning for example the characteristics of

governance in FLA and the extent to which non-state actors can participate in defining collective goals and making decisions. The narrow geographical scope of previous FLA studies also makes this gap more prominent, because it raises concerns about whether the governance in FLA in unstudied areas is similar to or different from what was observed in the central highlands and the northwest uplands. The present study addressed this gap by looking not only at the rights and benefits of the involved actors, but also at their participation in and cooperation with the policy. It paid special attention to the extent to which governance in FLA determines actors' mobilization of their own resources (funding and labour) for the collective goals in different regions of Vietnam.

The fourth gap relates to the influence of external factors on the policy. It is worth noting that as forestry is a type of land use, it is affected by national land-use planning, which keeps changing in response to other socioeconomic issues in Vietnam. However, earlier studies on FLA focused on forest-related factors at the local level, and neglected the possible impacts of external factors at both the local and the national level. As external factors may influence local participation in and cooperation with the policy, this neglect does not help to improve our limited understanding of the governance aspects of FLA. The present research bridged this knowledge gap by taking into account external factors at both the local and the national level in the evaluation of the policy's impacts.

The fifth gap concerns a lack of local people's perspectives in the FLA evaluation. Although considerable research on FLA has been devoted to the rights and benefits of local people, not much attention has been paid to the goals of local people in FLA, their cooperation with other actors, their perspectives on the policy and their evaluation of the policy's impacts. These issues are highly relevant because the policy mobilizes local support and resources for forest rehabilitation in order to improve local benefits from forests. Given that local people are the main force and the beneficiaries of the policy, their perspectives on the policy will determine how they act, which in turn might have a bearing on how they contribute to achieving the policy's goals. The focus of earlier FLA studies on the central highlands and northern uplands also widened this knowledge gap because little was known about the perspectives of local people in other areas. To reveal more of the as-yet unknown factors that determine the policy's impacts, the present research paid attention to local perspectives on the policy in different regions.

These five knowledge gaps show that a full understanding of FLA impacts in different regions of Vietnam and their underlying factors is still lacking. There are bits and pieces in the FLA literature, but there is no comprehensive picture. As indicated above, these knowledge gaps are interrelated. The narrow geographical scope of earlier FLA studies, for example, makes the knowledge gaps on governance aspects, external factors and local perspectives more prominent. Similarly, the limited understanding of governance aspects can be partly attributed to not only the narrow geographical scope, but also the neglect of possible influences of external factors and local perspectives on the policy. This interrelatedness shows that these gaps should be addressed in relation to each other. To bridge these gaps, the present research first studied the national forestry discourses under Vietnam's forestry reforms and their impacts on the FLA policy. It then evaluated the policy in different regions of the country. Given the growing attention to governance in forest devolution, this evaluation focused on governance aspects of FLA and paid attention to external factors and local people's perspectives.

1.4 . Research objectives and research questions

In response to these knowledge gaps in the literature on the FLA policy, the main aim of the research was:

To gain in-depth knowledge on the impacts of the FLA policy by assessing its governance capacity in different regions of Vietnam.

In order to contribute to the current academic debates on what constitutes governance capacity, the research was also guided by a second aim:

To develop a framework for assessing the governance capacity of the FLA policy.

To realize the first research aim, the study sought to answer the following three research questions:

1. How did the FLA policy in Vietnam come about, and to what extent did national forestry discourses influence the policy?

This question addresses the first knowledge gap. As FLA is the key policy of Vietnam's forestry reforms, its contents are shaped by the national forestry discourses under these reforms. Studying these discourses provides the background that sets the scene of the current FLA policy. By embedding the policy within the broader discursive context, this thesis provides the background contexts against which the policy has been shaped. It therefore sheds light on the influence of national forestry discourses on the development of the policy, particularly the discursive opportunities for and constraints on the involvement of non-state actors in the policy.

2. To what extent has the FLA policy had the capacity to involve actors, particularly local people, in different regions of Vietnam, and what factors have determined this capacity?

This question addresses the third knowledge gap in relation to the second, fourth and fifth knowledge gaps. By devolving forest rights from state actors to non-state actors, the FLA policy entails important changes in Vietnam's forestry regulations, regarding the involvement of multiple actor in forest management. It is therefore crucial to investigate the institutional settings in which this involvement takes place. By answering this question, this thesis increases the understanding of the institutional opportunities for and constraints on actors' cooperation with the policy. The question also helps identify the determining factors of these opportunities and constraints in different regions of Vietnam. In the investigation of factors behind this capacity, the present study paid attention to external factors and local people's perspectives on the policy.

3. What has been the performance of the FLA policy in different regions of Vietnam, and what factors have determined this performance?

This question also addresses the third knowledge gap with regard to the second, fourth and fifth gaps. While the second research question concerns the potential of the FLA policy, this question is about its real performance. The present research evaluated the extent to which the policy has its impacts on forest resources, and on the rights and benefits of the involved actors in different contexts. By answering this question, this thesis elaborates the FLA processes and impacts, and identifies the key factors determining the policy's performance in different regions of Vietnam. In this evaluation, this present research also took into account the role of external factors and local perspectives on the policy.

The order of the research questions illustrates how the assessment proceeded, namely from the national context of Vietnam's forestry discourses to an exploration of the specific and concrete cases of forest land allocation on the ground. The three research questions are further specified into sub-questions in Chapters 4 and 5. Chapter 3 presents the framework developed for assessing governance capacity for the analysis of FLA on the ground. This chapter reviews the relevant theoretical concepts and formulates theoretical elements, aspects and criteria for the assessment of governance capacity in general, and of the FLA policy in particular.

1.5. Theoretical perspectives

The present study used the theoretical perspectives of policy discourse analysis, governance capacity and the policy arrangement approach to answer the three research questions. In this section, I first briefly present the policy discourse analysis that I employed to address the first research question. I then provide an overview of both governance capacity and the policy arrangement. In Chapter 3, I show how I used the latter to design a framework to assess the former, namely the governance capacity of the FLA policy. The application of this framework to answer the second and third research questions is described in Chapter 4 and Chapter 5, respectively.

1.5.1. Policy discourse analysis

Before discussing in-depth the case studies in three regions of Vietnam (Chapters 3–5), I present the answer to the first research question, providing a general understanding of the discursive contexts in which the FLA policy could emerge (Chapter 2). To answer it, I used policy discourse analysis (Hajer, 1993, 1995), because the approach provides theoretical concepts (discourses, storylines, discourse coalitions, discourse structuration and discourse institutionalization) to analyze the process in which a definition of problems and solutions becomes dominant and hegemonic (ibid.).

The aim of policy discourse analysis (Hajer, 1993, 1995) is to unveil the framing of environmental problems and the way in which some frames become dominant over others. The approach highlights

the various ways of thinking and arguing on social issues in a policy domain. Discourse is defined as 'a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities' (Hajer, 1995: 44). Discourse plays a constitutive role in political processes because it affects how actors conceptualize policy problems, policy solutions and their actions (Hajer and Vesteeg, 2005). This conceptualization is characterized by 'the mobilization of bias', because actors emphasize certain aspects of reality and neglect others (Hajer, 1995). Consequently, actors with different positions use different storylines to refer to and argue over a policy issue. A storyline is 'a generative sort of narrative that allows actors to draw upon various discursive categories, to give meaning to specific physical and social phenomena' (ibid.: 56). Actors form coalitions in their struggle over the definition and meaning of environmental problems, and as such they discursively influence the process of policymaking. This struggle for discourse hegemony results from the processes of discourse structuration and institutionalization. Discourse structuration takes place when a discourse comes to dominate the way a society conceptualizes the world. Discourse institutionalization occurs when a discourse is materialized in institutions (ibid.).

1.5.2. Governance capacity

Governance capacity has become one of the key concepts in the fields of environmental governance, public administration, socioeconomic development and capacity building. In general, it is defined as 'the ability of societal actors to work together in order to solve collective problems' (Kjaer, 1996; Kooiman, 1999; Healey et al., 2002; Nelissen, 2002; Gualini, 2005; Pikner, 2008). The concept shows overlap with that of institutional capacity, which is particularly used in the development cooperation and capacity building literature. Institutional capacity generally refers to the degree to which rules and procedures enable actors to work together in order to solve collective problems (Bhagavan and Virgin, 2004; Colfer and Capistrano, 2005; Li and Zusman, 2006; Wickham et al., 2009). Governance capacity comprises potential and performance (Arts and Goverde, 2006). Similarly, institutional capacity also encompasses potential and realized capacity (Li and Zusman, 2006).

The two concepts have one important difference. While studies using the concept of institutional capacity limit their emphasis to the institutional settings under which actors have to interact (Willems and Baumert, 2003), the literature on governance capacity has a much broader focus (Wickham et al., 2009), one that includes actors' discourses, resources cooperation and performance. For this research, I preferred to use the latter concept of governance capacity to examine a broader range of aspects related to the capacities and performances of forest devolution in Vietnam, as well as the institutional setting. Nevertheless, this research was informed by the literature on both governance capacity and institutional capacity because of their commonalities.

1.5.3. Policy arrangement approach

To answer the second and the third question, a framework for assessing governance capacity was required. The knowledge gaps on governance aspects of FLA, the influence of external factors and local perspectives on FLA informed three criteria for such a framework. Firstly, to gain insight into the governance aspects of FLA, the framework had to assist the investigation not only of the institutional setting but also of the key organizational and substantive aspects of policymaking, such as actors' efforts to cooperate, discourses on common goals and resources for the realization of these goals. By doing so, the framework would also help to address the limited understanding of societal perspectives on FLA, including the local ones. Secondly, it had to facilitate the examination of the effect of external factors on the policy at both the national level and local levels. This is important because the evaluation was to be carried out in different regions of Vietnam, which have different local conditions but are embedded in the socioeconomic development of the country as a whole. Thirdly, the framework had to facilitate not only the analysis of governance, external factors and local perspectives, but also the assessment of policy impacts on both forests and people.

Given these considerations, the research departed from the theoretical perspective of the policy arrangement approach (PAA). There were three reasons for this:

- The PAA (Van Tatenhove and Leroy, 2000; Arts and Leroy, 2006; Arts et al., 2006) focuses on both policy (what should be done to solve collective problems) and governance (how societal actors in a policy domain cooperate to attain collective goals). The approach is also a useful analytical and evaluative tool for studies on governance (Arts and Goverde, 2006; Arnout and Arts, 2009). These features would be suitable for assessing the governance capacity of the FLA policy.
- By taking into account the effects of external factors on policy arrangements – for example through political modernization, adjacent arrangements and shock events (Arts and Leroy, 2006) – the PAA would facilitate a better understanding of the influences of external factors on the FLA policy.
- Because it encompasses the four key dimensions of societal cooperation (discourses, rules of the game, actors, resources), the PAA would facilitate the examination of both the organizational and the substantive aspects of governance capacity. It would therefore also facilitate the examination of people's perspectives, including the local ones, towards the FLA policy.

The PAA sheds light on changes and continuities in environmental policies by incorporating into one comprehensive framework insights from neo-institutionalism (March and Olsen, 2006), network theory (Marsh and Rhodes, 1992), policy discourse analysis (Hajer, 1995) and the advocacy coalition framework (Sabatier, 1987). In addition, its position midway between policy discourse analysis (Hajer, 1995) and neo-institutionalism (March and Olsen, 2006) also responds to the recent 'argumentative turn' in social and political sciences (Arts and Buizer, 2009).

A policy arrangement refers to the relative stabilization of a policy domain in terms of actors, discourses, rules of the game and resources (Arts and Van Tatenhove, 2004). These interwoven

dimensions reflect both the substance and the organization of societal cooperation (Table 1.2). This temporary stabilization, however, can be interrupted by political modernization, which relates to changes in the broader political and socioeconomic contexts (Arts and Van Tatenhove, 2004) and by other factors, such as shock events and changes in other adjacent policy arrangements (e.g. agriculture).

Table 1.2. Four dimensions of a policy arrangement

Dimensions	Descriptions
Actors	Actors and their coalitions.
Rules of the game	Formal and informal rules, regarding access to the policy domain, procedures for decision making and responsibilities in implementation.
Discourses	Actors' perspectives on definitions of problems, goals and solutions.
Resources	Actors' mobilization, distribution and deployment of resources.

Adapted from: Arts et al. (2006); Van der Zouwen (2006); Wiering and Arts (2006); Veenman et al. (2009)

Although the PAA was developed to study environmental policy changes (Arts et al., 2006; Wiering and Arts, 2006; Wiering and Immink, 2006), it has increasingly been used to analyze and evaluate governance in many other fields, such as cultural heritage (De Boer, 2009), nature policy (Van der Zouwen, 2006); Arnouts and Arts, 2009; Arnouts et al., 2012), energy policy (Litmanen and Kojo, 2011), forestry policy (Arts and Buizer, 2009; Beeko and Arts, 2010; Van Gossum et al., 2010; Park and Youn, 2013), public health policy (Stassen et al., 2010), urban planning (Aalbers and Pauleit, 2013) and tourism (Archabald and Naughton-Treves, 2001).

The PAA approach defines governance capacity as the extent to which new forms of governance are able to successfully solve societal and administrative problems (Arts and Goverde, 2006). Nelissen (2002) differentiates between two types of governance capacity:

- Indicative governance capacity, which refers to the potential contribution of a governance mode to managing or solving societal and administrative problems. In this thesis, the emphasis is on the capacity of the FLA arrangement to facilitate cooperation among state and non-state actors to attain common goals. Such cooperation is mainly shaped by the institutional settings under which these actors have to operate. Thus, the concepts of 'indicative governance capacity' and 'institutional capacity', as used in the literature and in this thesis, have a lot in common.
- Performative governance capacity, which refers to the actual contribution of a governance mode to 'real' problem solution. This performance covers not only regulatory enforcement, but also other governance processes and impacts, such as social learning, forest rehabilitation and socioeconomic benefits for people (see Chapter 3).

It is worth noting that while indicative governance capacity overlaps with the concept of institutional capacity, performative governance capacity has a much broader meaning. In this study, the evaluation of the FLA governance capacity encompassed both types, namely indicative

and performative governance capacity. After all, both are useful to the examination of the factors behind the FLA policy's impacts. However, I decided to slightly amend the names of the two types of governance capacity. I use 'institutional capacity' to refer to indicative governance capacity, and 'governance performance' to refer to performative governance capacity. These two terms denote the meanings of the two types of governance capacity more explicitly than the original concepts of Arts and Goverde (2006). Furthermore, they resonate with the literature on governance capacity and institutional capacity, and thus facilitate better communication between the framework and the relevant literature.

The theoretical perspectives used in this study complemented each other in addressing the research questions. There was an overlap, however, particularly between the PAA and Hajer's policy discourse analysis: both approaches include the concept of 'discourse', although their conceptualizations differ. Whereas the PAA refers to actors' perspectives, goals and solutions within policy domains, Hajer's conceptualization refers to broader societal discourses that define the way people apprehend certain phenomena (e.g. forests or people–forest interfaces) and the related policies. I used both perspectives to reconstruct forestry discourses both within the FLA domain (PAA; see Chapters 3–5) and outside the FLA domain (policy discourse analysis; see Chapter 2).

1.6. Significance of this thesis

This thesis makes the following societal and theoretical contributions. Firstly, it informs Vietnamese policymakers of a more comprehensive picture of the policy's processes and impacts, because it has a broader geographical scope than previous studies on FLA and incorporates governance aspects, the perspectives of local people and the influence of external factors on the policy. As FLA is the key policy of Vietnam's forestry reforms, the findings on the governance capacity of the FLA policy reflect the extent to which these reforms are put into practice. Furthermore, since these reforms were embedded under the broader socioeconomic renovation of Doi Moi, this thesis indirectly contributes to a better understanding of how these renovations have affected forestry, like every other field of Vietnam's society. Such knowledge is crucial to the review of both the Doi Moi process and the macro policymaking on sustainable development.

Secondly, lessons from the FLA governance capacity are relevant to other southeast Asian and other developing countries that share with Vietnam some forestry-related similarities, regarding for example the large number of forest-dependent people in forested areas, a long history of state forestry with extensive state ownership of forestlands and centralized forest management, and 20-year struggles for forest devolution (Edmunds and Wollenbeg, 2001).

Thirdly, the framework for assessing governance capacity presented in Chapter 3 touches upon relevant debates in the scholarly literature on governance capacity. It deals with such academic questions as what constitutes governance capacity and how to measure it in a comprehensive way (Hall, 2002; Gissendanner, 2004; Kaufman et al., 2006; Grindle, 2007). It therefore carries theoretical and methodological implications for governance capacity assessment, particularly in forest devolution.

In doing so, this thesis offers an evaluative tool, which responds to the increasing attention to the governance in forest devolution.

Finally, empirical observations on the governance capacity of the FLA policy provide insight into the key factors that determine forest devolution impacts and their interrelatedness in devolution processes. As the study was carried out in different regions of Vietnam, these observations increase the understanding of how forest devolution impacts are shaped on the ground. In addition, the findings on the influences of the national forestry discourses and external factors on the governance capacity of public policies, contribute to the literature on forest devolution, which still focuses largely on local and forest-related factors.

1.7. Methodology

To answer the research questions, I employed the case study approach (Yin, 2002) because it is useful for describing, understanding and explaining a social phenomenon of human affairs (Stake, 1978; Tellis, 1997). As the approach can be combined with other research methods (Tellis, 1997), it was also suitable for this study, which used a mixed method of data collection to gain insights into the complexity of the issue under inquiry (Purdon et al. 2001): the governance capacity for forest land allocation.

The case study approach can be used to research a single case, which offers a lively, thick picture of events with examples of ideas and relations (Cunningham, 1997), or multiple cases, for comparison purposes or in order to validate the robustness of a theory (Yin, 1994; Tellis, 1997). A multiple cases study can follow the nested approach, in which some cases are embedded under a broader case (Lotz-Sisiska and Raven, 2004). Depending on the research objectives, a case study can be exploratory, explanatory or descriptive. To ensure the research validity, the case study approach employs the strategy of triangulation (Tellis, 1997). Researchers can triangulate not only data sources but also theories and methods to ensure the analysis of the case is based on the perspectives of the various actors involved (Yin, 1994).

The present study applied the nested approach to multiple case studies for two reasons: firstly, as the FLA policy is the key policy of Vietnam's forestry reforms, it is embedded in the broader changing forestry discourses in Vietnam over the past 20 years; and secondly, the policy's performance appears to vary under different contexts. For these reasons, a nested approach to cases studies sheds lights on how broader changes at the national level have shaped the discursive opportunities for and constraints on the policy, and the extent to which the policy has its impacts in different regions of the country. Following a nested approach, this thesis includes a case study of changing forestry discourses under Vietnam forestry reforms, which provides the backdrop for the development of the policy and three case studies on the impacts of the policy in three regions of the country (Figure 1.1). All these cases are explanatory.

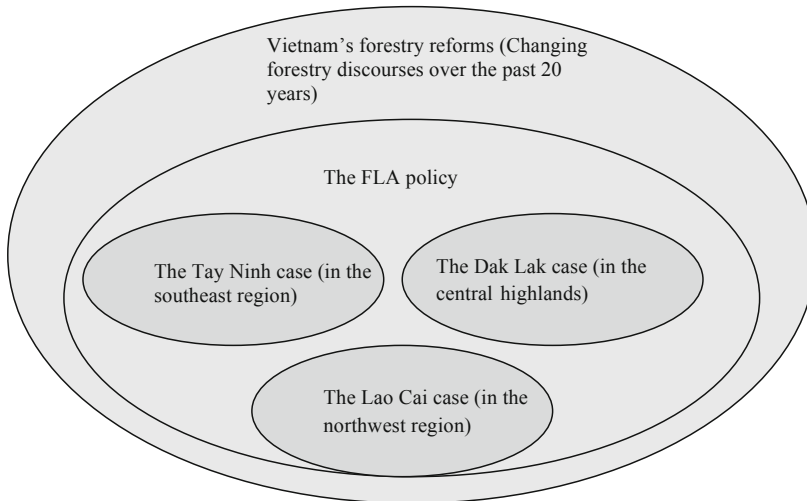


Figure 1.1. Nested case studies on the FLA policy in Vietnam

1.7.1. Data collection

The research combined different data collection methods, including a literature review and document analysis, semi-structured interviews and a survey. This combination was applied in order to generate data from different sources for triangulation.

The fieldwork was conducted from December 2010 to November 2012. Before the fieldwork, a case study protocol was formulated. It included the research objectives, an overview of key issues of the FLA policy in the three cases, guiding questions for semi-structured interviews, the questionnaire and the field procedures (i.e. when the various activities and interviews would take place).

The research began with desk research in order to get an overview of the policy. The relevant literature and documents included forest laws, land laws, national forest programmes, national forestry action plans, national forestry development strategies, official documents, related governmental guiding documents, national reports, provincial reports, and books, concerning forestry and FLA in Vietnam. During the review, the framework for FLA governance capacity was used to locate information.

To generate in-depth information and feedback from the involved actors, semi-structured interviews were conducted. This type of interview is one of the most important sources of information in the case study approach (Tellis, 1997). It is particularly useful to explore actors' personal experiences, their attitudes and viewpoints regarding the topic under inquiry because it allows them to express their ideas and opinions (Aira et al., 2003). A researcher can also use them to get information on sensitive issues (Purdon et al., 2001) and to elaborate information and clarify answers (Louise-Barisal and While, 1994). The fieldwork included interviewing 152 key informants (Table 1.3) recruited by snowball and saturation sampling (Frank and Snijders, 1994). These informants comprised actors

from the forestry and land management sectors, research institutes, local authorities and local NGOs, as well as forestry contractors and forest owners.

Besides semi-structured interviews, a survey was carried out to capture an overview of FLA recipients in the three cases. Using surveys to collect data is increasingly popular in social sciences (Weisberg et al., 1996) because surveys gather basic information about the target group and help to understand their behaviours, opinions and preferences (Rea and Parker, 2012). They are particularly helpful in discovering relationships that are common across organizations, thus providing generalization about the object of study (Gable, 1994). In addition, this approach is widely acknowledged as a useful research tool to evaluate public policy (Rea and Parker, 2012). In total, the survey involved 288 respondents (96 from each province) chosen by stratified random-sampling (Nichols, 1991) from the lists of FLA recipients (of three forest categories) in nine districts³ of the three provinces. The three districts in a province were selected to represent the three forest categories (special use, protection and production). The questions were formulated before the fieldwork. They addressed descriptive information on gender, age, education and ethnic background of the head of the household, as well as the size, the number of labourers in the household, the main livelihoods and the economic status of the household. The questions particularly focused on the respondents' perspectives on the FLA policy, their involvement in forest land allocation, the contribution of the policy to household income, their evaluation of the policy and their suggestions. Before the survey in each province, a pre-test of the questionnaire was done to help researchers to adjust the questions, making them clearer and understandable to respondents (Hunt et al., 1982). During the fieldwork, direct observation (Raudenbush and Sampson, 1999) was applied to gain additional information about the respondents' livelihood and the conditions of forests.

³ Tan Chau, Tan Bien, Chau Thanh (Tay Ninh); Krong Bong, Krong Nang, Easup (Dak Lak); Sapa, Simacai, Bao Thang (Lao Cai).

Table 1.3. Overview of key informants in semi-structured interviews

	Key informants	Numbers
1	Policymaker	1
2	Decision makers	4
3	Researchers	4
4	Provincial governments (DARD)	9
5	Forest rangers	11
6	District governments	14
7	Local authorities at communes and villages	29
8	Land management officers	2
9	Local NGOs	10
10	Forest owners	20
	-Forest management boards	10
	-Forest companies	2
	-Other forest owners	8
11	Forestry contractors	40
12	Villagers	8
	Total	152

1.7.2. Data analysis

The research applied a deductive analysis using a framework that had been formulated before the fieldwork. This is an increasingly popular strategy in qualitative research (Pope et al., 2000). Interviews were transcribed and compared with interview notes. Data from different sources were triangulated before the analysis.

The analysis of qualitative data followed the method of Miles and Huberman (Miles and Huberman, 1984; Punch, 2005), which involves three main interconnected components: data reduction, data display, and drawing and verifying conclusions. The operation of these components was guided by the framework for assessing governance capacity (see Chapter 3).

- Data reduction comprised three steps. The first involved editing, segmenting and summarizing data from the transcripts. The second step included coding and memoing. For coding, descriptive codes was used to index data. This was followed by pattern (inferential) codes. Memos, which included codes and their relationships, were made during the coding. The third step was labelling and then categorizing to analyze data at the level of abstraction against the criteria of the framework for assessing governance capacity. Due to the interconnectedness of the elements of governance capacity, this thesis pays a great attention to the relationships among these criteria.
- Data display comprised the use of tables, charts and diagrams to find similarities and differences among the three cases, and to display the relationships between different criteria.

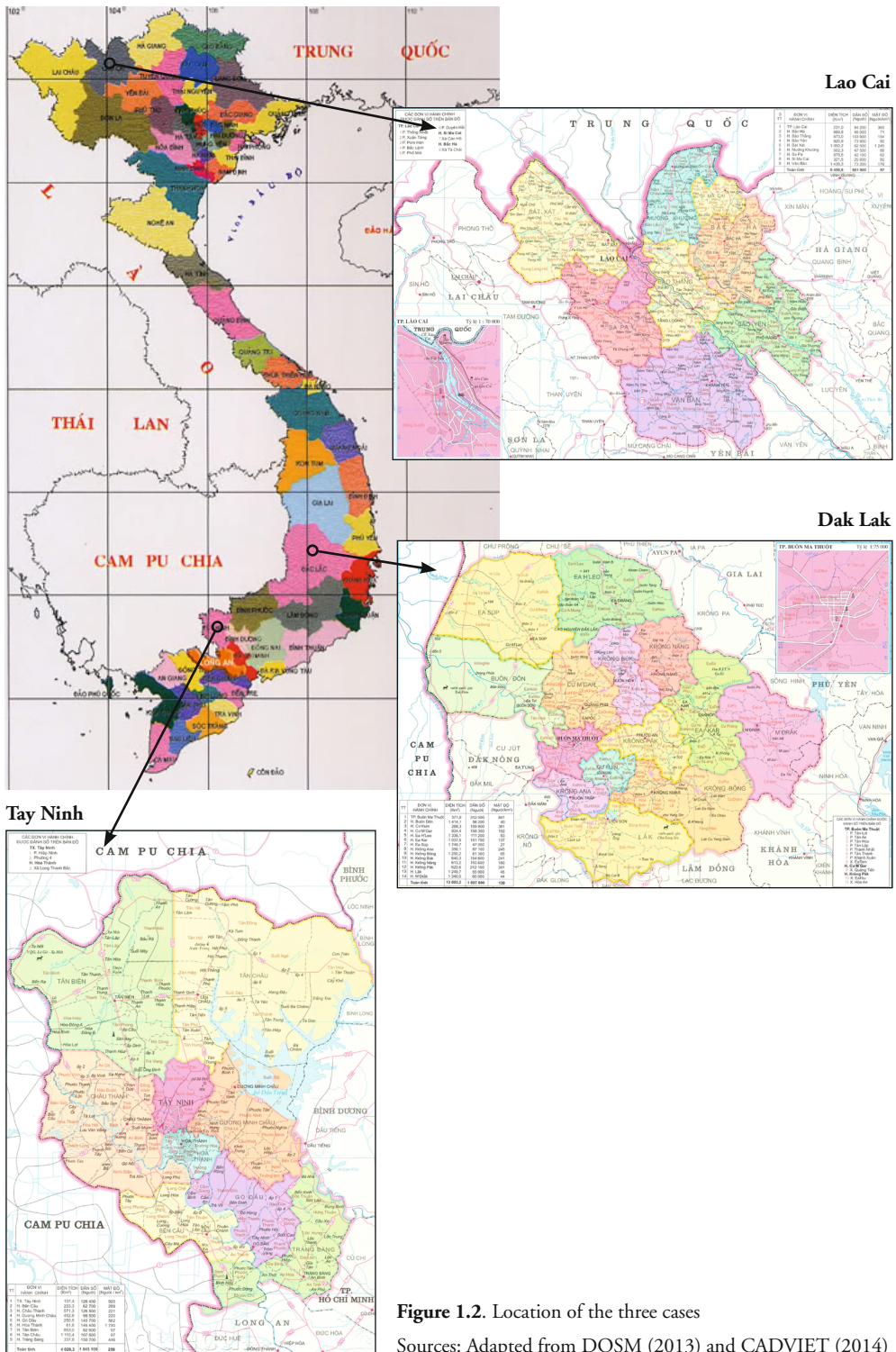
- Drawing and verifying conclusions began with the identification of themes and patterns from the memos. These themes and patterns were then assigned and grouped into the criteria of the governance capacity framework. After that, the categories were compared and contrasted, and their relations were noted. These operations helped identify the logical chain of evidence and drawing findings. To verify conclusions, findings from different sources of data was triangulated and compared with current findings in the literature.

The quantitative data were analysed in two steps. Data from the questionnaires were first presented in Excel worksheets to draw out descriptive statistics. These statistics were then presented in tables, charts and diagrams to contrast and compare the criteria in the three cases. I also used IBM SPSS Statistic 20 to get frequencies and make cross tabulation.

1.8. Study areas

To get insight into the governance capacity of the FLA policy under different settings, the study used nested cases in different regions of Vietnam. This is because Vietnam is a diverse country in terms of geographical and socioeconomic conditions (De Jong et al., 2006; Nguyen, 2007), which can have a bearing on both forest resources and actors' cooperation in FLA. The country also has a high level of cultural diversity because its population is made up of 54 ethnic groups, each of which speaks its own language. The Kinh form the largest group, accounting for 86% of the total population (UNFPA, 2011). Their language is the official Vietnamese language. The minority groups are forest-dependent and have their own customs regarding forest use and management (Goldman, 2009; UNFPA, 2011). In general, the country can be divided into three regions (north, central and south), which differ significantly in geography, topography, forest cover, ethnic backgrounds, socioeconomic conditions and issues relating to FLA. For that reason, one case was selected in each of these three regions.

Although each region is geographically divided into sub-regions, these sub-regions share some of the natural and socioeconomic characteristics of the region. To select the three sub-regions, I used the criteria that are relevant to the FLA policy. Firstly, the cases had to include both highly forested and less forested areas in order to see whether the allocation of forest lands is influenced by the availability of forests. As earlier FLA studies concentrated on forested areas, the less forested case provides new information on actors' cooperation with and their mobilization of resources in the policy. Secondly, to examine the impacts of the socioeconomic contexts on the policy, the cases had to encompass different levels of economic development. They also had to include both the Kinh and minority groups, which have different languages, customs and livelihoods. This is because most minority groups in Vietnam are forest-dependent and have customary laws on forest management by communities. Finally, the cases had to cover some key issues of FLA, such as forest encroachment, the competition between land for forest rehabilitation and land for cash crops/food crops, and conflicts between FLA and customary laws on forest management.



These criteria led to the selection of three provinces (Tay Ninh, Dak Lak, Lao Cai) to represent the three sub-regions (Figure 1.2). Tay Ninh represents FLA in the southeast of Vietnam, which is characterized by the low forest cover and the dominance of the Kinh group. Agriculture is highly intensified and farmers have easy access to both agricultural and forest products markets. The key issue in this sub-region is forest encroachment for cash crops. Dak Lak represents FLA in the central highlands, which have high forest cover. While the Kinh group practise intensified agriculture, some minority groups still practise shifting cultivation. Farmers have access to agricultural and forest products markets, but the conditions for the transport of their products are not favourable due to the hilly topography. The key issues of FLA in the province are migration of ethnic groups from the northern provinces and forest encroachment for both cash crops and food crops. Lao Cai represents FLA in the northwest uplands, where provinces have high forest cover, a high rate of poverty and the presence of groups from different ethnic backgrounds. These groups are highly forest-dependent and still practise shifting cultivation. Although they grow food crops, their farming is mostly at the subsistence level. Compared to Dak Lak, farmers in Lao Cai have good access to agricultural and forest products markets, but the conditions for the transport of their products are more difficult due to the hilly topography.

1.8.1. Tay Ninh province in the south-east of Vietnam

Tay Ninh is one of the six provinces⁴ that form the key economic development zone in the south of Vietnam. It is situated 99 kilometres from Ho Chi Minh City (formerly known as Saigon), has one town, eight rural districts and 82 communes, and covers a total area of 4,040 km² (GSO, 2011). The province has a population of 1,080,700 (ibid.) people, of whom 98.4% are Kinh. Other minor groups include the Hoa, Khmer, Tamung, Cham, Tay and Nung.

In 1975, 36%⁵ of Tay Ninh was covered by natural forests. During the economic development after the Vietnam War, the province suffered from serious deforestation. By 1980, timber exploitation and forest conversion for infrastructure, irrigation, residential and agricultural lands had reduced its forest cover to just around 10%⁶ in the late 1980s. Its forest lands include semi-deciduous forests, broad-leaf tropical forests and wetlands, which reflect the transitional types between forests in the central highlands and forests in the low lands of Vietnam.

The main livelihood of the rural residents in forested areas is agriculture. They grow rice and cash crops,⁷ and raise chicken, pigs, cows and oxen (SFIPI, 2005). As the province is close to Ho Chi Minh City, farmers have easy access to both agricultural and forest products markets. The main issue of FLA in Tay Ninh is forest encroachment for cash crops. The provincial government had to establish a steering committee to solve the problem. Forest encroachment has now been halted and most of the encroached lands have been reforested.

⁴ Ho Chi Minh city, Dong Nai, Binh Phuoc, Tay Ninh, Ba Ria-Vung Tau, Long An.

⁵ Equivalent to 145,000 ha.

⁶ Equivalent to 40,400 ha.

⁷ Cassava, sugar canes and rubber trees.

1.8.2. Dak Lak province in the central highlands of Vietnam

Dak Lak is the largest province in the central highlands, which are considered the strategic economic development region of Vietnam due to their large areas of forest and the availability of fertile lands for perennial cash crops, such as coffee, rubber and fruit. It is 352 km from Ho Chi Minh City and has a total area of 13,125 km²⁸ and a population of 1,171,800 (GSO, 2011). The province is administratively divided into one city, one town, 13 rural districts and 152 communes. It is home to 44 ethnic groups, of which the Kinh is the biggest. The minority groups include both indigenous people (the M'Nong, Ede, Bana) and immigrants from the north of Vietnam (the H'Mong, Tay, Nung). While the Kinh practise intensive agriculture, the minority groups are still forest-dependent, despite the national programmes carried out by both the central government and provincial governments to help these groups to settle and practise agriculture. However, some still practise shifting cultivation in natural forests.

Dak Lak is one of Vietnam's most heavily forested provinces: it has a forest cover of 46.5%⁹ (GSO, 2011). Its forests range from open to semi-open and tropical rain forests, which are home to many species of national and global biodiversity importance. During the 1980s and 1990s, timber exploitation and forest conversion were responsible for the province's high rate of deforestation, which averaged 30,000 ha per year. Due to the availability of lands, the province used to be one of the targeted provinces of the national programme on establishing new economic zones. Under this programme, millions of people from other provinces, and particularly from the central and the north of Vietnam, migrated to Dak Lak. Forests were converted into residential and agricultural land for the new communes and villages. In addition, each year about 3,500–4,000 ha of forests were converted into rubber plantations, infrastructures and hydraulic works for economic development. The remaining forests were also degraded. Populations of elephants, tigers and primates are threatened by the loss of habitats. In addition, as the province is hilly, forest loss leads to serious soil erosion during the long rainy season and severe droughts during the dry season. Due to ineffective forest management, forest encroachment by both local people and migrants from the northern parts of the country is common.

1.8.3. Lao Cai in the northwest of Vietnam

Lao Cai is a province in the northwest uplands of Vietnam. It is 303 kilometres from Ha Noi (the capital of Vietnam) and has a total area of 6,384 km² and a population of 637,500 (GSO, 2011). Lao Cai is administratively divided into one city, one town, eight rural districts and 152 communes. The 25 ethnic minority groups living in the province make up 70% of its population (*ibid.*). Most of these minority groups are forest-dependent and maintain the tradition of community forest management.¹⁰ Although most communities now have terraced rice fields, many still practise shifting cultivation on forest lands.

⁸ 1,312, 500 ha.

⁹ Equivalent to 610,489 ha.

¹⁰ They have sacred forests (or 'ghost' forests), which are used for worshipping; prohibited forests to protect the watershed; and communal forests, where members of the communities can harvest wood, collect non-timber forest products and grow food crops according to their customary laws.

Lao Cai is also one of Vietnam's most densely forested provinces: it has a forest cover of 51.3%¹¹ (GSO, 2011). The mountainous subtropical forests are home to more than 28,000 species of plants and 100 species of wild animals, many of which are nationally and globally endangered (Lao Cai PPC, 2010b). Hoang Lien National Park in Sapa district is recognized as one of the 27 ASEAN heritages. Like Tay Ninh and Dak Lak, Lao Cai also suffered from a high rate of deforestation during the 1970s and 1980s. Both timber exploitation by state forest enterprises and shifting cultivation by minority groups were blamed for forest loss in the province. Due to the province's mountainous topography, forest loss has led to serious soil erosion and desertification.

The main issue of FLA in Lao Cai is conflicts over forest lands between state agencies and local people in areas where ethnic groups are living. Poverty is another issue. Lao Cai is the second poorest province in Vietnam:¹² the average poverty index¹³ is 40%. The Simacai district of the province has a poverty index of up to 60%. Due to the high number of minority groups and the high levels of poverty, Lao Cai receives financial support from the central government through national programmes to improve the living standard of these groups. The national programme of sedentarization, for example, helps ethnic people to grow wet rice and maize in terraced fields. However, their production is still mainly self-subsistent. Because these fields are mainly rain-fed and the temperature in the long winter is very low, farmers have only one crop per year and low productivity. The increasing population has led to terraced rice fields becoming scarce. As a result, some of these groups still practise shifting cultivation. In addition, as villagers cannot grow rice and maize during the winter, they go into the forests to cut wood or collect non-timber forest products.

1.9. Organization of this thesis

This thesis is organized as follows. Chapter 2 ('Changing forestry policy discourses in Vietnam in the past 20 years') addresses the first research question by capturing the discursive turn in Vietnam's forestry policy under which the FLA policy were developed. By presenting the main rhetoric of forest devolution in Vietnam, it sheds light on the discursive opportunities for and constraints on the involvement of non-state actors in forestry. The chapter first presents the analytical framework, which is based on the policy discourse analysis (Hajer, 1995). It then examines the structuration and institutionalization of the two discourses (forestry socialization and sustainable forest management) and how they shape Vietnam's forestry reforms.

Chapter 3 ('A framework for assessing governance capacity: an illustration from Vietnam's forestry reforms') addresses the second research aim by presenting a framework for assessing governance capacity. The governance capacity framework is based on the policy arrangement approach and

¹¹ Equivalent to 327,800 ha.

¹² The other province is Lai Chau.

¹³ The percentage between households having income per capita per year less than VND 4,800,000 (\$228) (GSRV, 2011).

is informed by the literature on governance, governance capacity and institutional capacity. The application of the framework is first illustrated by the case study of FLA in Tay Ninh province. Its application is described in the two empirical chapters (Chapters 4 and 5).

Chapter 4 ('The institutional capacity for forest devolution: the case of forest land allocation in Vietnam') provides the answer to the second research question. Employing the governance capacity framework developed in Chapter 3, this empirical chapter assesses the capacity of the policy to involve actors, particularly local people, in forest rehabilitation. The chapter highlights factors that determine actors' cooperation with the policy and provides insights into the institutional capacity of the policy.

Chapter 5 ('Forest devolution in Vietnam: from rhetoric to performance') deals with the third research question. Using the governance capacity framework developed in Chapter 3, this chapter evaluates the performance of the FLA policy in the three case studies. The chapter identifies the key factors for FLA performance and discusses its findings with the relevant literature on FLA, forest devolution and governance performance. It then draws out theoretical and policy implications.

Chapter 6 ('Synthesis and conclusions') synthesizes Chapters 2–5. It first summarizes the main findings of the previous chapters. Next, it draws out the key conclusions on the governance capacity of forest land allocation policy in Vietnam. It then discusses factors determining the impacts of forest devolution and the interlinkage between institutional capacity and governance performance. The remaining parts of the chapter present methodological reflections on the assessment of governance capacity, policy implications for the FLA policy and forest devolution, and suggestions for future research.

Chapter

2

Changing forestry discourses in Vietnam in the past 20 years

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Abstract

Governance and sustainability are important topics of debate in global forest policy. It is however crucial to understand how these ideas have impacted national and local forest policy and management. The case of Vietnam is interesting and relevant because since the late 1980s, Vietnam's state forestry has undergone a reform towards sustainable management and social participation. This reform has triggered the emergence of two new policy discourses- 'forestry socialization' and 'sustainable forest management'. This article uses discourse analysis to investigate the implications of these discourses in Vietnam forestry. In particular, it examines the extent to which the 'forestry socialization' and 'sustainable forest management' discourses can be recognized in Vietnamese forest policy over the last 20 years. The results show that both discourses are well represented in policy documents and related discussions. However, the findings also demonstrate the existence of discursive struggles among different coalitions over the interpretation of 'forestry socialization' and 'sustainable forest management'. We conclude that the two discourses have had a significant impact on how key actors in Vietnam forestry frame problems and solutions. However, the specific patterns in which the two discourses developed in the Vietnamese context also indicate that powerful elites have been hesitant to take further steps in forestry socialization.

Key words: forest allocation; forestry socialization; global forestry discourses; policy discourse analysis; sustainable forest management; Vietnam forestry reforms

2.1. Introduction

Global forestry discourses are characterized by the institutionalization of new ideas and meanings concerning biodiversity, sustainable forest management and governance (Arts and Buizer, 2009; Humphreys, 1996; Humphreys 2006; IISD, 2010; Johnson, 1993; Kolk, 1996; UNCED, 1992). Although developed as well as developing countries are increasingly expressing their commitment to take these ideas for their forestry sector on board (Balooni and Inoue, 2007; Bostrom, 2003; Brown and Durst, 2003; Pattberg, 2006), global forest policies are often considered to have failed (Bernstein and Cashore, 2004; Chaytor, 2001; Davenport, 2005; Dimitrov, 2005; Humphreys, 2006; Pattberg, 2006). However, as Arts and Buizer (2009) have pointed out, the ‘materialization’ of global discursive shifts in national and local forest policy and management could nonetheless indicate effects of global forest policies. Thus, a better understanding of the extent to which such global concepts can be recognized in national forest policies and practices is of great importance.

This article focuses on Vietnam. This country is generally seen as a typical example of a country that has embraced the concepts of sustainable forest management and participatory governance (Balooni and Inoue, 2007; Brown and Durst, 2003; ICEM, 2003). However, given Vietnam’s history of authoritarian centralistic governance, it is important to analyze how exactly these concepts have influenced Vietnam’s forest policy and management. After gaining independence from French colonization in August 1945, the Democratic Republic of Vietnam established a socialist form of State Forestry, which was also implemented in the south of Vietnam after the war ended in 1975. This model was based on the main principles of centralized state forest management and forest exploitation. Local people, especially those with shifting cultivation practices, were seen as a threat for forest protection (Nguyen Nghia Bien, 1999) and state involvement in all aspects of forestry was considered necessary for a rational utilization of forest resources (Sikor and Apel, 1998). For example, Decree No. 15 CT/CTCW of the Central Bureau of Vietnam Communist Party in 1961 stated the following: *“Forests are the property of the entire people and have to be managed by the State”* (MARD, 2001a: 89). In general, forests were considered as infinite resources and forestry activities focused on wood exploitation to meet socio-economic demands (NEA, 2001). The main aim of Vietnamese forest policy from the 1960s can be summarized as follows: *“Increase the harvest of timber and other forest products to meet the demands of the national economy in the period of economic recovery”* (MARD, 2001a: 94) and *“Make the wood industry the most important industry of the nation”* (MARD, 2001a: 131). Forest management promoted the selective cutting of timber with high economic value and the removal of other species to ‘improve’ natural forests (Nguyen Thoan, 1982: 96-97). The targets for wood exploitation were set in a top-down manner and were often not based on the growth rate of natural forests but on the demand for wood (MARD 2001a: 97; MARD, 2003). Consequently, forest resources became exhausted by repeated exploitation, causing serious biodiversity loss (Dinh Huu Khanh, 1996; MARD, 2001a: 300; Nguyen Hoang Nghia, 1996; Tran Hai, 1996; Trinh Xuan Sau, 1996).

In 1990, as a result of severe forest degradation, the government imposed a logging ban, which led to a financial crisis in most state forest enterprises and to a collapse of centralized state forest management (MARD, 2001a: 194; Sikor, 1998). The Doi Moi, the socio-economic reform in the

mid-1980s, which comprised of a shift of Vietnam's economy from centralized planning to market-orientation, the liberalization of social life and an open door policy to the international community (Ari, 1999; Adger et al., 2001), served as the backdrop for the forestry reforms. For example, the 1993 Land Law and trade liberalization both facilitated the allocation of forest and agricultural land to individuals, households and organizations (Tran Nhuan Kien and Heo, 2009; Pingali and Vo Tong Xuan, 1992). In the context of these wider societal transformations, foreign-assisted forestry projects introduced global forestry concepts, such as decentralization, governance, biodiversity conservation, sustainable management and rural management, which offered new solutions for the collapse of Vietnam state forestry. This resulted in the emergence of two new discourses in Vietnamese forest policy: 'forestry socialization' (a Vietnamese term that emphasizes the importance of stakeholder involvement to achieve 'good forest governance') and 'sustainable forest management'.

This article uses discourse analysis to study the emergence of the two concepts and the way in which they have shaped the forestry reforms and paved the way to new forestry regulations and management schemes. It analyzes the different interpretations and meanings that were given to the two concepts and investigates the extent to which the concepts were embedded in legislations and regulations.

This article provides an overview of Vietnam's forest policy changes during the past 20 years. It complements existing studies that largely focus on formal changes in regulations and management systems and address specific topics including restoration (Sikor, 1995), community forestry, social forestry and participation (Do Dinh Sam, 1998; Sikor, 1998; Sikor and Apel, 1998), forest allocation (Sikor, 2001), administration and economy (Phan Si Hieu, 2004), industrial plantations (Lang, 2002), forest rehabilitation (De Jong et al., 2006) and forest ownership (Nguyen Quang Tan, 2005, Nguyen Quang Tan et al., 2007). By focusing on Vietnam, this article also offers an analysis of how global forestry concepts are implemented on the ground. It illustrates how implementation is influenced by local context-specific interpretations, negotiations and practices (Dekker et al., 2007; Turnhout, 2009). Furthermore, by using a discourse analysis in a strong state country like Vietnam, and by analyzing the typical patterns of discourse institutionalization that have emerged here, this article offers an important contribution to the further elaboration of the approach, which so far has largely been developed and applied in Western liberal democracies.

Before presenting the results in sections 3 and 4, the next section describes the discourse analytic framework and methods that were used in this study. The chapter concludes with discussions on the specific pattern of discourse development in Vietnam, the implications for forestry reforms and the impacts of global forestry discourses on Vietnam forestry policies.

2.2. Theoretical framework and approach

Policy discourse analysis attempts to shed light upon how environmental problems are framed and how particular frames gain dominance over others. Discourse is defined as 'a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular

set of practices and through which meaning is given to physical and social realities' (Hajer, 1995). Policy discourse analysis considers discourse to play a constitutive role in political processes, impacting not only on how policies and problems are framed and talked about but also on policy practices and actions. Discourses influence how policy problems are conceptualized and what solutions are considered appropriate (Hajer and Versteeg, 2005). They emphasize certain aspects of reality while others are neglected (Hajer, 1995)

An important aspect of Hajer's approach to discourse analysis is its argumentative orientation, which emphasizes the different ways of thinking and arguing on specific social issues in discursive practices, structures, and institutions. Different actors with different positions in a policy domain engage in discursive struggles to influence policy development. Powerful actors, who see their interests threatened by established or emerging discourses, try to override developments at the level of discourse (Hajer, 1995; Dryzek, 1997). Discourses are characterized by storylines. A storyline is 'a generative sort of narrative that allows actors to draw upon various discursive categories, to give meaning to specific physical and social phenomena' (Hajer, 1995). In this article, storylines take the form of typical and representative quotations regarding forestry socialization and sustainable forest development. When actors use specific storylines to impose their definition of a problem on others, to propose certain social positions and practices, or to express their critique to social arrangement and to communicate with other actors, they are positioned in coalitions (Hajer, 1993, 1995). A discourse coalition is 'an ensemble of a set of storylines, the actors who utter these storylines and the practices that conform to these storylines' (Hajer, 1995). Thus, policy discourse analysis makes clear that environmental policy can be considered as a struggle between discourse coalitions over the definition and meaning of environmental problems; a struggle for discourse hegemony (Hajer, 1995). According to Hajer (1993, 1995), discursive hegemony comprises of the processes of discourse structuration and institutionalization. First, discourse structuration takes place when a discourse comes to dominate the way a society conceptualizes the world. Second, discourse institutionalization occurs when a discourse is materialized into institutions.

Applying this approach to the topic of this study, this article analyzes the processes of development, structuration and institutionalization of the forestry socialization discourse and the sustainable forest management discourse in Vietnamese forest policy and management. Thus, it provides an analysis of policy changes and developments but with particular attention to the wider discursive context in which these developments take place. It takes the emergence of the two discourses: forestry socialization and sustainable forest management as the starting point for the analysis. Subsequently, it traces the development of these discourses and the storylines through which they are articulated. It also identifies the different discourse coalitions that have formed around different conceptions of forestry socialization and sustainable forest management as well as the struggles between them. Finally, it addresses the issue of discursive hegemony. Figure 2.1 presents the structure of the analysis.

The analysis is based on an extensive analysis of relevant documents. Each of the materials was analyzed systematically for the presence of storylines related to discourses on forestry socialization and sustainable forest management. In addition, the analysis of discourse coalitions and discourse structuration is based on scientific reports and articles in forestry reviews, the proceedings of the

national forestry forum, newspapers, and governmental documents and reports. Particular attention was given to the headings and sub-titles of journal articles, speeches of leaders of the government, national reports, research reports and strategies. Emphasis was put on typical forestry slogans and phrases which were repeated during the period under study. All storylines were sorted in sequences of time and ordered to show the ways in which discourses on forestry socialization and sustainable forest management are structured and to allow for the identification of discourse coalitions. For the analysis of discourse institutionalization, laws (forest laws, land laws) and other formal regulations concerning resources development were consulted and analyzed for storylines on forestry socialization and sustainable forest management.

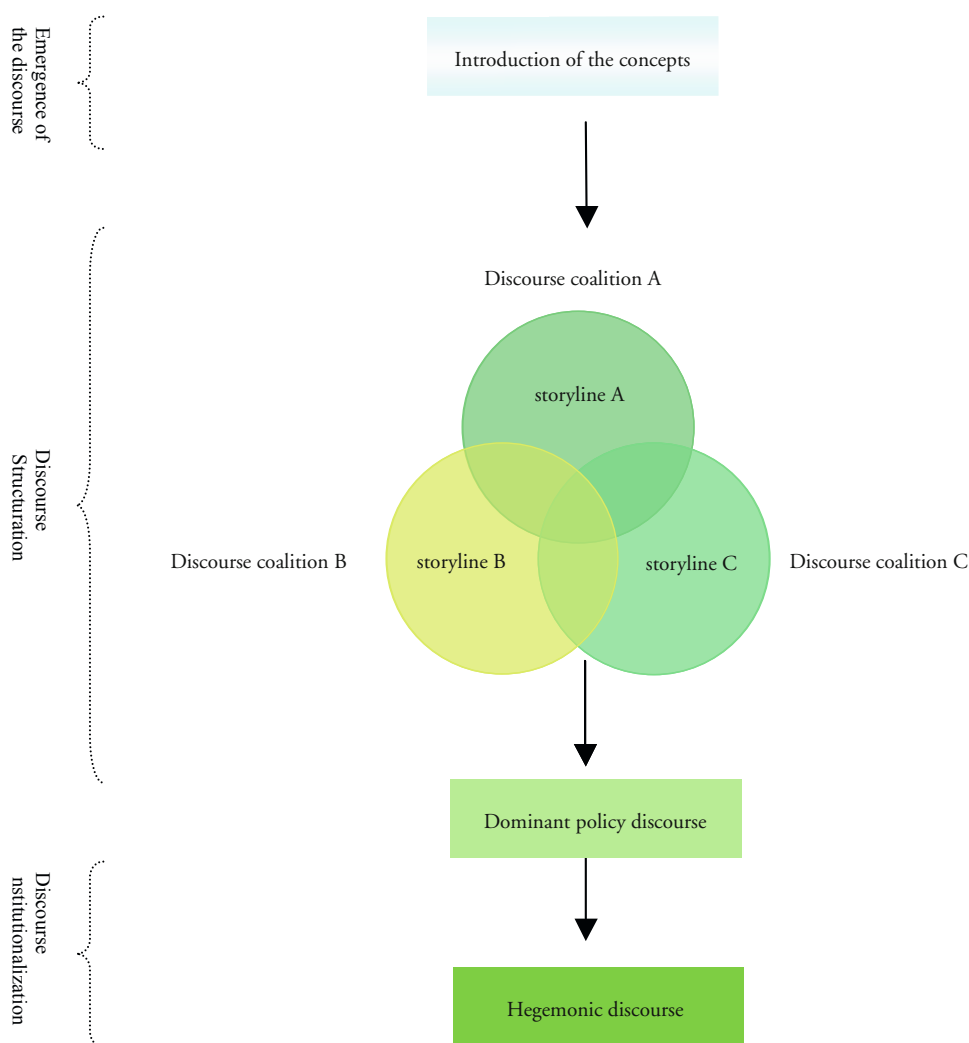


Figure 2.1. Structure of the policy discourse analysis

2. 3. The ‘forestry socialization’ discourse in Vietnam forestry reforms

2.3.1. The emergence of the discourse

Forestry socialization encompasses the devolution of forest management from state actors to other stakeholders, especially private actors. The first ideas in this direction emerged in the early 1970s. For example, the Government Ordinance of Forest Protection stipulated the following: *“forest protection must be carried out by both the state and people”* (The Council of Ministers of Vietnam, 1972: 1). However, this was not implemented in practice and there was little attention for the involvement of people (The Council of Ministers of Vietnam, 1972, MARD, 2001a). In the early 1980s, forests were the property of the state and centrally managed. However, their status seemed to be that of open access resources and this called for a clear specification of responsibilities in forest management. Central actors started to consider forest allocation to both state and non-state actors as a solution: *“Forests and forest lands belong to the entire people but they need to be allocated to corporate forest enterprises, state forest enterprises, state farms, cooperatives, farmers’ households and other socio-economic organizations to manage under state’s plans”* (Anon, 1982: 2-3). In 1982, these ideas were incorporated in the Decision No. 184/HĐBT of the Chairman of Ministers’ Council. This decision improved the role of non-state actors, but forest allocation to non-state actors during the 1980s was still restricted. This was due to the complicated relations between different actors in forestry. The ‘Long-term Strategy for Forestry Development Period 1986-2009’ of the Ministry of Forestry states the following: *“establishing and continuously improving socialist relations in forest production, reinforcing 3 economic elements: 1) state-owned economy serves as the principal framework; 2) cooperative economy plays an important role; and 3) households’ economy is to be encouraged to develop under appropriate form”* (MoF, 1987: 2). The phrase ‘under appropriate form’ illustrates that the central government was hesitant to allow full involvement of private actors in forestry. Nevertheless, this decision proved to be the starting point of the emergence of the forestry socialization discourse as a response to the collapse of state forestry.

The emergence of the discourse in the late 1980s was facilitated by the Doi Moi in different ways. First, the shift of the country’s economy from state central planning to market-orientation (Adger et al., 2001) triggered the liberalization of the agricultural sector, which was based on state enterprises and cooperatives (Do and Ilyer, 2008; Marsh et al., 2006). This liberalization led to several dramatic changes including the contracting of farm lands to individual households through directive 100¹⁴ (Pingali and Vo Tong Xuan, 1992; Ngo, 2005; Marsh et al., 2006; Saint-Macary et al., 2010); the upgrading of annual farming contracts to long term¹⁵ and renewable contracts under resolution No 10¹⁶ (Pingali and Vo Tong Xuan, 1992); the liberalization of prices and crop choice for farmers (Do and Ilyer, 2007; Ravallion and van de Walle, 2008); the institution of the right of households to own

¹⁴ By the Central Committee of the Communist Party (Do and Ilyer, 2008).

¹⁵ Up to 10, 15 and 20 years (Pingali and Vo Tong Xuan, 1992).

¹⁶ By the Central Committee of the Communist Party (Pingali and Vo Tong Xuan, 1992).

all products generated after duties and taxes have been fulfilled under Ordinance No 170¹⁷ (Pingali and Vo Tong Xuan, 1992; Do and Iyer, 2007); and the support of the long-term land allocation which allowed households to transfer, lease, inherit and mortgage their land-use rights as well as to use them as capital to invest in business in the Land Law (National Assembly of Vietnam, 1988). Although most of these rights were not tradable or secured (Do and Iyer, 2007), the Land Law provided important legal impetus for the involvement of non-state actors, particularly households, in forestry. Second, the open door policy of the Doi Moi enabled foreign organizations to express their demands for devolution and participation, which facilitated the emergence of the discourse in the forest law and in subsequent policy documents in the early 1990s.

2.3.2. The institutionalization of the discourse in the 1990s

In 1990, the Ministry of Forestry, assisted by the United Nation Development Program (UNDP), the Food and Agriculture Organization (FAO) and the Swedish International Development Agency (SIDA), presented the 'Vietnam Forestry General Development Plan', which officially indicates a shift from state forestry to social forestry engaging multiple economic sectors and social actors in forestry (MARD, 2001a:196). This shift, which resonated well with Vietnam's new market orientation, was then legalized in the Law on Forest Protection and Development in 1991, which stipulated forest land allocation as the main strategy to socialize the country's forestry sector. After decades of centralized state forestry, this was the first-law to grant the title 'chủ rừng' (forest owner) to the recipients of forest allocation, including non-state actors. According to this law: *"the State allocates forests and lands for forest plantations to organizations and individuals - hereby called forest owners- to protect, develop and use for long-term purposes in accordance with state plans and regulations"* (National Assembly of Vietnam, 1991, Article 2). The forest law provides a clear indication of the institutionalization of the forestry socialization discourse and with the title 'forest owners', the law seemed to go further than Resolution 10, which only prescribed recipients of allocated farming lands as contractors. However, attempts to put it into practice revealed that this law did not settle the issue of what 'forest ownership' would imply and further developments of the discourse have significantly been determined by competing discourse coalitions around the issue of forest ownership.

2.3.3. Competing discourse coalitions around the issue of forest ownership

The structuration and institutionalization of the forestry socialization discourse in the early 1990s were dominated by a coalition of decision makers and policy makers, from the Ministry of Forestry, the Ministry of Finance and the Ministry of Planning and Investment, complemented with key actors in the Vietnam Institute of Forestry Sciences and the state forest enterprises. This coalition acknowledged that involving stakeholders and establishing them as forest owners were key solutions for the improvement of forest management. The following statement by To Dinh Mai (1997: 39), a

¹⁷ On November 14th, 1988 and by the Council of Ministers (Do and Iyer, 2008).

senior policy maker of the Ministry of Agriculture and Rural Development illustrates this as follows: *“To improve forest management, each forest must have its real owner, who must have adequate benefits from forest”*. However, the title ‘forest owners’ promoted by the coalition was ambiguous because under the Vietnamese Constitution, land is the property of the entire people and administered by the State (Marsh et al., 2006; Saint-Macary et al., 2010). Also, the 1988 Land Law and the 1991 Law of forest protection and development still claim state ownership over forests and forest lands in the whole country. Households and organizations, which were allocated forest lands, had only land-use rights, which however were not clearly specified in the law nor in other sub-law regulations.

The National Program 327, which ran between 1992 and 1997, exemplifies this: although the programme included forest allocation to households, individuals and organizations with the ambition to stimulate a household forestry, households could only participate in the programme as forest contractors with restricted rights and benefits. According to Hoang Hoe (1993), one of Vietnam’s leading forest scientist, Vietnam’s forestry was moving from a production system based on state forest enterprises into a social forestry system with more participation. However, according to Hoang Huu Cai (1999), a forest researcher in Thu Duc University of Agriculture and Forestry, this was much too optimistic. He argued that although program 327 marked an important shift in the approach to forest management, the scope for participation was very unclear because of the prominent position of the state forestry enterprises in the program. The program was ambiguous claiming not only that *“households are production units, but also that ‘the programme must be based on state enterprises or collective economic bodies’*” (The Council of Ministers of Vietnam, 1992). In practice, this resulted in the establishment of new state-led forms of cooperation between state actors and stakeholders in which state-owned forest enterprises played a leading role (Do Dinh Sam, 1998).

Despite the ambiguous title of ‘forest owners’, the motto *“mỗi khu rừng phải có chủ thực sự”* (every forest must have its real owner) became more and more popular in the 1990s, especially, after the revised Land Law of 1993. This law prolonged land allocation contracts from 1 year contracts to 20-50 year contracts (Marsh et al., 2006), included the rights to exchange and endow lands, and legally secured land-use rights by means of land-use certificates (National Assembly of Vietnam, 1993). These specifications of land-use rights provided key issues for the structuration of the discourse of forestry socialization. Even the dominant coalition had to recognize that the limited scope for stakeholder involvement posed a significant problem for the realization of the forestry reforms and the further elaboration of the notion of forest ownership became urgent (To Dinh Mai, 1997). For example, in the National Forestry Forum in 1998, the vice-Prime Minister, Nguyen Cong Tan (1998: 7) articulated the following: *“Forestry socialization is a strategic policy. It is realized through forest allocation to households and organizations with legal status, making that every forest has its real owner and people involved could enjoy benefits from forestry activities, mobilizing social resources for forestry development and protection”*.

The further development of the forestry socialization discourse involved attempts to classify five types of forest owners¹⁸, to specify the rules that would apply to each category of forest owners, and

¹⁸ Management boards of protection and special-use forests, state forest enterprises, non-state forest enterprises, forest cooperatives, and households allocated production forests and forest lands

to identify the roles they would be allowed to play. However, these specifications further enhanced the ambiguity of the title of forest owner for two reasons. Firstly, 'forest owners' still did not legally and actually 'own' their forests. Thus, they were what Cole and Grosman (2002) referred to as mere users of lands. Secondly, the same package of land-use rights stipulated by the Land Law 1993 and its revision in 2003 (National Assembly of Vietnam, 1993, 2003), actually restricts the users' rights of forest owners more than those of agricultural land holders (see Table 2.1). In general, forest owners of special-use and protection forests continued to have limited autonomy over their forests, especially in the case of natural forests. They had no real decision making power and could only manage forest rehabilitation and utilization under the supervision of forestry agencies. They also could not transfer, exchange, inherit, rent or mortgage their user's rights. In the case of production forests, forest owners, such as state enterprises, non-state forest enterprises, forest cooperatives, and households, enjoy more autonomy over their forest with their control rights (see Table 2.1). However, these rights are also restricted by central regulations and local forest administration (Nguyen Huu Tu, 1998; Le Du Phong and To Dinh Mai, 2007: 117). They often face difficulties in acquiring approval for harvest design or permit for harvest and products circulation (MARD, 1998: 215; Nguyen Xuan Quat and Vo Dai Hai, 2005). Besides this, only the ones who 'own' production forest plantations could have the right to transfer, exchange, inherit, rent, mortgage and donate their land-use rights as well as use them to invest in business. Owners of natural production forests could only harvest and mortgage the added values of wood stock, contributed by their investment in the forests. In fact, it is however impossible to identify these added values from the increment values of wood stock contributed by natural growth (Vu Long, 2012).

Thus, despite various discursive moves towards the inclusion of stakeholders and the allocation of land and rights, the dominant coalition had been able to ensure the state's dominant position and has continued to limit forest land-use rights. The Prime Minister's Decision No 661/QĐ-TTГ on issuing National Programme 661 - Vietnam's current reforestation programme - offers a good illustration. Article 2 of the decision states that, rather than real owners of the forests, people are beneficiaries of forest-related activities (GSRV, 1998).

The late 1990s saw a radical change in the structuration of the discourse of forestry socialization with the emergence of a new discourse coalition. This coalition consisted of mainly scientists from universities and forestry institutes who cooperated with international donor organizations in foreign-aid projects. The new coalition attempted to redirect the structuration of the discourse 'forestry socialization' and strengthen the link between forest ownership and rights. They argued that the current ambiguity of the title 'forest owners' was a sign of the instability of forest policies and discouraged the involvement of non-state actors in forestry¹⁹. In their view, forest ownership should imply the recognition of full forest tenure rights. They criticized the fact that though 'forest owners' were legally granted forest- use rights by the Law in Forest Protection and Development in 1991,

¹⁹ Nguyen Ngoc Lung, a forest scientist (2001, cited in Suderline and Huynh Thu Ba, 2005) claimed that in Hue province, many households did not want to invest in forest lands because these lands could be claimed by the State with short notice.

forest management in general remained under state control, Hoang Huu Cai (1999: 61) argued: *“the recognition of the right in management is closely linked to the system of right for utilizing forest and forest lands”*. Similarly, researchers in the Vietnam Program on Forests stated that secure land use rights were very important for the development of forestry (PROFOR Vietnam, 1999 cited in Lang, 2002).

In response to these criticisms, some of the storylines of the dominant coalition changed. Although Pham Xuan Phuong (2002), the Vice-Director of the Legal Department of the Ministry of Agriculture and Rural Development, insisted that the participation of forest-dependent people had to be coordinated by the state, the dominant coalition started to recognize that the ambiguity of the title ‘forest owner’ was causing problems. In the Journal of Agriculture and Rural Development, Nguyen Ngoc Binh (2002), the Director of Forestry Department, admitted that after 10 years of forestry renovation the responsibilities, rights, and benefits of forest owners were not made clear enough to create a driving force for effective forest protection, development and management. Some policy makers even started to emphasize the link between forest allocation and forest tenure rights. For example, Vuong Xuan Chinh, a high-ranking policy maker at the Ministry of Planning and Investment (2004: 3) stated the following in the Journal of Agriculture and Rural Development: *“Forest development must be closely linked with the land and the people involved” and emphasized that: “forest allocation had to go hand in hand with the granting of land-use certificates and forest-user rights”*.

The impact of the discursive struggle between the two coalitions is visible in the 2004 revision of the Law on Forest Protection and Development. While the 1991 version of the law only stipulated a symbolic title of forest owners which did not include with forest tenure rights, the new law acknowledged the right of certain forest owners ‘to own forests’²⁰. However, so far, the recognition of people as forest owners and the granting of forest tenure rights are still restricted to production forests only (National Assembly of Vietnam, 2004). This shows that the competing discourse coalition was able to change the structuration of the discourse ‘forestry socialization’ but only to a limited extent. Although the dominant coalition had to link the development of forestry socialization to the key issue of forest allocation: forest ownership, the title of forest owners remained ambiguous and symbolic. The dominant coalition thus remained powerful enough to structure the discourse by putting restrictions on the meaning and implications of forest ownership. Thus, the shape and structure of the forestry socialization discourse that was institutionalized in formal rules and regulations was influenced mostly by the dominant state-led coalition.

²⁰ The Law defined forest owners as: ‘organizations, households and individuals to whom the state allocated forests, lent forests, lent lands to plant forests. The state recognizes the rights of forest owners to use the forests, to own production forest plantation, and to get forests transfer from other forest owners’ (National Assembly of Vietnam, 2004).

Table 2.1. Comparison between agricultural land-use rights and forest land-use rights

	Components of land-use rights	Land Law 1993, 2003	Agricultural lands	Forest lands				Notes
				Protection forests	Special-use forests	Production natural forests	Production forest plantations	
1	Use	Yes	Yes	Restricted	No	Restricted	Yes	
2	Management	Restricted	Restricted	Restricted	Restricted	Restricted	Restricted	
3	Residual income	Yes	Yes	Restricted	Restricted	Yes	Yes	
4	Tenure (land title)	Yes	Yes	Restricted	Restricted	Restricted	Yes	
5	Sale	No	No	No	No	No	No	
6	Transfer	Yes	Yes	Restricted (Only contract transfer)	Restricted (Only contract transfer)	No	Yes	
7	Exchange	Restricted	Restricted	Restricted	Restricted	Restricted	Restricted	Only among individuals, households in the same locality
8	Lease	Yes	Yes	No	No	No	Yes	In 3 years
9	Endow/donate	Yes	Yes	No	No	No	Only to the state and communities	
10	Mortgage	Yes	Yes	No	No	Only the added values	Yes	
11	Inherit	Yes	Yes	Restricted (Only contract inheritance)	Restricted (Only contract inheritance)	Yes	Yes	
12	Invest by lands	Yes	Yes	No	No	Only the added values	Yes	

National Assembly of Vietnam (1993, 2003), Ngo (2005), Vu Long (2012)

2.4. The ‘sustainable forest management’ discourse in Vietnam forestry reforms

2.4.1. The emergence of the discourse

The sustainable forest management discourse encompasses the attempts to strengthen the sustainability of Vietnam’s forests (including forest expansion and protected areas). In Vietnam, the idea of sustainable forest management emerged as a result of the recognition of severe forest degradation in the 1970s. At the national conference on ‘forestry establishment and development’ in 1979, the Minister of Forestry articulated his concerns as follows: “*establishing, protecting, utilizing and developing forest capital were the urgent major tasks of forestry sector*” (Anon, 1979: 5). However, the term ‘vốn rừng’ (forest capital)²¹ that was to be protected referred only the stable wood stock for extraction and to the strict implementation of the exploitation-regeneration-exploitation cycle of natural forests (Nguyen Van Tuong, 1981).

The concept forest capital, which had become very popular in Vietnam’s forest policy in the late 1970s, changed meaning when the degradation of forest areas could no longer be ignored. Since the 1980s, forest capital started to be increasingly interpreted in connection with the concept of sustainable forest management. In the Journal of Forestry, the Minister of Forestry acknowledged that stopping forest-exploitation and forest clearance for agriculture were important to protect the remaining natural forest (Phan Xuan Dot, 1982; 1984). In 1986, the Chairman of the Council of Ministers issued Decision 194/CT on the regulation of 73 so-called ‘prohibited forests’. These were protected forests for conservation purposes and encompassed an area of 769,512 hectares (The Council of Ministers of Vietnam, 1986). A new classification of forests emerged that distinguished between production forests²², special-use forests and protection forests²³. Thus, conservation objectives had now earned a place in Vietnam’s forest policy. In addition, the strict cycle of ‘exploitation-regeneration-exploitation’ of natural forests was replaced by the term forest rehabilitation. Forest rehabilitation implied the establishment of forest plantations and the greening 13 million hectares of barren lands and deforested hills (MoF, 1987).

These changing views on forest capital and forest management signal the emergence of the discourse on ‘sustainable forest management’. Similar to the forestry socialization discourse, the emergence of the sustainable forest management discourse was facilitated by the open door policy of the Doi Moi as this policy enabled foreign organizations to express their concerns about environmental degradation and introduce the concept of sustainable forest management. In the 1990s, the discourse focused mostly on the conservation of protected areas, but this narrow interpretation of sustainability initiated a struggle between two discourse coalitions in the 2000s around the issue of protected areas.

²¹ Forest capital was defined as the entire trees of a forest stand, which played the role of production materials (Nguyen Hong Quan, 1982:19)

²² Including forests and forestlands used for the production of woods and other forest products (MoF, 1986)

²³ Special-use forests were used for nature conservation, historical relics conservations, health care, scientific research and other special services. Protection forests were used for the protection and prevention from negative climate factors, environmental protection and ecosystem equity (MoF, 1986).

2.4.2 The institutionalization of the discourse in the 1990s

Concerns about resource protection and biodiversity conservation in Vietnam emerged in the early 1990s (Nguyen et al., 2009) when the global discourse of sustainable forestry gained ground (Wiersum, 1995). In 1991, the General Forestry Development Plan, assisted by UNDP, FAO and SIDA, proposed a shift in Vietnam forestry from a focus on wood exploitation to a focus on assuring forest capital (MARD, 2001a: 196). Subsequently, this was implemented in the 1991 Law on Forest Protection and Development (National Assembly of Vietnam, 1991). This law identified three categories of forests: special-use forests, protection forests and production forests and included strict rules for national parks and nature reserves. In 1992, the government enacted the Partial Ban on natural forest exploitation (Tuynh and Phuong, 2001), which together with the new forest classification provided the context for the execution of the national forestry programme 327. This program illustrates that forest rehabilitation was primarily seen as a quantitative issue focusing on the regreening of barren lands and deforested hills.

This changed in the mid-1990s, when during the 1996 Forest Day ceremony, the Minister of Agriculture and Rural Development, Nguyen Cong Tan, expressed his concerns about the serious decline of not only forest area, but also forest quality (Nguyen Cong Tan, 1996). Since then, policy makers, decision makers (Le Huy Ngo, 1997; Nguyen Cong Tan, 1996, 1998; Vo Van Kiet, 1997), and scientists (Ha Chu Chu, 1998; Le Sau and Tran Xuan Thiep, 1996) started to associate forest loss with the frequent occurrence of natural disasters and species extinction. The institutionalisation of the sustainable forest management discourse demonstrates that the conservation and social values of forests became increasingly important next to the production and economic values of forests. In 1997, the Resolution of The Congress III of Vietnamese Communist Party stated the main storyline of the new discourse: ‘Xây dựng một nền lâm nghiệp bền vững’ (Establishing a sustainable forestry) (Tran Van Duong, 1997: 3).

In practice, sustainable forest management was predominantly interpreted as ecological sustainability and forest rehabilitation focused mainly on the protection of natural forests. However, the meaning of sustainable forest management and the degree to which it should be implemented became a contested issue in the early 2000s.

2.4.3. Competing discourse coalitions around the issue of protected areas

The protection of natural forests gained a new impulse in the 1990s. This was related to the country’s ratification of the Convention of Biological Diversity (Meyfroidt and Lambin, 2010) and some other international agreements²⁴ as well as to the discovery of several new species in Vietnam²⁵.

²⁴ Viet Nam became a state member of the World Conservation Union (IUCN) in 1993, a signatory of the Convention on International Trade of Endangered Species (CITES) in 1994, and a contracting party to the Convention on Wetlands of International Importance in 1995.

²⁵ From 1992 to 2004, Vietnamese scientists in collaboration with other international organizations discovered 9 new species which have never been known including 7 species of mammals and two species of birds (Nguyen Huy Dung and Vo Van Dung, 2007).

A powerful coalition was formed consisting of scientists from the National Institute of Forest Planning and Inventory, the Vietnam National Institute of Forestry Science, the World Wide Fund for Nature (WWF) and BirdLife International and policy makers from the Department of Forestry and the Department of Forest Protection. This coalition promoted a conservation oriented interpretation of sustainable forest management and advocated for the importance of protected areas. The following statement in the national report of the Vietnamese delegation at the 1997 XIth World Forestry Congress is illustrative of the position of the coalition: “*existing system of nature reserves was established by the Resolution in 1986 and only accounted for 976.216 hectares or 3% of the country area, this figure is well below the ones of other countries in the region*” (Anon, 1997: 3).

In the late 1990s, the Vietnam Government and the Ministry of Agriculture and Rural Development decided to increase the area of special-use forests with the justification that the current network of protected areas was inadequate “*to effectively preserve the full complement of Vietnamese biodiversity*” (Wege et al., 1999: xiii). In 1997, the so-called 2010 list of 94 special-use forests was published, which aimed to expand the network of special-use forests from 1.3 million to 2 million hectares (6% of the country area) by the year 2010 (ICEM, 2003). Between 1998 and 2000, a project was carried out by BirdLife International and the Institute of Forest Planning and Inventory to increase the protected area coverage to 2.1 million hectares by adding 25 more areas to the current network under the 2010 list. This was done to ensure a “*a more equitable coverage of Vietnamese biodiversity*” (Wege et al., 1999: xiv) and “*to conserve many global threatened species*” (Wege et al., 1999: 35).

Some international NGOs and development organizations also attempted to increase the role of communities in forest management in some foreign-aid assisted projects²⁶. In addition, there were efforts to introduce forest certification as a market instrument for sustainable forest management in Vietnam²⁷ (Phan Hoai Duc et al., 2006). However, these attempts remained experimental local pilot projects and were not institutionalized in national policy. Nevertheless, the experiences in these projects triggered the emergence of a new discourse coalition consisting of several researchers from the Forestry University and from other Universities. The coalition was concerned about the expansion and strict management of special-use forests as well as their impacts on local livelihood. For example, Tran Dinh Dan (1999), a senior researcher, argued in the Journal of Forestry that despite the increasing protected areas, Vietnam’s biodiversity was still declining and its ecosystems were in an unsustainable state. He also emphasized that the establishment of most of the special-use forests was infeasible because it did not take the needs of the growing population into account “*removing people from natural reserves is impractical, immoral*” (Tran Dinh Dan, 1999: 4). He suggested that the area of special-use forests should be reconsidered and that an area of 5-6% of the national area (equivalent to 1.5-2 million hectares) should be sufficient.

²⁶ Such as Vietnam-Australia Social Forestry Project, Song Da Social Forestry Development Projects (1998-2004) funded by Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), Vietnam-Swedish Mountain Rural Development Programme funded by the Swedish International Development Agency (SIDA).

²⁷ WWF Indochina, JICA, Forest Steward Committee (FSC), and the Royal Embassy of the Netherlands collaborated with the Ministry of Agriculture and Rural Development to organize a national workshop on sustainable forest management and forest certification in Ho Chi Minh City December 1998 (Phan Hoai Duc et al., 2006).

In response to these criticisms, the storylines of the dominant coalition shifted in the late 1990s. To Dinh Mai (1998), a senior policy maker at The Ministry of Agriculture and Rural Development acknowledged that planning projects on sustainable forest management have not taken into consideration the socio-economic factors that influence sustainable forest management. Another example is the first national round table for the review of protected areas development.²⁸ Although most of participants in the round table emphasized the importance of biodiversity conservation, some also concerned that “*Protected area establishment constrains land-use options for the people living in and around them*” (Anon, 2001: 3).

Despite these concerns for people and their livelihoods, the dominant coalition continued to promote a conservation oriented interpretation of the sustainable forest management discourse. The National Forestry Strategy for the period 2001-2010 still designated half of Vietnam’s forest areas as special-use and protection forests²⁹ (MARD, 2001b). In addition, Decision No 08/2001/QĐ-Ttg of The Prime Minister (GSRV, 2001a) confirmed that these forests would be strictly protected and that all forms of resource use would be prohibited (GSRV, 2001a; Mc Elwee, 2001). Although the total area of special-use forests covered about 7% of the country, state actors continued to argue that the area was low in comparison to IUCN standards (Tran Quoc Bao, 2001). In 2002, backed up by WWF and BirdLife International, forest scientists at the Institute of Forest Inventory and Planning together with administrators from Forest Protection Department proposed to expand the 2010-list to 7.9% the country area (ICEM, 2003). Their argument was that existing protected areas were too small to maintain the population of certain animal species, especially big game.

From the mid-2000s on, the competing coalition continued to call for more attention to local livelihoods and for a reconsideration of the area of special-use and protection forests. For example, Dinh Duc Thuan, together with several other scientists (2005: 35-36) warned that “*due to the establishment and expansion of conservation forest, local people have lost their lands’ and ‘the regulation on forest plantation and conservation is too strict and not suitable to local conditions*”. They recommended to “*establish appropriate and feasible beneficial policies in order to support the communities in sustainable*” and “*re-regulate the structure of three types of forest, especially between protection and production forests*”.

Some policy makers started to reconsider the area of special-use and protection forests as well as the strict regulations for these forests. For example, Vuong Xuan Chinh (2004), the vice-Director of the Department of Economy in the Ministry of Planning and Investment emphasized that the designation of special use and protection forests by the National Forest Strategy 2001-2010 should be reconsidered. In his view, the area of very essential protection forests and special-use forests should

²⁸ Hosted by the Department of Forest Protection in September 2001. Participants included representatives from the Ministry of Agriculture and Rural Development, the Ministry of Planning and Investment, the Ministry of Fishery, and the Ministry of Science, Technology and the Environment, professionals from protected areas, donor agencies and non-governmental organisations (DFP and IUCN, 2001).

²⁹ The national forestry strategy period 2001-2010 designated 2 million hectares as special-use forests (accounting 12.5% of total forest area; 6 million hectares as protection forests (accounting 37.5%) and 8 million hectares as production forests (accounting 50.5%) (MARD, 2001b).

be around five million hectares (15% of national territory) and the remaining forest area should be designated as production forests to ensure both wood supply and environmental protection.

Researchers of the Institute of Forest Inventory and Planning also acknowledged that the area of protection forests was too large (Lai Huy Phuong et al., 2004). The Department of Forestry stated that the development of special-use forests and protection forests should be combined with economic purposes (DoF, 2004). Finally, in 2005, the Prime Minister issued Decree 38/2005/CT-Ttg, which stated that it was not advisable to increase the area of special-use forests and which allowed for the re-designation of some special-use forests and protection forests into production forests (GSRV, 2005).

These changes in the structuration of the sustainable forest management discourse had a number of practical implications. Although the National Strategy for Forestry Development for the period 2006-2020 still designated nearly half of Vietnam's forest areas³⁰ as protection and special use forests, it also paid more attention to the involvement of local people and to ensuring equal benefit sharing in the management of special-use forests (Larsen, 2008). Nevertheless, the dominant coalition is still very powerful. Although social and economic aspects are now included as part of sustainable forest management in the strategy's program for sustainable forest management (GSRV, 2007), these aspects are not clearly specified or elaborated. Thus, a predominantly technical and conservation oriented interpretation of sustainable forest management continued to structure and institutionalize in Vietnam, which largely neglected economic and social issues.

Since the late 2000s, concerns about local livelihoods in conservation have become the key issue in the struggle between two discourse coalitions consisting of Vietnamese and foreign researchers. Among others, Larsen (2008: 464-465), a researcher in a WWF³¹ project at Phong Nha Ke Bang National Park, criticized the dominant discourse that considered local communities and their livelihoods as external rather than integral parts of the management of protected areas. He then called for the urgent need to address livelihoods and community participation in a policy reform concerning special-use forests. To Xuan Phuc (2009: 67), a Vietnamese policy researcher, also blamed criticized conservation policy in Vietnam for its emphasis on biodiversity conservation and asked for "*a balance between conservation objectives and local livelihoods*". Similarly, Nguyen Dinh Tien et al. (2011) in a RECOFTC³² project entitled "*Property Reforms and Forest Rights in Vietnam*", repeated the call for more attention to local livelihoods because too much focus was placed on forest conservation.

In response to these criticisms, recent developments show some signs of change in the institutionalization of the sustainable forest management discourse. For one thing, some of the strict regulations that prohibit resource use were softened by Article 20 of the Prime Minister Decision No 186/QĐ-Ttg (GSRV, 2006a). Restrictions were further relaxed in 2011 when the central government passed the Decree 117/2010/NĐ-CP³³ on the organization and management of special-use forests.

³⁰ The National Strategy for Forestry Development in the period 2006-2020 designated 2.16 million hectares as special-use forests (protected areas), 5.8 million hectares as protection forests and 8.4 million hectares as production forests (GSRV, 2007).

³¹ The World Wide Fund For Nature.

³² The Center for People and Forest.

³³ Dated 24 December 2010.

The Decree allowed the management boards of protected areas to develop projects that ensured the conservation and sustainable development of forest resources. Moreover, local participation in conservation was further promoted when the Ministry of Agriculture and Rural Development issued the Circular No 70/2007/TT-BNN (MARD, 2007), which includes guidelines on how to establish and implement local forest conservation and development plans. In 2012, the Prime Minister also issued the Decision No 126/QĐ-Ttg (GSRV, 2012) as a pilot policy on benefit sharing mechanisms in the management, protection and development of special-use forests. This decision provided the legal framework for benefit sharing, rights and responsibilities of management boards of special-use forests and communities with special emphasis on generating income and improving local livelihoods.

2.5. Changing forestry discourses in Vietnam

The emergence of the discourse ‘forestry socialization’ and ‘sustainable forest management’ discourses marks significant changes in Vietnam’s forestry. The discourse of forestry socialization articulates changing ideas on the involvement of non-state actors in forestry and the discourse of sustainable forest management has complemented the view on forests as wood stocks for production purposes with one that emphasizes the conservation value of forests.

These reforms in Vietnam’s forestry took place in the context of the Doi Moi reforms and were informed by its open door policy, and by its initiatives for devolution, decentralization and changing land use rights. Particularly, the Doi Moi has initiated a process of democratization, which allows stakeholders and other dissenting voices to be heard. The specific nature and degree of forest policy reforms have been determined by the way in which these two discourses became structured and institutionalized; including the problem frames that were developed and the interpretations of forestry socialization and sustainable forest management that were used.

In the case of the forestry socialization discourse, a dominant coalition consisting of policy makers and decision makers was able to institutionalize an ambiguous title of forest owner. This title, and in particular its relation with forest tenure rights became contested. A competing discourse coalition consisting of mostly forest scientists working for collaborative projects between Vietnam and foreign donors criticized the dominant coalition for granting only restricted land rights to all forest owners. The competing discourse coalition was able to influence the structuration of the discourse of forestry socialization, but only to a limited extent. Forestry reforms have improved the rights and benefits of non-state actors, but they have not resulted in their empowerment. Current regulations stipulate that non-state actors can only become forest owners of production forest plantations and still restrict their autonomy over the forest under their management. This makes clear that discourse structuration and institutionalization have been dominated by the state and that its leading position has been secured.

The sustainable forest management discourse has triggered a clear shift in the way forests are being managed. A dominant coalition consisting of policy makers, decision makers and forest scientists at the National Institute of Forest Planning and Inventory, backed up by international conservation organizations, was able to incorporate the concept of sustainable forest management in forest policy

and complemented the view of forests as wood stocks for extraction with conservation values. However, the narrow conservation oriented interpretation of sustainability was questioned by some researchers at the Forestry Universities and scientists working for foreign-assisted projects on social forestry and community-based forestry. This coalition argued that social and economic aspects were neglected and local people were not taken into account because the dominant coalition focused too much on expanding protected areas with restricted access, which threatened local livelihoods. Their criticisms also drew attention to the importance of local people in forest conservation and to the fact that their participation was not fully embedded in forest management.

In both cases, competing discourse coalitions emerged that criticized the dominant coalition for not taking the social aspects of forestry far enough. It appears that dominant state actors have attempted to stay in charge by trying to accommodate and neutralize the claims of the competing discourse coalition, without changing too much. This strategy could be described as an 'opening up-closing down' strategy (Stirling, 2008). On the one hand, the dominant coalition opened up space for participation by acknowledging its importance. On the other hand, it closed down this space by putting restrictions in place that limit the scope for meaningful involvement and empowerment.

This strategy could be seen clearly in the case of the 'forestry socialization' discourse. Although the competing discourse coalition could use the opportunities provided by the Doi Moi reforms to make themselves heard and argue for the importance of user rights, the dominant coalition depicted only changes in the legal acknowledgement of land-use rights under state ownership, which therefore did not describe a real land privatization (McElwee, 2004) but rather the establishment of 'a quasi-private tenure system' (Saint-Macary et al., 2010). Thus the ambiguity of the title 'forest owner' remained. This ambiguity supports the observation that institutional ambiguity in land rights seems to be common in post-socialist countries where state ownership over land is still ideologically prevailed (De Waal, 2004; Ho, 2001). The ambiguity of the title 'forest owners' and the expanse of protected areas in Vietnam together reflect the extent to which ideas from global forestry discourses were incorporated and how they materialized in the Vietnamese context.

The analysis presented in this article demonstrates the usefulness of a discursive approach to understanding policy change. Nevertheless, the patterns of discourse structuration and institutionalization identified in this study provide reasons to rethink the mechanism for discursive hegemony as it has been put forward by Hajer (1995). The way in which the two discourses structured and institutionalized followed a specific pattern in which the dominant coalition presented its ideas, met with resistance, and incorporated bits of the competing discourse, after which a new such cycle could start again. Thus, contrary to what Dryzek (1997: 11) appears to suggest, the dominant coalition, particularly if they are compelled by broader socio-economic policy changes, does not always seek to override the development of new discourses that threaten their power. Instead, they may try to be proactive, to cope with changes by means of an adaptive strategy that invites the new discourses and gives them a voice, while at the same time controlling their influence. Our analysis shows that the dominant coalitions did not try to challenge or override the competing coalitions because apparently, it was not needed for them to defend themselves. Instead, they incorporated parts of the competing discourse, without giving them their way completely and in that way accommodated and

neutralized the competing coalitions. This leads to a pattern in which institutionalization preceded structuration rather than the other way around. The state co-opted the discourse of the competing coalition thereby preventing it from structuring the debate.

This observation is very much related to the context of our analysis. In an active civil society in Anglo-Saxon contexts of democratically governed nations, in which the policy discourse approach was developed, it seems plausible to expect direct struggles between competing discourse coalitions who are trying to influence the structuration of a discourse before it institutionalizes. The context of Vietnam, a centralist strong-state developing country, is significantly different. Without disqualifying the importance of all the reforms that have taken place since the 1980s, the state remains the dominant actor in Vietnam and civil society is still in its infancy (Meyfroidt and Lambin, 2010). A dominant coalition of state-actors is not compelled to compete with discourse coalitions that challenge their ideas. It can choose to use or reject the ideas of a competing discourse coalition without an actual struggle. In such a context, discourse institutionalization can take place without a preceding open societal debate in which the discourse is structured.

Thus, context plays a crucial role in understanding patterns of discourse structuration and institutionalization. Even though international developments in forest policy were crucial in the introduction of the concepts of forestry socialization and sustainable forest development, the way in which they became embedded locally, results from context specific interpretations and negotiations (Dekker et al. 1997). This demonstrates that even under strong international pressures for political modernization, key actors in strong state countries are not only able to use their power to initiate reforms and introduce new concepts, but also to use these as a source of legitimacy to stay in power. As such, rather than changing power relations, the symbolic politics of reform may serve to reproduce them.

2.6. Implications for Vietnam's forestry reforms

The emergence of the forestry socialization and sustainable forest management discourses points to significant changes in the framing of forestry issues in Vietnam. Policy makers who were used to view the value of tropical forests purely in wood stocks are now frequently expressing their appreciation of non-monetary values of forest resources, such as nature conservation. In addition, they emphasize the importance of the participation of non-state actors. However, these changes have partly been institutionalized in formal rules and regulations. Under the ambiguity of the title of forest owners, the empowerment of non-state actors remains limited in practice and Vietnam's ambitions to take further steps in the redistribution of rights and power remains a practical challenge. Similarly, views of state forestry as a state-controlled endeavor in which local livelihoods were predominantly conceived as posing a threat to forest resources still prevail and are justified under the label of biodiversity conservation. The government's ambitions to pursue a sustainable forestry, has therefore, resulted in a significant neglect of local livelihoods. Though participation of local people in forest conservation is

now gradually acknowledged, it remains largely symbolic and serves mainly to increase the legitimacy of management plans of protected areas.

Nevertheless, changing forestry discourses are not without effects. The concepts of forestry socialization and sustainable forest management have started to root and become more popular in Vietnam, this provides a crucial basics for the further structuration and institutionalization of the two discourses. This may pave the way for genuine discussion about the involvement and empowerment of non-state actors and about how to secure their rights in new tenure arrangements. Although the title of forest owner is still ambiguous, it may still help marginalized actors to increase their involvement in forestry. Similarly, the changing interpretation of sustainable forest management may result not only in the expansion of protected areas and the improvement of forest conservation, but also in the increasing acknowledgement of the different values and functions of forests.

Moreover, apart from these effects, the mere emergence of competing discourse coalitions that attempt to criticize the dominant coalition is a significant development in Vietnam's forestry. Though the two competing discourses coalitions in the end did not win the struggle over discursive hegemony, the presence of struggle illustrates that there is increasing room for different views and opinions. This may indicate the emergence of a new era in Vietnam's forestry in which the dominance of state actors is no longer taken for granted. Thus, if the Vietnamese government expresses its openness towards dissenting views, and follows through on its commitment to take further steps in socialization and democratization, this may provide the basis for further developments and changes towards increasing community involvement, empowerment and participation in Vietnam forestry.

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Chapter

3

A framework for assessing governance capacity: An illustration from Vietnam's forestry reforms

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Government and Policy (co-authors: Ingrid J. Visseren-Hamakers, Bas Arts)

Abstract

Over the last two decades, governance has become a central area of research in various disciplines of the social sciences. Although scholars widely recognize the importance of governance in sustainable development, the quality of governance and how to measure it in a comprehensive way are still under discussion. In response to this, we developed a framework for assessing governance capacity that is based on the policy arrangement approach. The framework highlights three elements – enabling rules of the game, converging discourses, and facilitating resources – and their inter-linkages. To illustrate the use of the framework, we present its application to the policy of forest land allocation in Vietnam. Our findings indicate the complicated link between the potential and the realized governance capacity, and the effects of socioeconomic contexts upon actors' interactions in a policy arrangement.

Keywords: governance capacity, policy arrangement approach, forest land allocation; Vietnam's socioeconomic reform.

3.1. Introduction

Over the last two decades, governance has become a catchword in the social sciences (Kjaer, 2004; Jordan, 2008). Although the concept is still strongly debated in terms of its theoretical conceptualization and application in policymaking (Stoker, 1998; Kersbergen and Waarden, 2004), there is consensus that governance generally denotes societal actors cooperating in order to solve collective problems (Frischtak, 1994; Kooiman, 1999; González and Healey, 2005).

As governance is considered one of the important preconditions for political, social, and economic development (Kaufman and Kraay, 2002; Cubbin and Stern 2006; Graham and Fortier, 2009), there is increasing concern about the quality of governance and the ways in which we measure this quality. Such concepts as governance capacity and institutional capacity are used as theoretical tools for assessments (Healey et al., 2002; Gualini, 2005; Pikner, 2008). However, the issues of what constitutes governance capacity (Hall, 2002; Gissendanner, 2004; Grindle, 2007) and how governance affects political, social, and economic developments (Grindle, 2007; Pahl-Wostl, 2009) are still under discussion.

This article puts forward a framework for assessing governance capacity. The framework not only contributes to current debates on governance assessments, but also facilitates the diagnosis of governance issues and can thereby guide sustainable development policies. The framework is inspired by the theoretical perspectives of the policy arrangement approach (PAA) and informed by the literature on governance, governance capacity, institutional capacity, and capacity building. As an illustration, we selected the Vietnamese policy of forest land allocation (FLA), which has evolved under Doi Moi (the socioeconomic reforms adopted in 1986). Doi Moi comprises the enhancement of democratization and information dissemination, the implementation of a socialist market-oriented economy, and an open-door policy in foreign relations (Beresford, 2008). These macro-transformations have paved the way for a new discourse of forestry socialization, which promotes the involvement of non-state actors in forestry (Chapter 2). The institutionalization of the discourse into the Forest Protection and Development Law in the early 1990s has led to nationwide forest devolution: Forest lands have been allocated to households and organizations to use and manage. By presenting this framework and illustrating its application, this chapter contributes to the governance capacity debate and provides a better understanding of changing governance in Vietnam's forestry reforms.

The chapter is organized as follows. We first review current discussions on governance and governance capacity. We then present our framework for assessing governance capacity and illustrate its application. After presenting our main findings, we discuss the theoretical and practical implications for governance capacity and the FLA policy, evaluate the framework, and suggest issues for future research.

3.2. Governance and governance capacity

Governance is considered an elusive concept (Arnouts and Arts, 2009). Although many governance studies have appeared in academic publications, scholars still argue over the theoretical conceptualizations of the term (Arts and Visseren-Hamakers, 2012; Ruhanen et al., 2010). Traditional

definitions associated governance with new forms of governments, arguing for better managed governmental organizations through new public management (Stoker, 1998). Contemporary theoretical works, however, associate the term with a shifting pattern of governing (Jessop, 1998). Governance can be applied to any form of actors' cooperation (Mayntz, 1998), and is regularly characterized by "*a changed condition of ordered rules*" (Rhodes, 1996: 652). It is more often used, however, to refer to a set of actors and institutions, such as mixed public–private networks (Bratton and van de Walle, 1992; Mayntz, 1998).

Despite variations, some general consensus about governance does exist (Arnouts and Arts, 2009). Firstly, governance denotes societal actors cooperating in order to solve collective problems (Frischtak, 1994; Mayntz, 1998; González and Healey, 2005; Driessen et al., 2012). This cooperation is characterized by the increased inclusion of non-state actors, who also take responsibility in social steering (Visseren-Hamakers, 2013). Second, rules of the game are believed to play a key role in the formulation and functioning of this new cooperation (Rhodes, 1996; González and Healey, 2005; Pahl-Wostl, 2009). Third, governance refers to both outcomes and processes (Bratton and van de Walle, 1992, Gibbs and Jonas, 2001; Degnbol-Martinussen, 2002), both of which are determined by political socioeconomic contexts (González and Healey, 2005; Pahl-Wostl, 2009). Fourth, many aspects of governance, such as legitimacy and transparency, are interdependent (Kooiman, 1999).

Governance is widely recognized as one of the crucial preconditions for development, be it sustainable development (UNDP, 1997), political, societal, and economic development in general (Goodwin, 1998; Kaufman and Kraay, 2002; Degnbol-Martinussen, 2002; Grindle, 2007; Cubbin and Stern, 2006), or development in a specific field, such as resource management (Pahl-Wostl, 2009) or nature conservation (Dearden et al., 2005). Assessing governance has become a growth industry, involving not only social scientists but also practitioners in, for example, international development organizations. Concepts such as governance capacity and institutional capacity are widely used as theoretical tools for these assessments (Healey et al., 2002; Gualini, 2005; Pikner, 2008).

Governance capacity has been examined in a great volume of literature on public administration, development, capacity building, and environmental governance. Although authors formulate different definitions, the concept generally refers to the ability of societal actors to work together in order to solve collective problems (Frischtak, 1994; Kjaer, 1996; Kooiman, 1999; Ahrens, 2000; Knill and Lehmkuhl, 2002; Nelissen, 2002; González and Healey, 2005; Christopoulos, 2006). Governance capacity includes potential and performance (Arts and Goverde, 2006), both of which are the outcome of actors' interactions (Caffyn and Jobbins, 2003; Pahl-Wostl, 2009), and evolve under and are influenced by wider social contexts (Healey, 2002). Actors' interactions, which refer to their mutually influencing relations, take place at both structural and strategic (or intentional) levels (Kooiman, 1999). Structural interactions are shaped by institutional settings. These "*rules of the game*" determine not only the actors' behaviour (March and Olsen, 1996; Hyden et al., 2004; Kjaer, 2011), but also their relations (Caffyn and Jobbins, 2003; González and Healey, 2005) and the flow of resources for collective action (DiGaetano and Klemanski 1993, Healey 2006). On the other hand, strategic interactions take place when actors' interests, values, norms, ideas, and frames of reference

shape their choices in collective action (Kooiman, 1999; Knill and Lehmkuhl, 2002; Caffyn and Jobbins, 2003).

The concept of institutional capacity is widely used in the literature to analyze state capacity and the functioning of institutions. The concept refers to the degree to which rules and procedures enable actors to work together in order to solve collective problems (Lindley, 1975; Solokow, 1979; Savitch, 1998; Cornell 2002; Degnbol-Martinussen, 2002; Fukuda-Parr et al., 2002; Healey et al., 2002; Bhagavan and Virgin, 2004; Wickham et al., 2009). Institutional capacity also comprises potential and realized capacity (Li and Zusman, 2006). Whereas these capacities are shaped by institutions, they are also influenced by political and socioeconomic contexts (Phelps and Tewdwr-Jones, 2000).

The above discussion evidences some commonalities between the concept of governance capacity and that of institutional capacity (i.e. collective problem solving), but also some differences (capacity of actors and capacity of institutions, respectively). The terms also share some theoretical puzzles, such as the question how potential and realized capacity are related (Lindley, 1975; Sokolow, 1979; Li and Zusman, 2006), how political socioeconomic factors influence actors' interactions (Healey, 2002; Grindle 2007), and how governance or institutional capacity sustains socioeconomic development (Grindle 2007; Jordan, 2008; Pahl-Wostl, 2009). However, the two terms differ in focus. Institutional capacity emphasizes the institutional settings under which actors interact (Willems and Baumert, 2003), with potential institutional capacity centering on institutional opportunities and constraints for collection action, and realized institutional capacity highlighting regulatory enforcement (Li and Zusman, 2006). Governance capacity, on the other hand, has a broader focus (Wickham et al., 2009). Without disqualifying the important role of rules of the game in collective action, governance capacity goes beyond institutions and decision-making structures, to also emphasize actors' discourses and resources. In this chapter, we use the broad concept of governance capacity to denote the "*quality*" of governance. Nevertheless, this chapter is informed by the literature on both governance capacity and institutional capacity, regarding their commonalities and overlapping theoretical puzzles.

Despite this rich literature on governance capacity, a coherent framework for assessing governance capacity is still lacking, and scientists employ various evaluative approaches (Kersbergen and Waarden, 2004). For example, authors discuss the appropriateness of goal-based versus free-goal assessments for governance capacity. In the former, authors assess social interventions (Rossi et al., 2004) against their defined goals (Verschuren and Zsolnai, 1998). In the latter, they facilitate the interaction of stakeholders to examine the different concerns and issues (Guba and Lincoln, 1989). Some authors adopt an in-between approach. Arts and Goverde (2006), for example, focus on both the policy goals and the views of affected actors. This approach appears to be more appropriate for governance assessments. As governance capacity denotes the ability of societal actors to cooperate in collective action, it seems fair to include their concerns in governance assessments. Moreover, since the aim of social cooperation is to solve collective problems, its assessments should clarify the extent to which these goals are realized.

To contribute to these discussions, we designed a framework for assessing governance capacity. Our main research questions were: What constitutes governance capacity? And how can it be assessed in a comprehensive manner? When developing the framework, we had two major considerations:

In order to build upon the general consensus in the governance and governance capacity literature, the framework should pay attention to both governance processes and impacts, and support the investigation of institutional settings.

In order to contribute to on-going discussions on the remaining theoretical puzzles, the framework should facilitate the examination of both structural and strategic interactions, the link between potential and realized capacity, and the interplay between governance capacity and political socioeconomic contexts.

3.3. A framework for assessing governance capacity

The development of the framework was inspired by the theoretical perspectives of the policy arrangement approach (PAA). The PAA is highly relevant to governance capacity assessment for four reasons. First, although the approach was developed to analyze environmental policy changes (Art et al., 2006; Wiering and Arts, 2006), it has been increasingly used for governance assessments (Arnout and Arts, 2009; Arts and Goverde, 2006; Van der Zouwen, 2006; Van Gossum et al. 2010). In so doing, the PAA conceptualizes policy as ‘the what’ (policy goals, policy discourses) and governance as ‘the how’ (collective action, problem solving), being the “*two sides of the same coin*” named policy making. Second, by taking into account the effects of larger socio-political contexts on social cooperation, the approach facilitates a better understanding of the context-dependency of governance capacity. Third, it helps fill the gap of discursive aspects in the governance capacity literature because the four dimensions (discourse, actors, rules of the game, and resources) encompass both organizational and substantive aspects of social cooperation. And fourth, since the approach pays attention to both potential and realized capacity, it supports the investigation of the potential links between them, and their influences on governance processes and impacts.

3.3.1. The policy arrangement approach

The PAA is a mid-range theory (Van Tatenhove and Leroy, 2000; Arts and van Tatenhove, 2004) that builds on neo-institutionalism (March and Olsen, 2006), network theory (Marsh and Rhodes, 1992), the advocacy coalition framework (Sabatier, 1987, 1988), and discourse analysis (Hajer, 1995). The approach centers on three connected theoretical concepts: policy arrangements, institutionalization, and political modernization. A policy arrangement denotes “*the temporary stabilization of content and organization of a policy domain*” (Arts et al., 2006: 96). Institutionalization refers to the continual shaping and structuring of the content and organization of a policy arrangement. This process takes place under the on-going process of political modernization, which relates to the shifting relations between the state, the market, and civil society under economic, social, and cultural developments (Arts et al., 2006). A policy arrangement consists of four dimensions:

- Actors – actors and their coalitions in a policy domain.
- Discourses – the perspectives of the actors involved, considering their norms and values, definitions of problems, and approaches to solutions.

- Rules of the game –both formal and informal rules for policy and decision-making, such as legislation and procedures.
- Resources –the division of power and influence among actors through their mobilization, division, and deployment of resources.

An examination of a policy arrangement can start at any PAA dimension (Liefferink, 2006), with different departures facilitating different analytical focuses. For example, analyzes focusing on the positions and roles of actors may start at the actor dimension, while studies focusing on the influence of institutional changes could begin with the rules of the game. Subsequently, the other three dimensions are further conceptualized and operationalized from the perspective of the first entry point. This move brings back the number of dimensions from three to four, simplifying and at the same time focusing the analysis. This is not to say that one dimension is lost, on the contrary, but that the other ones are fully considered from the perspective of the dimension that is the starting point of the analysis.

The interconnectedness of a specific policy arrangement determines its governance capacity (Arts and Goverde, 2006). Arts and Goverde (ibid.) differentiate between potential and realized governance capacity through the following concepts:

- *Indicative* governance capacity, which refers to the potential contribution of a policy arrangement to manage or solve societal and administrative problems. This means that an arrangement is organized and structured in such a way that it enables societal actors to work together in order to solve collective problems. As this capacity is largely shaped by the institutional settings under which actors have to operate, ‘indicative governance capacity’ shares meaning with ‘institutional capacity’.
- *Performative* governance capacity, which concerns the actual performance of a policy arrangement to attain collective goals. If such capacity exists, the arrangement indeed facilitates cooperation and problem solving among societal actors. From the perspective of the PAA, such performance includes, but also goes beyond, regulatory enforcement to embrace both governance processes and impacts (for example social learning as well as goal achievement; see the operationalization below).

However, we decided to slightly amend these two concepts in line with the general literature. We use “*institutional capacity*” to refer to potential capacity, and “*governance performance*” to refer to realized capacity (Figure 3.1). These amendments are driven by two reasons. First, the two terms refer more explicitly to the meanings of potential and realized capacity. Second, they facilitate communication between the framework and the relevant literature better than the original concepts of Arts and Goverde (2006), because they more clearly resonate with the academic literature on governance capacity and institutional capacity.

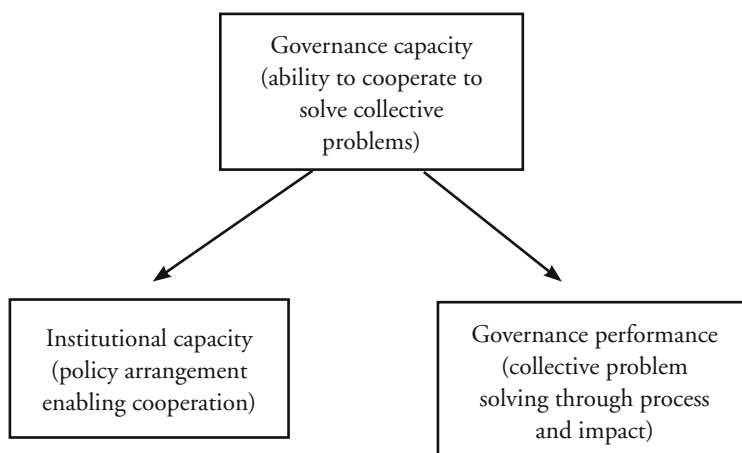


Figure 3.1: Conceptualization of 'governance capacity'

3.3.2. The governance capacity framework

Our governance capacity framework consists of the relevant elements, aspects, and criteria for assessment (see table 3.1 below). It departs from the actor dimension of the PAA, from which the other three dimensions (discourses, rules, resources) are conceptualized and operationalized, thus bringing back the four PAA dimensions to what we will now call three governance capacity elements (to prevent confusion with the term 'dimension' in the PAA). This does not mean that we 'lose' the actor dimension, but that the other three are perceived from an actor perspective. We take actors as the entry point for our analysis and assessment, because capacity is vested in actors (Bebbington et al., 2006) and governance capacity is about actors' cooperation. It is actors who initiate and carry out the shift in governing: They frame collective problems and carry out strategies for problem solving, and they are affected by these actions.

After having mapped the key actors involved in FLA, we identified elements, aspects and criteria for our operationalization of governance capacity (see Table 3.1). The first operational step distinguishes three elements of FLA governance capacity:

- Enabling rules of the game for actor involvement;
- Converging discourses of various actor coalitions;
- Facilitating resources for actor commitment.

In a next step, these elements are operationalized into aspects and criteria, in order to be able to assess governance capacity in more detail, which will be done below.

First, we examined rules of the game as the first element of governance capacity, since to govern means to make rules for a set of actors, who act in relation to others (Carlsson and Sandström, 2008). Concerted effort by actors to pursue their common goals is unlikely to occur if there are no rules regulating who can be involved, their roles, and how they should interact. Rules provide the structure under which social cooperation takes place (Thye, 2000), and as such define a boundary

condition in which “*actors perceive themselves as members of an identifiable collectivity*” (Goud, 1993: 185). Since actors have to act in accordance with this condition, rules could constrain or enable actors’ potential and performance in social cooperation (Thye, 2000). For that reason, enabling rules of the game are an essential element of governance capacity in any new form of governance. Although enabling rules of the game may vary from case to case, a general important aspect of this element is to provide actors, particularly those who used to be marginalized, with the rights to get involved in decision making in multiple actor governance processes. Otherwise, actors are not only unable to actively contribute to collective action, but are also discouraged from becoming and then remaining involved. Joint decision making makes decisions more responsive to affected actors, and thereby helps gain their support for strategies for problem solving (Carcasson and Sprain, 2010). We also selected criteria for the assessment of the recognition of rights. In analyzing institutional capacity, we examined the codification of decision-making rights in regulations. This codification reflects the extent to which actors obtain the legal rights to be involved in decision making. As there may be gaps between this codification and its realization, the practising of rights is used as criterion to assess governance performance.

Table 3.1: The governance capacity framework

	Elements	Aspects	Criteria	
			Institutional capacity	Governance performance
Governance capacity	- Enabling rules of the game	- Recognition of rights	- Codification of decision-making rights	- Rule effectiveness (practising rights)
	- Converging discourses	- Deliberation	- Venues - Open attitude	- Social learning (adjustments of goals and solutions)
	- Facilitating resource mobilization	- Actors’ access to & control of resources	- Resource availability	- Effectiveness & cost effectiveness (goals efficiently achieved)

Second, we examined discourses as the second element of governance capacity, which mediate not only the thinking and speaking of actors, but also their actions (Arnouts and Arts, 2009). Actors’ perspectives on the problems at stake could determine not only their willingness to become involved, but also their objectives and their solutions for problem solving. While diverging discourses, which seem to be common in multiple-actor processes (ibid.), would challenge actors’ consensus on effective strategies (Mayntz, 1998), converging discourses keep the cooperation functioning through the objectives and strategies that the involved actors jointly consider appropriate (Hajer and Versteeg, 2005). Given that societal problems are characterized by complexity, diversity, and dynamics (Kooiman, 1999), collective action should include collective thinking through deliberation. Deliberation is a key prerequisite for facilitating the convergence of discourses, because it is a process of communication that informs actors of a certain issue, and enables them to discuss and reason together to find the best

solution (Dryzek, 2000). When deliberation provides actors with the opportunities to provide input in the planning that affects their lives, it helps ensure their commitment to problem solving (Bulkeley and Mol, 2003). In deliberation, consensus is not always the ultimate aim (Bloomfield et al., 2001), but actors should be able to arrive at an overarching goal for their cooperation (Chamber, 2003). Rules of the game can also influence deliberation practices, through the procedures under which deliberation takes place (Mansbridge et al., 2006). For deliberation, we used the concepts of venues and open attitudes of involved actors toward each other's positions for institutional capacity, and social learning to evaluate governance performance. Venues are defined as "*places and practices that offer the possibility of deliberation*" (Williamson and Fung, 2005: 11). People are able to engage in deliberation if they are offered spaces and processes for discussion (Carcasson and Sprain, 2010). Given available venues, deliberation might not work if actors do not value and respect each other's ideas and interests (Bloomfield et al., 2010). Having open attitudes towards other positions does not mean that actors have to give up their own perspectives or interests. It does, however, mean being open to the logic of others' perspectives and being willing to adjust one's goals and strategies (Carcasson and Sprain, 2010). By offering participants new information and perspectives, and facilitating the exchange of ideas, venues and open attitudes foster social learning (Dana and Nelsons, 2012). Social learning, which is by definition a shared experience (Hajer and Versteeg, 2005), is understood as "*a deliberate attempt to adjust the goals or techniques of policy in the light of past experience and new information so as to better attain the ultimate objectives of governance*" (Hall, 1993: 278). These adjustments enable actors to accommodate differences and negotiate their interests in governance processes (White et al., 2005). They are especially important given the fact that the contexts under which social cooperation takes place keep changing (Termeer et al., 2013).

Third, we dealt with resource mobilization for social cooperation as the third element of governance capacity, which is often driven by resource constraints (Börzel, 1998). Actors cooperate because they depend on each other's resources to achieve their common goals (ibid.), and the extent to which resources can be mobilized influences the functioning of new forms of governance. Actors can often make effective use of their own resources only if they are also able to access the relevant resources of other actors. For example, in many developing countries the state controls forest resources, but lacks the labor and funding to protect and manage those resources efficiently. On the other hand, local people often lack access to and control over forest resources, which means that they cannot make use of their labor and traditional knowledge for forest protection and management. Access refers to the "*ability to derive benefits from things*" (Ribot and Peluso, 2003: 153), which encompasses consumption, entrance, and use. Control denotes "*the checking and direction of action, the function or power of directing and regulating free action*" (Rangan, 1997: 72). These aspects are strongly determined by rules of the game and discourses in the following manner: By defining legal and illegal access, rules can enable actors to control and obtain benefits from a resource, or prevent them from doing so; and actors' interests and goals can influence their mobilization of resources for the common goals. For resources, we used resource availability to assess institutional capacity, and effectiveness and cost-effectiveness to evaluate governance performance. These criteria reflect the extent to which actors cooperate to mobilize resources for collective action. Resource availability is obviously an essential condition for effectiveness

(Bäckstrand, 2006), because it enhances the likelihood that social cooperation will achieve its goals. Due to commonly experienced resource constraints, actors also struggle to reduce the cost of problem solving efforts. For that reason, cost-effectiveness, which denotes “*the total cost per favourable outcome*” (Davies et al., 1998: 196), is also used to assess the governance performance.

Finally, the framework explicitly takes into consideration the inter-linkages among the various elements of governance capacity, and between the policy arrangement and the wider socioeconomic context.

3.4. An illustration from Vietnam’s forestry reforms

We selected the case of FLA in Tay Ninh province, south Vietnam, to illustrate the application of the framework. The case is relevant because it conveys a shift in forest governance from the domination of forest state enterprises to shared responsibilities between forestry agencies and local participants. In addition, since the policy has been pursued for over 20 years, the case provides detailed observations of FLA governance processes and impacts.

Tay Ninh is around 100 kilometres northwest of Ho Chi Minh City (formerly Saigon). When the country was unified after the civil war in 1975, 36% of the Tay Ninh area (145,000 ha) was natural forest. Wood exploitation and forest conversion reduced the province’s forest cover to only 10% (40,400 ha) in the late 1980s. To address the problem, in 1990 the province adopted the policy of FLA in order to mobilize resources for forest rehabilitation and to contribute to the livelihood of local people, whose income is mainly derived from cash crop production.

The main actors involved in FLA include the following. The policy’s implementation was decentralized from the Ministry of Agriculture and Rural Development (MARD) to the Provincial People’s Committee (PPC), which supervises the policy through its Department of Agriculture and Rural Development (DARD). The PPC and DARD thus have a strong influence on the policy and are powerful players in the process. District and commune authorities are involved in decision making. The province dismantled state forest enterprises and established forest management boards (FMBs), which contracted their forest lands to 1,984 households for forest plantations and to 37 groups of households for the protection of natural forests (SFIPI, 2005). FMBs managed forests with the help of forest rangers, supervised by DARD, who were responsible for sanctioning forest violations. Since 2006, however, some FMBs have had their own forces of forest rangers.³⁴ The province divided its forest lands (69,626 ha) into three categories:

- Special-use forests for the conservation of biodiversity and cultural values.
- Protection forests for environmental protection.
- Production forests for the production of wood and forest products.

³⁴ FMBs of national parks (with total areas from 7,000 ha), other conservation areas (with total areas from 15,000 ha) and water-shed forests (with total areas from 20,000 ha) can organize their own forest rangers (GSRV, 2006b).

3.4.1. Application of the governance capacity framework

Considering the context of the FLA policy, we applied the framework in the following manner. For the codification of rights, we focused on property rights because they determine the extent to which FLA recipients can be involved in decision-making. Property rights are defined as rights to own and possess something (Ewert et al., 2004), and are often referred to as a “*bundle of rights*” (Schlager and Ostrom, 1992). This bundle comprises access (to enter the resource), withdrawal (to extract something from the resource), management (to modify the resource), exclusion (to determine who can use the resource), and alienation (to transfer rights to others). We specified resource availability in terms of funding, forests, and information, which are all essential for the policy. As cost-effectiveness is not a priority of the policy, we examined effectiveness instead, and specified it by the condition of the forest and local income from the forest lands. Venues here relate to local meetings at both provincial level and local level (districts, communes and villages), where villagers can exchange information with the forestry agencies (FMBs, DARDs, forest rangers), discuss and give their suggestions. Open attitudes refers to the fact that actors (both state actors and non-state actors) are open towards the concerns and interests of each other.

We conducted fieldwork from December 2010 to April 2011, and collected our data through literature review, document analysis, semi-structured interviews, and questionnaires. We selected the 59 key informants for the interviews (Purdon et al., 2001) by snowball and saturation sampling (Frank and Snijders, 1994; Mason, 2010) from the forestry and land management sectors, local authorities, local NGOs, forestry contractors and villagers. We carried out a survey through questionnaires in three districts, which between them represent the allocation of the three forest categories: Tan Bien has special-use forests, Tan Chau has protection forests, and Chau Thanh has production forests. We chose the 96 respondents for the survey by stratified random-sampling (Nichols, 1991) from lists of forestry contractors. We triangulated data from different sources before processing. We presented and processed the quantitative data through tables and worksheets, and carried out qualitative data analysis using the method developed by Miles and Huberman (Punch, 2005), with data reduction, data display, drawing, and verifying conclusions. For the analysis, we used three main operations, namely coding, memoing, and developing propositions.

3.4.2. FLA institutional capacity

Codification of decision-making rights

There are two instruments of FLA: allocation through land-use certificates (LUCs) and allocation through contracts. Only recipients of LUCs are forest owners: LUCs grant ownership of the forest lands allocated. FLA decision-making rights are mainly regulated by Decision No 08/2001/QĐ-Ttg (hereby called Decision 08) on the management schemes of the three forest categories (GSRV, 2001a). Special-use and protection forests are only allocated to FMBs, while production forests can also be allocated to other actors. To increase the forest cover, the provincial government has designated most

of its forest lands as special-use and protection forests. As a result, local people can only become forestry contractors of FMBs.

Decision 08 grants FLA recipients of the three forest categories different bundles of rights (Table 3.2). All recipients have access and exclusion rights, but limited withdrawal, management, and alienation rights. Their involvement in decision-making is restricted, with restrictions increasing from production forests to protection and special-use forests, and also from plantations to natural forests. For production forests, recipients are forest owners with LUCs. Owners of forest plantations obtain a rather complete bundle of rights, even though they still have to submit harvesting requests to FMBs. Owners of natural production forests, however, have restricted management rights, and can only harvest 10% of the wood growth volume generated by their forest management activities.

Although FMBs of special-use and protection forests are forest owners (they hold LUCs), their proposals for management have to be approved by DARD, the PPC, and MARD. Forestry contractors of these FMBs have no management rights. Contractors for plantations receive contracts for periods of up to 50 years, and the contracts can be inherited. Until 1997, they could also use 70% of the auxiliary trees, which were planted to provide the main trees with shade; since 1997, they have been allowed to use all the auxiliary trees. Nevertheless, contractors for natural forests have only annual contracts and possess no withdrawal rights.

In sum, among the two FLA instruments stipulated by the Decision No 08, forest owners with LUCs attain more rights than forestry contractors. Recipients' rights also vary among the three forest categories, in which recipients of production forest plantations acquire a rather complete bundle of rights. The provincial governments can use forest designation to allocate most of forest lands to FMBs, and as such restrict the rights of local people, who mainly become forestry contractors. Nevertheless, with long-term forestry contracts, contractors can get the access and withdrawal rights, with which they can intercrop agriculture on the forest lands and harvest a certain amount of forest products from their plantations.

Table 3.2. FLA bundles of rights

Forest category	Recipients	Forest types	Property rights				
			Access	Withdrawal	Management	Exclusion	Alienation
Special-use & protection	FMBs	FC	Yes	Limited	Limited	Yes	No
		NF	Yes	No	More limited	Yes	No
	Contractors	FC	Yes	Limited	No	Yes	No
		NF	Yes	No	No	Yes	No
Production	Owners	FC	Yes	Yes	Limited	Yes	Yes
		NF	Yes	Yes	Limited	Yes	No

NF: natural forests, FP: forest plantations

Venues and open attitudes

FLA actors debated the policy's goals. While DARD and FMBs emphasized the rehabilitation of protection and special-use forests with the use of native species, forestry contractors advocated emphasizing production forests and the use of rubber trees in order to enhance local livelihoods. Under these diverging discourses, FLA planning requires a fairly open process. FLA master plans, formulated by DARD, were open to feedback from local authorities and relevant sectors, such as the Department of Land Management. However, this deliberation remained rather symbolic, since it mainly involved information exchange. Deliberation with villagers was very weak, since FMBs only informed villagers of the approved plans in local meetings. Overall, 61% of respondents said that they were only informed about FLA just before they signed the contracts. Moreover, 48% of respondents proposed some changes in forest plantations; for example, they would like to reduce the tree density in forest plantations and increase the annual harvest area, which was only 25% of their forests. However, only 18% of them received feedback from FMBs.

Nevertheless, DARD and FMBs were willing to adjust the models³⁵ of forest plantations to meet contractors' concerns. In general, although 82% of respondents recognized the importance of forests, they were not interested in forest rehabilitation because the profits they could get from forest plantations were much lower than those from cash crops. For that reason, only 7% got involved to protect forests and 75% passively participated in the policy.

Availability of resources: forests, funding, and information

Under the forestry contracts scheme, DARD and FMBs control the forest lands, funding, information, and choices of silvicultural techniques. However, villagers encroached on forest land in order to access more land for cash crop production. To avoid conflicts, FMBs mainly contracted the occupied lands to the encroachers. As a result, many villagers who had not illegally occupied forest lands, could not obtain forestry contracts with FMBs.

In terms of funding, FMBs invested only 50–60% of the actual cost of forest plantations, and forestry contractors had to contribute the rest; in order to reduce their costs, the latter therefore did not carry out all the required activities. For natural forests, contractors received 100,000 VND ³⁶ per ha per year for patrolling the forest and reporting to FMBs incidents of encroachment, illegal logging, and poaching. This low payment discouraged contractors from actively patrolling.

The flow of information between FMBs and forestry contractors was very limited. FMBs met contractors only two or three times a year to inform them of the activities required for forest planting. At the end of the year, they checked the survival rates of trees to determine the payments. As a result, 51% of the forestry contractors surveyed did not quite understand FLA regulations and procedures.

³⁵ Different models of plantations refer to different layouts of trees, the combinations of tree species, and tree density in the plantations.

³⁶ About US\$ 5.

They also lacked instructions on silvicultural techniques and information on the prices of forest products.

In general, forestry contractors were unwilling to invest their money and labor in forest rehabilitation, because of their marginalized position in decision-making, diverging discourses between them and FMBs over the policy's goals, and limited funding and information on FLA. Together, these constraints had significant impacts on the governance performance, as presented below.

The analysis showed a low FLA institutional capacity, characterized by the marginalization of the target population in decision-making, a rather symbolic quality of deliberation, and a lack of resources for forest rehabilitation. Overall, forestry contractors in Tay Ninh did get certain rights to access to forest lands and harvest wood in their plantations. They were also invited to local meetings to exchange information and to make their proposals for changes in the implementation of the policy. Funding for forest rehabilitation was shared among the state and local people. However, the FLA in Tay Ninh province indicated a low FLA institutional capacity, which was characterized by the marginalization of local people in decision-making, a rather symbolic quality of deliberation, and a lack of resources for forest rehabilitation.

3.4.3. FLA governance performance

Rule effectiveness: the practising of rights

The case demonstrated a low rule effectiveness, which resulted from the passive involvement of forestry contractors: 61% of the respondents in the survey acknowledged that they had had to sign the contracts just because they were farming in forest areas. Most respondents blamed the fact that they did not meet their obligations in forest management on their limited rights and benefits, and the lack of information on regulations and procedures.

Although FMBs and forestry contractors were granted the exclusion right, it appears to be the right that was enforced most weakly. Forest encroachment and illegal logging, although reduced, still occurred in both natural forests and forest plantations. The enforcement of the exclusion right was problematic, because forestry contractors did not patrol the forests frequently and regulations for sanctioning violators were insufficient. Also, although forest rangers and local authorities' land management officers shared the responsibility for sanctioning forest encroachment, they did not coordinate their activities well enough to help FMBs deter and exclude encroachers.

These issues were then fuelled by the high profits derived from agricultural crops, such as cassava, sugar cane, and especially rubber. In this situation, national and provincial policies supporting the development and expansion of agriculture contributed to the problems. The expansion of cash crops, which are much more profitable than forest plantations, created a strong demand for agricultural land and caused more forest encroachment by local people, especially when the prices of agricultural products soared in the mid-2000s.

Social learning: adjustment of goals and solutions

The persistent divergence of actors' discourses on the FLA goals and low resource mobilization for forest rehabilitation compelled DARD and FMBs to pay more attention to contractors' incomes. First, in 2008 they increased the annual harvest area of plantations from 25 to 50%, so that forestry contractors could speed up their harvest and replant the lands. Second, although rubber trees were only allowed in production forests, former encroachers on lands for protection forests who became forestry contractors were allowed to keep 50% of their rubber trees. Third, in 2006 the province increased the area of production forests (which are more profitable for local people than protection and special-use forests) from 2,783 to 9,508 ha (SFIPI, 2005). Although these responses helped ease tensions between FMBs and forestry contractors, the new rules on the use of rubber trees also induced tactical behaviour by the contractors. After harvesting the auxiliary trees, many contractors planted rubber trees in harvested areas, even though it was not allowed. Some even uprooted the young auxiliary trees in order to plant rubber trees, and argued that it was legal because FMBs allowed others to use rubber trees.

Effectiveness: condition of forests and local incomes

Due to the lack of resources and the inadequate practising of rights, FLA effectiveness was mixed. Over the last decade, the area of forest plantations has increased from 5,672 to 12,583 ha; the area of natural forests has stabilized at 35,516 ha (MARD, 2011). This can be considered a success, because during the same period forest loss continued to occur in other areas in the country. Nevertheless, some areas of natural forests were further degraded as a result of illegal logging and forest encroachment. The growth and productivity of forest plantations were also poor. Moreover, as these plantations were composed of only one native species (selected from a list of 4–5 native species) and one fast-growing exotic species, they failed to ensure species diversity. The impact of FLA on increasing local people's income was also mixed. Forestry contractors obtained only 5–15% of their total incomes from forests. They blamed their low income on the poor productivity of forest plantations, caused by poor seedlings and silvicultural techniques. DARD and FMBs, however, put the blame on contractors' insufficient investments in their plantations.

Summarizing, the mixed goal achievement of the policy was determined by the inter-linkages between the inadequate practising of rights and the tactical behaviour of forestry contractors as a response to some social learning by the government. The socioeconomic contexts, characterized by an emphasis on supporting agricultural development, also had strong influence on the FLA impacts.

3.5. Discussion and conclusions

The framework for assessing governance capacity presented in this chapter is informed by the current discussions in the literature and inspired by the theoretical perspectives of the PAA: It incorporates both institutional capacity and governance performance. By applying an actor perspective, we identified three elements: enabling rules of the game, converging discourses, and facilitating resources. We then used the policy of forest land allocation (FLA) in Vietnam to illustrate the application of the framework.

3.5.1. Theoretical implications for governance capacity

The analysis of the FLA case contributes to the discussions on governance capacity. First, the case indicates the link between institutional capacity and governance performance, which is still being debated in the governance capacity and institutional capacity literature (Lindley, 1975; Sokolow, 1979; Li and Zusman, 2006). At each criterion, the low institutional capacity constrained its governance performance. Limited decision-making rights and withdrawal rights explain why forestry contractors did not fulfil their forest protection and tree planting obligations. Venues for deliberation remained rather symbolic in nature and failed to bridge the differences in discourses between villagers and FMBs over the goals of FLA, giving rise to not only villagers' low interest in forest rehabilitation but also their strategic behaviour. FMBs' inadequate funding and information also discouraged contractors from investing in forest plantations. These insufficient investments resulted in forests of poor quality and low productivity, which together provided contractors with a limited income.

Between criteria, institutional capacity–governance performance links were both enabling and constraining. FMBs' open attitudes facilitated changes in the models of plantations, which helped increase the area of forest plantations. However, villagers' low level of interest in forest rehabilitation discouraged them from investing in their plantations, which contributed to the poor quality of forests. The case especially reveals the complicated effects of governance performance on institutional capacity: While the poor quality of forest plantations compelled FMBs to pay more attention to contractors' concerns, it strengthened contractors' lack of interest in tree planting and further restrained their investments in forests. These mutual links explain the evolution of governance capacity over time.

Second, the case provides evidence for the interconnectedness of actors' structural and strategic interaction. On the one hand, the case confirms earlier observations on the structuring roles of rules of the game on actors' relations in decision-making and resource availability for collective action (DiGaetano and Klemanski, 1993; Kooiman, 1999; Caffyn and Jobbins, 2003; Gonzalez and Healey, 2005; Healey, 2006). The contract-based FLA in Tay Ninh limited not only contractors' rights, but also their access to funding and information. On the other hand, it highlighted the influence of actors' discourses (both state actors and villagers) on their interactions in collective action. Villagers, who mainly got involved in FLA in order to obtain land for cassava and rubber production, invested insufficiently in their forest plantations. This strategic behaviour allowed them to exploit opportunities to steer resources away from collective goals.

Third, the case confirms the effects of the wider socioeconomic context on governance capacity that have been argued by Phelps and Tewdwr-Jones (2000), Healey et al. (2002) and Kjaer (2011). It also points out that these impacts are mainly exerted through discourses, which influence resource mobilization. Agriculture policies and high profits from cash crops deepened actors' divergent discourses, shaping villagers' passive involvement and discouraging them from investing in forest rehabilitation. Especially villagers' strategic behaviour in the case challenges the assumption of Kooiman and Jentoft (2009), namely that institutional constraints reduce strategic behaviour and that enabling rules of the game facilitate them. It is a fact that FLA constraining rules of the game strongly induce actors' strategic behaviour under the negative effects of socioeconomic factors.

Fourth, actors' strategic interactions in the FLA case in the wider socioeconomic contexts explain the complicated ways in which governance capacity influences sustainable development – which is a persistent puzzle in recent literature on governance capacity (Grindle, 2007; Jordan, 2008; Pahl-Wostl, 2009). Our findings suggest that a high performance may not be a simple sum of the various scores on the various criteria. On the contrary, these often pose trade-offs. An example is the link between social learning and effectiveness. Although the use of rubber trees in forest plantations eased tensions between FMBs and villagers, the intensive farming of rubber trees decreased the biodiversity in forest plantations. Also, the low density of forest plantations, which helped contractors increase their income through agricultural intercropping, slowed down the effort to increase forest cover in the province.

3.5.2. Policy implications for collective action and the FLA policy

Links between the three elements of governance capacity call for more attention to both substantial and organizational aspects in the institutional designs for collective action. Efforts to strengthen governance capacity should take into account their potential repercussions. Regular assessments and revisions are crucial to sustain the evolution of governance capacity and to deal with its issues. In addition, the effects of the wider socioeconomic contexts on governance capacity highlight the important role of macro-policy making, which may facilitate the development of a policy field at the cost of others.

For the FLA policy in Tay Ninh, collective goals are challenging. This challenge first resulted from the policy design, which marginalized forestry contractors in decision making and restricted their access to funding and information. The high profits from cash crops then triggered contractors' strategic behaviour. The following lessons for FLA can be learned from the case study.

- To promote collective goals, venues and open attitudes on the part of the different policy actors are critical. Local meetings should facilitate villagers' participation and provide them with information on FLA and silvicultural techniques, which are necessary to increase the productivity of forests.
- Strong mechanisms for supervision, monitoring, and enforcement by DARD and FMBs are crucial to reduce villagers' strategic behaviours.

- Mechanisms to strengthen collaboration between the agriculture and the forestry sector in policymaking are important to better manage trade-offs between the development of cash crops and forest rehabilitation. On this point, our findings challenge the arguments put forward by Gomiero et al. (2000), Sikor (2001), and Clement et al. (2009), namely that advancing agricultural technologies and policies promoting markets for agricultural and forest products could facilitate forest rehabilitation. The design of rural development programs should thus take into consideration their unexpected effects on forest land allocation.

3.5.3. Implications for research on governance capacity

Our findings call for some considerations for research on governance capacity. Interlinkages among rule effectiveness, social learning, and effectiveness in the FLA policy in Tay Ninh show that the sole use of goal-based or goal-free evaluations will provide only a partial view of the complicated picture of governance performance. The large influence of contextual factors on the institutional capacity and governance performance in the case also casts doubt on the use of large-N samples across countries, as is done by international development agencies in governance assessments. In addition, the case invites more consideration of both the substantial and the organizational aspects of governance capacity assessments.

The following three questions remain for future research on governance capacity.

- Although the case indicates the links between the limited institutional capacity and mixed governance performance of the FLA policy, the question remains how this link might express itself in other policy fields or countries. More research is needed to investigate the evolution of governance capacity through mutual influences between institutional capacity and governance performance.
- Actors' strategic interactions in the FLA case take place under divergent discourses and constraining rules of the game. These unfavourable contexts reflect only a partial picture of the complicated governance situations. It would be interesting to study the strategic behaviours of actors in other, more favourable conditions, which may be characterized by enabling rules of the game and more convergence between actors' discourses.
- More studies are necessary to examine whether and, if so, under what conditions the wider socioeconomic contexts support or constrain the governance of policy arrangements.

3.5.4. Strengths and shortcomings of the framework and its applicability

The illustration case reveals three strengths of the framework.

- By compassing both organizational and substantive aspects of collective action, the framework supports a systematic identification of governance issues and the examination of actors' structural and strategic interactions in governance processes.
- Its attention to the wider socioeconomic contexts offers a better understanding of the main factors influencing governance capacity.

- The examination of both institutional capacity and governance performance facilitates a deeper insight into governance capacity, making it a comprehensive tool for governance assessments.

Nevertheless, the framework is demanding, especially regarding the large amount of information required for the overall assessment of three elements and the in-depth analysis of the various criteria.

Through its application in the case study, the framework contributes to the elaboration of the PAA from an analytical tool for environmental policy change (Van Tatenhove and Leroy, 2000; Leroy and Arts, 2006; Wiering and Arts, 2006; Wiering and Immink, 2006) and governance processes (Van der Zouwen, 2006; Arnouts and Arts, 2009; Van Gossum et al., 2010), into an evaluative tool for governance capacity assessment. That we focused on Vietnam and forestry policies does not limit the framework to this country or sector. On the contrary, we claim its generalizability for the following reasons. As the elements “*enabling rules of the game*,” “*converging discourses*,” and “*facilitating resources*” reflect key elements of governance capacity in the literature, and encompass both governance process and impacts, the framework is applicable in different types of assessments. The general character of its criteria also creates space for further specification in different situations. In particular, the framework is applicable for assessing other policies, either in Vietnam or in any other country that is shifting from strong or weak state governance to a participatory or more participatory system. It is not forests, but new modes of governance that are key to the framework.

Chapter

4

The institutional capacity for forest devolution: the case of forest land allocation in Vietnam

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(co-authors: Ingrid J. Visseren-Hamakers, Bas Arts)

Abstract

The article assesses the institutional capacity of a devolution policy, namely forest land allocation (FLA) in Vietnam. We applied the policy arrangement approach to examine the extent to which the policy enables actors to work together in order to solve collective problems. The findings reveal that, overall, the institutional capacity of FLA in Vietnam is rather low, although it varies from region to region. This result is determined by the restricted and ambiguous codification of property rights; the limited resource availability; the symbolic venues for deliberation and the lack of openness of actors towards others' perspectives in the policy process. External factors, particularly agricultural development, also had a major impact on institutional capacity.

Keywords: forest devolution; forest land allocation; institutional capacity; policy arrangement approach; Vietnam.

4.1. Introduction

Over the last two decades, forest devolution has become a major trend in forest governance in the developing world (Thye, 2000). Although the devolution of forest rights was expected to lead to sustainable forest management (Bovaird and Löffler, 2003), the outcomes appear to be mixed (Agrawal and Ostrom, 2001; Shackleton et al., 2002; Kauneckis and Andersson, 2008), and in general, forest devolution is failing to achieve sustainable forest management in many countries in South and South-East Asia (Balooni et al., 2008).

These observations show that even a well-intended policy might not be able to yield good results, and prompt a discussion on factors that create such a gap between intentions and impact. Fisher (2000) points out that forest devolution in Asia and the Pacific region mainly devolves responsibilities for forest protection to local actors, and fails to take local conditions into account. Edmund and Wollenberg (2003) and Ribot et al. (2006) lay the blame on the limited authority transferred to local actors, the elite capture of benefits, the lack of resources, and the low priority for forest development at the central government level. Balooni et al. (2008) find that counterproductive central policies, conflicting positions among institutions and the lack of accountability are behind devolution failures. The discussion is still both on-going (Ribot et al., 2006) and crucial, since understanding the reasons for the success or failure of forest devolution can inform policymakers in devolution practices.

We contribute to this debate by presenting our research on the institutional capacity of a specific forest devolution policy, namely forest land allocation (FLA) in Vietnam. Because of the failures of state forestry during the 1970s and 1980s, Vietnam's forests essentially became open access resources. To address this problem, in 1991 the Vietnam Forestry Development Plan initiated the socialization of forestry³⁷ (MARD, 2001a) through forest land allocation, which was stipulated by the Forest Protection and Development Law (1991) and the Land Law (1993), and their revisions in 2004. The policy was expected to promote sustainable forest management and improve local livelihoods by establishing real forests owners (Chapter 2).

The policy was first implemented nationwide under national programme 327 for re-greening barren lands (1993-7). It was then expanded under national programme 661 for the establishment of 5 million hectares of new forests (1997-2010). The policy, which has now been implemented for over 20 years, has been evaluated by both academics and policy practitioners. Evaluations acknowledge the limited involvement of local people (MARD, 2007; Nguyen et al., 2008), which seems to be caused by the policy's design (Clement and Amezaga, 2009). While governmental reports focus on how this limited involvement influences the condition of the forest, scientific research pays special attention to factors relating to the different people involved. Some point at the low quality of the participatory process (Gomiero et al., 2000; Castella et al., 2006) and the limited possibilities for local people to access the forests (Dinh et al., 2005; Sunderlin and Huynh, 2005); others put the blame solely on the limited rights and benefits of recipients (Sikor, 2001; Nguyen, 2006; 2008; Clement and Amezaga,

³⁷ This Vietnamese term refers to the involvement of multiple actors in forestry under Doi Moi, the on-going socioeconomic reform launched in Vietnam in 1986.

2009). Property rights are widely considered the key incentive for local involvement in the policy (Castella et al., 2006; Nguyen et al., 2008; Thang et al., 2010).

Nevertheless, some case studies observe that exclusive property rights could interfere with customary forest management and give rise to local conflicts (Castella et al., 2006; Sikor and Tran, 2007). Agriculture policies and social policies could also influence local involvement (Gomiero et al., 2000). In general, these studies mainly focus on pilot projects in the northern uplands and the central highlands. Because forested areas in Vietnam are quite diverse in terms of natural and socioeconomic conditions, these studies provide only a partial picture. Moreover, they often depict local people as passive victims of asymmetric power relationships and pay little attention to the strategies of local communities, which could also influence the relationships among the different actors in the policy.

In response to these reflections, we assessed how the policy provides opportunities and constraints for actors' cooperation in the policy by comparing case studies in different regions of Vietnam. Among actors involved, we paid special attention to local people for three reasons. Firstly, since FLA is based on the participation of local people and is intended to improve their livelihoods, they represent both the main force and the beneficiary of FLA, and therefore can have a relatively large influence on the policy's success or failure. Local people have their own expectations, which may converge with or diverge from the policy goals. Second, putting people first in FLA evaluations resonates with the current people-centred approach in forest devolution (Shackleton et al., 2002; Jumbe and Angelsen, 2006). Third, this is also in line with the recent attention paid to local people in the FLA literature.

With this attention, our main research question was: To what extent has the FLA policy had the capacity to involve actors, particularly local people, in different regions of Vietnam, and what factors have determined this capacity? This question concerns institutional capacity because the FLA policy can be conceptualized as an institutional arrangement,³⁸ which encompasses new regulations on the control and management of forests, and hence about opportunities for people to achieve their FLA-related goals and about constraints that might obstruct such goal achievement. Collective outcomes here refer to the goals of the FLA policy to improve both forest condition and local people's incomes.

The chapter is organized as follows. In section 2, we present the theoretical concept of institutional capacity and the applied analytical framework, which is based on the policy arrangement approach (PAA). After clarifying the research methods, we present our results and discuss factors that determine the FLA institutional capacity. We conclude the chapter by presenting the strengths and weaknesses of this capacity and the policy implications thereof.

³⁸ Institutions generally refer to not only organisations but also sets of rules, processes or practices that shape actors' expectations, behaviours and interactions (Keohane, 1988).

4.2. Institutional capacity

Institutional capacity has become a key concept in the growing literature on state capacity and institutional analysis (Li and Zusman, 2006), and has evolved over time (Wickham et al., 2009). Some authors use the concept to refer to both the potential and the realized capacity (Li and Zusman, 2006; Kim and Reinert, 2009), while others use it to focus on potential capacity (Bhagavan and Virgin, 2004; Hong et al., 2009). The concept can be examined at the level of certain organizations or at a broader level of public policies (Li and Zusman, 2006).

Although institutional capacity is context-dependent and authors formulate different dimensions of the concept (Wickham et al., 2009), it generally refers to ‘the institutional environments through which citizens and government interact’ (Willems and Baumert, 2003). Therefore in this chapter, institutional capacity is defined as the degree to which rules and procedures enable actors to work together in order to solve collective problems (Bhagavan and Virgin, 2004). While the ability of actors to define collective goals refers to the extent to which they are able to provide input in the planning that affects their lives (Bulkeley and Mol, 2003), actors’ ability to act in accordance with these goals denotes the extent to which they can participate in and contribute to such collective action (Bhagavan and Virgin, 2004). Both actors’ ability to define collective goals and to act upon them is shaped by ‘essential structures’ for collective action (ibid.). For Giddens (1984), and many others, structures consist of rules and resources, with the former referring to rules of the game as well as norms and values that shape actors’ behaviour, whereas the latter refers to the constitution of actors’ power relations in collective action. Collective goals, institutions and resources are therefore crucial elements of collective action, reflecting both the organizational and the substantive aspects of institutional capacity. In this research, we were especially interested in the potential of institutional capacity, so we focused on the extent to which the FLA policy provides institutional opportunities and creates institutional constraints for actors involved, particularly local people. Below we present the analytical framework we used to further operationally the concept of institutional capacity.

4.3. Analytical framework

We applied the PAA (Arts et al., 2006) to design an analytical framework for assessing FLA institutional capacity. We did so for four reasons. Firstly, as the PAA incorporates four key analytical dimensions – namely discourse, actors, rules of the game and resources – it supports the examination of both the organisational and the substantive aspects of a policy, with discourse covering the substance and the other dimensions covering the organisation. Second, by addressing both change and stability in policy practices, the PAA allows an investigation of the major changes in the collaboration between actors that have taken place over time. Third, the approach builds on several theories that provide theoretical insights into collective goals, structures and resources – the key elements of institutional capacity. And fourth, the PAA also pays attention to larger socio-political contexts, which is important, considering that institutional capacity is context-dependent.

4.3.1 The policy arrangement approach

The PAA is intended to provide a better understanding of the stability, or institutionalisation, and dynamics in environmental policy. It builds on neo-institutionalism (March and Olsen, 2006), network theory (Marsh and Rhodes, 1992), the advocacy coalition framework (Sabatier, 1987) and discourse analysis (Hajer, 1995). The PAA introduces three connected theoretical concepts: policy arrangements, institutionalisation and political modernisation. A policy arrangement is defined as 'the temporary stabilisation of content and organisation of a policy domain' (Arts et al., 2006: 96). The institutionalisation of a policy arrangement takes place under the process of political modernisation, which reflects shifting relations between the state, the market and civil society resulting from economic, social and cultural developments. A policy arrangement includes four interrelated dimensions: actors (actors and their coalitions in a policy domain), discourses (actors' definitions of problems and approaches to solutions), rules of the game (rules and procedures for actors' interaction) and resources (actors' mobilisation, division and deployment of resources). Changes can occur at any dimension and produce a chain reaction to others, shaping the arrangement. The two concepts of policy arrangement and institutionalisation enable the approach to focus on both the content of social cooperation and how societal actors in a policy domain interact in their cooperation for the collective goals.

4.3.2 The framework for assessing institutional capacity

Although an examination of the four dimensions of a policy arrangement is required in order to provide a comprehensive understanding of its functioning, one can start with any of the dimensions and also cover the others (Liefferink, 2006). This move brings back the number of dimensions from four to three, simplifying and at the same time focusing the analysis (see Chapter 3 for a more detailed explanation). In putting people first in the assessment of FLA institutional capacity, we departed from the actor dimension to examine the extent to which rules of the game, discourses and resources provide institutional opportunities for and constraints on actors' collaboration in the policy. We therefore operationalised FLA institutional capacity into three elements: (1) enabling rules of the game for actors' participation, (2) converging discourses of involved actors, (3) facilitating resources for actors' commitment (Table 4.1).

For rules of the game, we sought to understand the institutional settings under which actors' interactions take place, since institutions can both enable and constrain actors (March and Olsen, 2006). If the policy's rules recognise the rights of non-state actors who were marginalised in the past, it encourages them to become involved and provides incentives for them to stay involved and actively contribute to the policy. To assess this recognition, we used the codification of rights into formal or informal rules, paying special attention to property rights, since the FLA policy in essence promotes changes in actors' rights to forest lands. Property rights are defined as the rights to own and possess something (Gomiero et al., 2000), and are often referred to as a bundle of rights (Schlager and Ostrom, 1992). They include access (to enter the resource), withdrawal (to extract something from the resource), management (to modify the resource), exclusion (to determine who can use the

resource) and alienation (to transfer rights to others). These rights, as stipulated in the Vietnamese Land Law (1993), are expected to encourage farmers to invest in the land (Hare, 2008).

For discourses, we examined the extent to which the policy provides actors the opportunities to jointly identify their common goals. Given that multiple actor processes are often characterised by conflicting discourses (Arnouts and Arts, 2009), deliberation on a policy's problems, objectives and solutions is crucial, as it enables actors to discuss and arrive at common goals, which in turn helps to sustain and facilitate their cooperation in collective action (Hajer and Versteeg, 2005). To assess deliberation, we used the concepts of venues and open attitudes of different actors towards different perspectives. Venues refer to 'places and practices that offer the possibility of deliberation' (Williamson and Fung, 2005: 11). Through offering the possibility of deliberation, venues could facilitate open attitudes among actors, which help to reduce the divergence of actors' discourses on the common goals. This is because when actors have open attitudes towards the viewpoints of others, they are more receptive to the arguments of others and are thus potentially more willing to adjust their goals and strategies (Carcasson and Sprain, 2010).

For resources, we focused on the degree to which the policy facilitates resource mobilisation for the common goals. Actors involved in collective action are interdependent: they need access to and control over each other's resources in order to achieve common goals (Börzel, 1998). In the FLA policy, access and control are measured by the availability of relevant resources, including forests, funding and information. The assessment of the three elements of FLA institutional capacity also pays specific attention to their interconnection and to the influence of the broader socioeconomic context.

Table 4.1. The framework for assessing FLA institutional capacity

	Elements	Aspects	Criteria
FLA institutional capacity	- Enabling rules of the game	- Recognition of property rights	- Codification of property rights
	- Converging discourses	- Deliberation	- Venues - Open attitudes
	- Facilitating resource mobilisation	- Actors' access to & control of resources	- Resource availability (forests, funding, information)

4.4. Research methods

We employed a case study approach (Yin, 1994) to facilitate insight into the institutional capacity of the FLA policy. We selected three case studies, one each in the provinces of Tay Ninh, Dak Lak and Lao Cai, which represent FLA in different contexts, in terms of geography, topography and forest cover, and varying socioeconomic conditions (see Figure 4.1 and Table 4.2).

We conducted fieldwork from December 2010 to November 2012. Our data collection included literature review, document analysis, questionnaires and semi-structured interviews. For document analysis, we examined related laws (forest laws and land laws), national forest programmes, plans and

strategies, forestry regulations, forestry reports, and academic literature on forestry and FLA in Vietnam. For semi-structured interviews, we used snowball and saturation sampling (Frank and Snijders, 1994) to select 152 key interviewees from the forestry and land management sectors, research institutes, local authorities, local NGOs, forestry contractors, forest owners and villagers. The interviews were based on a set of 15 guiding questions, including 13 for the examination of the criteria, and two general evaluative questions on the policy. The first author conducted all interviews supported by two research assistants. For the questionnaires, we used stratified random-sampling (Nichols, 1991) to select 288 respondents (96 from each province) from the lists of forestry contractors of different forest categories in nine districts.³⁹ The questionnaires included 30 questions, covering all criteria of the FLA institutional capacity. They also included questions on the respondents' perceptions on FLA and the two general evaluative questions also used in the semi-structured interviews. We began our data analysis by triangulating data from different sources. To analyze the qualitative data, we applied the method of Miles and Huberman (Punch, 2005), which includes three main operations, including coding, memoing and developing propositions. The coding was guided by the criteria of the analytical framework, and included two steps. We first used descriptive codes to index data. We then applied inferential codes to obtain the abstract level of data. Memos were made during the coding to report codes and their relationships. From the memos, we identified themes and patterns, which were then grouped into categories against the criteria of FLA institutional capacity to develop propositions.

³⁹ Tan Chau, Tan Bien, Chau Thanh (Tây Ninh); Krong Bong, Krong Nang, Easup (Dak Lak); Sapa, Simacai, Bao Thang (Lao Cai).

Table 4.2. The three case studies

	Characteristics	Tay Ninh	Dak Lak	Lao Cai
1	Geography, topography	Southeast lowlands	Central highlands	Northern uplands
2	Total area (km ²)	4,040	13,125	6,384
3	Forest lands ^a (ha)	69,626	713,233	417,755
	- Special-use forests	30,848	224,122	46,069
	- Protection forests	29,270	77,601	169,879
	- Production forests	9,508	411,510	201,807
4	Forest cover (%)	11.9	46.5	51.3
5	Population (persons)	1,080,700	1,771,800	637,500
6	No of ethnic groups	10 (Kinh, Hoa, Khmer, TaMung, Cham, etc.)	44 (Kinh, Mnong, Ede, Bana, H'Mong, Tay, Nung, etc.)	25 (H'Mong, Dao, Tay, Nung, Kinh etc.)
7	Ethnic minority groups (%)	1.6	31	70
8	People in forested area	The Kinh group with intensive farming	Forest-dependent minority groups dependent on forests	Forest-dependent minority groups
9	Poverty rate ^b (%)	3	16	40
10	Economic contexts	- The most developed region -Household economy based on cash crops - Good access to markets	- Region for strategic economic development -Recent development of household economy based on cash crops - Average access to market	The least developed region -Weak household economy based on food crops - Limited access to market
11	Main issues in FLA	Forest encroachment for cash crops	Forest conversion to agriculture lands	Competition between forest and food crops

^a Including forests and lands for forest rehabilitation.

^b Poverty rate indicates the per cent of poor households. A household is considered poor when the income of its members is below VND 400,000/person/month (approximately US\$ 80/person/month) (GSRV, 2011).

Sources: GSO (2011); MARD (2011).



Figure 4.1: Study areas
Source: Adapted from Wikipedia

4.5. Research results

The FLA policy, which was developed in 1993, was decentralized from the Ministry of Agriculture and Rural Development (MARD) to the provinces. The main actors involved in FLA are the following. Administrators include the Provincial People's Committees (PPC), the provincial Department of Agriculture and Rural Development (DARD), the provincial Department of Natural Resources and Environment (DNRE), forest rangers, and local authorities at the district and commune level. FLA recipients include forest management boards (FMBs), forestry companies or enterprises, local people (households and communities), and other organizations, such as the military and NGOs.

The PPC has become the most powerful actor under forest decentralisation, because all proposals for forest designation and allocation must get its approval. As DARD, a sector department of the PPC working in collaboration with DNRE, formulates these proposals, it has also become a powerful actor.

4.5.1 Codification of rights

There are two instruments of FLA: allocation through land-use certificates (LUCs) and allocation through forestry contracts. Only recipients of LUCs are forest owners. Decision No 08/2001/Ttg (hereby called Decision 08) by the prime minister on the management schemes of three forest categories ⁴⁰ (GSRV, 2001a) and the 2004 Law on Forest Protection and Development (National Assembly of Vietnam, 2005) formulated the target actors of the policy. While special-use and protection forests were allocated to FMBs, production forests could also be allocated to households, companies and other organisations. In general, all recipients of the three forest categories acquired access and exclusion rights. Recipients of production forests acquired more rights than recipients of special-use and protection forests (Table 4.3). In each category, the recipients of forest plantations also enjoyed more autonomy than the recipients of natural forests.

Although the FMBs of special-use and protection forests were forest owners, they had no alienation rights. Their management rights were also restricted, because their proposals for forest rehabilitation had to be approved by DARD, PPC and MARD. The FMBs of protection forests had limited withdrawal rights on their forest plantations, and the FMBs of special-use forests acquired these restricted rights only in 2012.⁴¹ As forest owners, FMBs could sign contracts with villagers or other organizations for forest rehabilitation.

At the beginning of FLA (under Programme 327), allocation only took place through annual contracts, which granted contractors no rights over the forests. From 1997 (under Programme 661), annual contracts for forest plantations were replaced with contracts for as long as 50 years, offering contractors access, exclusion and limited withdrawal rights. These contractors did not have

⁴⁰ Special-use forests are for the conservation of biodiversity and cultural values, protection forests are for environmental protection, and production forests are for the production of wood and forest products (GSRV, 2001a).

⁴¹ Decision No. 126/QĐ-TTg of the Prime Minister dated 2 February 2012 promulgating the benefit-sharing mechanism of management, protection and development for special-use forests (GSRV, 2012).

management rights, however, in terms of silvicultural techniques and wood harvesting. Groups of households protecting natural forests still had only annual contracts, with only access and exclusion rights.

Since rights differed among the three forest categories, provincial governments could use forest designations to influence the codification of rights in their provinces. This strategy was strongly shaped by their goals for FLA. To increase forest cover, Tay Ninh designated more than 80% of its forest lands as special-use and protection forests. Even production forests (9,508 ha) were also allocated to FMBs. As a result, local people could only become forestry contractors with limited rights. Dak Lak, on the contrary, emphasized economic development: the province designated nearly 70% of its forest lands as production forests, whose recipients (groups of households, organizations and communities) could enjoy more autonomy. Lao Cai had a high poverty rate among its population, and therefore emphasised both forest protection and local livelihoods; it designated nearly 32% of its forest lands as production forests, and allocated them to households, forestry companies and communities. Because the recipients of production forests have a relatively large degree of autonomy over the forests, the percentage of forest lands designated as production forests can be used as a proxy to compare the general codification of rights among the three cases. Overall, forest designation in Dak Lak offered recipients more opportunities to gain autonomy over their forests than recipients in Lao Cai and Tay Ninh (Table 4.3).

In general, the codification in the three cases and the variation among them did not live up to the rhetoric of FLA on the establishment of 'real' forest owners at the local level. Moreover, the codification of rights created ambiguous responsibilities among the actors involved. FMBs (the forest owners) blamed contractors for all incidents that occurred in the forests, such as illegal cutting and forest fires. Forestry contractors, on the other hand, who could only report these incidents, complained about the insufficient support from FMBs and local authorities in sanctioning violators. Local authorities saw these sanctions as the responsibility of FMBs, while FMBs insisted that this was the task of local authorities.

Table 4.3. Codification of property rights in the three cases

Forest category	Case	FLA instrument	Recipients	Access	Withdrawal	Management	Exclusion	Alienation
Special-use & protection forests	Tay Ninh	LUCs	FMBs (FOs)	Yes	Limited (only FPs)	Limited	Yes	No
		Contracts	HHs, groups of HHs	Yes	Only auxiliary trees (FPs)	No	Yes	No
	Dak Lak	LUCs	FMBs (FOs)	Yes	Limited (only FPs)	Limited	Yes	No
		Contracts	HHs, groups of HHs	Yes	Limited	No	Yes	No
	Lao Cai	LUCs	FMBs (FOs)	Yes	Limited (only FPs)	Limited	Yes	No
		Contracts	HHs, groups of HHs	Yes	Limited	No	Yes	No
Production forests	Tay Ninh	LUCs	FMBs (FOs)	Yes	Yes (FPs)	Yes	Yes	No
		Contracts	HHs	Yes	Yes (FPs)	Yes	Yes	No, but can transfer rights to others
	Dak Lak	LUCs	HHs, groups of HHs, organisations, communities (FOs)	Yes	Yes (FPs), limited (NFs)	Yes (FPs), limited (NFs)	Yes	Yes (FPs), limited (NFs), except communities
		Contracts	HHs	Yes	Shared with FOs	No	Yes	No
	Lao Cai	LUCs	HHs, groups of HHs, organisations, communities (FOs)	Yes	Yes (FPs), limited (NFs)	Yes (FPs), limited (NFs)	Yes	Yes (FPs), limited (NFs), except communities
		Contracts	HHs	Yes	Shared with FOs	No	Yes	No

HHs: households; FPs: forest plantations; NFs: natural forests; FOs: forest owners

4.5.2 Venues and open attitudes

Although FLA planning required a fairly open process, as stated in the formal policy, our findings from various sources (interviews, questionnaires) show that it generally constrained the ability of actors involved to jointly define collective goals. Most key informants from the forestry sector acknowledged that FLA plans, formulated by DARD (in cooperation with DNRE), were open to feedback from local authorities and relevant actors, such as the Department of Planning and Investment. But only after this feedback period, FMBs cooperated with local authorities to organize meetings in communes and villages to inform villagers about the approved plans and to select FLA recipients. Thus, venues for local people were organized in a rather top-down fashion, mainly focusing on information exchange, and not so much on 'real' participation. Therefore they remained rather symbolic.

In Tay Ninh, local meetings were meant to raise local awareness of forestry regulations and to inform forestry contractors about the tasks and payments. The venues thus did not provide an opportunity for actors involved to discuss and arrive at common goals and solutions for FLA. In Dak Lak and Lao Cai, some forms of more participatory allocation did take place because these provinces were among the pioneer provinces in FLA, where several pilot projects were carried out by development cooperation organizations⁴² and Vietnamese researchers. These projects formulated guidelines for participatory FLA. Local authorities and villagers became involved in the selection of recipients, who then went to the field with forest rangers to demarcate their plots. However, these participatory projects were executed in just a few villages. Outside of these pilot projects, however, the recipients were mainly chosen by the leaders of communes and villages. Overall, 78% of survey respondents were not satisfied with how the venues were organized, 72% were only informed about FLA just before signing the contracts, and 65% did not attend any meetings after the allocation. 46% of the respondents formally complained and proposed some changes to FMBs in local meetings, but only 9% of them received feedback on their proposals (detailed in each case see Table 4.5).

Semi-structured interviews showed that actors involved in FLA had different perspectives on the policy's goals and solutions. In Tay Ninh, DARD and FMBs emphasized high-density forest plantations with native species to increase the forest cover, whereas forestry contractors and local authorities advocated the use of rubber trees in low-density forest plantations to increase income. In Dak Lak and Lao Cai, DARD and FMBs involved forest-dependent communities for forest protection. These communities however were hardly interested in forest rehabilitation due to the small benefits from forests. Although 97% of survey respondents acknowledged the importance of forests, 54% of them became involved for other reasons than forest rehabilitation (75% in Tay Ninh, 56% in Dak Lak and 31% in Lao Cai). These respondents said they did so because either they were cultivating on forest lands or were selected by local authorities.

Local meetings, which generally provided little opportunity for deliberation, did not help much to change local people's attitudes towards forest rehabilitation. Overall, these actors continued to stick to

⁴² GTZ (Deutsche Gesellschaft für Internationale Zusammenarbeit-German Technical Cooperation), SIDA (Swedish International Development Agency).

their perspectives and showed little openness to other people's arguments. Although the participatory pilot projects (see above) provided more space for deliberation, which indeed mobilized more support for forest rehabilitation, the number of these projects was just small. When explaining the low interest in forest rehabilitation, 56.3% of the respondents said that, while they need short-term income for their livelihood, forests require a long period of investment before they can be harvested. Key informants from the forestry sector and local authorities, however, blamed the high profits from agricultural crops, because even the rich(er) households were not interested in forest rehabilitation. Nevertheless, the complaints of local people at these meetings compelled state actors to pay more attention to their concerns about the rights and benefits delivered by FLA. All key informants in the forestry sector at both the national and provincial levels (MARD, DARD and FMBs) expressed their openness to concerns raised by local people, particularly the demand to change the composition of forest plantations from high-density, slow-growing tree species to a low-density mix of endemic and fast-growing trees. Although these state actors still emphasized forest rehabilitation, they recognized that local people were generally not interested in forest protection and planting because of the limited rights and benefits they received from the policy. Thus, FMBs in the three cases partly changed perspectives, now allowing forestry contractors to plant fast growing trees and to intercrop agricultural crops on forest lands, hoping that local people, in turn, would contribute to forest rehabilitation.

4.5.3 Availability of resources: forests, funding and information

Forests

Document analysis, including maps, and interviews with key informants (forestry sector, local authorities, recipients) showed that although FMBs and forestry companies were still the 'big' forest owners, forest lands were to some extent made available to local people, through either forestry contracts or LUCs (Table 4.4). The survey revealed that the plots per household or community were generally small in comparison with those of FMBs and forest companies (on average 2.7 ha per household and around 33 ha per community or group of households). In general, barren lands and degraded natural forests were allocated to villagers and communities for forest rehabilitation and protection. The allocation was mainly based on maps, and in many cases, the recipients of natural forests did not know the exact boundaries of their plots.

Table 4.4. Availability of forest lands to different actors

Recipients	Tay Ninh	Dak Lak	Lao Cai
1 Forest owners			
1.1 FMBs			
-No of FMBs	4	15	10
-Area (ha)	64,474	284,254	184,164
1.2 Companies			
-No of companies	0	14	1
-Area (ha)	0	221,542	20,248
1.3 HHs, groups of HHs, communities	0		
-No of HHs, groups of HHs	0	4,445	46,989
-Area (ha)	0	36,698	142,486
1.4 District committees + other organisations	5,152	67,955	716
2 Forestry contractors^a			
2.1 HHs, groups of HHs, communities			
-No of HHs	1984		4,111
-No of groups of HHs	37	2,284 ^b	169
-Area (ha)	64,474	59,511	154,407

^a These areas are included in the areas owned by FMBs.

^b This area is allocated to both HHs and groups of HHs.

SFIFI (2005), Lao Cai PPC (2009), Lao Cai PPC (2010a), Dak Lak PPC (2011),

Availability of forest lands for local people (households and local communities) has however changed over time, strongly influenced by strategic choices for developing the national economy by the authorities. In the 1990s, Vietnam focused on developing an economy based on the household as the economic unit. During this period, households were the target of FLA, and not communities. Later, the 2004 Forest Protection and Development Law allowed forest lands to be allocated to local communities, but the 2005 Civil Law did not recognize local communities as legal entities. This divergence between the two laws implied that the allocation of forest lands to communities still remained restricted. Although Dak Lak and Lao Cai increased the allocation of natural production forests to local communities at that time, the latter mainly played a minor role as patroller, reporting incidents to forest rangers.

The mid-2000s saw a turning point in FLA, when high profits gained from rubber plantations created a large demand for agricultural land. In 2007, the minister of Agriculture and Rural Development issued Circulation No 76/2007/TT.BNN supporting the conversion of 90,000–100,000 ha of degraded forests in the central highlands into rubber plantations (MARD, 2007). One year later, the minister issued Decision No 2855/QĐ-BNN-KHCN (hereby called Decision 2855) to acknowledge rubber trees as multipurpose trees that could be used in forestry (MARD, 2008). These regulations paved the way for the allocation of large areas of production forests to both state-owned and private companies for rubber plantations in Dak Lak and Lao Cai. These developments further restricted the availability of forests for local people in the FLA policy.

So-called ‘informal occupations’ also played a significant role in forest availability for local people. Although most forest lands were managed by FMBs and forestry companies, villagers in the three cases still occupied parts of these lands ‘informally’ in order to farm them. To reduce conflicts, FMBs recognized these occupations under FLA. In Tay Ninh, occupied lands were mainly contracted to the informal occupiers. In Dak Lak and Lao Cai, informal occupations of forest lands were also common, and were inherited and recognized by members of ethnic communities. Many of the local meetings in Lao Cai were held to clarify which plots belong to whom, and informal occupiers were more likely to have forestry contracts than others. This recognition actually excluded villagers, who did not have occupied lands from obtaining forestry contracts or LUCs. But not recognizing informal occupation, however, could give rise to conflicts. In Dak Lak, for example, conflicts occurred when lands occupied by villagers were allocated to other people in the same community or in other communities. Conflicts became serious when ethnic migrants were allocated forest lands that some native groups had previously cultivated. Conflicts especially increased from 2009 to 2012, when the province allocated 70,027 ha of production forest (through 73 projects) to companies, mostly for rubber plantations. In 2011, the PPC had to review and postpone 22 approved projects, covering 22,169 ha.

In short, forest land became available for local people. However, they only received small plots and mainly became forestry contractors with limited rights over the forests. Moreover, this availability changed over time, due to national development strategies, the Civil Law and informal occupations. Recently, the growing allocation of degraded forests to companies in order to develop rubber plantations has further diminished forest availability for local people.

Funding

Since the FLA policy involved actors to mobilize their resources for forestry, funding for forest protection and rehabilitation was shared by both the government and recipients. For special-use and protection natural forests, payments from the government only contributed a part in the total cost. Contractors received VND 50,000⁴³/ha/year (from 1993 to 1997), and VND 100,000⁴⁴ /ha/ year (from 1999 onwards), for their patrolling. As this payment was less than one day wage-labour,

⁴³ About US\$ 2.5.

⁴⁴ About US\$ 5.

contractors were not very dedicated to this task. For forest plantations, contractors received an average of VND 10 million⁴⁵/ha/5 years. This payment was lower than the estimated cost (around VND 15-30 million/ha/5 years), which was based on the required activities and labour needed for the planting of forests (MARD, 2005). For that reason, 30% of survey respondents (21% in Tay Ninh, 27% in Dak Lak and 41% in Lao Cai) complained that the payments were insufficient. It is surprising that more recipients of production forests (12%) complained about the lack of funding for their forests than those of special-use (11%) and protection forests (7%). Contractors, who complained about the lack of funding, also admitted that they did not sufficiently invest in the plantations themselves because of the poor benefits they would receive. They therefore neglected some responsibilities in plantations in order to reduce costs. Most key informants from FMBs also acknowledged this issue in the semi-structured interviews.

Creating new forest owners through the allocation of forest land with LUCs, which was expected to increase recipients' share of funding in forests, was not always successful either. All key informants, who were the heads of villages involved in natural forest allocation in Dak Lak, admitted that they only patrol the forest several times per year, less than that formally asked for. These key informants even expressed that they favoured forestry contracts, by which the communities could receive payments from the government.

Local natural conditions and intercropping also impacted the extent to which recipients were willing to invest in forests. While the fertile soil and the high profits of cash crops in Tay Ninh explained why contractors did not invest much in their forest plantations, the low productivity of agricultural crops on the poor soil in Lao Cai explained why recipients of production forest plantations did so. Similarly, while forestry contractors of natural forests in Dak Lak and other villages in Lao Cai did not spend sufficient time and labour on patrolling, those in Sapa (Lao Cai), where cardamom was planted in natural forests in Hoang Lien National Park, did this more frequently.

In general, the development of production forests helped Dak Lak and Lao Cai to mobilize funding from outside the state budget for forest rehabilitation. During Programme 661, while the central and provincial governments paid VND 142.4 billion⁴⁶ for special-use and protection forests in Dak Lak, state and private businesses invested VND 464.4 billion⁴⁷ in production forests (Dak Lak PPC, 2011). Similarly, Lao Cai mobilized VND 163.8 billion⁴⁸ for production forests, in comparison to its funding of VND 244.7 billion⁴⁹ for special-use and protection forests (Lao Cai PPC, 2010b).

Information

The symbolic nature of FLA venues constrained not only actors' ability to define the collective goals but also their ability to act. There was a limited flow of information from FMBs to local actors.

⁴⁵ About US\$ 476.

⁴⁶ About US\$ 6.8 million.

⁴⁷ About US\$ 22.1 million.

⁴⁸ About \$ 7.8 million.

⁴⁹ About \$ 11.65 million.

Most key informants from local authorities, which were responsible for dealing with forest violations, complained that they did not receive much information from FMBs. For survey respondents, 56% did not receive information on forest rehabilitation and on their rights and benefits of recipients within the three forest categories. They also lacked information on silvicultural techniques and markets for forest products. Overall, 48% of the survey respondents did not know who the forest owners were. The respective figures were 22% in Tay Ninh, 47% in Dak Lak and 75% in Lao Cai. Especially, 18% of respondents, most of whom were members of local communities in Lao Cai, did not know their FLA status (LUCs, contracts). Particularly, although FMBs would like to increase local people's awareness on the importance of forests, only 14% of survey respondents said that they received information on this issue. FMBs met contractors only two to three times a year to inform them about activities needed for forest planting. And at the end of the year, they just checked the survival rates of trees to determine the payments. The owners of production forests in Dak Lak and Lao Cai also had little access to information on FLA.

4.5.4. General finding

Overall, the institutional capacity of FLA in Vietnam, particularly for local people, is rather low. This finding results from limited forest rights; symbolic venues for deliberation; and insufficient resource availability (forests, funds, information). Also, the socioeconomic context, especially agricultural development, has had a negative impact on FLA's institutional capacity. Yet the open attitude of state actors towards the complaints of local people did improve the position of the latter to some extent.

Results however vary from region to region (see Table 4.5). FLA in Dak Lak and Lao Cai seems to have a stronger institutional capacity than FLA in Tay Ninh, because:

- Dak Lak and Lao Cai have allocated large areas of production forests, whose owners have acquired a rather complete bundle of rights.
- Although policy and decision making in Dak Lak and Lao Cai remained top-down, villagers got involved in some pilot projects that involved the participatory allocation of forest land.
- While FLA in Tay Ninh mainly depended on state finance, the allocation of production forests helped Dak Lak and Lao Cai to mobilize additional non-state resources for forest rehabilitation.

Table 4.5. Overview of FLA institutional capacity in the three case studies

Criteia	Tay Ninh	Dak Lak	Lao Cai
1. Codification of property rights			
- Special-use forests	Limited	Limited	Limited
- Protection forests	Limited	Limited	Limited
- Production forests			
+ forest plantations	Limited	Rather complete	Rather complete
+ natural forests	N/A	Limited	Limited
2. Venues (% of respondents)			
- did not attend meetings before FLA	61	78	78
- did not attend meetings during FLA	80	47	69
- proposed changes in local meetings	48	62	28
- received feedback on their proposals	18	7	1
- not satisfied with venues	71	68	96
3. Open attitudes			
- State actors (the forestry sector)	Substantial	Substantial	Substantial
- Local people	Limited	Limited	Limited
4. Availability of forest lands for local people			
- Special-use forests	Very limited	Limited	Limited
- Protection forests	Limited	Limited	Limited
- Production forests			
+ plantations	Yes, but limited	Yes	Yes
+ natural forest	N/A	Yes	Yes
5. Funding			
- % respondents mentioning insufficient funding for forest rehabilitation	21	27	41
-Available of governmental funding			
-special-use & protection forests			
+ plantations	Yes (central + provincial funding)	Yes (central + provincial funding)	Yes (central + provincial funding)
+ natural forests	very low ^a (central funding)	very low (central funding)	very low (central funding)
- Production forests			
+ plantations	Low ^b (VND 1.5M ^c /ha)	Low (VND 1.5M /ha)	Low (VND 1.5M /ha)
+ natural forests	N/A	No	No
6. Flow of information	Weak	Weak	Weak
- % of respondents did not know rights & benefits of FLA recipients	51	42	74
- % of respondents did not know who were forest owners	22	47	75

^a Compared to the necessary labour by contractors for patrolling (from the perception of both FMBs and recipients).

^b Compared to the recipients' required investment for planting and protecting (from the perception of both FMBs and recipients).

^c About US\$ 71.

4.6. Discussion

Here, we first analyze the factors that determine the FLA institutional capacity. We then discuss how this capacity is manifested in actors' cooperation, and compare our findings with other studies on the FLA policy and forest devolution.

4.6.1. Factors determining the institutional capacity of FLA policy

Our findings reveal the interconnectedness of the three elements of FLA institutional capacity, of which the codification of rights seems to be crucial. It can affect, in either a positive or a negative manner, the quality of deliberation in venues and the amount and types of resources that are available. The codification is constraining in the case of special-use and protection forests, which are controlled by the government. The forestry contracts scheme only recognised limited management and withdrawal rights of contractors over the forests, and provided them little access to funding and information necessary for their ability to act in the policy. These restrictions discourage them from investing in forests, and thus put further strain on resources for forest rehabilitation. For production forests, the codification is more enabling, because these forests are financed by both state and private actors. Whereas the owners of forest plantations can determine the economic goals for their plantations and decide on which silvicultural techniques to apply, the owners of natural production forests have restricted rights and benefits. The former therefore have more incentives to invest in their forests.

Resource availability, on the other hand, also influences the codification of rights. Tay Ninh, for example, restricted the rights of villagers involved by limiting the area of production forest available for allocation to villagers. Because of this decision, the villagers could only become contractors. Open attitudes among involved actors towards other perspectives also influenced resource mobilization. FMBs' efforts to improve the benefits for villagers resulted in the availability of models of forest plantations, which provided villagers with more opportunities to obtain benefits from forests, and as such encouraged them to invest in forests.

These observations seem to suggest that recipients of production forests are more willing to cooperate than contractors of special-use and protection forests. The same is true for recipients of forest plantations in comparison to recipients of natural forests. However, external factors at the national level, such as non-forestry laws and policies, can also have bearing on local involvement. This could be seen in the impact of the 2005 Civil Law on FLA to local community, and the Decision No 2855 of the minister of Agriculture and Rural Development to acknowledge rubber as a multipurpose tree on local access to forests (see 4.5.3). Thus, external factors, particularly agriculture development, at the local level also shape actors' co-operation.

4.6.2. FLA policy and forest devolution

Our findings confirm observations of earlier studies on the institutional gaps in forest devolution, including the limited transfer of authority to local actors, the lack of resources and unclear

responsibilities among the actors involved (Fisher, 1999, 2000; Edmund and Wollenberg, 2003). They also assert the limited involvement of local people, the non-participatory character of policy processes, incompatibility with local practices and poor access to forests for local people. Our findings partly support the argument that the low level of involvement of local people is due to their insufficient rights and benefits (Edmund and Wollenberg, 2003; MARD, 2007; Nguyen et al., 2008; Sunderlin and Huynh, 2008), because such depends on forest type and region. While actors' collaboration in natural forests corresponds to this argument, collaboration in production forest plantations, at least in Dak Lak, does not. Despite the relative complete bundle of rights over the latter forests recipients receive in this region, they are not interested in forest rehabilitation, from which profits are much lower than from cash crops.

These observations partly challenge the arguments that property rights are the key incentive for natural resource management (Meinzen-Dick and Knox, 2001; Tran and Sikor, 2006; Nguyen et al., 2008; and Thang et al., 2010). Furthermore, although property rights and access to benefits from the resources are important conditions for sustainable resource management (Ribot and Peluso, 2003; Castrén, 2005), they are not the only factors that determine how resources will be used. Secure property rights and benefits still may not ensure sustainable resource management when actors' discourses are divergent and incentives are given not for forest management, but for other types of land use.

4.7. Conclusion

In this chapter, we have assessed the FLA institutional capacity in terms of the codification of rights, venues and open attitudes, and resource availability. The findings highlight the interconnections of these criteria of institutional capacity, and their interplay with external factors, particularly agricultural development, in shaping actors' collaboration in the policy. The assessment reveals some institutional opportunities and constraints for collaboration. Recipients, whether lands are allocated to them through forestry contracts or through LUCs, acquire certain rights, with forestry contracts providing the least ones. With these given rights, non-state actors, including local people, gain access to forests and to funding for forest rehabilitation, which used to be strictly controlled by state agencies. In turn, this access helps to mobilize resources, such as labour from non-state actors, for the rehabilitation of forests, particularly in production forests. During the policy process, state actors have been open to the concerns of local people about the limited benefits from the forests, which improved the position of the latter.

Nevertheless, FLA institutional capacity is still rather low. Forest rights are often rather restricted and ambiguously codified. The ability of recipients to jointly define common goals remains challenging, given the symbolic nature of the venues, which mainly have the character of information exchange instead of the necessary deliberation. The actors' ability to act is especially constrained in the case of contractors of special-use and protection forests, who have restricted autonomy over the allocated forest lands. This discourages them from investing in forest rehabilitation, giving rise to their

rather passive involvement. Resources are also restricted because local people gained limited access to forest lands and to funding for forest rehabilitation, and the flow of information among involved actors (FMBs, local authorities and recipients) is rather weak.

The findings have the following implications for forest devolution practice and research.

- Local people are not solely 'passive victims', as they are generally depicted, because they can choose their strategies themselves. They thus have a large influence on the institutional capacity of FLA. Yet improvements in rights, venues and resource availability are still critical to promote local involvement in forest devolution.
- The problems of FLA through granting companies LUCs to establish rubber plantations in Dak Lak show that forest devolution can fail not only because the devolution of responsibilities is not accompanied by the devolution of authority (Fisher, 2000), but also because it does not go hand in hand with clear responsibilities for sustainable management and appropriate monitoring.
- Providing formal forest land titles should not be seen as a panacea for local cooperation in forest devolution, particularly for natural forests. For example, FLA through LUCs in areas of ethnic communities, which are forest dependent and have a complicated history of informal occupation, should take into account these local socioeconomic conditions in order to avoid conflicts over lands.
- The substantial impact of non-forestry laws and regulations on FLA institutional capacity calls for more collaboration among the different sectors, particularly agriculture and forestry, in order to manage trade-offs in forest resource management.
- Because of the significant influence of local conditions on actors' strategies, one should be careful in copying the policy models from FLA pilot projects to other areas without adaptation and adjustment.
- The fact that FLA institutional capacity is highly influenced by local-specific characteristics raises concerns about the recommendation for large-N quantitative analyzes of institutional capacity assessment in the literature. Such local conditions are lost in such studies.

Also, given the diversified natural and socioeconomic conditions of forest areas in Vietnam, our cases might not cover all relevant conditions in Vietnam. In order to acquire a truly comprehensive picture of FLA institutional capacity, research should be done in other locations, particularly those where there are other land uses, such as hydroelectric power generation or mineral mining. Finally, as the three cases show that recipients' strategies are strongly driven by the comparative benefits between forestry and agriculture, quantitative research on their respective costs and benefits could provide more insights into this issue.

Chapter

5

Forest land allocation in Vietnam: from rhetoric to performance

To be submitted to Land Use Policy
(co-authors: Ingrid J. Visseren-Hamakers, Bas Arts)

Abstract

This chapter is about the performance of forest devolution, the major forestry reform in developing countries over the last two decades. Although this change in forest governance has been examined in many academic publications, scholars still discuss the impacts of forest devolution and the various ways to measure it. The chapter contributes to the discussion by evaluating the performance of a specific forest devolution policy, namely forest land allocation (FLA) in Vietnam. The study was based on the policy arrangement approach to operationalize the concept of 'governance performance' and particularly focused on local people's involvement in the policy. Overall, our findings from three different regions of Vietnam reveal a rather low governance performance in FLA. The main reason is trade-offs between the two key policy goals: forest rehabilitation on the one hand and increasing local income from forests on the other. These trade-offs are shaped by various factors, particularly strategic use of forest rights by target groups, social learning by both state and non-state actors and unexpected impacts on the ground.

Key words: forest devolution; forest land allocation; governance capacity; governance performance; policy arrangement approach; Vietnam

5.1. Introduction

Over the last two decades, forest devolution has been one of the major forestry reforms in the developing world (Fisher, 2000; Edmunds and Wollenberg, 2003; Sikor and Tran, 2007). Although this changing forest governance has been examined in many academic publications (Agrawal and Ostrom, 2001; Shackleton and Campbell, 2001), scholars still debate on what is meant by forest devolution impacts (Agrawal and Ostrom, 2001; Kauneckis and Andersson, 2009). For example, while Edmunds and Wollenberg (2001) define forest devolution performance as the improvement of forest condition, the empowerment of local actors and the contribution to local livelihoods, Sikor and Tran (2007) pay more attention to property rights and resource control. Case studies on forest devolution in different countries also reveal its mixed impacts (Meinzen-Dick and Knox, 2001; Shackleton et al., 2002; Edmunds and Wollenberg, 2003; Andersson, 2006; Dahal and Adhikari, 2008), and gaps between devolution rhetoric and practice (Fisher, 1999). These theoretical and empirical debates call for more research into the factors underlying forest devolution impacts (Rodden, 2003; Kauneckis and Anderson, 2009).

We contribute to this discussion by evaluating a specific forest devolution policy, namely forest land allocation in Vietnam. After the country unified in 1975, the Vietnamese government centralized forest management and promoted wood-exploitation for national economic development. However, this state forestry not only failed to enforce its regulations, but also caused conflicts between forestry agencies and local people (Sikor, 1998). Consequently, Vietnam's forests were severely degraded during the 1970s and 1980s, causing an alarming loss of timber resources and biodiversity. In line with the socio-economic renovations in 1986, Vietnam's forestry has undergone major reforms, guided by the new discourse of forestry socialization (Chapter 2).

Vietnam started the policy of forest land allocation (FLA) in 1993 in an attempt to establish real owners of forests, which had become open resources under the state forestry because the government lacked resources to manage them. Forest land, which had been nationalized, has been allocated to individuals, households and organizations for forest rehabilitation under FLA. Through engaging different actors in forestry, the government expected to improve forest conditions and help local people receive income from forestry activities. However, studies evaluating FLA in the last 20 years depict a mixed picture of the policy's performance, varying from region to region (Gomiero et al., 2000). For forest condition, government reports attribute the current increase of Vietnam's forest cover (1993-2010) to the allocation of forest land and reforestation, while other studies (Sikor, 2001; Castella et al., 2006; Clement and Amezaga, 2008) cast doubts on this conclusion. Sikor (2001) even argues that the current forest expansion in Vietnam is the result of new farming technologies and the liberalization of markets for agricultural products. There are also remaining questions on the extent to which the policy contributes to the income of local people. Sikor (2001), Castella and colleagues (2006), Sikor and Nguyen (2007), and Clement and Amezaga (2008), point out the low income local people have received from forest activities. Authors also observe some unintended impacts of the policy, such as conflicts between recipients and non-recipients (Gomiero et al., 2000; Castella et al., 2006), and severe forest loss in allocated forest land (Sikor and Tran, 2007).

These studies have one thing in common. They were all focused on international pilot projects in the northern midlands and central highlands of Vietnam. Although these regions are the most forested areas in the country, the neglect of other, less forested, areas, might conceal some factors underlying the policy performance. In response to these lacunae, we evaluated the performance of the FLA policy in different regions of Vietnam. To unveil the factors explaining the policy's performance, we employed a governance perspective, since the policy represents a changing governance from state management to local participation. Based on the policy arrangement approach, the evaluation encompassed both the policy's processes and impacts. The main research question was: What has been the performance of the FLA policy in different regions of Vietnam, and what factors have determined this performance?

The remainder of the chapter is organized as follows. The chapter proceeds with the theoretical concept of governance performance and the analytical framework. The next section presents the research methods. This is followed by the research results. Working from that, the chapter discusses the policy's impacts and their determining factors, in light of other studies on FLA. It ends with conclusions and suggestions for future research.

5.2. Analytical framework

5.2.1. Governance performance

Governance performance has become a catchword in the growing literature on public administration (Wholey et al., 2007; Amirkhanyan et al., 2014). It is a multi-dimensional concept (Brignall and Modell, 2000; Boyne et al., 2005; Amirkhanyan et al., 2014), which generally refers to the capability of governing bodies to act and the context within which that action occurs (Nelissen, 2002). However, the concept has been operationalised in different ways (Wholey et al., 2007). Boyne and Wakker (2005), for example, identified sixteen dimensions of performance in public organizations, and grouped them into five themes: outputs, efficiency, effectiveness, responsiveness, and democratic outcomes. Nelissen (2002) and Arts and Goverde (2006) emphasize three main clusters of evaluation criteria: juridical, economic, and political-societal (e.g. legality, efficiency, and democracy respectively). In general, the measurement of governance performance in public administration emphasizes efficiency and effectiveness (Smith, 1995; Provan and Milward, 2001; Heinrich, 2002). However, scholars are increasingly paying more attention to dimensions relating to governance processes (Ehler, 2003), such as learning (Kooiman, 1999; Schacter, 2009). Governance performance is considered context-dependent because it is shaped by socioeconomic conditions (Boyne and Walker, 2005). In Chapter 3, the framework for assessing governance capacity was introduced, in which governance capacity encompasses institutional capacity and governance performance. This chapter only uses a part of that framework to assess the governance performance of the FLA policy.

5.2.2. The framework for assessing governance performance

The framework for assessing the governance performance of the FLA policy is based on the theoretical perspectives of the policy arrangement approach (Arts et al., 2006). The approach is relevant to the assessment of governance performance for three reasons. First, the policy arrangement approach (PAA) emphasizes not only policy content, but also governance practices. It is also a useful analytical and evaluative tool in governance studies (Arts and Goverde, 2006; Arnout and Arts, 2009). The PAA's emphasis on governance and its evaluative character make it suitable for the assessment of the FLA governance performance. Second, the PAA pays attention to both the organizational and the substantive aspects of governance capacity by addressing four key dimensions of social cooperation, namely discourses, actors, rules of the game, and resources. This attention is important for the study because the FLA policy was inspired by the changing forestry discourses, under Vietnam's forestry reforms. These discourses, have been institutionalized in regulations on the involvement of non-state actors in the policy. Third, by taking into account the effects of larger socio-political contexts on actors' cooperation for achieving common goals, the approach facilitates a better understanding of external factors, which could influence the policy's impacts.

A policy arrangement refers to the shaping of a specific policy field in terms of actors, discourses, rules of the game, and resources (Arts and Van Tatenhove, 2004). These four dimensions are interconnected in the functioning of the policy arrangement (Figure 5.1).

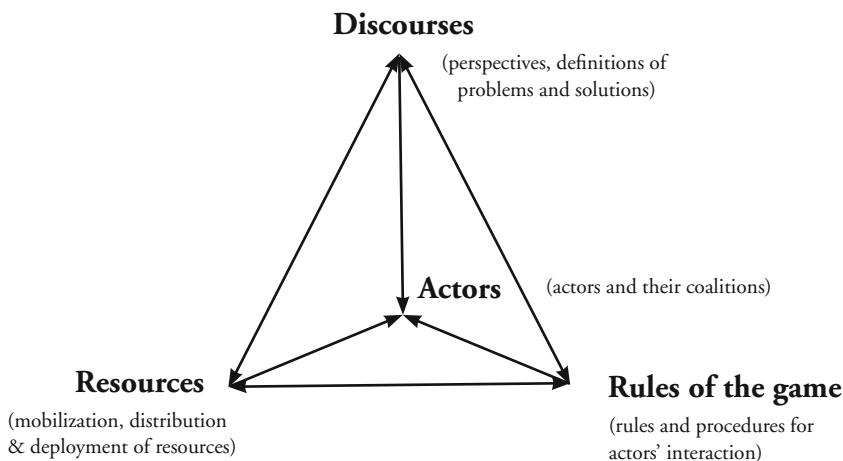


Figure 5.1. A policy arrangement

Adapted from Arnout and Arts (2009)

As it is quite complex to fully operationalize all four dimensions of a policy arrangement, the PAA can be operationalized with one of the dimensions as the starting point, from which to cover the three others (Liefferink, 2006; see Chapter 3 for a more detailed explanation). This governance capacity framework took actors as the starting point for analysis and assessment. This entry point was selected because capacity resides in actors (Bebbington et al., 2006) and governance capacity denotes cooperation among actors. From the actor dimension of the PAA, the other three dimensions (discourses, rules and resources) are conceptualized into the three following governance capacity elements: (1) enabling rules of the game, which shape the institutional environments under which actors' cooperation takes place (Thye, 2000); (2) converging discourses, which encourage actors to cooperate through shared objectives and strategies for problem solving (Hajer and Versteeg, 2005); and (3) facilitating resource mobilization, which is essential for actors to carry out the required activities for problem solving, given that actors are dependent on their resources (Rhodes, 1996; Börzel, 1998).

Table 5.1. The framework for assessing FLA governance performance

	Elements	Aspects	Criteria
FLA governance performance	-Enabling rules of the game	-Recognition of property rights	-Practising property rights (access, withdrawal, management, exclusion & alienation)
	-Converging discourses	-Deliberation	-Social learning (adjustments of goals and solutions)
	-Facilitating resource mobilization	-Actors' access & control of resources	-Forest condition -Recipients' income from FLA

For rules of the game, we paid attention to the extent to which formal/informal rules recognized the rights of involved actors, because this recognition can enable or constrain actors' interaction in the policy process. The recognition of rights is critical for local people, who used to be marginalized under Vietnam's state forestry. As there might be gaps between the policy intention and policy impacts (Clement and Amezcaga, 2009), we evaluated FLA recognition of rights by the rights in practice. Since the policy devolved rights over forests from state actors to non-state actors, we focused on the practicing of property rights. Property rights, which are defined as the rights to access, own and sell something, in this case forest land or forest resources. Property rights are often referred to by a bundle of rights (Schlager and Ostrom, 1992). This bundle includes access (to enter the forest), withdrawal (to extract something from the forest), management (to modify the forest resources), exclusion (to determine who can use the resource), and alienation (to transfer rights to others).

For discourses, we examined the extent to which actors have common goals in collective action, because these common goals enable long-lasting cooperation (Hajer and Versteeg, 2005). Since actors involved in collective action might have conflicting values and interests (Arnouts and Arts, 2009), deliberation is important because it provides actors with opportunities to jointly define their common goals (Dryzek, 2000). Deliberation however is not only aimed at getting consensus (Bloomfields

et al., 2001), it also enables actors to reconcile their different interests (White et al., 2005). For this reason, we examined social learning, which relates to “*a deliberate attempt to adjust the goals or techniques of policy in the light of past experience and new information so as to better attain the ultimate objectives of governance*” (Hall, 1993: 278). Social learning in the FLA policy therefore refers to the adjustment by the actors involved (the government, the forestry sector, recipients) of their policy goals and solutions.

For resources, we investigated resource mobilization, because collective action is driven by both resource constraints and resource dependency (Börzel, 1998). Actors need resources to implement forest management. Because of resource dependency, actors can often effectively use their own resources only if they are also able to access the relevant resources of other actors (Rhodes, 1996; Börzel, 1998). For example, although state actors in developing countries often have control over forest resources, they lack the labour and funding for effective and efficient forest protection and management. To evaluate resource mobilization, we used effectiveness, which refers to goal achievement of the arrangement (Georgopoulos and Tannenbaum, 1957; Bäckstrand, 2006). FLA goal achievement was further operationalized into forest condition and recipients’ income from FLA. To evaluate the performance of the FLA in terms of forest condition, we focused on both the area and the quality of forests. Regarding the area, the research looked at the increase/decrease in forest cover. Regarding forest quality, the research focused on the increase/decrease of natural forests and forest plantations, and the increase/decrease of rich and medium forests. To evaluate recipients’ income from FLA, we took into consideration all incomes derived from the forest land. The evaluation of FLA governance performance also considered both the interconnectedness among the three elements and the impacts of the wider political and socio-economic contexts on the policy.

5.3. Research methods

We used nested comparative case studies in three provinces (Tây Ninh, Dak Lak and Lao Cai) to assess the governance performance of the FLA policy (Chapter 1, Figure 5.2). Fieldwork was conducted in two years (from December 2010 to November 2012). Data collection included literature review, document analysis, semi-structured interviews and questionnaires. For the semi-structured interviews, we applied snowball and saturation sampling (Frank and Snijders, 1994) to select 152 key informants from the forestry sector, land management sector, universities and research institutes, local authorities, local non-governmental organizations, forestry contractors, forest owners and villagers. For the questionnaire survey, we used stratified random-sampling (Nichols, 1991) to create a sample of 288 respondents (96 for each province) from the lists of forestry contractors and forest owners of the three forest categories in nine districts ⁵⁰ (three for each province). The three districts in a province were selected to represent the three forest categories in the FLA policy (special-use, protection

⁵⁰ Tan Chau, Tân Biên, Châu Thành (Tây Ninh); Krông Bong, Krông Nang, Easup (Dak Lak); Sapa, Simacai, Bảo Thang (Lao Cai)

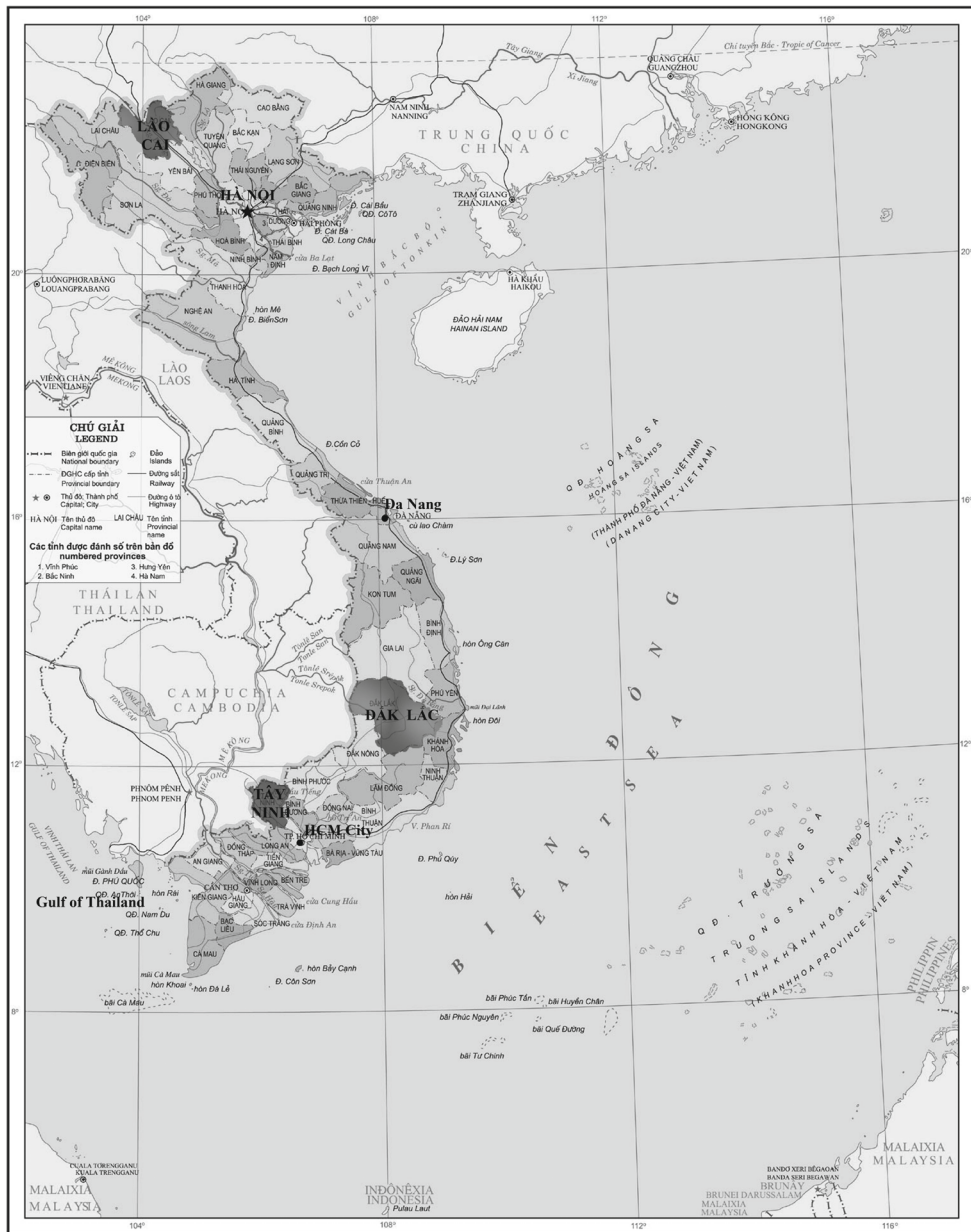


Figure 5.2. The three cases shown on a map of Vietnam
Sources: Adapted from DOSM (2013)

and production). The questions were formulated before the fieldwork. They addressed descriptive information on gender, age, education and ethnic background of the head of the household, as well as the size of the family, the number of labourers in the household, the main livelihoods, and the economic status of the household. The questions particularly focused on the respondents' perspectives on the FLA policy, their involvement in forest land allocation, the contribution of the policy to household income, their evaluation of the policy and their suggestions. During the fieldwork, direct observation (Raudenbush and Sampson, 1999) was applied to gain additional information about the respondents' livelihoods and the conditions of forests.

Data analysis began with the triangulation of data from different sources. For the qualitative data, we applied the three main operations (coding, memoing and drawing conclusions) developed by Miles and Huberman (Punch, 2005). For the quantitative data, we presented the data in Excel worksheet and drew out descriptive statistics. We then used the IBM SPSS Statistic 20 to analyze frequencies and make cross tabulations.

5.4. Results

5. 4.1. Practising of rights

The assessment of the practising of rights consisted of two steps. First, governmental documents (at both the national and provincial levels) and forest regulations were analyzed as to obtain an overview of the practising of rights. Second, data derived from the questionnaires and semi-structured interviews subsequently offered in-depth information on this topic for the three regions.

The extent to which FLA recipients are able to practise their property rights is particularly determined by their status: forest owners or forestry contractors. The Decision No 08/2001/QĐ-TTg (hereby called Decision 08) by the prime minister on the management schemes of three forest categories ⁵¹ (GSRV, 2001a) and the Law on Forest Protection and Development (National Assembly of Vietnam, 1991, 2004) regulate FLA status of involved actors. According to these regulations, forest management boards (FMBs) are the only forest owners of special-use and protection forests while other actors, such as forest companies, households, communities and other organizations, can also be owners of production forests. Forest owners obtain land-use certificates (LUCs) and the property rights of owners of different forest categories vary. In general, restrictions on rights increase from production forests to protection and special-use forests. Moreover, in a similar category (production, special-use, or protection forest), owners of forest plantations are entitled to more rights than owners of natural forests (Table 5.2). For example, while owners of production forest plantations receive a rather complete bundle of rights, owners of special-use and protection forest plantations only have

⁵¹ Special-use forests are for the conservation of biodiversity and cultural values, protection forests are for environmental protection, and production forests are for the production of wood and forest products (GSRV, 2001a).

restricted withdrawal and management rights (e.g. logging, planting and other changes in the forests). Especially, alienation right is only granted to owners of production forest plantations. Forest owners are allowed to contract other actors for protecting and planting their forests, but forestry contractors only have limited rights. While contractors with a one-year contract just receive payments for their work, contractors with long term contracts (up to 50 years) also obtain access and exclusion rights. They are allowed to harvest a certain amount of wood in forest plantations and collect non-timber forest products (NTFPs) in natural forests. They are also able to collect all products of the agricultural crops on the forest land.

Table 5.2. FLA recipients' rights, regulated by the Decision No 08/2001/QĐ-TTg

Property rights	Production forests				Special-use & protection forests			
	Forest owners		Forestry contractors		Forest owners (only FMBs)		Forestry contractors	
	FP	NF	FP	NP	FP	NP	FP	NP
Access	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Exclusion	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Withdrawal	Yes	Limited	(agreed with owners)	No	Limited	Limited	Limited	No
Management	Yes	Limited ^a	No	No	Limited	Limited	Limited	No
Alienation	Yes	No	No	No	No	No	No	No

^a By the central government.

FP: Forest plantations; NF: Natural forests

Document analysis, semi-structured interviews and the questionnaires showed that although the government aimed to involve various actors in FLA, including local households and communities, FMBs and forest companies (both state and private) are the main forest owners in the three regions. Local people have mainly become forestry contractors. Of the 288 survey respondents, 52% were allocated forest plantations and 48% were allocated natural forests. Only 15% were forest owners with LUCs, 67% were forestry contractors and 18% had no idea about their status.

The findings show some flexibility in the way FLA recipients practiced their rights, compared to what is stipulated in the Decision 08 (Table 5.3). In Tay Ninh, contractors of forest plantations, who did not have alienation rights, still transferred their contracts to other households. Although regulations on special-use forests restricted human intervention and the use of exotic species, the FMB of Lo Go Xa Mat national park in Tay Ninh allowed contractors to intercrop cassava in their plantations. Contractors were also allowed to harvest exotic fast-growing trees, which were planted in their plantations to provide the main trees with shade. 66% of respondents in Tay Ninh intercropped cassava in their forest plantations, 23% of respondents in Dak Lak, cultivated maize and cassava in their allocated natural forests. In Lao Cai, 44% respondents, who were forestry contractors of the

national park Hoang Lien, were allowed to plant cardamom in the contracted forests. Contractors of protection and special-use natural forests in Lao Cai also collected NTFPs (bamboo shoots, medicinal herbs, and fire wood) for their households' uses. The heads of villages, who signed forest protection contracts with FMBs, allowed villagers to cut some wood for the construction of houses.

Interviews with key informants in the forestry sector, particularly FMBs, showed that although FMBs of special-use and protection forests had limited management rights (Table 5.2), they were able to decide the models of forest plantations (i.e. the general layout, tree species and tree-density of plantations). They also played an important role in making management proposals, which were then approved by the Provincial People's Committees (PPCs), the Department of Agriculture and Rural Development (DARD), and even the Ministry of Agriculture and Rural Development (MARD).

However, owners of natural forests had problems in harvesting wood from their forests. This was because most of allocated natural forests were degraded. Besides this, although the Decision 178/2001/QĐ-TTg (GSRV, 2001b) allowed them to harvest 10% of the increased wood volume (compared to the original volume before allocation), they were not able to do so. Since the allocation of natural forests only specified the area, not the standing volume of wood, it was impossible to measure the increased volume. It was also difficult to assess the standing volume of natural forests at the time of harvest for the hundred thousands of forest owners. For that reason, only 22% of survey respondents, who were allocated natural forests, harvested wood, compared to 35% of those with forest plantations.

In addition, recipients of natural forests (both forest owners and forestry contractors) experienced problems in exercising their exclusion right. 49% of survey respondents, who were allocated natural forests, acknowledged that it was difficult for them to exclude other people from their forests while only 12% of respondents with forest plantations encountered this problem. While the 'big' forest owners (FMBs, forest companies) lacked capacity to manage their forests lands, 'small' owners/contractors (households, communities) lacked power to enforce their right. Only forest rangers had the authority to sanction forest violators. However, the procedures of sanctioning, which were often not strong enough to deter violators, were complicated and time consuming. Due to the weak enforcement of exclusion right, farmers in Tay Ninh occupied forest land to grow sugar cane, cassava and rubber when the profits of these crops increased in the 2000s. In Dak Lak, even forest owners, who had the *de jure* right granted by land-use certificates, found it difficult to exclude other people, who came to log their trees.

Key informants from local authorities and local communities in Dak Lak and Lao Cai acknowledged the problem of exclusion. Although local communities, which were allocated natural forests, had customary laws to sanction forest violation among their members, these laws have recently been weakened for three reasons. First, the fine was too low compared to the profit that violators received from the forest products. Second, a community's regulation was only effective for its members, not for outsiders. Third, the heads of the communities, who were appointed by the government, did not have the same reputation and power as the traditional leaders. The situation was more serious in Dak Lak, where migrants from northern provinces did not obey the traditional regulations of local communities. While cutting forests to attain land for farming, these migrants engaged in conflicts with local villagers.

The problem of exclusion resulted in some unexpected impacts. As local villagers were unable to exclude outsiders to protect the forests they were allocated to, they also started to cut trees for their own use. Serious deforestation occurred when companies in Dak Lak, which were allocated to degraded production forests, converted forests into rubber plantations. Villagers, who claimed ownership over these areas through ‘informal occupation’, met this intervention with large-scale tree felling. To reverse this process, some companies decided themselves to pay villagers compensation money for the loss of – informally occupied – forest land. However, this compensation even incurred more forest encroachment from villagers, who saw that they could get compensation from occupied forest land.

In sum, although the property rights of FLA recipients significantly improved during the policy process, the recipients could not fully practice them (particularly exclusion and withdrawal rights). In general, while recipients gained access to forest land and were allowed to harvest certain amounts of forest products, they had problems in excluding outsiders. Compared to recipients of forest plantations, those with natural forests faced more problems in harvesting wood from their forests, because of the degradation of natural forests and the administrative problems in calculating the increased wood volumes in their forests. However, the practising of rights differed over regions. Due to the application of the two FLA instruments (LUCs and forestry contracts), recipients in Dak Lak and Lao Cai were able to perform their rights more effectively than recipients in Tay Ninh.

Table 5.3. FLA recipients' practising of rights

	Property rights	Production forests				Special-use & protection forests			
		Forest owners		Forestry contractors		Forest owners (only FMBs)		Forestry contractors	
		FP	NF	FP	NF	FP	NF	FP	NF
1	Tay Ninh	+	N/A	+	-	+	-	-	-
1.1	Access	++	N/A	++	++	++	++	++	++
1.2	Exclusion	++	N/A	+	-	+	-	+	-
1.3	Withdrawal	+ ^a	N/A	+	-	+	-	-	N/A
1.4	Management	++	N/A	+	N/A	+	-	N/A	N/A
1.5	Alienation	N/A	N/A	+	N/A	N/A	N/A	+ ^b	N/A
2	Dak Lak	++	-	+	-	+	-	+	-
2.1	Access	++	++	++	++	++	++	++	++
2.2	Exclusion	+	--	+	--	+	-	+	-
2.3	Withdrawal	++	-	+	-	+	-	+	-
2.4	Management	++	-	-	-	+	-	-	-
2.5	Alienation	+	-	-	N/A	N/A	N/A	N/A	N/A
3	Lao Cai	++	-	++	-	+	-	+	-
3.1	Access	++	++	++	++	++	++	++	++
3.2	Exclusion	++	-	+	-	++	-	+	-
3.3	Withdrawal	++	-	++	-	+	-	+	+
3.4	Management	++	-	+	-	+	-	-	-
3.5	Alienation	++	-	+	N/A	N/A	N/A	N/A	N/A

^a Transferred to contractors

^b Contract transfer

FP forest plantations

NF natural forests

N/A not applicable

++ high level of performance

+

- low level of performance

-- very low level of performance

5.4.2. Social learning

Social learning was assessed in three steps. First, the analysis of governmental documents (at both the national and provincial levels) and of forest regulations helped to sketch the main changes in the goals and means of the FLA policy. Second, interviews with key informants generated in-depth information on how and why state actors and local people did (or did not) take lessons learnt on board during the policy process. Third, data obtained from the questionnaires provided additional information on social learning on the part of recipients, mainly farmers.

We observed social learning by both recipients and state actors, although the second group took more lessons learnt on board. Findings from semi-structured interviews showed that in the early 1990s local people in the three cases were not interested in forest rehabilitation. However, after forestry regulations, particularly the Decision No 08, allowed recipients to obtain additional rights and benefits from the allocated forests, more villagers became interested in being granted forest lands. In Tay Ninh, one key informant from a FMB said that during the programme 327 (1993-1997), it was difficult to involve villagers in forest rehabilitation. Although the government offered villagers forest land to protect and rehabilitate, they refused because of the limited benefits associated with forest protection. However, things changed in the early 2000s, when the profits of cash crops increased and villagers, due to a policy change, were now allowed to grow cassava in the forest plantations and plant fast growing trees in their forest lands. Some even came to the FMBs to ask for being selected as recipients of forest land. Key informants in the forestry sector in Dak Lak and Lao Cai told similar stories. Especially, villagers in Lao Cai were more interested in forest lands, because they were allowed to collect fuel wood and (some) timber for their household use.

For state actors, document analysis and semi-structured interviews revealed two important adjustments of the central government's policy over time. First, a major change in the FLA instruments took place in 1998 when the government introduced FLA with long-term contracts (up to 50 years) and FLA with LUCs. By granting recipients more rights over the allocated forests (Table 5.2), these FLA instruments addressed the concern of non-state actors on the limited rights of annual forestry contractors in the early 1990s. Second, the government changed the target audience of the policy over time in response to both the changing forestry focus and changes in the country's socioeconomic development. In the 1990s, the policy targeted households to mobilize their funding and labour for forest rehabilitation. This emphasis was also in line with the development of a household economy in that period. In the early 2000s, FLA also targeted local communities in areas of ethnic minorities. The new focus of FLA on local communities was driven both by the failure of forest protection in these areas, and by the increasing interests in local communities and their livelihoods in forestry in general. In the late 2000s, central government actors, however, were more in favour of FLA to companies. They argued that FLA to households had fragmented forest lands and that companies are more capable than households to develop production forests. This argument resonated well with the new focus of Vietnam's forestry on production (GSRV, 2007) after decades of emphasizing special-use and protection forests. In fact, the new emphasis on production forests and on FLA to companies was particularly triggered by the high demand of land for rubber plantations, once the profits of rubber trees had increased in the mid-2000s. The decision No 2855 by the minister of Agriculture

and Rural Development in 2008 (MARD, 2008) addressed this demand by acknowledging rubber trees as 'multipurpose trees', a concept used in forestry. This decision then facilitated provinces in the central highlands to allocate degraded natural forests (with standing wood volume less than 100m³) to companies, which then converted these forests into rubber plantations.

These macro adjustments facilitated changes in the FLA policy at the provincial level. In Tay Ninh, although FMBs were still the dominant forest owners, forestry contractors of forest plantations received long-term contracts, which allowed them to harvest the auxiliary trees and to plant cash crops on forest land. The province also launched a project to increase the area of production forests from 2,783 ha to 9,508 ha in the period 2006-2010 (SFIPI, 2005). Besides this, it made its own adjustments in implementing the national policy. For example, both key informants from the forestry sector in Tay Ninh and survey respondents acknowledged that FMBs actually replaced the old models of plantations: from ones with a high density of trees to ones with a low density of trees. Thanks to this shift, contractors, most of whom were farmers, had more space in their plantations to intercrop cassava. These new models were also more profitable because they allowed the combination of both endemic slow-growing trees and exotic fast-growing trees, which contractors harvested in seven-year rotations. In addition, an important adjustment was observed in the way the province dealt with forest encroachment. Although rubber trees were only allowed for production forests until recently, the province now allowed encroachers to keep 50% of their rubber trees in protection forests as long as they reforested the lands as well.

Dak Lak started to apply the two FLA instruments (LUCs and forestry contracts) in the late 1990s. This province also initiated forest land allocation of natural forests to local communities in 2000 in an attempt to engage ethnic minorities, while promoting customary laws in forest protection. Responding to the new national policy to promote production forests and FLA to companies, the province designated 411,510 ha (accounting for 57% of its forest lands) as production forests and launched a project to develop more than 20,000 ha of production forest plantations in the period 2005-2010 (Dak Lak PPC, 2011). The province also started allocating degraded production forests to companies in 2010 to establish rubber plantations. As only poor production natural forests and lands were considered legitimate locations for rubber plantations, Dak Lak re-designated protection - and even special-use forests into production units, and then allowed the conversion of production forests into rubber plantations. The province justified such re-designation and conversion with economic development and local livelihood arguments. Like Tay Ninh, the province implemented its own adjustments of the national FLA policy. Forestry contractors were allowed to use the mixed model of forest plantation, which comprised of 40% endemic slow-growing trees and 60% exotic fast-growing trees (Dak Lak PPC, 2011). To improve benefit sharing in FLA in favour of local communities, the province supported researchers of Tay Nguyen University (Dak Lak) to conduct a pilot project in Tul village in 2001, which was allocated natural forests with LUCs. The project assisted villagers to sustainably harvest wood from their natural forests (Huy, 2006). However, the project was not supported by MARD, who still considered that wood harvest in the project violated existing forestry regulations. For that reason, the project was prematurely terminated and not replicated in other areas and locations.

The province of Lao Cai also implemented the two FLA instruments in the late 1990s. Because of the high number of ethnic minorities in its forested areas (Chapter 1), the province has accelerated the allocation of forest land to communities since the mid-2000s. However, participatory FLA was only implemented recently with a pilot project in Lung San (2010-2011). While anticipating the new emphasis on production forests, the province designated 201,700 ha (48% of its forest lands) as production forests (Lao Cai PPC, 2010b). Like Dak Lak, Lao Cai also re-designated protection and special-use forest into production forests, and then allowed conversion from production forests into rubber plantations. Similar arguments were used here, namely that re-designation and conversion aimed to improve economic conditions and local livelihoods in forested areas. Lao Cai also adjusted the national policy in its own way. The province especially paid attention to ‘informal occupation’ in FLA areas. During allocation, FMBs gave priority to villagers, who already had illegally occupied forest lands, to receive these forests legally. Besides, the national park Hoang Lien allowed contractors to plant cardamom under natural special-use forests to increase their benefits from forests.

Social learning from the central and provincial governments, however, led to both expected and unexpected results. With regard to expected results, the two FLA instruments (LUCs and long-term forestry contracts) indeed encouraged local people to get involved and mobilize their own resources (funding and labour) for forest rehabilitation. However, this result was paralleled with unexpected ones. Since local people were mainly interested in forest land access for intercropping, they definitely behaved strategically, thus undermining the collective goal of forest rehabilitation. For example, to encourage farmers who occupied forest land for rubber to participate in FLA, Tay Ninh PPC allowed these encroachers to keep 50% of their rubber trees in protection forests, however only if they replant the rest of the land with forest trees. Although this specific use of rubber trees was restricted to some villages in Suoi Ngo and Tan Thanh districts, where forest land was substantially encroached by farmers, it induced tactical behaviors of other contractors, whose plantations were in other areas. After harvesting the auxiliary trees, they also planted rubber, even though this was not allowed. Some even uprooted the young auxiliary trees to plant rubber trees and argued that this was a legal activity, because FMBs allowed others to use rubber trees in forest plantations as well. Such strategic behavior was especially triggered by the high profits of rubber trees in the mid-2000s.

In short, social learning among central key actors did indeed take place in the policy process. It included important changes in the FLA instruments (from annual contracts to long-term contracts and LUCs), while it targeted new FLA audiences at the same time (communities and companies). These changes addressed concerns of various non-state actors involved in or related to FLA. They also resonated well with the new focus of Vietnam’s forestry on production forests. National policy change then prompted changes at the provincial level, but provinces implemented the change in FLA instruments and target audiences differently. They also adjusted the national policy in their own ways, mainly to increase benefits from forest lands for local people. Nevertheless, social learning in the three cases also gave rise to both positive and negative responses from local people. While the change in FLA contracts improved the rights and benefits of recipients, enhancing their participation in FLA, they also started to behave strategically to increase income. This subsequently influenced the level of goal achievement by the policy, which is dealt with below.

5.4.3. Effectiveness

Forest condition

Forest condition refers to both the quantity and quality of forests in either natural forests or forest plantations. Other related terms used in this section (and elsewhere in the thesis) are forest rehabilitation, forest cover and forest area change (including forest expansion). Forest rehabilitation refers to the combination of forest protection, forest planting and natural regeneration. Forest cover denotes the percentage of forest area (both natural forests and forest plantations) in a territory of an administrative unit, such as a province or a country. Forest area change refers to the actual increase/decrease of forest areas in an administrative unit in a certain period. If forest area increases, one can also speak of forest expansion.

Forest condition was assessed in four steps. First, data on the area of forests was derived from governmental reports and forestry documents. Since 1999, MARD has issued the annual official statistics on changes in forest area at both the national and provincial levels. Second, statistics from MARD were then triangulated with and complimented by data from the National Institute of Forest Inventory and Planning (FIPI). Third, if inconsistencies were detected, experts were consulted to advice on the appropriate data. Fourth, for the quality of forest, proxy measures were used: the increase/decrease of the area of natural forests and forest plantations, and the increase/decrease of rich/medium/degraded forests. Besides this, data from the semi-structured interviews and from the survey were used to assess the quality of forests. Because not all forest plantations and natural forests reside under FLA, only forests in areas designated allocated forest lands were taken into consideration. We examined the impacts of FLA on forest condition in the period from 1999 to 2010. This period – relatively far back in time – was selected because of the need to have a longer time frame in order to be able to assess impacts on forests in the first place, and because of the availability of data. Before 1999, hardly any were available.

At the country level, both the areas of natural forest and forest plantations increased, raising the national forest cover from 33.2% (1999) to 39.7 % (2010). After decades of severe deforestation, this increase undoubtedly indicated a forest transition in Vietnam. Nevertheless, there were concerns about the quality of forests, particularly forest biodiversity, because forest plantations contributed 51% of the increase of the forest cover in the whole country (MARD, 2011).

Forest condition in the three regions partly corresponded to the forest dynamics in the whole country in the period 1999-2010 (Table 5.4). In Tay Ninh, while the forest area increased by 7,883 ha (19.6%), the quality of forest (in terms of species composition, wildlife, NTFPs) decreased. This decline was caused by both the degradation of natural forests and the expansion of forest plantations, which contributed 87% to the increase of forest area in the province. Since most forest plantations comprise of one endemic and one exotic tree species, the number of tree species in plantations was very low. All key informants from FMBs, local communities and forestry contractors acknowledge the slow growth and poor productivity of forest plantations because contractors did generally not apply all activities required for planting, weeding and tending in plantations. In addition, the intensive

farming of cash crops in plantations resulted in poor forest biodiversity in these locations. For natural forests, although the area was stabilized in the past 10 years, 49% of survey respondents complained about forest encroachment for cash crops, illegal cutting and wildlife poaching reducing the quality of forests. This issue was also acknowledged in reports of the forestry sector (Tay Ninh PPC, 2010).

In Dak Lak, despite the significant increase of forest plantations (more than three times), the province's forest area only increased by 13,927 ha (1.1%) due of the high loss of natural forests (-19,018 ha). Forest encroachment by migrants from the northern provinces, shifting cultivation of ethnic minorities, illegal cutting and forest conversion into other land uses (agriculture, mining, hydraulics) were the main causes of this forest loss. The increase of forest plantations (+32,945 ha) and the reduction of rich forests ⁵² (-1,624 ha) and medium forests ⁵³ (-434 ha) also indicated the decline of forest quality in the province. All key informants from FMBs, local authorities, local communities and villagers acknowledged the degradation of natural forest in terms of wood stocks, endemic tree species and wildlife. For example, forest rangers in Dak Lak discovered 2,420 cases of forest violation, confiscating 1,664 m³ of timber and 151 individuals of forest wildlife only in the year 2010 (Dak Lak PPC, 2011).

Forest condition in Lao Cai depicted another picture. Over the past 10 years, the increase of both natural forests (+55,861 ha) and forest plantations (+31,710 ha) raised the forest area by 36.5%. Compared to Tay Ninh and Dak Lak, Lao Cai particularly experienced a much higher increase in natural forests. This high forest expansion was due to the fact that the province upgraded some areas, formerly categorized as barren land with plants, to forests, after these areas had been rehabilitated. In addition, the fact that farmers in Lao Cai got highly involved in forest planting, instead of intercropping, because of the low productivity of agricultural crops on eroded soils, also explained this forest expansion (Lao Cai PPC, 2010a, 2010b). Nevertheless, the official report of the Department of Agriculture and Rural Development in Lao Cai province acknowledged that although the area of natural forests increased, forest biodiversity and the protection function of natural forests were generally declining. The slight decrease of rich and medium forests (-17,226 ha) also confirmed this trend. Semi-structured interviews also revealed the poor quality of natural forests in the province, particularly with regard to wildlife. Moreover, the province's report in 2010 showed that the new area of shifting cultivation in forests was nearly 30-50 ha per year (Lao Cai PPC, 2010b).

⁵² Rich forests are forests having a standing wood stock of 201-300m³/ha (MARD, 2009).

⁵³ Medium forest are forest having a standing wood stock of 101-200m³/ha (MARD, 2009).

Table 5.4. Changes in the areas of forests (ha/%) from 1999 to 2010 under the FLA policy

	Total			Tay Ninh			Dak Lak			Lao Cai		
	1999 (ha)	2010 (ha)	Forest area change (ha/%)	1999 (ha)	2010 (ha)	Forest area change (ha/%)	1999 (ha)	2010 (ha)	Forest area change (ha/%)	1999 (ha)	2010 (ha)	Forest area change (ha/%)
1. Natural forests	823,924	861,820	+37,896 (+4.6)	34,463	35,516	+1,053 (+3.1)	586,872	567,854	-19,018 (-3.2)	202,589	258,450	+55,861 (+27.6)
-rich forests	142,915	130,250	-12,665 (-8.9)	0	0	0	91,532	89,908	-1,624 (-1.8)	51,383	40,342	-11,041 (-21.5)
-medium forests	134,561	127,620	-6,941 (-5.2)	10,864	10,542	-322 (-3)	76,747	76,313	-434 (-0.6)	46,980	40,765	-6,185 (-13.2)
2. Forest plantations	52,957	124,523	+71,566 (+135)	5,672	12,583	+6,911 (+121.8)	9,690	42,635	+32,945 (+340)	37,595	69,305	+31,710 (+84.3)
3. Total area of forests	876,961	986,342	+109,381 (+12.5)	40,215	48,098	+7,883 (+19.6)	596,562	610,489	+13,927 (+2.3)	240,184	327,755	+87,571 (+36.5)
4. Total area of the territory				404,000	404,000		1,312,500	1,312,500		638,400	638,400	
5. Forest cover Forest cover (%)	31	35.7	4.6	10	11.9	1.9	45.4	46.5	1.1	37.6	51.3	13.7

(GSRV, 2001b; FIPI, 2011a, 2011b; MARD, 2011)

To conclude, forest expansion due to FLA did occur in the three regions in the last decade (+109,381 ha or 12.5%). Yet, overall, the quality of forests decreased, because most of the expansion was due to ecologically poor plantations (about two-third). In addition, the rich natural forest lost some of its area (about 9%). Moreover, many respondents (70%) reported loss of forest quality (species composition, wildlife, NTFPs). Forest rehabilitation performed best in Lao Cai and least in Dak Lak.

Recipients' income from FLA

The analysis of recipients' income from FLA was based on data from the questionnaires. Most survey respondents were farmers, who combined farming and other jobs, such as wage labor and selling goods in the markets. 50% were households with average income. Poor households accounted to 24% of the sampling, mainly in Dak Lak and Lao Cai (Appendix 1). While most respondents received payments from FMBs and planted agricultural crops on their lands, only 29% harvested wood from their forests. Collecting NTFPs seemed to be more popular in Lao Cai and Dak Lak than in Tay Ninh, where villagers were mainly contractors of forest plantations (Table 5.5). Recipients' income was measured in two steps. First, in the questionnaires, the respondents listed all their incomes in the previous years and differentiated between income from FLA and income from other sources. Second, we made the calculation of the total income of the household and its components. We then checked the figures with the respondents.

Recipients' income from FLA (Table 5.6) included income from forests (wood, NTFPs, payments) and income from intercropping. These two types of income varied among the three cases (Table 5.7). In general, recipients' income from forests is low, regarding both the actual and relative income to the total households' income (about 9%). However, income from intercropping was much higher (about 18% on average), but especially high in Tay Ninh, contributing 36% to the total households' income on average. FLA recipients practiced intercropping in both forest plantations (Tay Ninh and Dak Lak) and natural forests (Dak Lak and Lao Cai).

Overall, contractors of forest plantations in Tay Ninh received the highest income from FLA (both income from forests and income from intercropping), which amounts to more than six times of the income of recipients in Dak Lak and Lao Cai. This high income was mainly due to intercropping of cassava in forest plantations. Recipients' in Dak Lak however received the lowest income from FLA (17%). This is because few of them harvested wood from forests and intercropping turned out not to be profitable.

Simple statistics (means and frequencies) on the questionnaires revealed the three following observations on recipients' income from FLA:

- The link between recipients' income and forest categories is more diverse than expected. The forestry sector in Vietnam commonly assumes that recipients of production forests receive more benefits from FLA than recipients of special-use and protection forests. However, the findings of the research draw a different picture. Contractors of special-use and protection forests in Tay Ninh received higher income than those of productions forests. This is because forest lands of the former had better soils for intercropping than those of the latter. Besides this,

production plantations in Tay Ninh were not old enough for harvesting forest produce. In Lao Cai, contractors of natural forests in Sapa received higher income than those of protection forests and productions forest due to their intercropping practices in natural forests.

- The link between recipients' income and forest types (natural forests or forest plantations) also varied in the three cases, depending on the ability of recipients to intercrop on their forest lands. Contractors of forest plantations in Tay Ninh received higher income from FLA than those of natural forests because they intercropped on the forest lands while contractors of natural forests in the province were not allowed to do so. On the other hand, recipients of natural forests in Dak Lak and Lao Cai earned relatively more than recipients of forest plantations due to the allowance and possibility of intercropping in natural forests.
- Economic status did determine recipients' income. Compared to the poor and 'nearly' poor⁵⁴ households, the well-off and above-average households received higher actual income from FLA because they were capable to invest labour and money in trees and cash crops in their plantations. However, in relative terms, because the total income of these households is lower, the poor households earned the highest relative incomes from FLA (47% in Tay Ninh, 22% in Dak Lak and 23% in Lao Cai).

Table 5.5. Sources of income from FLA

	Sources of income	Total	Tay Ninh	Dak Lak	Lao Cai
1	% respondents harvested wood	29	31	35	21
2	% respondents harvested NTFPs	58	9	67	97
3	% respondents received payments from FMBs	71	78	72	64
4	% respondents intercropped on the forest lands	38	69	23	23

⁵⁴ Households with average income per capita per year less than US\$ 350 (GSRV, 2011)

Table 5.6. Recipients' income (US\$/household/year) from FLA

	The three cases			Tay Ninh			Dak Lak			Lao Cai		
	Actual income (\$)	% to total income	Actual income (\$)	% to total income	Actual income (\$)	% to total income	Actual income (\$)	% to total income	Actual income (\$)	% to total income	Actual income (\$)	% to total income
1	Total income from FLA	27	3,310	46	387	17	506	19				
1.1	By economic status											
	-Poor households	31	655	47	248	22	353	23				
	-‘Nearly’ poor households	31	1,090	54	470	21	527	18				
	-Average households	25	2,585	47	507	11	767	16				
	-Above average households	19	5,938	42	136	1	1,337	14				
	-Rich households	9	6,955	27	0		0					
1.2	By forest categories											
	-Special use	29	2,692	51	84	3	1,251	33				
	-Protection	22	4,644	42	205	11	282	13				
	-Production	29	2,321	44	825	37	528	7				
1.3	By forest types											
	-Natural forests	25	1,190	31	382	18	953	27				
	-Forest plantations	22	3,451	47	287	8	442	11				

Table 5.7. Recipients' income (US\$/household/year) from forests and from intercropping

		Total		Tay Ninh		Dak Lak		Lao Cai	
		Actual income (\$)	% to total income of the household	Actual income (\$)	% to total income of the household	Actual income (\$)	% to total income of the household	Actual income (\$)	% to total income of the household
1	Total income from FLA	1,400	27	3,310	46	387	17	506	19
2	Forest-related income	394	9	698	10	156	8	330	9
2.1	By economic status								
	-Poor households	251	18	406	25	119	12	227	16
	-‘Nearly’ poor households	233	10	283	13	158	7	257	11
	-Average households	306	6	479	9	230	4	209	5
	-Above average households	922	8	1,293	9	136	2	1,337	14
	-Rich households	617	2	1,850	7	0	0	0	0
2.2	By forest categories								
	-Special use	358	8	825	15	84	3	166	7
	-Protection	434	11	814	8	205	11	282	13
	-Production	404	7	467	6	217	9	528	7
2.3	By forest types								
	-Natural forests	514	15	1,190 ^a	31	154	8	199	8
	-Forest plantations	462	9	663	8	281	8	442	11
3	Income from intercropping	1,070	18	2,612	36	231	9	367	10
3.1	By economic status								
	-Poor households	168	13	249	22	129	10	126	7
	-‘Nearly’ poor households	463	21	806	41	312	14	270	7
	-Average households	981	19	2,106	39	278	7	558	11
	-Above average households	1,548	13	4,645	36	0	0	0	0
	-Rich households	1,705	7	5,115	20	0	0	0	0
3.2	By forest categories								
	-Special use	663	12	1,988	35	0	0	0	0
	-Protection	1,681	20	3,958	34	0	0	1,085	26
	-Production	821	22	1,855	38	608	27	0	
3.3	By forest types								
	-Natural forests	328	9	0	0	228	10	755	18
	-Forest plantations	931	13	2,787	39	6	0	0	0

^a Contractors of natural forests in Tay Ninh had regular income from the payment of the FMBs.

In sum, income from FLA amounted to about a quarter of the recipients' total income on average. But about three-quarter of this FLA income was derived from intercropping in forest lands, not from forest produce itself. Thus the level of income was mainly determined by the possibility of intercropping, depending on regulations, soils and markets, and this varied over regions (with the best situation in Tay Ninh). Besides this, socio-economic status played a role. The rich received the most gross income from FLA (on average more than US\$ 2,000 per household annually), although the poor and 'nearly' poor earned most in relative terms (because of their low overall income; up to 54% max).

5.4.4. General evaluation

Findings reveal the mixed performance of the FLA policy. On the positive side, recipients generally gained access to forest lands. With this access, they received additional payments from FMBs, harvested wood and NTFPs, and planted additional agricultural crops on the forest lands. For social learning, the adjustment of policy goals and means by state actors (central policy makers, provincial governments and the forestry sectors) facilitated the improvement of recipients' rights and benefits in FLA. This improvement further encouraged local people to get involved and to mobilize their own resources for forest rehabilitation. As a result, the areas of forest plantations increased in the three cases. The areas of natural forests also increased in Lao Cai and Tay Ninh. In general, recipients did receive additional income from FLA. Nevertheless, the rich earned more in absolute terms while the poor and 'nearly' poor earned more in relative terms. On the negative side, recipients, particularly those of natural forests, still had problems in excluding outsiders from their forests. Social learning led to both expected results (involvement of local people, higher share of funding and labour in forest rehabilitation) and unexpected ones (opportunistic behaviours of recipients). Additional income therefore was not so much a result from forest products but from intercropping. Due to intensive farming practices in intercropping, forest plantations showed poor growth and productivity figures. In general, the quality of forests declined, because natural forests were still lost (Dak Lak), and the increase of forest cover was mainly due to forest plantations (Tay Ninh and Lao Cai).

The findings in the three regions differ, due to various ecological, socio-economic, political and cultural backgrounds. The FLA case in Tay Ninh is characterized by recipients of the Kinh group (100%), who accessed forest lands through FLA for households. 93% of the respondents had long-term forestry contracts for forest plantations and 7% had short-term contracts for natural forests. Despite restricted withdrawal rights, these long-term contractors received the highest relative income from FLA. Nevertheless, their high income was mainly from intercropping. 78% of the respondents received payment from the FMBs, 69% intercropped on the forest land, 31% harvested wood, and 9% harvested NTFPs. 75% of respondents stated that they passively got involved in the policy. While 43% agreed that FLA was effective, only 28% were satisfied with the policy.

The FLA case in Dak Lak is characterized by recipients stemming from the Kinh group (51%) and ethnic minorities (49%). 54% of the respondents received short-term forestry contracts for natural forests, 20% got long-term contracts, 13% got LUCs and 13% did not know their status. Although the FLA policy in Dak Lak emphasized the involvement of native ethnic minorities, 68%

of the respondents were non-native inhabitants. Respondents accessed forest lands through FLA for communities and FLA for households. 72% of the respondents received payment from the FMBs, 67% harvested NTFPs, 35% harvested wood and 23% intercropped on the forest land. In general, recipients of natural forests faced problems in practising their exclusion rights. Although 56% of respondent passively got involved in the policy, 18% did so for the protection of forests. While 47% of the respondents stated that FLA was effective, only 31% were satisfied with the policy.

The FLA case in Lao Cai is characterized by the dominance of ethnic minorities (67%), who mainly accessed forest lands through annual contracts for forest protection between FMBs and local communities. Due to the weak flow of information from FMBs to recipients and the low participatory process of FLA, 42% of the respondents did not know their FLA status. Nevertheless, these contractors still received payments from FMBs (through the heads of the villages). They also harvested NTFPs from the forests and intercropped food crops in forests. These practices were acknowledged by the customary laws of their communities. Of the rest, 33% received LUCs, and 25% received short-term contracts for natural forests. 97% of the respondents harvested NTFPs, 64% received payment from the FMBs, 23% intercropped on the forest land, and 21% harvested wood. Respondents (31%) also complained that they had problems in excluding other villagers from their forest lands. While their evaluation of the FLA was the most positive, because 60% thought that FLA was effective, only 23% were satisfied with the policy.

By comparison, it is hard to identify the province that performed best at all criteria (practising of rights, social learning, effectiveness). Yet it is possible to evaluate what province performed best at what criterion (Table 5.8). For practising of rights, as Dak Lak and Lao Cai used both LUCs and forestry contracts in FLA, their recipients were more able to apply their rights than those in Tay Ninh, where local people only became forestry contractors. For social learning, all three provincial governments and their forestry sectors adjusted the FLA policy and its implementation, which overall did improved recipients' rights and benefits. Many recipients, however, strategically responded to this change by increasing agricultural production at the costs of forest rehabilitation. Although such behaviours were observed in the three cases, they were more serious in Dak Lak and Tay Ninh. Regarding forest condition, Lao Cai performed better than the two other provinces, because both its natural forests and forest plantations substantially increased in the last 10 years. Regarding recipients' income from FLA, forestry contractors in Tay Ninh received the highest income. However, their income was based on the intercropping of cash crops, which strongly competed with forest trees in their plantations. This trade-off between forest trees and agricultural crops, however, does not always need to occur. For example, although recipients of special-use forests in Lao Cai received relative lower income from FLA, their income was based on more sustainable agricultural practices. As they intercropped cardamom, which needed the shade of natural forests, they were dedicated to forest protection. In general, whereas the FLA policy in Tay Ninh performed best in terms of increasing income for recipients, Dak Lak's in terms of executing forest rights and Lao Cai's in terms of forest rehabilitation.

Table 5.8. Overview of FLA governance performance

Criteria		Tay Ninh		Dak Lak		Lao Cai	
		NF	FP	NF	FP	NF	FP
1	Practising of right	-	+	-	+	-	++
1.1	Access	++	++	++	++	++	++
1.2	Withdrawal	-	+	-	+	-	++
1.3	Management	-	+	-	+	-	+
1.4	Exclusion	-	+	--	+	--	+
1.5	Alienation	-	-	+	-	-	+
2	Social learning						
2.1	By state actors						
	-FLA instruments	+	+	++	++	++	++
	-More target audiences	-		+	+	+	+
	-Developing production forests	N/A	-	+	++	+	++
	-More benefit sharing (model of plantations, intercropping)	-	++	-	+	+	+
	-Consideration of informal occupation	N/A	+	+	+	++	+
2.2	By recipients	+	+	-	+	-	+
3	Effectiveness						
3.1	Forest condition						
	-Forest area	+	+	--	++	++	++
	-Forest quality	-	-	--	--	-	-
3.2	Contribution to local income						
	-From forests	+	+	-	+	-	+
	-From intercropping	N/A	++	+	+	+	-

++ high level of performance
 + medium level of performance
 - low level of performance
 -- very low level of performance
 N/A not applicable
 NF natural forests
 FP forest plantations

5.5. Discussion and conclusions

In this section, we first compare our findings on the impacts of the FLA policy on forest condition and the rights and benefits of local people involved with those in earlier studies. We finalize the section with some key conclusions on the governance performance of the FLA policy and some suggestions for future research.

5.5.1. The impacts of the FLA policy on forest conditions

The link between FLA and the recent forest regrowth in Vietnam has attracted much attention in the FLA literature for two reasons. First, improving forest condition is one of the main goals of the policy. Second, the forest cover in Vietnam significantly increased in the period 1995-2005, when FLA was implemented nation-wide. Despite this great attention, there is still no comprehensive study examining this link in the whole country (Clement and Amezaga, 2008). Several studies, conducted at the local level in the northern uplands of Vietnam, cast doubts on this link (Sikor, 2001; Clement and Amezaga, 2009), whereas Meyfroidt and Lambin (2008), who use spatial analyses, acknowledge a relatively positive impact of FLA on the recent forest regrowth in Vietnam, particularly in the northern uplands of Vietnam.

The case studies from Tay Ninh, Dak Lak and Lao Cai in this thesis provide some interesting insights in this issue. First, the increased areas of forest plantations in Tay Ninh and Lao Cai definitely indicate the positive impacts of FLA on forest rehabilitation. In Tay Ninh, all forest plantations and natural forests have been allocated to different FLA recipients (SFIPI, 2005). Both document analysis and semi-structured interviews confirm that nearly 6,800 ha of barren forestry lands in the province were reforested from 1999 to 2010 by forestry contractors (Tay Ninh PPC, 2010). Even though there are still concerns on the quality of these plantations, it is obvious that these plantations were planted by the sharing of funding between FMBs and forestry contractors in the context of FLA. Given that the increased forest cover in Tay Ninh is mainly from forest plantations (Table 5.4), the FLA policy in Tay Ninh has substantially contributed to this increase (87%). Besides forest plantations, the slight increase in the area of natural forests in the province, which were allocated to groups of households in the past 10 years, has also contributed to the increased forest cover of the province (13%). In Lao Cai, document analysis, questionnaire survey and semi-structured interviews show that local people, who are allocated lands for production forest, are interested in planting trees. Forest plantations under the policy contribute 36% of the increase of forest cover in the province, and natural forests 63%. Impacts of the FLA policy on forest rehabilitation were observed in Dak Lak, although the overall forest cover did not increase in the past 10 years. The loss of natural forests was nonetheless compensated by the significant increase of forest plantations, planted by both forestry contractors of special-use and protection forests, and forest owners of production forests.

It is worth noting that studies, which cast doubt on the impacts of the FLA policy on forest rehabilitation, mainly attribute the current forest regrowth in Vietnam to agricultural development. Sikor (2001), Castella et al. (2006) and Clement et al. (2009), for example, argue that thanks to

advanced agricultural technologies, farmers increase their agricultural productivity without clearing forests to get more lands available for agriculture. These authors even hold the view that perennial cash crops and forest plantations facilitate each other and perennial plantations allow better forest protection (Castella et al., 2006). Our findings from the three case studies, however, provide a different picture. It is true that available agricultural technologies have improved crop productivity and thus increased profits from cash crops. This improvement, however, is not conducive to forest rehabilitation. Instead, it has induced forest encroachment for cash crops in Tay Ninh and deforestation for rubber plantations and other perennial crops (coffee and fruit trees) in Dak Lak (See 5.4). In the two provinces, the high profits from cash crops are triggering more forest encroachment and conversion instead of fostering forest protection. Yet, since these are regional findings, one should be careful in generalizing them to the country as a whole.

Nevertheless, we share the concern of Meyfroidt and Lambin (2008) about the quality of forest regrowth under the FLA policy. Forest biodiversity is threatened not only by the degradation of natural forests but also by the high contribution of forest plantations to the forest cover expansion in the three cases. The limited numbers of tree species in forest plantations and intensive silviculture techniques leave hardly any room for forest biodiversity. The current trend of Dak Lak (and also of Vietnam) to develop production forests by converting degraded natural forests into rubber plantations is accelerating the loss of biodiversity, especially wildlife, in the three provinces.

Investigating the flowchart of the forestry sector in Vietnam, Meyfroidt and Lambin (2009) also raise concern on the link between the current forest regrowth in Vietnam and the country's displacement⁵⁵ of deforestation abroad. These authors argue that due to the national policy to restrict harvests in natural forests, the increasing wood consumption has been met by wood imports from neighboring countries. For that reason, they conclude that national forestry policies cannot be fully attributed to the increased forest cover in Vietnam. Although the flows of wood and wood products in import and export of the Vietnamese forestry sector are out of scope of this research, we also would like to reflect on this argument, because it relates to the impacts of the FLA policy on the forest conditions. We agree that the recent increased forest cover in Vietnam in the past two decades might not have solely resulted from the FLA policy in particular and Vietnamese forest policy in general. As indicated in the research results in the above, we acknowledge the influence of external factors both as part of the broader socioeconomic context and of specific local conditions on the impacts of FLA on forests and income. Nevertheless, the fact that forest plantations largely contribute to the increased forest cover in Vietnam in general, and in Tay Ninh and Lao Cai in particular, undoubtedly shows the impacts of the policy on forest cover. Although this research cannot quantify the gross and net contribution of the FLA policy on the increased forest cover in Vietnam as a whole, it definitely shows both the relative and regional impacts of the policy through the enhancements of forest plantations. Thanks to the allocation of forest lands to a diverse set of actors, particularly non-state actors, the government has mobilized additional resources outside the state budget for forest rehabilitation, which has not

⁵⁵ Displacement refers to 'a temporal, spatial, social or sectoral separation between consumption and production of a material good' (Meyfroidt and Lambin, 2009).

only increased the forest cover, but also helps to meet part of the forest produce demand. By doing so, it contributes to reducing the demand for wood consumption from natural forests. And Meyfroidt and Lambin (2009) too acknowledge that without the expansion of forest plantations in Vietnam, the total displacement of deforestation to other countries would have been higher.

5.5.2. The impacts of the FLA policy on the rights and benefits of local people involved.

It is widely acknowledged in the FLA literature that recipients of forest lands have been granted rather limited rights in Vietnam. This has forced scholars to argue for granting a more complete bundle of property rights to recipients, so that they can increase their benefits from forest lands. This expansion of rights is often considered the best approach for actively involving local people in FLA in the literature (Castella et al., 2006; Nguyen et al., 2008; Sikor and Nguyen, 2007; Boissière et al., 2009). But our findings only partly confirm this argument. It is true that recipients of particularly natural forests still obtain limited rights regarding forest management and harvest of products. Due to these limited rights, these recipients do generally not commit themselves strongly to forest protection. However, it is undeniable that, although owners of production forest plantations obtain a rather complete bundle of rights (with LUCs), their income from FLA is not always higher than that of long-term forestry contractors, who hold less rights (see 5.4.3). Besides this, the rather complete bundle of rights granted by LUCs seems to facilitate forest rehabilitation in Lao Cai, but not in Dak Lak. In other words, the level of rights is not always directly related to performance, i.e. to income from FLA and to forest rehabilitation, all the more so since performance is also impacted by external factors. Among others, the profitability of agricultural crops definitely influences recipients' income from FLA and their investments in forest rehabilitation. Whereas profits from agricultural crops in areas of production forest in Lao Cai are low due to the poor soils, those in Dak Lak are high due to both fertile soils and available markets for agricultural products. In Tay Ninh, although villagers have only become long-term forestry contractors, who are granted less rights compared to forest owners with LUCs, they have gained higher income from FLA due to the very high profits from cash crops, intercropped in their plantations.

The FLA literature has also concluded that (1) poor households receive little benefits from the policy, which does not help them to get out of poverty (Dinh, 2005), and (2) FLA only benefits rich farmers (Dinh 2005; Clement and Amezaga, 2008; Nguyen, 2008). Although the impacts of FLA on poverty reduction are out of scope of this study, our findings provide some interesting insights (Tables 5.6 and 5.7). First, the fact that poor(er) recipients in the three cases did indeed receive rather low actual income from forests partly resonates with the findings of other studies (Clement and Amezaga, 2008). But we say 'partly', because while recipients' actual income from forests is low, those from intercropping are relatively high, particularly in Tay Ninh. Second, income from FLA contributed 47% to the total income of poor households in Tay Ninh, 22% in Dak Lak and 23% in Lao Cai. This contribution is the highest among the five economic groups in Tay Ninh and Dak Lak, and the second highest in Lao Cai. These findings show that poor households, particularly those in ethnic minorities, did take advantage from the policy.

5.5.3. Conclusions

In conclusion, the chapter evaluates the performance of the FLA policy in Vietnam based on three governance performance criteria: practising rights, social learning and effectiveness (forest rehabilitation and income for local people). The assessment of all three criteria showed positive results. Firstly, recipients of FLA have generally been able to substantially practice their rights. Secondly, social learning has definitely taken place the last decade, particularly among authorities, who reformed part of their policies. Thirdly, impacts on the ground are also visible: forests have been rehabilitated, with a total expansion of nearly 110,000 ha (forest area change of +12.5%) in the three cases the last decade, due to FLA, and the goal of more income for local people from forest lands, including for the poor, has been substantially realized, up to about one quarter (27%) of total household income on average. Yet negative aspects have to be acknowledged as well. Some groups have faced serious problems in exercising their rights, social learning has also led to strategic behaviour, forest quality has generally decreased and additional income from forest in absolute terms is generally low and not equally divided among socioeconomic groups and regions. Therefore the overall performance of FLA is to be considered 'low'.

The findings also reveal a strong tension between the two main goals of the FLA policy: most income from forest lands has been achieved at the cost of forest quality. This tension results from the combined impact of the practising of rights and social learning on the policy's effectiveness. Regarding the practising of rights, recipients of forest plantations have gained access to forest lands to harvest certain amount of forest products (wood, NTFPs), and to intercrop agricultural crops on their lands. This rather complete bundle of forest rights has thus helped them to get more income from FLA, which however has mainly stemmed from intercropping and resulted at the cost of forest rehabilitation. However, recipients of natural forests not only hold less rights and gain less benefits, but also face the problem of excluding 'encroachers' from their forests. Hence, while their income is still limited, as well as their own impacts on the forests, the conditions are still decreasing due to external pressure on the resource.

With regard to social learning, adjustments of policy targets and means have positively influenced the policy's effectiveness. Reform of the FLA instruments and target audiences at the national level has facilitated changes in the implementation of the policy at provincial level, which improved the rights and benefits of actors involved. These changes, however, have not only promoted local involvement in forest rehabilitation, but also villagers' orientation towards income generation through intercropping. Hence, recipients have often used their extended rights for self-interested strategies, at the costs of forests. Such opportunistic behaviour shows that extending property rights are not always inherently good for devolution policy, because they both enable and constrain actors' cooperation for attaining collective goals, such as forest rehabilitation. Findings also reveal the influence of external factors on the performance of the policy. At the national level, they include non-FLA regulations (particularly the decision 2855 on acknowledging rubber as a multipurpose tree) and socioeconomic development strategies (the development of a household economy, policies targeting local communities and ethnic

minorities). Locally, other specific conditions affect FLA performance (agricultural expansion, high profits from cash crops, informal occupation of forest lands).

The complicated relationships among recipients' rights (determined by their FLA status), recipients' income and impacts on forests show that the current strong focus on property rights to promote local involvement, both in policy and literature, may not be effective and sustainable. This focus should be combined with a higher level of deliberation among actors to get the common goals and appropriate policy measures in order to combine actors' benefits with forest rehabilitation, of which the sustainable use of NTFPs in ethnic areas is one example. Moreover, the influence of social learning on the improvement of recipients' rights calls for more attention to unexpected impacts. Opportunistic behaviour by recipients, as shown in this thesis, calls for well-defined and balanced rights and responsibilities between the state and local people in forest devolution. State agencies (the forestry sector and relevant sectors) need to support forest owners and contractors in practising their rights, while these recipients have to fulfil their responsibilities in forest rehabilitation.

Although the three cases yield in-depth insight into factors behind the governance performance of the FLA policy, the highly diverse conditions of forested areas in Vietnam call for more comparative case studies on FLA in other regions. Given the impacts of agricultural development on forest rehabilitation, as shown in this thesis, more attention should be paid to the Southern low lands of Vietnam, where agriculture is the most developed. Such new studies are also critical to draw out general as well as specific characteristics behind the policy's impacts under different settings. Besides this, the influence of external contextual factors as well as of local-specific conditions on the performance of FLA highlights the necessity to combine both national and local level studies in the assessment of governance capacity.

Chapter

6

Synthesis and conclusions



6.1. Introduction

As shown in the previous chapters, what makes actors engage in collective action to solve common goals is particularly relevant in the field of natural resource management, where considerable efforts are being made to halt the depletion and degradation of public goods, caused by deforestation, species extinction, soil erosion and water pollution. As traditional top-down, centralized management often does not succeed in solving these problems (Pretty and Ward, 2001), more attention is being paid to new modes of governance in the management of natural resources (Bodin and Crona, 2009).

The shift from centralized state management to governance is especially pronounced in forestry, a specific field of natural resource management. Since the early 1900s, the forestry sector around the world has undergone devolution, that is, the power and authority over forests has been devolved from central bodies to local civil society organizations, communities or individual users (Fisher, 1999; Meinzen-Dick and Knox, 1999; Banerjee, 2000). International initiatives for forest devolution were fuelled by the high rates of deforestation and conflicts over forest lands (Banerjee, 2000; Dahal, 2003). These initiatives were further inspired by the new discourse on sustainable development following the UN Conference on Environment and Development in 1992 in Rio de Janeiro. This recognition of not only environmental but also economic and social aspects in sustainable development prompted more attention to local livelihoods in forest devolution. They attracted even more attention when the UN Millennium Summit in 2000 set the goal to reduce poverty by half (Sikor and Nguyen, 2007).

Influenced by these initiatives in the global forestry debate, forest devolution has been implemented as a major forestry reform in various developing countries since the early 1990s (White and Martin, 2002; Sikor and Nguyen, 2007; Colfer et al., 2008). At the national level, this reform was also driven by the need to reduce the cost of running forestry bureaucracies and to meet demands from forest-dependent communities for control over forest resources (Edmunds and Wollenberg, 2001). The forestry sector, which used to pay attention only to forest resources, particularly timber, now also takes into account the concerns of local people, who are dependent on natural resources for their livelihoods. By involving local people in forestry and enabling them to receive benefits from forests, forest devolution is expected to lead to sustainable forest management.

However, the effects of forest devolution on the condition of the forest and on local livelihoods have varied quite significantly (Banerjee, 2000; Edmunds and Wollenberg, 2001; Ribot et al., 2006; Sikor and Tran, 2007; Ribot et al., 2010). In some cases, local communities obtain significant rights over forests, while in other cases, local people remain marginalized (Fisher, 1999; Banerjee, 2000; Edmunds and Wollenberg, 2001). The varied impacts of forest devolution and their underlying factors have been and still are the subject of discussion by a large group of academics (Meinzen-Dick and Knox, 1999; Agrawal and Ostrom, 2001; Bovaird and Löffler, 2003; Edmund and Wollenberg, 2003; Kauneckis and Andersson, 2009).

The research reported in this thesis set out to contribute to this discussion by studying a specific forest devolution policy, that is, the policy of forest land allocation (FLA) in Vietnam. The policy is relevant to the global debate, because Vietnam has had a long history of state forestry, which was characterized by the nationalization of forest resources, highly centralized management and the

exclusion of private actors (Sikor and Apel, 1998; Nguyen, 1999). Since 1991, Vietnam's forestry sector has undergone major reforms, and has shifted from a centralized forest management to forest devolution for sustainable development. These reforms addressed the key problem of Vietnam's state forestry, namely that forests had become 'open access resources' under centralized forest management, since the state lacked the resources to manage them effectively. The reforms also responded to the broader transformations brought about by the socioeconomic renovations, named Doi Moi, in Vietnam since 1986. By involving different actors, such as households, local communities and other organizations, in forestry, the government aimed to establish some local ownership of forests, which was expected to lead to the improved protection and management of forests, and contribute to the livelihoods of local people.

Both policymakers and scientists have evaluated the policy and examined its effects on forest condition and the rights of and benefits for the various actors involved. Although these studies provide some insights into the policy's impacts, they focused solely on the central highlands and northern uplands of Vietnam. They also paid more attention to institutions and property rights than to other governance issues. Therefore, there is still limited understanding of the influence of national forestry discourses, external factors from outside the forestry sector, and local perspectives and behaviour on the effects of the policy. These gaps relate to the relatively narrow scope of previous studies on the FLA policy in terms of where the evaluations were conducted, what was evaluated and whose perspectives were included in the evaluations. Due to these knowledge gaps, a comprehensive understanding of FLA impacts in different regions of Vietnam and their underlying factors is still lacking. To address these omissions in the FLA literature, the general aim of the present research was *to gain in-depth knowledge on the impacts of the FLA policy by assessing its governance capacity in different regions of Vietnam*.

This research aim was operationalized into three questions: (1) How did the FLA policy in Vietnam come about, and to what extent did national forestry discourses influence the policy? (2) To what extent has the FLA policy had the capacity to involve actors, particularly local people, in different regions of Vietnam; and what factors have determined this capacity? And (3) what has been the performance of the FLA policy in different regions of Vietnam, and what factors have determined this performance?

Since what governance capacity consists of is still being discussed in the governance literature, the research also had a secondary research aim, namely *to develop a framework for assessing the governance capacity of the FLA policy*.

This chapter synthesizes the findings from the previous chapters, and discusses the theoretical and methodological issues of this study. The chapter has five sections. The following one addresses the two research aims and presents the key conclusions on the governance capacity of the FLA policy. The chapter then discusses the key factors influencing forest devolution impacts and the interlinkages between institutional capacity and governance performance of FLA. This is followed by methodological reflections on the assessment of governance capacity. The chapter ends with policy implications and issues for future research.

6.2. Conclusions

6.2.1. Changing forestry discourses in Vietnam over the past 20 years

Vietnam's forestry reforms in the early 1990s were inspired by two national forestry discourses, namely forestry socialization and sustainable forest management. These discourses represented responses to the widespread deforestation caused by logging, and to conflicts over forest resources arising from the exclusion of local people under state forestry. While the former discourse advocated the involvement of multiple actors in forestry, the latter endorsed the forestry sector's shift in focus from timber exploitation to forest rehabilitation. These changing forestry discourses were embedded in Doi Moi, the socioeconomic renovation in Vietnam that started in 1986. The broader transformations of Doi Moi towards a market-oriented economy and an open-door policy to foreign countries opened up Vietnam's forestry sector to the international discourses on forest devolution, governance and sustainability. Influenced by these global forestry discourses, in 1991 the Vietnam Forestry General Development Plan introduced two national discourses: forestry socialization and sustainable forest management (MARD, 2001a). In the same year, they were institutionalized in the Law on Forest Protection and Development (National Assembly of Vietnam, 1991).

The development of the two discourses over the past 20 years is a result of the struggle between competing discourse coalitions. For the forestry socialization discourse, a dominant coalition of policymakers and decision makers at the Ministry of Forestry and leaders of the National Institutes of Forestry Sciences, promoted forest land allocation (FLA) to individuals, households and other organizations. This allocation was expected to mobilize resources from non-state actors for forest rehabilitation. Although the coalition advocated the establishment of new local owners of forests, it maintained the leading role of state actors in forestry by insisting on state ownership of forest lands. As a result, the title of forest owners, which they argued for, was rather ambiguous because the holders did not obtain full rights over the forests. This ambiguity was criticized by a competing discourse coalition of scientists from universities and forestry institutes who were involved in forestry projects funded through development cooperation. The discursive struggle started with disputes over the rights of and benefits for the actors involved in the FLA policy. When the Land Law of 1993 came into effect, stipulating long-term land allocation (20–50 years) with land-use rights (National Assembly of Vietnam, 1993), the focus of the struggle shifted to the issue of forest ownership. This struggle had a bearing on the 2004 revision of the Law of Forest Protection and Development, which acknowledges that the recipients of production forest plantations are forest owners with a rather complete bundle of tenure rights, including ownership of the forests (National Assembly of Vietnam, 2004).

Similar to the forestry socialization discourse, the sustainable forest management discourse was promoted by a coalition of decision makers and policymakers at the Ministry of Forestry. In response to the high rates of forest loss during the 1970s and 1980s, the coalition advocated forest rehabilitation, which in the early 1990s, however, simply meant re-greening barren lands. This limited interpretation of forest rehabilitation was adapted during the mid-1990s, when the coalition also emphasized the protection of natural forests in order to prevent natural disasters, such as soil erosion, flooding and species loss. From the late 1990s, the coalition was joined by scientists from the National

Institute of Forest Planning and Inventory, the Vietnam National Institute of Forestry Science, the World Wide Fund for Nature, and Birdlife International. Pursuing a conservation-oriented interpretation of sustainable forest management, the coalition supported the nationwide expansion of protected areas (special-use forests) from 1.3 million ha in 1997 to 2.1 million ha in 2010. However, this attempt was challenged by scientists from Vietnam's universities, who worked for forestry projects supported by foreign aid. This competing discourse coalition raised concerns about the impacts of protected areas on local livelihoods and questioned the expansion. The discursive struggle started influencing Vietnam's forestry policy in the mid 2000s. Although nearly half of all forests in the country were still designated as special-use and protection forests, Decree 38/2005/CT-Ttg, which was issued by the prime minister, stated that it was not advisable to increase the area of special-use forests, and allowed the re-designation of some special-use forests and protection forests as production forests (GSRV, 2005).

The development of the two discourses over the past 20 years reflected the 'opening up and closing down' (Stirling, 2008) characteristics of Vietnam's forestry reforms. Although these reforms allowed non-state actors to participate in forestry activities, they provided these newcomers with only rather limited rights and benefits. These conflicting characteristics have influenced the development of the FLA policy over the past 20 years, mainly through the development of the title of forest owners and the advocacy for the expansion of protected areas. Firstly, the limited rights of FLA recipients under National Programme 327 (1993–97) mirrored the ambiguous title of forest owners in this period, which did not recognize the full rights of forest owners over the forests allocated to them. The improvement of recipients' rights under National Programme 661 (1998–2010) was shaped by the competing discourse coalitions' struggle over the issue of forest ownership. This struggle resulted in the institutionalization of the title of forest owner in the 2004 Law on Forest Protection and Development, which officially recognized forest ownership by non-state forest owners, although only of production forest plantations. Secondly, the sustainable forest management discourse shaped forest land allocation by influencing forest designation. As the discourse advocated forest conservation and the expansion of protected areas, most forests were designated as special-use and protection forests under the two programmes (327 and 661) at both the national and the provincial level. As forestry regulations only allowed the allocation of these forests to forest management boards, this discourse indirectly also promoted the rather limited participation of non-state actors, particularly households and communities, in forest land allocation. It thus resonated well with the forestry socialization discourse to shape the 'opening up and closing down' (ibid.) characteristics of Vietnam's forestry reforms.

First key conclusion: Since 1991, Vietnam's forestry reforms have been inspired by two national forestry discourses, namely forestry socialization and sustainable forest management. Reflecting the changing perspectives of national state actors on how forests should be governed, the two discourses have shaped the development of forest land allocation over the past 20 years. Overall, even though non-state actors have now gained access to forest lands and obtained some property rights, the leading role of state actors in forest land allocation has been maintained.

6.2.2. The governance capacity framework

A framework developed to guide the assessment of governance capacity was presented in Chapter 3. Its development was informed by the current discussions in the literature on governance capacity and institutional capacity, since both concepts refer to the ability of social actors to cooperate to solve collective problems (Kjær, 1996; Bhagavan and Virgin, 2004; Wickham et al., 2009). Nevertheless, it also paid attention to an important difference between the two concepts: institutional capacity focuses on how and to what extent institutions enable cooperation, whereas governance capacity has a much broader focus (Wickham et al., 2009), one that includes not only institutions and decision-making structures, but also actors' discourses and resources.

The framework is based on the theoretical perspectives of the policy arrangement approach (PAA) (Arts and Goverde, 2006; Van Gossum et al., 2011). From this perspective, governance capacity consists of institutional capacity – that is, the degree to which rules and procedures enable actors to work together in order to solve collective problems (Cornell, 2002; Degnbol-Martinussen 2002; Healey et al., 2002; Bhagavan and Virgin 2004; Wickham et al., 2009), and is determined by the institutional conditions under which actors' interaction might take place (Li and Zusman, 2006) – and governance performance, which denotes the actual performance of a policy arrangement to achieve collective goals and encompasses not only regulatory enforcement, but also governance processes and impacts (e.g. social learning and goal achievement).

This governance capacity framework took actors as the starting point for analysis and assessment. This entry point was selected because capacity resides in actors (Bebbington et al., 2006) and governance capacity denotes cooperation among actors. From the actor dimension of the PAA, the other three dimensions (discourses, rules and resources) are conceptualized into the three following governance capacity elements: (1) enabling rules of the game, which set the institutional conditions under which actors cooperate in collective action (Thye, 2000); (2) converging discourses, which stimulate the cooperation among actors through shared objectives and strategies for problem solving (Hajer and Versteeg, 2005); and (3) facilitating resource mobilization, which is crucial for actors to carry out the required activities for problem solving, given that resources are often scarce and dispersed among the different actors involved (Rhodes, 1996; Börzel, 1998). The three elements are further operationalized in relevant aspects and criteria for the assessment of FLA governance capacity (Chapter 3, Table 6.1).

For enabling rules of the game, the framework elaborated the concept of recognition of decision making rights because although enabling rules of the game may vary in different types of collective action, they generally have to recognize the rights of actors, particularly the newcomers, to get involved in decision making. The framework assessed this recognition in both codification and practice. While the former reflects the extent to which rules of the game provide actors the legal right to participate in decision making, the latter denotes the extent to which actors are able to exercise their given rights in problem solving.

For converging discourses, the framework examined deliberation. This is a process of communication that informs actors of a certain issue and enables them to discuss it in order to find

a solution (Dryzek, 2000). The framework elaborated deliberation in terms of venues, open attitudes and social learning. Venues refer to available spaces and practices that actors use to discuss their common issues (Williamson and Fung, 2005). Deliberation can work only if participants are open to each other's ideas and interests (Bloomfield et al., 2010). Venues and open attitudes are considered the preconditions for social learning, which relates to actors' adjustment of their goals or solutions for problem solving when they learn from their experience and the new information they obtain during collective action (Hall, 1993).

For resource mobilization, the framework investigated the concept of resource access and control. As resources for collective action are often dispersed among the actors involved (Rhodes, 1996; Börzel, 1998), the actors mutually depend on others' resources in their cooperation. They therefore have to gain a certain level of access to and control over other relevant resources in order to make effective use of their own resources for the common goals. The framework elaborated access to and control over resources in terms of resource availability and effectiveness. The former is the extent to which actors cooperate to mobilize resources for collective action, and the latter the extent to which resource availability helps actors to achieve their common goals.

The assessment using the governance capacity framework takes into account the interconnectedness of the criteria of three elements and the influence of external factors on actors' cooperation in forest land allocation.

Table 6.1. The governance capacity framework

	Element	Aspect	Criteria	
			Institutional capacity	Governance performance
Governance capacity	- Enabling rules of the game	- Recognition of rights	- Codification of rights	- Practising rights
	- Converging discourses	- Deliberation	- Venues - Open attitude	- Social learning (adjustment of goals and solutions)
	- Facilitating resource mobilization	- Actors' access to & control of resources	- Resource availability (forests, funding, information)	- Effectiveness (forest condition & contribution to local people's income)

6.2.3. FLA institutional capacity and its determining factors

Chapter 4 assessed the FLA institutional capacity according to the following criteria for the three elements of governance capacity: the codification of rights; venues and open attitudes to other actors' perspectives; and resource availability (forests, funding and information). For the codification of rights, I examined property rights, because the FLA policy is about the allocation of forest lands.

Property rights therefore determine the extent to which FLA recipients become involved in decision making. Property rights comprise access (to enter the forest), withdrawal (to extract something from the forest), management (to modify the forest resources), exclusion (to determine who can use the forest resources) and alienation (to transfer rights to others) (Schlager and Ostrom, 1992). Venues relate to meetings at both the provincial level and the local level (districts, communes and villages), during which villagers can exchange information with the forestry agencies, such as forest management boards (FMBs) and forest rangers, and can discuss the FLA policy and make suggestions regarding it. Open attitudes are evidenced by actors being open to each other's concerns and interests. For resource availability, forests, funding and information are examined because they are essential for actors to achieve the policy's goals.

Document analysis and semi-structured interviews showed that over time, recipients' rights have gradually improved in the policy. In the early 1990s, local people received only one-year forestry contracts from the FMBs. Under these contracts, they received payments for their contribution to forest management, but had no rights over the allocated forests. Since 1997, recipients are also able to secure long-term contracts (up to 20 or even 50 years) or land-use certificates (LUCs), which grant them some property rights. In general, both forest owners and long-term forestry contractors now have the right to access the forests, which in the past were strictly controlled by state agencies. They are also allowed to harvest certain amounts of forest products, and to intercrop agricultural crops on forest land. However, only forest owners of production forest plantations have obtained a rather complete bundle of rights (access, withdrawal, management, exclusion and alienation). Other recipients, particularly forestry contractors, still have limited management rights and no alienation rights. Restrictions are especially strong in the case of natural forests, because even forest owners of these forests still have rather limited rights to manage and harvest from the forest.

Key informants also acknowledged that compared to the earlier state forestry, local involvement in the policy has improved. Recipients are invited to attend local meetings that FMBs and local authorities organize several times a year, in order to obtain information. During these meetings, they were also able to raise their concerns about the policy and suggest improvements. Nevertheless, these meetings represent rather symbolic venues for deliberation because local participants are merely informed of plans that have already been made and agreed upon by the provincial forestry sector (DARD, FMBs). Local people are therefore unable to participate in the process of defining the policy's goals. Moreover, the provision of information regarding the rights and benefits of recipients is often not sufficient during local meetings, which are mainly held to promote forest protection.

For open attitudes, although key informants from the forestry sector (at both central and provincial levels) emphasized forest rehabilitation, they also paid attention to the concerns of recipients about the limited rights and benefits delivered by FLA. Nevertheless, local people's attitudes towards forest rehabilitation were not so positive. Although 97% of survey respondents acknowledged the importance of forests, 56% of the respondents only got involved in the policy because they are interested in using the lands for agriculture. Local meetings, which provided very little opportunity for deliberation, did not do much to change the attitude of local people. Nevertheless, the complaints and concerns of local people at these meetings compelled state actors to pay more attention to their concerns about the

rights and benefits delivered by FLA. For example, FMBs were willing to allow forestry contractors to plant fast growing trees and to intercrop agricultural crops on forest lands.

For forest availability, document analysis and interviews showed that while FMBs and forestry companies were allocated large areas of forest land (Table 4.4), local people were still offered only limited access to forest lands, through either forestry contracts or LUCs. In general, barren lands and degraded natural forests were allocated to villagers and communities for forest rehabilitation and protection. The average area of forest lands allocated to households was 4.7 ha in Tay Ninh, 1.2 ha in Dak Lak and 1.3 ha in Lao Cai. The average area of forest lands allocated to local communities was 57 ha in Dak Lak and 42 ha in Lao Cai.

For funding, since the FLA policy encouraged actors to mobilize their resources for forestry, funding for forest protection and rehabilitation was provided by both the government and recipients. However, key informants from the forestry sectors and survey respondents acknowledged the insufficient funding for forest rehabilitation. For special-use and protection natural forests, payments from the government covered only a part of the total cost. In the period 1993–97, contractors were paid only VND 50,000 ⁵⁶/ha/year; since 1999, they have been paid VND 100,000 ⁵⁷/ha/year. Due to this low payment, they patrol only once or twice a month. Creating new forest owners, which was expected to increase the recipients' contribution to the funding of forests, was not always successful. Local communities in Dak Lak and Lao Cai, which obtained natural forests through LUCs, did not spend enough time patrolling. Interviews with the heads of these communities showed that they patrol only several times a month. For forest plantations, contractors received an average of VND 10 million⁵⁸/ha/5 years, but they still complained that these payments were insufficient. Interviews with forestry contractors also revealed that they did not invest enough in the plantations because of the poor benefits they would receive. They therefore neglected some responsibilities, such as weeding and tending, in order to reduce their costs. In general, 78% of key informants in semi-structured interviews acknowledged the insufficient funding for forest rehabilitation and 30% of survey respondents asked for more funding for forest rehabilitation. Nevertheless, Dak Lak and Lao Cai still mobilized funding from recipients for production forests. During National Programme 661, the central and provincial governments paid VND 14.4 billion ⁵⁹ for special-use and protection forests in Dak Lak, whereas the recipients, particularly state and private businesses, invested VND 464.4 billion ⁶⁰ in production forests (Dak Lak PPC, 2011). Similarly, Lao Cai mobilized VND 163.8 billion ⁶¹ for production forests, in comparison to its funding of VND 244.7 billion ⁶² for special-use and protection forests (Lao Cai PPC, 2010b). However, the two provinces still considered these budgets insufficient for forest rehabilitation.

⁵⁶ About US\$ 2.5.

⁵⁷ About US\$ 5.

⁵⁸ About US\$ 476.

⁵⁹ About US\$ 6.8 million.

⁶⁰ About US\$ 22.1 million.

⁶¹ About US\$ 7.8 million.

⁶² About US\$ 11.65 million.

The flow of information between FMBs, local authorities and recipients was rather weak: only 38% of survey respondents had received information on forest rehabilitation from FMBs and only 32% had received information on FLA through local authorities (communes and villages). As a result, although recipients' rights and benefits vary by forest categories, 54% of the survey respondents (both forest owners and forestry contractors) did not know in which forest category their forests were and 48% had no idea about forest owners. Furthermore, 56% did not have a clear idea about FLA regulations, procedures, and their rights and benefits in the FLA. Strikingly, 18% of respondents, most of whom were members of local communities in Lao Cai, did not know their FLA status (LUCs, contracts).

In general, the issues of property rights, venues and actors' attitudes influenced the availability of resources for forest rehabilitation both positively and negatively. Although the rights to access forests, harvest certain amounts of forest products, and intercrop agricultural crops on forest lands encouraged recipients to invest both labour and funding in forest rehabilitation, they made insufficient investment in forest management because they were not able to participate in decision making and the benefits they received from forests were much lower than those from agricultural crops. This caused them to focus more on agriculture than forest management. Furthermore, the weak information flows lowered the already low level of interest in forest management among recipients.

The findings also reveal the influence of external factors at both the national and the local level on the policy's institutional capacity. Regarding external factors at the national level, some non-forestry regulations indirectly restricted local access to forests. For example, although the 2004 Law on Forest Protection and Development allowed the allocation of forest lands to local communities, this allocation was still limited because the 2005 Civil Law did not recognize local communities as legal entities. Regarding local conditions, there were several factors influencing local people's access to forests and their resource mobilization for forest rehabilitation. They included forest cover, profits from agricultural crops, and informal occupation by ethnic groups of lands under customary law. Firstly, in order to increase forest cover, Tay Ninh designated most of its forests as special-use and protection forests. As these forest categories were allocated only to FMBs, local people only became forest contractors with limited rights. On the other hand, the provinces of Dak Lak and Lao Cai, where forest cover was higher, were able to designate more forest as production forests, which were also allocated to non-state actors with more complete property rights. Secondly, local natural conditions and intercropping also influenced the extent to which recipients shared funding for forest rehabilitations. In Tay Ninh, where the soil is fertile and cash crops are profitable, contractors did not invest sufficiently in their forest plantations by fulfilling all of their responsibilities, as indicated above. On the other hand, the villagers in Lao Cai, whose poor soil produces only low profits, own production forest plantations and they invested their labour and money in tree planting, even though the government did not give them any funding. Thirdly, the informal occupation of forest lands by ethnic groups under customary law is not considered legal, and therefore conflicts with the allocation of forest lands in the FLA policy. In some areas, where conflicts over forest land allocation became very serious, the government decided to give priority to the occupiers, which, however, severely restricted access to forests for other actors.

In sum, the institutional capacity of the FLA policy has been shaped by the interplay among the codification of rights, venues and actors' open attitudes, and resource availability. In this interconnectedness, the codification of rights affected either positively or negatively the quality of deliberation in the venues and the amount and types of resources that are available. On the other hand, forest availability influenced the codification of rights, and open attitudes also influenced recipients' share of funding in forest rehabilitation. External factors, both at the national level (e.g. non-forestry regulations) and locally (forest cover, profits from cash crops, informal occupation) also had a bearing on the FLA institutional capacity.

Overall, the institutional capacity of the FLA policy in Vietnam has been low (Table 6.2). This modest capacity has been characterized by relatively limited property rights being granted to recipients in forest management, little opportunity to jointly define the collective goals in available venues, limited availability of forests, the weak flow of information between the forestry sector and recipients, and insufficient investment in forest rehabilitation.

Of the three cases, the FLA policy in Dak Lak and Lao Cai had a greater institutional capacity than it did in Tay Ninh. The two former provinces designated a large area of forests as production forests, whose recipients were forest owners with a more complete bundle of rights. As a result, while forest rehabilitation in Tay Ninh mainly depended on state funding, the allocation of production forests helped Dak Lak and Lao Cai to mobilize more resources from non-state actors for forest rehabilitation. In sum, the policy performed best in terms of increasing income for recipients in Tay Ninh, in terms of executing forest rights in Dak Lak, and in terms of forest rehabilitation in Lao Cai (see Table 4.5 for a detailed overview of the FLA institutional capacity in the three provinces).

Second key conclusion: The institutional capacity of the FLA policy is shaped by the interplay among the codification of rights, venues and actors' open attitudes, and resource availability (forests, funding and information). Despite several positive characteristics and developments over time, the institutional capacity of the FLA policy remains low. While this capacity provides some institutional opportunities for actors to get involved in the FLA policy, but mainly on their doing so.

6.2.4. FLA governance performance and its determining factors

In Chapter 5, the FLA governance performance was assessed through the following criteria for the three elements: practising of rights, social learning (the adjustment of goals and solutions during the policy due to past experience and new information) and effectiveness (forest condition and contribution of forests to local income).

For the practising of rights, I examined the extent to which recipients were able to exercise their given access, withdrawal, management, exclusion and alienation rights in their involvement in forest rehabilitation (Chapter 5). For social learning, I looked at evidence of adjustments by state actors at both the provincial and the local level (MARD, the PPCs, DARD, FMBs), and local people involved

in the policy, regarding their goals and solutions in forest rehabilitation. For forest condition, I examined changes in the area of natural forests and plantations forests under the policy. I also paid attention to the quality of forests by using proxy measures: the increase/ decrease in natural forests and forest plantations, with the assumption that natural forests are richer in biodiversity than forest plantations. To assess the quality of forests, I also looked at changes in the area of rich⁶³/medium⁶⁴/degraded⁶⁵ forests.

For the contribution of the policy to local people's income, I investigated the income recipients received from FLA, including income from forests and from intercropping. In general, both the owners and the contractors of plantations practised their access, withdrawal and exclusion rights. Recipients also harvested certain amounts of forest products, such as timber and non-timber forest products (NTFPs), and intercropped agriculture on forest lands. The survey shows that 96% of respondents received income from FLA; of these, 29% and 58% received income from harvested timber and NTFPs, respectively, 71% received funding from the government, and 38% intercropped agricultural crops on forest lands. The owners and contractors of natural forests, however, had more limited rights. They also faced problems in harvesting forest products from the allocated forests. Although the owners of natural production forests were allowed to harvest 10% of the increased volume of their forests, they were not be able to do so, because of the problem of measuring the increased timber stock. They also had problems excluding others from their forests. Most key informants in the interviews and 86% of respondents in the survey acknowledged the problem of practising these exclusion rights for natural forests.

As regards social learning, state actors adjusted the policy during the FLA process. Firstly, there were important changes in the types of instruments (from annual contracts to long-term contracts and LUCs). This change significantly improved the recipients' property rights over the allocated forests. Secondly, there was a change in target group over time, from mainly households in the 1990s, to a more diverse group (households, companies and communities) in the early 2000s. Since the late 2000s, the policy has been more favourable to companies. These changes responded to the concerns of various non-state actors. They also resonated well with the new focus of Vietnam's forestry on production forests. These changes at the national level prompted changes at the provincial level, although the provinces have applied the change in FLA instruments and target groups differently. For example, the recipients of production forest plantations in Tay Ninh still received forestry contracts while those in Dak Lak and Lao Cai received LUCs. Provinces also made certain adjustments to the models⁶⁶ of forest plantations, mainly to improve the benefits of recipients. Provincial state actors (DARD, FMBs) also allowed a certain flexibility in the practising of rights. For example, FMBs in Tay Ninh and Lao Cai allowed recipients to intercrop in special-use forests, even though human intervention is prohibited in these forests. Tay Ninh also allowed the contractors of protection forests in areas of

⁶³ Rich forests are forests having a standing wood stock of 201-300m³/ha (MARD, 2009).

⁶⁴ Medium forests are forest having a standing wood stock of 101-200m³/ha (MARD, 2009).

⁶⁵ Degraded forests are forest having a standing wood stock of 10-100m³/ha (MARD, 2009)

⁶⁶ The different designs of forest plantations in terms of their layout, tree density and the mix of slow-growing endemic and fast-growing exotic species.

forest encroachment to keep 50% of their rubber trees when reforesting. Forest contractors in Tay Ninh, who formally did not have alienation rights, were still able to transfer their contracts to others.

However, these improved rights obtained through social learning have had both positive and negative effects on the condition of forests and on local incomes from FLA. Positively, obtaining the rights to access and to receive benefits from forest lands encouraged recipients to invest their labour and money in forest rehabilitation, and as such helped to increase the forest cover. In the period 1999–2010, the three provinces did increase the forest cover (1.9% in Tay Ninh, 1.1% in Dak Lak and 13.7% in Lao Cai). The forest area in Tay Ninh increased by 19.6% (7,883 ha), mainly from forest plantations. In Dak Lak, the forest area increased by 2.3% (13,927 ha), also mainly from forest plantations. In Lao Cai, the forest area increased by 36.5% (87,571 ha), mainly from forest plantations and rehabilitated barren lands with scattered plants (Chapter 5, Table 5.4). Recipients' income from FLA (Chapter 5, Table 5.5) included income from forests (timber, NTFPs, payments) and from intercropping. In general, income from FLA contributed 27% to the households' income (9% from forests and 18% from intercropping). Of the three cases, recipients in Tay Ninh received the highest income from FLA (46% of their incomes), mainly from intercropping. Income from FLA contributed 31% to the income of poor households. In terms of negative impacts, newly obtained and expanded property rights gave rise to opportunistic behaviour by villagers in order to receive more profits from intercropping. For example, the recipients of forest plantations in Tay Ninh and Dak Lak obtained the right to harvest products from forests and to intercrop agricultural crops on forest lands, but focused more on the intercropping than on the forest. As they mainly invested their resources in agricultural crops and most forest plantations were of poor quality and productivity, these recipients received low returns from forests but high incomes from intercropping. While the area of forest plantations increased, the forest quality generally declined. These findings reveal a trade-off between the two goals of the FLA policy: high or higher income from forest lands is achieved at the expense of forest quality.

These findings on the governance performance of FLA policy reflect the complicated interplay among the three criteria of such performance. As indicated above, the practising of rights, social learning and effectiveness were both mutually enabling and constraining. While the extent to and manner in which recipients practised their rights determined forest condition and local income from FLA, the adjustments of central actors in terms of FLA instruments improved the rights and benefits of the local actors involved. These adjustments in turn were driven by the poor condition of the forests and the low involvement of local people in the policy in the early 1990s. It is through the interconnectedness among these criteria that the FLA governance performance evolves over time.

It is worth noting that external factors, at both the national and the local level, influenced FLA performance. For example, in terms of non-forestry regulations, in 2008 Decision No 2855 acknowledged rubber as multi-purpose tree, to be used both in forestry and agriculture, and thus paved the way for the allocation of degraded natural forests to companies to establish rubber plantations. This change in the FLA policy from conservation to production led to serious conflicts and deforestation in Dak Lak province. Secondly, local conditions for the development of agriculture affected the policy performance both positively and negatively. While the favourable conditions for

cash crops in Tay Ninh province (in terms of soil and the short distance to markets in Ho Chi Minh City) triggered competition between cash crops and forest rehabilitation, the poor soil in the forested areas of Lao Cai encouraged villagers to invest in forest plantations, since agriculture was less profitable there. Thirdly, migration and informal occupation by ethnic minorities also affected the recipients' ability to practise their rights. Recipients of natural forests in Dak Lak, including local communities, faced problems in excluding migrants from the northern provinces, who came there in search of land. The informal occupation by ethnic minorities in the forested areas of Dak Lak and Lao Cai was at variance with FLA, causing conflicts over forest lands in these areas because recipients were not able to exclude people who claimed that they own the lands under customary laws. For social learning, the introduction of long-term forestry contracts and LUCs encouraged local people to get involved and mobilize their own resources (funding and labour) for forest rehabilitation. On the other hand, as they mainly got involved in order to obtain access to forest lands for intercropping, they negatively influenced the quality of the forest.

Regarding the practising of rights by recipients, Lao Cai and Dak Lak perform better than Tay Ninh because they apply the two FLA instruments (contracts and LUCs). Regarding social learning, unexpected results (in terms of strategic behaviour) appear to be more serious in Dak Lak and Tay Ninh. Regarding effectiveness, Lao Cai has the best performance in terms of forest condition because of the increase in the area of both natural forests and forest plantations. Although forestry contractors in Tay Ninh receive the highest percentage of income from FLA, this income, which is mainly generated through the intercropping of cash crops, cannot be considered sustainable, because its generation is at the expense of the growth of forest trees (see Table 5.8 for an overview of the FLA governance performance in the three provinces).

Third key conclusion: The governance performance of the FLA policy is low. It reflects the complicated interplay among the practising of rights, social learning and effectiveness, which were both mutually enabling and constraining. There are trade-offs between the achievement of the two policy goals, namely to improve the forest condition and to increase local incomes from forests.

6.2.5. General evaluation

Overall, the governance capacity of the FLA policy in the three cases was found to be low, regarding both the institutional capacity and the governance performance (Table 6.2).

For institutional capacity, the codification is medium because although recipients were given access, withdrawal and exclusion rights, their management and alienation rights were still limited. Venues remain symbolic and although state actors did pay attention to the concerns of local people regarding their rights and benefits enshrined in the policy, local people still did not share the policy's goal of forest rehabilitation. Only limited forest land was available to local people. Despite some funding mobilized from outside state budgets, funding for forest rehabilitation from both the government and recipients was still insufficient. The flow of information between FMBs and recipients was weak.

For governance performance, all recipients practised their access rights. Compared to the recipients of forest plantations, the recipients of natural forests had problems in practising their withdrawal and exclusion rights. The practising of management and alienation rights was in general low. Social learning in the policy was mainly from state actors, who took some lessons on board to improve the rights and benefits of recipients; these improvement also resulted in some opportunistic behaviour among the recipients. Under the policy, the area of forest in general increased but this was mainly from forest plantations, which were of poor quality and low productivity. Although the areas of natural forest increased or were stabilized, they were in general degraded. Although income from FLA contributed to households' income, particularly the poor households, this income was mainly from intercropping agricultural crops, which was in competition with forest trees.

The evaluation of the FLA institutional capacity and governance performance was presented in Tables 4.5 (Chapter 4) and 5.8 (Chapter 5). In those tables, the two types of capacity were evaluated according to the various criteria of the governance capacity framework, the various forest categories (special-use, protection and production) and the two forest types (natural forests and forest plantations) in the three cases (Tay Ninh, Dak Lak and Lao Cai). In Table 6.2 below, I synthesize the main findings to provide an overview of the governance capacity of the FLA policy.

Table 6.2. The governance capacity of the FLA policy

Institutional capacity		Governance performance	
Criteria	General evaluation	Criteria	General evaluation
Codification of rights	M	1. Practising rights	L
Venues, open attitude	L	2. Social learning	L
Resource availability	L	3. Effectiveness	L+
Overall	L		L

M: medium, L: low, L+: low-medium

6.3 Discussion

In this section, I first discuss the findings on the policy's effects and their determining factors in the light of other findings in the FLA and devolution literature. I then discuss the interlinkages between institutional capacity and governance performance and reflect on the research methods.

6.3.1. Impacts of the FLA policy and factors determining forest devolution impacts

In Chapter 5, the effects of the FLA policy on forest condition and the rights of and benefits for the local people involved were discussed and compared with other studies in the FLA literature. In this section, I briefly highlight the main issues of these impacts and further discuss the factors that determine forest devolution impacts.

As indicated in Chapter 5, the link between the FLA policy and the recent forest transition – from net forest deforestation to reforestation (Meyfroidt and Lambin, 2008) – in Vietnam has been discussed in the FLA literature. However, there are still no studies providing a comprehensive answer to this link at the national level (Clement and Amezaga, 2008). The issue is also a subject of debate. While Sikor (2001) and Clement and Amezaga (2009) cast doubt on this link, Meyfroidt and Lambin (2008) acknowledge a relatively large contribution of the policy to the recent forest increase in Vietnam. The findings from the three cases (Tay Ninh, Dak Lak, Lao Cai) in three main regions of Vietnam indicate that the policy does contribute to the rehabilitation of forests, but that this contribution varies in these provinces. There is evidence of an increase in forest plantations planted by recipients of the policy in the three cases during the period 1999–2010. While the area of natural forests increased significantly in Lao Cai (mainly by upgrading rehabilitated areas, formerly categorized as barren land with plants, to forests) and stabilized in Tay Ninh, natural forest loss was still occurring in Dak Lak. The fact that forest plantations make up a major part of the increased/stabilized forest cover and that degraded natural forests are prevalent in the three cases raise concerns about the quality of the recent forest rehabilitation in Vietnam, which is also highlighted by Meyfroidt and Lambin (2008).

The finding that local people involved in the FLA policy, particularly the recipients of natural forests, still obtain only limited property rights also resonates with Castella and colleagues (2006), Nguyen and colleagues (2008), Sikor and Nguyen (2008) and Boissière and colleagues (2009). Nevertheless, the property rights of FLA recipients have been improved over time in the policy process, and the owners of production forest plantations are now granted a rather complete bundle of rights (with LUCs).

While findings from the three cases confirm the observation of Clement and Amezaga (2008) concerning the low income that FLA recipients receive from forests, they are contrary to the findings of earlier studies that argue that FLA only benefits rich farmers (Dinh, 2005; Clement and Amezaga, 2008; Nguyen, 2008). Recipients of forest lands receive income from forests and intercropping. Although in general their income from forests is low, it contributes 47% to the total income of poor households in Tay Ninh, 22% in Dak Lak and 23% in Lao Cai. This is a higher proportion of total income compared to the rich households (Tables 5.5 and 5.6). Nevertheless, this thesis draws

attention to the trade-off between the two goals of the policy (forest condition and local livelihood), because the increase in recipients' income from intercropping is achieved at the cost of forest quality. This trade-off shows that the use of forest devolution to bring about sustainable forest management is challenging.

Studies on forest devolution and natural resource management have broadly considered property rights as key to enhancing the sustainability of natural resource management (Agrawal and Ostrom, 1999; Banerjee, 2000; Meinzen-Dick and Knox, 2001; Capistrano and Colfer, 2005; Tran and Sikor, 2006; Nguyen et al., 2008). The argument is that property rights encourage actors to invest in forests, and that this investment not only enables actors to receive income from forests but also improves the condition of the forest (*ibid.*). Property rights, in other words, help ensure resource mobilization for collective goals (Agrawal and Ostrom, 1999; Meinzen-Dick and Knox, 2001; Ribot and Peluso, 2003; Castrén, 2005). The present study partly confirms that argument. The improvement of property rights enshrined in the FLA policy has encouraged non-state actors to get involved and to mobilize their resources, in terms of labour and funding, for forest rehabilitation. This resource mobilization contributes to the increased area of forest plantations in Tay Ninh, Dak Lak and Lao Cai, and to the increase in natural forests in Lao Cai. The recipients' access and withdrawal rights also allow them to derive income from both forests and intercropping on the forest lands.

Nevertheless, the link between property rights, resource mobilization and the realization of collective goals in forest devolution is not that simple. There are two reasons for this. Firstly, property rights are not always the key incentive for actors to participate in forest devolution. The contractors of special-use forests in Sapa (Lao Cai), whose one-year contracts grant them only limited rights, are still interested in getting involved because they are able to intercrop cardamom in these natural forests. However, the recipients of production forest plantations in Tay Ninh, who are granted a rather complete bundle of rights, are not willing to participate in the policy, because they would like to use the forest land for cash crops. Secondly, a more complete bundle of rights does not always ensure better resource mobilization for forest rehabilitation. The forest owners of production forest plantations in Lao Cai invest in their forests and would like to obtain more forest land. However, those in Dak Lak who are allocated both natural forest and barren lands, cut down the protected natural forest to plant rubber. These latter actors thus mobilize their resources, but not for forest rehabilitation. In this case, property rights actually cause deforestation.

The tension between property rights and resource mobilization for FLA goals results from the strategies that different actors apply in forest devolution. Local people are not the 'passive victim' of constraining institutions and limited property rights, as suggested by several authors (Fisher, 1999, 2000; Banerjee, 2000; Edmund and Wollenberg, 2001; Thang, 2010). In FLA, they have their own strategies of active or passive involvement. In the former, they cooperate and invest sufficiently in forests; in the latter, they focus only on intercropping, and they invest in these crops and not in the forest. These strategies are shaped not only by the rights that recipients obtain, but also by converging or diverging discourses – in other words, whether or not they support the 'common' FLA goals. As local people are often still not interested in forest rehabilitation, which gives them low returns, profits from agricultural crops trigger opportunistic behaviour. This tension between rights and resource

mobilization in the FLA policy reflects the frequently discussed tension between resource use and resource conservation (Ribot et al., 2010), and between local livelihood and forest conservation in forest devolution (Tacconi, 2007).

Thus, the diverging discourses among the actors involved are also a challenge for forest devolution. Given that profits from forests are often lower than those from other land uses (Ribot et al., 2010), actors' conflicting goals in forest management are more likely to occur. Without shared goals, actors, even those with a complete bundle of rights, are unlikely to sufficiently mobilize their resources for the collective FLA goals. To define the shared goals, social learning – defined in this thesis as the adjustment of goals and solutions in response to experience and new information – is crucial because it provides a certain level of reconciliation to ease the tension between resource use and resource conservation. Social learning is particularly important for forest devolution also because socioeconomic conditions keep changing, and thus the shared goals need to be redefined and adapted over time.

The importance of social learning is not diminished by the fact that the improvement of rights has both positive and negative effects. On the contrary, this indicates several gaps in the social learning that has taken place in the policy. Firstly, local people's low level of interest in forest rehabilitation results not only from the poor rights and benefits they receive under the policy, but also from the fact that their goal in forest land allocation (i.e. to obtain land for agricultural crops) differs from that of the government. However, state actors have only taken lessons on board on the issue of rights. Adjustments in the policy by the state have focused solely on the improvement of rights and have ignored the deliberative process, which could facilitate the involved actors to define the FLA goals jointly. Secondly, the policy promotes benefit sharing between the government and the recipients only in terms of timber harvesting. As most natural forests allocated to local people are degraded and have low timber stocks, this benefit sharing arrangement does not provide recipients with much benefit. Thirdly, the improvement of the recipients' rights is not combined with clear responsibilities for these new rights, or an effective mechanism for the monitoring and sanctioning of violations. Finally, FLA actors have not yet taken on board lessons on the weak flow of information between the forestry sector and local people. Due to this lack of information, villagers rely on informal information, and copy the often unsustainable behaviour of others. During the semi-structured interviews in Dak Lak, for example, villagers confirmed that deforestation in their area had significantly increased after companies that had been allocated forest lands, had logged forest trees to plant rubber. The villagers also started to log, arguing that the companies' behaviour was a clear message that it was again possible to log after years of having a logging ban in place.⁶⁷ Similarly, farmers who occupied forest lands to grow cash crops in Tay Ninh, explained that they occupied the land because they had seen others do the same.

⁶⁷ In 1992, the Vietnamese government imposed a partial logging ban on timber exploitation, which covered 4.8 million ha of forestland, accounting for 58% of the country's natural forests (Tuynh and Phuong, 2001).

6.3.2. The interlinkages between institutional capacity and governance performance

The link between institutional capacity and governance performance was partly examined in Chapter 3 on the basis of the findings from the forest land allocation in Tay Ninh province. In this section, I revisit the issue on the basis of findings from the three cases (Tay Ninh, Dak Lak and Lao Cai).

The present study revealed complex interlinkages between institutional capacity and governance performance. On the one hand, the institutional capacity of the FLA policy determines the policy's governance performance for each of the three elements (enabling rules of the game, converging discourses and facilitating resources) – the horizontal interlinkages in Table 6.1. On the other hand, the criteria of the three elements are also linked together – the vertical interlinkages in Table 6.1. Below, I address the horizontal interlinkages, and then analyze the vertical ones.

Evidence of horizontal interlinkages includes the links between the codification of rights and the practising of rights, venues and open attitudes and social learning, and availability of resources (forests and funding) and effectiveness (forest condition and local income). Firstly, the extent to which actors practise their rights is in part determined by their FLA status (forest owner, short-term forestry contractor or long-term forestry contractor). For example, unlike forest owners and contractors of forest plantations, contractors of natural forests cannot harvest timber, because they are not granted that right. These limited management and withdrawal rights also discourage them from practising their exclusion rights in forest protection.

Secondly, the open attitudes of central state actors facilitate their adjustment of the FLA instruments, in which the long-term forestry contracts and LUCs provide recipients with some property rights over the allocated forests. The open attitudes of the forestry sector at the provincial level also help them to take on board the concerns of local people regarding their income under the policy, and thus allow the use of different models of forest plantations, which combine slow-growing endemic trees and fast-growing exotic trees, and the intercropping of cash crops on the forest lands. On the other hand, the symbolic nature of venues for deliberation on the policy's goals fails to change the attitudes of local people, who are not interested in forest rehabilitation.

Thirdly, the insufficient investment from both the government and recipients in forest rehabilitation results in forests of low quality and poor productivity, which in turn partly shape the recipients' low income from forests. This low income is also a result of the relatively small size of forest lands allocated to households (in average 2.7 ha per household and around 33 ha per community/groups of households.) The impacts of insufficient funding on forest condition and local income are especially pronounced in the case of natural forests. Due to the low payment (VND 100,000 ⁶⁸ /ha/year), contractors do not conduct frequent patrols to protect forests.

Evidence of vertical interlinkages includes the link between the practising of rights and effectiveness; and effectiveness, social learning and the codification of rights. Because the recipients of natural forests practise their exclusion rights poorly, illegal logging, NTFPs exploitation and wildlife poaching still occur, degrading natural forests. The practising of withdrawal rights also affects forest condition and

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local income. As analysed in Chapter 5 and section 6.2.4, thanks to the practising of withdrawal rights, forestry contractors in Tay Ninh receive income from timber harvest and intercropping. Although their participation in the FLA policy helps to increase the area of forest plantations in the province, their intensive farming of cash crops has reduced the quality of forest plantations. The link between effectiveness, social learning and the codification of rights is also evident. The low level of goal achievement in forest rehabilitation has impelled state actors to improve the rights of the actors involved by means of the two FLA instruments (long-term forestry contracts and LUCs). These two vertical relations between elements reflect the evolution of the governance capacity of the policy over time.

However, the interlinkages between institutional capacity and governance performance are not always linear, because they are influenced by factors both in and outside the forestry sector. Observations of these interlinkages include the link between the codification of rights and the practising of rights, venues and social learning, and resource availability and forest condition. The link between resource availability and forest condition was discussed in 6.3.1., and the link between venues and social learning has not been thoroughly examined in the FLA literature so there was hardly literature on this link. For that reason, below, I discuss only my findings on the nonlinear link between the codification of rights and the practising of rights, which was also dealt with by another study.

For the link between the codification of property rights in FLA regulations and the practising of rights, Nguyen (2006) and Tran and Sikor (2006) observed gaps between the withdrawal rights granted and the practising of these rights in several case studies in Dak Lak. They lay the blame for these gaps on the variation in wealth among households and differences in their FLA status (having/not having an LUC), their position in the communities and the number of workers per household. The present study also identified other factors that are responsible for gaps between the rights granted and the practising of those rights. Although these criteria denote only one element of the governance capacity framework, the following observations about their links illustrate that institutional capacity is not always fully translated into governance performance.

Recipients are sometimes not able to practise the rights granted to them, simply because of some administrative problems or because the features of their forests are not conducive to the practising of these rights. For example, forest owners of natural production forests, who are allowed to harvest 10% of the increased timber volume in their forests, were not able to practise this right because it is nearly impossible to measure the increased timber volume (Chapter 5). Recipients would still not be able to harvest from their forests even if these problems were addressed, because most natural forests allocated to local people are seriously degraded.

Furthermore, conflicts between different FLA actors over *de jure* rights and *de facto* rights also make the practising of exclusion rights problematic. In Dak Lak, companies that are forest owners with LUCs failed to exclude villagers, who argue that they own the land under customary law. On this point, it is worth noting that the FLA policy is based on the shared responsibilities between state actors and non-state actors. In this cooperation, the actors have their individual roles and responsibilities. The forestry sector (DARD, FMBs and forest rangers) and local authorities are responsible for helping recipients to practise their rights, particularly their exclusion rights. Recipients thus cannot practise

their rights if FMBs, forest rangers and local authorities do not fulfil their responsibilities by enforcing forest regulations and dealing with violations of forest protection.

There are cases in which recipients practise more rights than they are given. For example, although forestry contractors in Tay Ninh do not have alienation rights, they are still able to transfer their contracts to other stakeholders. Similarly, forestry contractors of protection forests in the province are allowed to plant rubber trees, which are formally only allowed in production forest plantations. In Lao Cai, forestry contractors with one-year contracts harvest NTFPs in forests, although they are not allowed to do so. This flexibility in the practising of rights depends on the local context under which certain adjustments take place to reduce conflicts between state actors and recipients.

That the focus of forestry contractors in Tay Ninh province is on intercropping rather than forest rehabilitation shows that recipients have their own focus in practising their given rights, which is not always conducive to the common goals of FLA. This focus is determined by local conditions and the potential profits from agriculture.

The link between venues and social learning is also not linear. It is striking that although venues in the FLA are symbolic, state actors take on board some lessons regarding the concerns of local people relating to their rights and benefits. This nonlinear link, however, shows that lessons learned and information that give rise to the adjustments of both central and provincial state actors in the FLA policy may also come from venues outside the FLA policy, such as from intersectoral meetings and public media. For example, in semi-structured interviews, key informants argued that Decision No 2855, which acknowledges rubber as a multipurpose tree, clearly shows the influence of the agricultural sector on the forestry sector in its demand for land on which to develop rubber plantations. The influence of the two national forestry discourses (forestry socialization and sustainable forest management) on the FLA policy also provides input to social learning in the policy. The struggle between competing discourse coalitions around the structuration of the title 'forest owners' provides lessons learned from international forest devolution, because the competing discourse coalition comprised scientists who were working for foreign-aid forestry projects.

6.3.3 Methodological reflections on the assessment of governance capacity

In this section, I first evaluate the strengths and shortcomings of the governance capacity framework and its applicability. I then reflect on the research methods used in this study.

Evaluation of the governance capacity framework

The governance capacity framework is based on the theoretical perspectives of the PAA (Chapters 1 and 3). In applying an actor perspective, the framework includes three elements: enabling rules of the game, converging discourses and facilitating resources. The application of the framework in Chapters 3, 4 and 5 revealed the following three strengths.

- The three elements and their aspects and criteria are useful for identifying both substantive and organizational issues in forest devolution policy. Particularly the criteria of venues, open attitudes

and social learning add more substance to the assessments of forest devolution impacts in the scholarly literature, which often emphasize institutions and property rights.

- By covering both governance processes and impacts, the framework facilitates insight into governance capacity. The findings of this research reveal the interconnectedness of the different elements, and their corresponding criteria, of governance capacity, particularly the influence on effectiveness, social learning and the practising of rights. It is this interconnectedness that determines the rather modest FLA governance performance, particularly in terms of forest condition and local income.
- The framework's special attention to external factors sheds more light on the factors that determine the effects of FLA. Without examining the effects of external factors on actors' cooperation, it would have been difficult to explain the low institutional capacity and governance performance of the policy.

Thanks to these strengths, the framework has contributed to the further development of the PAA from an analytical tool for environmental policy change (Arts and Goverde, 2006; Van der Zouwen, 2006; Wiering and Arts, 2006; Wiering and Immink, 2006) and governance processes (Arnouts et al., 2006; Van der Zouwen, 2006; Arnouts and Arts, 2009), into an evaluative tool for assessing governance capacity. This represents the core theoretical added value of this study.

As the three elements (enabling rules of the game, converging discourses, and facilitating resources) cover the key elements of institutional capacity and governance capacity (collective goals, rules of the game and resources) (Kjær 1996; Nelissen 2002; Christopoulos, 2006), the framework is not specific to the assessment of the governance capacity of the FLA policy. It can also be applied to the governance assessment of other forestry and development policies. The criteria have been formulated in an abstract manner so that they can be further operationalized for governance capacity assessments in different contexts. The framework is particularly applicable for assessing other natural resource policies in Vietnam, and other countries in Southeast Asia that are also moving from a command-and-control forestry to a more participatory forestry.

Nevertheless, the strengths of the framework – namely the emphasis on both substantive and organizational aspects, or both the process and the effects of governance capacity – also present a challenge. This rather broad scope requires extensive data, and thus considerable time for data collection and processing. External factors and the attention to the interconnectedness among the three elements also make data analysis demanding and complicated.

Reflections on research methods

This study combined various research methods, namely document analysis, semi-structured interviews, a survey and observations. The fieldwork shows that these methods complement each other in collecting data for assessing governance capacity. At the very first stage of my fieldwork, interviews with key informants were used to identify the relevant governance issues, which provided the focus for the following semi-structured interviews and survey. The use of different research methods was useful in my analysis of the different criteria of the governance capacity of the FLA policy. Document analysis

and semi-structured interviews were helpful for examining the codification of rights, social learning and forest condition, and the survey provided important data on the practising of rights and local income. While document analysis and semi-structured interviews elicited in-depth information about the governance capacity of the policy, the survey carried out among the target group created a picture of the affected population regarding their backgrounds, their involvement in local meetings, and their perspectives on and evaluations of the policy. The triangulation of data from different methods helps mitigate the researcher's bias, which is an issue in the case study approach.

This thesis provides three methodological reflections concerning the use of the governance capacity framework in assessments. Firstly, the mapping of involved actors at the start of the assessment should also include potential and excluded actors. In the FLA case, I also interviewed villagers who were not contractors, because they had lived in the area for a long time and could provide valuable information on local participation. Secondly, the translation of abstract criteria into concrete guiding questions for interviews is an important part of the assessment. This translation should be based on the governance issues under study and the context of the assessment. For example, in the FLA policy, effectiveness was specified into forest condition and local income from the policy, because these are the goals of the FLA policy. This translation has to be as specific as possible in order to make measurement possible. Thirdly, because governance is highly contextual (Rhodes, 1996; Kooiman, 1999; Brinkerhoff and Goldsmith, 2005), close attention should be paid in data collection to the identification of subgroups to ensure the representativeness of the study. These subgroups should be accurately identified at the start in order to guide the snowball sampling for semi-structured interviews, thus ensuring that relevant and different voices are covered in the study. For the surveys, this identification is important for the design of stratified random sampling, which aims to ensure the representativeness of the sampling in governance capacity assessment. In the three cases, I identified three subgroups among FLA recipients in the three forest categories (special-use, protection and production), because the policy was designed and implemented differently according to these categories.

During my fieldwork, I also encountered two data collection issues. Firstly, there was the risk of respondents giving socially desirable responses, especially when I asked local people about the importance of forests. Although their positive answers showed that they had received information from the FMBs during local meetings, or they had experienced the importance of forest in their daily lives, some seemed to recognize that their positive answer was a 'good' answer. To address this issue, I tried to change the question, and to ask it several times during the interview in relation to other questions. By doing so, I was able to triangulate their answers on the issue.

I tried to avoid generating a false expectation in the respondents, who were poor, when I asked them about their income and livelihoods. Most poor people in rural areas in Vietnam receive some form of subsidy from the government. For that reason, some of the poor households that participated in my interviews held the expectation that my study would help them to obtain some grants from the government. As that expectation would have affected their answers on income and livelihoods, I made clear at the beginning of the interviews that my research would not lead to any grants or funding.

6.4 Policy implications

The findings presented in this thesis yield the following policy implications for the FLA policy and for forest devolution in general. Below, I present these implications for the three elements of governance capacity and for the influence of external factors on the policy's impacts.

Regarding enabling rules of the game, further improvements in the codification of property rights in forestry regulations and in the practising of rights are important, because they determine the amount of funding from non-state actors that is available for forest rehabilitation. For the recipients of natural forests, a more complete bundle of rights is particularly important, because these recipients still obtain rather limited management and withdrawal rights, which discourage them from committing themselves to forest protection. Although these rights were partly addressed by Decision 178/2001/QD-TTg on benefit sharing in forest land allocation (GSRV, 2001b), recipients are still not able to fully practise them due to the problems discussed above. Therefore, better procedures that take into account these issues should be formulated and implemented. For contractors of special-use and protection forest plantations, more complete withdrawal and management rights are of importance for their cooperation. Furthermore, the responsibilities of the forestry sector, local authorities and recipients in forest land allocation should be clearly defined and fulfilled. These responsibilities are crucial, because recipients can encounter criminals logging illegally in their forests. However, implementing these recommendations may be challenging, given the different interests of actors involved in the FLA policy, in particular, and forest devolution, in general.

Regarding converging discourses, venues that do not facilitate true deliberation among the involved actors on collective goals fail to foster the actors' open attitudes and social learning on forest rehabilitation. Local meetings should therefore be organized in a way that allows local people to get actively involved and discuss the collective goals. It is important that these meetings not only provide recipients with information about their rights, benefits and responsibilities, but also facilitate both state actors and recipients to arrive at some reconciliation concerning the collective goals. By doing so, recipients will have a more open attitude towards the policy and take on board lessons from their activities in the policy. The forestry sector also receives information that is necessary for its social learning towards the common goals and for solutions to achieve these goals. That some members of local communities who have forestry contracts with FMBs in Lao Cai do not know their status (see 6.2.3), calls for improvement in the quality of venues for deliberation in areas inhabited by ethnic minorities.

Regarding facilitating resources, the recipients' income from forests is still low and mainly comes from timber harvesting. This issue underlines the importance of technical and policy measures to improve the values of forests (such as NTFPs and environmental services). Policy measures on the sustainable use of NTFPs in areas inhabited by ethnic communities are of special importance to sustain and increase these communities' income from forests. The promotion of market-based mechanisms, such as payments for environmental services and carbon credits, could also help to improve the values of forests.

Regarding the influence of external factors, macro policy planning should pay more attention to the possible trade-offs among different land uses and the unexpected effects of rural development and agricultural policies on forest rehabilitation. At the local level, more attention should be paid to local contexts, particularly customary laws on informal occupation, in order to avoid conflicts over land in areas inhabited by ethnic communities. The design and implementation of agricultural and rural development programmes at the provincial level should take into account the possible trade-offs between these programmes and forest rehabilitation. In addition, frequent reviews and revisions of the policy are necessary to keep up with changes in both the broader socioeconomic contexts and the local conditions.

The findings of this study also have three implications for forest devolution. Firstly, due to the interconnectedness between the three elements of governance capacity and the interlinkages between institutional capacity and governance performance, the institutional design of forest devolution should take into consideration not only property rights but also other governance issues, such as the deliberation of involved actors for the common goals. It is also crucial for these designs to encompass both substantive and organizational aspects of forest devolution.

Secondly, more emphasis should be put on the interlinkages between property rights and social learning in resource uses and resource conservation. In these interlinkages, more attention should be paid to local people's strategies towards the two main goals of forest devolution (forests and local livelihoods). Regular assessments and revisions are also crucial to sustain the governance capacity of forest devolution policy and to deal with its issues.

Thirdly, the design and implementation of forest devolution should take into account the influence of external factors on actors' cooperation. Forest devolution designs should be placed in a broader context of different land uses and other socioeconomic contexts. As indicated in this thesis, although forest devolution transfers forest rights from central bodies to local actors, the national forestry discourses, forestry regulations at the national level and social learning from central actors still have a bearing on forest devolution on the ground. State actors at the provincial level also play an important role in forest land allocation through their shared responsibilities with local authorities and recipients in forest rehabilitation. These observations show that the changing governance in forest devolution is not a 'hollowing out' of the state in forestry. The central state actors are still important in forest devolution, not as the controllers of forest resources but as the coordinators of macro land-use planning and the general national development. The provincial state actors are also important because they are the supporters of recipients.

6.5. Suggestions for future research

The research findings also suggest six directions for future research. All are related to the three elements of governance capacity, external factors and regional differentiation.

The present study observed a change in the national policy discourses from forest conservation to forest production in 2008, but did not go into this change in depth. As indicated in Chapter

2, national forestry discourses influence forest land allocation. Therefore further research on this discursive change and the extent to which it affects Vietnam's policies in general and the FLA policy in particular is important to increase the understanding on factors that determine the FLA impacts.

The study revealed the interconnectedness between property rights, social learning, forest condition and local livelihoods. However, the three case studies did not provide a sufficiently detailed picture of this interconnectedness in the whole country, given Vietnam's diversity in natural and socioeconomic contexts. More research on this interconnectedness is needed before a generalization can be made.

In the light of the different levels of forest dependency in rural areas of Vietnam, the tension between resource use and resource conservation in forest land allocation invites more research. In addition, the evaluation of forest quality presented in this thesis mainly employed proxy measures: the increase/decrease of natural forests and forest plantations, the increase/decrease of rich and medium forests, and observations from local people. Although these proxy measures provide valuable information about the quality of forest, they do not offer data on the dynamics of wildlife and forest biodiversity, which are also required for the policy's evaluation. This limitation highlights the importance of further research on the changes in forest quality under FLA, especially on forest biodiversity and how these changes affected local livelihoods.

This study focused on local people in the FLA policy. Although I also interviewed representatives of some forest companies, the information I derived from the interviews is not sufficient to make broad inferences about these companies as actors in FLA. Nevertheless, both private and state-owned forest companies are often allocated forests with LUCs. In addition, the change in the national forestry discourses from forest conservation to forest production (since 2008) has led to companies being favoured in the FLA policy. These observations show that research on the role of these actors in the FLA policy and their relationships/conflicts with local people would reveal more insight into the governance capacity of the policy.

As actors' strategies determine resource mobilization for forest rehabilitation, especially under the influence of profits from agricultural crops, more studies on the effects of other land uses (including mineral mining and the generation of hydroelectric power) on the FLA and forest devolution, are useful to inform policymakers of the possible trade-offs between these land uses and sustainable forest management.

This thesis shows a distinct regional differentiation in the governance capacity of the FLA policy. Given the diversity in the country's natural and socioeconomic conditions, this thesis provides only an overview of this differentiation in three provinces in the three main regions (southeast, central highlands and northern uplands). Further comparative case studies in other regions and sub-regions are needed to gain a comprehensive understanding of the policy's governance capacity across Vietnam.



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Summary

The issue of what drives and sustains collective action is pertinent to natural resource management, given the continuing depletion of public goods around the world. The issue is especially important for forestry. Since the early 1980s, forest devolution has become a major trend in forestry reforms in the developing world, because traditional command-and-control forestry has failed to halt deforestation and settle conflicts over forest resources. It is held that involving local people in forestry and enabling them to benefit from forests will generate sustainable forest management. However, the devolution of forest rights from the central state to local actors has had varied effects. There are cases in which local communities have gained significant control over forests, and forest cover and biodiversity have also been enhanced. In many cases, however, local people are marginalized in the process (Fisher, 1999; Banerjee, 2000; Edmunds and Wollenberg, 2001) and forests are degraded. This disparity has inspired a great volume of literature on factors behind the effects of forest devolution. However, there is still a lack of knowledge of various governance aspects in forest devolution processes, and particularly of how actors define the collective goals, how they interact and what their strategies in forest devolution are.

The research presented in this thesis contributes to filling these knowledge gaps by studying a specific forest devolution policy, namely the policy of forest land allocation (FLA) in Vietnam. It is considered the key policy of Vietnam's forestry reforms, which have driven a major shift from a command-and-control system to forestry with local participation. By involving local people in forestry, the policy is expected to improve both forest condition and local livelihoods. Although a considerable number of studies have provided insights into the effects of FLA, they were mainly carried out in the central highlands and northwest uplands of Vietnam and focused on forest-related factors. Not much attention has been paid to governance in the FLA policy. Although studies have paid attention to local people in the policy, local perspectives on the policy have not been thoroughly examined.

The overall aim of the present study was to gain in-depth knowledge of the effects of the FLA policy by assessing its governance capacity in different regions of Vietnam. Since what constitutes governance capacity is still under discussion in the governance literature, the secondary aim was to develop a framework for assessing the governance capacity of the policy. The first research aim was operationalized into the following three research questions:

How did the FLA policy in Vietnam come about, and to what extent did national forestry discourses influence the policy?

To what extent has the FLA policy had the capacity to involve actors, particularly local people, in different regions of Vietnam; and what factors have determined this capacity?

What has been the performance of the FLA policy in different regions of Vietnam, and what factors have determined this performance?

To achieve the second research aim, a framework was developed to guide the assessment of governance capacity.

The research employed the nested approach to case studies, which situates the FLA policy under the general case of Vietnam's forestry reforms, which in the past 20 years have been characterized by changing forestry discourses. The case of the FLA policy includes three nested cases in three regions

of Vietnam (southeast lowlands, central highlands and northwest uplands). Fieldwork was carried out in three provinces (Tay Ninh, Dak Lak and Lao Cai). Data collection included a literature review, document analysis, semi-structured interviews, a questionnaire survey and personal observations. In total, 152 key informants were selected by snowball and saturation sampling. These informants were policy and decision makers, officials in forestry and land management sectors, representatives of provincial governments and local authorities, forest owners and forestry contractors, and local villagers. The survey involved 288 forestry contractors or forest owners. Data from different sources was triangulated before processing. The method of Miles and Huberman (1984) was applied to analyze qualitative data. Simple statistics with frequencies and cross tabulation were employed to analyze data from the questionnaires.

This thesis consists of six chapters. **Chapter 1**, “the General Introduction” provides an overview of the thesis. It begins with the theoretical and practical issues related to forest devolution and governance that inspired the research. It introduces the key concept of governance capacity as a theoretical tool for the assessment. It then presents a snapshot of Vietnam’s state forestry and the country’s forestry reforms. Against this background, the chapter introduces the FLA policy in Vietnam and elaborates the problem statement, research objectives and research questions, the significance of the research, its theoretical perspectives, methodology, and study areas.

Chapter 2 analyzes the discursive background against which the FLA policy has been developed. It shows that the forestry reforms that have taken place in Vietnam since 1991 have been shaped by two national forestry discourses, namely forestry socialization and sustainable forest management. The former advocates the involvement of non-state actors in forestry, whereas the latter emphasizes the rehabilitation of forest resources, particularly through the expansion of protected areas. For the discourse of forestry socialization, the struggle of competing discourse coalitions around the interpretation of the concept of forest ‘owner’ has guided the codification of recipients’ rights in FLA. For the discourse of sustainable forest management, the discursive struggle around the expansion of protected areas, which are allocated only to forest management boards, has shaped actors’ access to forests in the policy. Although more attention has been paid to production forests, whose owners obtain a more complete bundle of rights, the emphasis on special-use and protection forests still restricts the access of non-state actors to forest resources. As a result, the two discourses have defined the rights of non-state actors participating in FLA as well as their access to forests. Overall, even though non-state actors have now gained access to forest lands and some property rights, the leading role of state actors in FLA has been maintained.

The framework that was developed to guide the assessment of the governance capacity of the FLA policy is presented in **Chapter 3**. The formulation of the framework was informed by the current discussions in the literature on governance capacity and institutional capacity, because both concepts refer to the ability of social actors to cooperate to solve collective problems (Kjær, 1996; Bhagavan and Virgin, 2004; Wickham et al., 2009). The framework is based on the theoretical perspectives of the policy arrangement approach (Arts and Goverde 2006; Van Gossum et al., 2011). Governance capacity consists of institutional capacity – namely the degree to which rules and procedures enable actors to work together in order to solve collective problems (Bhagavan and Virgin 2004; Wickham

et al., 2009) – and governance performance, that is, whether a policy arrangement actually achieves collective goals.

The governance capacity framework consists of three elements: enabling rules of the game, converging discourses and facilitating resource mobilization. These elements are further operationalized as relevant aspects and criteria for the assessment of the governance capacity of the FLA policy. Institutional capacity is assessed in terms of four criteria: codification of rights, venues, open attitudes and resource availability. Governance performance is evaluated according to four criteria: the practising of property rights, social learning, forest condition and contribution of the policy to local people's income.

By applying the governance capacity framework to assess the institutional capacity, **Chapter 4** shows that despite several positive characteristics and developments over time, the institutional capacity of the FLA policy remains low. This capacity provides some institutional opportunities for actors to get involved in the policy, but it also constrains them from doing so. In terms of opportunities, recipients (forestry contractors and forest owners) acquire the right to access forests, harvest forest products and intercrop agricultural crops on forest lands, which encourage them to invest in forest rehabilitation. They also attend local meetings to obtain information, voice their concerns and share their opinions about the policy. State actors have been open to recipients' concerns about their rights and benefits. In terms of constraints, most recipients, particularly those of natural forests, have limited rights over the allocated forests. The ability of recipients to participate in the process of defining the policy's goals is also constrained, because meetings organized for local FLA actors do not offer them a genuine opportunity to deliberate. As a result, most local people are still not interested in forest rehabilitation and therefore do not invest sufficiently in forests.

As **Chapter 5** shows, the low institutional capacity of the FLA policy, together with external factors, determines its low performance. In general, there are trade-offs between the achievement of the two policy goals, namely improving the forest condition and increasing local incomes from forests. This tension results from the dual effect of social learning and property rights on actors' cooperation in the policy. Social learning leads to the improvement of recipients' rights, which facilitates their resource mobilization for forest rehabilitation. In some cases, however, the improved rights encourage opportunistic behaviour, which has a negative impact on forest condition. Similarly, although property rights provide incentives for people to get involved and invest in forest rehabilitation, in some cases they give rise to conflicts over forests, particularly in areas that are informally occupied by ethnic groups under customary laws. However, even a rather complete bundle of property rights, granted through the land-use certificates, does not always ensure sustainable forest management. Owing to the high profits from agricultural crops, not only forestry contractors of special-use and protection forests, but also forest owners of production forests invest in intercropping rather than forest trees, resulting in poor quality forests.

External factors at national and local levels trigger or contribute to the dual effects of social learning and property rights in FLA. At the national level, the civil law, which does not recognize the legal entity of local communities, restricts their access to forests. In addition, Decision 2855, designated rubber as a multi-purpose tree, thus triggering the conversion of degraded forests into rubber plantations. This

conversion supports the allocation of these areas to companies and thus blocks local access to forests. At the local level, migration and informal occupation under customary laws challenge the practice of exclusion rights. Furthermore, agricultural development and profits from agricultural crops both enable and constrain actors' cooperation and mobilization of resources in the policy. In areas where these profits are high, they trigger the insufficient investment in forests by recipients. In areas where these profits are low, recipients invest more in forest rehabilitation (**Chapters 3, 4 and 5**).

The governance capacity of the FLA policy exhibits a distinct regional differentiation. Of the three cases, Dak Lak and Lao Cai had a greater institutional capacity than it did in Tay Ninh because they designated a large area of forests as production forests. Recipients of these forests were forest owners with a more complete bundle of rights. This allocation of production forests also helped the two provinces to mobilize more resources from non-state actors for forest rehabilitation while forest rehabilitation in Tay Ninh was mainly funded by state budget.

Regarding governance performance, Lao Cai and Dak Lak perform better than Tay Ninh on recipients' practising of rights because they apply the two FLA instruments (contracts and LUCs). Having the largest area of production forests, Dak Lak performs best in terms of executing property rights. Social learning in the three provinces mainly from state actors, who did take on board lessons learnt in the policy process. Although their adjustment in the goals and solutions during the implementation of the policy have encouraged more local people to get involved in the policy, these adjustments also gave rise to unexpected results (in terms of strategic behaviour), particularly in Dak Lak and Tay Ninh. Regarding effectiveness, Lao Cai has the best performance in terms of forest condition because its area of both natural forests and forest plantations significantly increased in the past decade. Although forestry contractors in Tay Ninh earned the highest income from FLA, this income was mainly from the intercropping of cash crops in forest plantations. As income from this intercropping was achieved at the expense of the growth of forest trees, the high income of recipients in Tay Ninh was not considered sustainable. In sum, all three provinces did not perform best in all elements of governance performance. While the FLA policy in Tay Ninh, performed best in terms of increasing income for recipients, Dak Lak was best in terms of executing forest rights and Lao Cai was best in terms of forest rehabilitation (**Chapters 3, 4 and 5**).

Chapter 6 synthesizes the study's findings and presents theoretical and methodological reflections on forest devolution and governance capacity. It also presents the three key conclusions on the governance capacity of the FLA policy in Vietnam. First, the two national forestry discourses, namely forestry socialization and sustainable forest management, under Vietnam's forestry reforms since 1991, have shaped the development of the FLA policy over the past 20 years. By maintaining the leading role state actors in forest land allocation, they advocate the restricted access to forest lands and limited property rights of non-state actors involved in the policy. Second, the institutional capacity of the FLA policy is low because of the limited codification of rights, rather symbolic venues for actors' deliberation, local people's low interest in forest rehabilitation, and the limited availability of forests, funding and information for forest rehabilitation. Third, trade-offs between the achievement of the two policy goals (improving the forest condition and local incomes from forests) have shaped the low governance performance of the FLA policy. These trade-offs result from the combined

influences of social learning and property rights on actors' cooperation in the policy. On the basis of these conclusions, the chapter goes on to discuss the key factors that determine the effects of forest devolution (property rights, social learning and external factors), and the interlinkage between the institutional capacity and governance performance of FLA policy. The chapter then evaluates the governance capacity framework, showing its strengths, shortcomings, and applicability in governance capacity assessments. After reflecting on the research methods used in the study, the chapter draws out policy implications for the FLA policy and forest devolution. Besides the improvements of property rights, clear shared responsibilities of actors involved are crucial to promote more active involvement of non-state actors, particularly local people. Local meetings should facilitate a true deliberation that allow actors to reach some reconciliation concerning the collective goals. Other technical and policy measures to improve the values of forests (such as NTFPs and environmental services) are of special importance to sustain and increase actors' income from forests. Macro policy planning should pay more attention to the possible trade-offs among different land uses and frequent reviews and revisions of the policy are necessary to keep up with changes in both the broader socioeconomic contexts and the local conditions. For forest devolution, the institutional design of forest devolution should take into consideration not only property rights but also other governance issues, and encompass both substantive and organizational aspects of forest devolution. More attention should be paid to the combined impacts of property rights and social learning on resource uses and resource conservation. Especially, the thesis shows that the changing governance in forest devolution is not a 'hollowing out' of the state in forestry. State actors both at the central and provincial levels still play important roles in forest devolution. The chapter ends with issues for future research on the change in the national policy discourses from forest conservation to forest production in 2008; the interconnectedness between property rights, social learning, forest condition, and local livelihoods; changes in forest quality under FLA; the role of forest companies in the FLA policy and their relationships/conflicts with local people; and the effects of other land-uses on the FLA, and forest devolution in general.



Samenvatting

De vraag waardoor collectieve actie in gang wordt gezet en in stand wordt gehouden is, met het oog op de aanhoudende wereldwijde uitputting van collectieve goederen, relevant voor het beheer van natuurlijke hulpbronnen. Deze vraag is met name ook van belang voor de bosbouw. Sinds het begin van de jaren tachtig is in ontwikkelingslanden bij bosbouwhervormingen de overdracht van bossen naar lokaal niveau (*forest devolution*) een belangrijke trend geworden, omdat het traditionele, centraal aangestuurde bosbouwbeleid niet in staat is gebleken de ontbossing en de conflicten over bossen een halt toe te roepen. De gedachte is dat duurzaam bosbeheer eerder te bereiken is door de lokale bevolking bij de bosbouw te betrekken en hen van de bossen te laten profiteren. Het overdragen van bosrechten van de centrale overheid naar lokale partijen heeft echter wisselende effecten gehad. Er zijn gevallen bekend waarin lokale gemeenschappen aanzienlijke controle over bossen hebben verkregen en het bosareaal en de biodiversiteit inderdaad zijn uitgebreid. In veel gevallen wordt de lokale bevolking echter bij dit overdrachtsproces gemarginaliseerd (Fisher, 1999; Banerjee, 2000; Edmunds & Wollenberg, 2001) en worden bossen aangetast. Dit verschil heeft een grote hoeveelheid literatuur voortgebracht over de achterliggende factoren van de effecten van de overdracht van bossen. Er is echter nog steeds te weinig kennis over diverse bestuurlijke aspecten van deze overdrachtsprocessen, en met name over hoe actoren de collectieve doelen definiëren, hoe hun onderlinge interactie is en wat hun strategieën zijn met betrekking tot de overdracht van bossen.

Het onderzoek dat in dit proefschrift wordt gepresenteerd, draagt bij aan het opvullen van deze hiaten in de kennis door middel van het bestuderen van een specifiek beleid ten aanzien van de overdracht van bossen, te weten de toewijzing van bosgrond (*forest land allocation*, FLA) in Vietnam. Dit wordt als een speerpunt beschouwd binnen de Vietnamese bosbouwhervormingen, als gevolg waarvan er een grote verschuiving heeft plaatsgevonden van een centraal aangestuurd systeem naar bosbouw met lokale participatie. Verwacht wordt dat het betrekken van de lokale bevolking bij de bosbouw tot een verbetering leidt van zowel de bosgesteldheid als de lokale middelen van bestaan. Hoewel een aanzienlijk aantal onderzoeken inzicht hebben verschaft in de effecten van FLA, werden deze voornamelijk uitgevoerd in het centrale gebergte en de hooglanden in het noordwesten van Vietnam, waarbij de nadruk lag op bosgerelateerde factoren. Er is weinig aandacht besteed aan de bestuurlijke aspecten van het FLA-beleid. Hoewel er in onderzoeken aandacht is geschonken aan de lokale bevolking in het beleid, zijn lokale perspectieven ten aanzien van het beleid niet grondig onderzocht.

Het algemene doel van de onderhavige studie was om diepgaande inzichten te verkrijgen in de effecten van het FLA-beleid door in verschillende regio's van Vietnam de bestuurlijke capaciteit (*governance capacity*) van dit beleid te beoordelen. Aangezien het binnen de literatuur over governance nog steeds ter discussie staat wat bestuurlijke capaciteit precies inhoudt, was het tweede doel om een kader te scheppen voor de analyse van de bestuurlijke capaciteit van het beleid. Het eerste onderzoeksdoel werd geoperationaliseerd door middel van de volgende drie onderzoeksvragen:

1. Hoe is het FLA-beleid in Vietnam tot stand gekomen en in hoeverre zijn nationale discourses over bosbouw van invloed geweest op dit beleid?

2. In hoeverre is het FLA-beleid in staat geweest om in verschillende regio's in Vietnam actoren, met name de lokale bewoners, te betrekken en welke factoren zijn hiervoor bepalend geweest?
3. Hoe heeft het FLA-beleid in verschillende regio's in Vietnam gepresteerd en welke factoren zijn hierbij bepalend geweest?

Ten behoeve van het tweede onderzoeksdoel werd een kader ontwikkeld om als richtlijn te dienen voor de analyse van de bestuurlijke capaciteit.

In het onderzoek werd gebruikgemaakt van een *nested approach* ten aanzien van casestudy's, waarbij het FLA-beleid als onderdeel wordt gezien van de algemene bosbouwhervormingen in Vietnam, die de afgelopen twintig jaar werden gekenmerkt door veranderende discoursen over bosbouw. De casestudy van het FLA-beleid bevat drie geneste gevallen in drie regio's in Vietnam (de laaglanden in het zuidoosten, het centrale gebergte en hooglanden in het noordwesten). In drie provincies (Tay Ninh, Dak Lak en Lao Cai) werd veldwerk verricht. Er werden gegevens verzameld door middel van literatuuronderzoek, documentanalyse, semigestructureerde interviews, een onderzoek met vragenlijsten en persoonlijke observaties. In totaal werden er via sneeuwbalsteekproeftrekking en *saturation sampling* 152 sleutelinformanten geselecteerd. Dit waren beleidsmakers en besluitvormers, functionarissen in de sectoren bosbouw en landbeheer, vertegenwoordigers van provinciale overheden en lokale autoriteiten, bosbezitters en bosbouwaannemers en dorpsbewoners. Bij het onderzoek waren 288 bosbouwaannemers of bosbezitters betrokken. Gegevens uit verschillende bronnen werden vóór verwerking getrianguleerd. De methode van Miles en Huberman (1984) werd toegepast om kwalitatieve gegevens te analyseren. Eenvoudige statistieken met frequenties en kruistabellen werden gebruikt om gegevens uit de vragenlijsten te analyseren.

Dit proefschrift bestaat uit zes hoofdstukken. **Hoofdstuk 1** ('Algemene inleiding') geeft een overzicht van het proefschrift. Het begint met de theoretische en praktische kwesties met betrekking tot de overdracht van bossen en het bestuur hieromtrent die de aanleiding vormden voor dit onderzoek. Het kernbegrip bestuurlijke capaciteit wordt geïntroduceerd als een theoretisch hulpmiddel voor de analyse. Vervolgens wordt er een beknopt overzicht gegeven van het nationale bosbouwbeleid en de bosbouwhervormingen van Vietnam. Tegen deze achtergrond wordt in dit hoofdstuk het FLA-beleid in Vietnam beschreven en wordt er dieper ingegaan op de probleemstelling, de onderzoeksdoelstellingen en -vragen, het belang van het onderzoek, de theoretische perspectieven, de methodologie en de onderzoeksterreinen.

In **hoofdstuk 2** worden de discussies geanalyseerd die de achtergrond vormden voor de ontwikkeling van het FLA-beleid. Hieruit blijkt dat de bosbouwhervormingen die sinds 1991 in Vietnam plaatsvinden, gevormd zijn door twee nationale discoursen over bosbouw, te weten bosbouwsocialisatie en duurzaam bosbeheer. Bij bosbouwsocialisatie wordt gepleit voor het betrekken van niet-overheidsactoren bij bosbouw, terwijl bij duurzaam bosbeheer de nadruk ligt op het herstel van bossen, in het bijzonder door uitbreiding van beschermde gebieden. Bij de discussie rond bosbouwsocialisatie is de strijd van rivaliserende discourscoalities over de interpretatie van het begrip 'bezitter' van een bos leidend geweest voor de codificatie van rechten van ontvangers in FLA. Bij de discussie rond duurzaam bosbeheer is het discours rond de uitbreiding van beschermde gebieden, die uitsluitend worden toegewezen aan bosbeleidscommissies, bepalend geweest voor de toegang van

actoren tot bossen in het beleid. Hoewel er meer aandacht is besteed aan productiebossen, waarvan de bezitters een completer pakket aan rechten krijgen, wordt door de nadruk op *special-use forests* (nationale parken die niet mogen geëxploiteerd) en *protection forests* (uitsluitend te exploiteren voor bosbijproducten) de toegang van niet-overheidsactoren tot bossen nog steeds ingeperkt. Als gevolg hiervan hebben deze twee discoursen de rechten gedefinieerd van niet-overheidsactoren bij FLA alsmede hun toegang tot bossen. Al met al hebben overheidsactoren binnen FLA een leidende rol behouden, ook al hebben niet-overheidsactoren inmiddels toegang tot bosgronden en enige eigendomsrechten verkregen.

Het kader dat is ontwikkeld als richtlijn voor de analyse van de bestuurlijke capaciteit van het FLA-beleid wordt beschreven in **hoofdstuk 3**. De formulering van het kader werd gevoed door de huidige discussies binnen de literatuur over bestuurlijke capaciteit en institutionele capaciteit, aangezien beide concepten verwijzen naar het vermogen van maatschappelijke actoren om gezamenlijk collectieve problemen op te lossen (Kjær, 1996; Bhagavan & Virgin, 2004; Wickham et al., 2009). Het kader is gebaseerd op de theoretische perspectieven van de beleidsarrangementenbenadering (Arts & Goverde 2006; Van Gossum et al., 2011). Bestuurlijke capaciteit bestaat uit institutionele capaciteit – de mate waarin regels en procedures actoren in staat stellen om samen te werken om collectieve problemen op te lossen (Bhagavan & Virgin 2004; Wickham et al., 2009) – en bestuurlijke prestaties, dat wil zeggen de vraag of een beleidsarrangement daadwerkelijk collectieve doelen behaalt.

Het kader voor bestuurlijke capaciteit bestaat uit drie elementen: spelregels mogelijk maken, discoursen samenbrengen en de inzet van middelen faciliteren. Deze elementen worden verder geoperationaliseerd als relevante aspecten en criteria voor de analyse van de bestuurlijke capaciteit van het FLA-beleid. Institutionele capaciteit wordt geanalyseerd aan de hand van vier criteria: codificatie van rechten, houden van bijeenkomsten met betrokkenen, houding ten opzichte van andere betrokkenen en beschikbaarheid van middelen. Bestuurlijke prestaties worden geëvalueerd aan de hand van vier criteria: het uitoefenen van eigendomsrechten, sociaal leren door betrokkenen, bosgesteldheid en inkomen van lokale bewoners.

Door het kader voor bestuurlijke capaciteit toe te passen voor de analyse van de institutionele capaciteit, wordt in **hoofdstuk 4** aangetoond dat ondanks een aantal positieve signalen en ontwikkelingen in de loop der tijd, de institutionele capaciteit van het FLA-beleid achterblijft. Deze capaciteit biedt actoren een aantal institutionele mogelijkheden om betrokken te raken bij het beleid, maar behelst tegelijkertijd een beperking voor die betrokkenheid. Voor wat betreft de mogelijkheden krijgen ontvangers (bosbouwaannemers en bosbezitters) het recht op toegang tot bossen, op het oogsten van bosproducten en op tussenteelt van landbouwgewassen op bosgronden, wat voor hen een aanmoediging is om het bos te herstellen. Ze zijn ook aanwezig op lokale bijeenkomsten om informatie te verkrijgen, hun zorgen te uiten en hun standpunten over het beleid te delen. Overheidsactoren staan open voor de zorgen die ontvangers hebben over hun rechten en voordelen. Voor wat betreft de beperkingen hebben de meeste ontvangers, met name die van natuurlijke bossen, slechts beperkte rechten ten aanzien van de toegewezen bossen. Het vermogen van ontvangers om deel te nemen aan het beleidsproces wordt ook beperkt, omdat bijeenkomsten die voor hen worden georganiseerd, niet de gelegenheid bieden om daadwerkelijk invloed uit te oefenen. Als gevolg hiervan hebben de meeste

lokale bewoners nog steeds geen belangstelling voor bosherstel en investeren ze daarom onvoldoende in bossen.

Zoals blijkt uit **hoofdstuk 5** is de beperkte institutionele capaciteit van het FLA-beleid, samen met externe factoren, bepalend voor de geringe prestaties. Met betrekking tot de twee beleidsdoelen, namelijk het verbeteren van de bosgesteldheid en het verhogen van lokale inkomsten uit bossen, wordt in het algemeen het ene doel behaald ten koste van het andere. Dit spanningsveld is het resultaat van het tweeledige effect van sociaal leren en eigendomsrechten op de samenwerking van actoren in het beleid. Sociaal leren leidt tot een verbetering van de rechten van ontvangers, waardoor hun inzet van middelen voor bosherstel wordt gefaciliteerd. In sommige gevallen wordt door de verbeterde rechten echter opportunistisch gedrag aangemoedigd, wat een negatief effect heeft op de bosgesteldheid. Op diezelfde manier kunnen eigendomsrechten, hoewel ze een stimulans bieden voor mensen om betrokken te raken en te investeren in bosherstel, in sommige gevallen leiden tot conflicten over bossen, met name in gebieden die volgens het gewoonterecht onofficieel bezet zijn door etnische groeperingen. Een uitgebreid pakket aan eigendomsrechten, verleend via de certificaten voor landgebruik, is echter niet altijd een garantie voor duurzaam bosbeheer. Dankzij de hoge winsten van de landbouwgewassen wordt er niet alleen door de bosbouwaannemers in *special-use* en *protection forests*, maar ook door bosbezitters van productiebossen geïnvesteerd in tussenteelten in plaats van in bomen, wat bossen van lage kwaliteit tot gevolg heeft.


Externe factoren op landelijk en lokaal niveau veroorzaken of versterken het tweeledige effect van sociaal leren en eigendomsrechten in FLA. Op landelijk niveau wordt de toegang tot de bossen beperkt door het burgerlijk recht, waarin lokale gemeenschappen niet als rechtspersoon worden erkend. Daarnaast is in het beleid rubber als een multifunctionele boom aangemerkt, wat geleid heeft tot de omvorming van gedegradeerde bossen tot rubberplantages. Deze omvorming versterkt de toewijzing van deze gebieden aan bedrijven en blokkeert op deze wijze de lokale toegang tot bossen. Op lokaal niveau wordt door migratie en onofficiële bezetting volgens het gewoonterecht bovendien de praktijk van exclusierechten bemoeilijkt. Verder worden door landbouwontwikkeling en opbrengsten van landbouwgewassen de samenwerking en inzet van middelen door actoren in het beleid zowel gefaciliteerd als beperkt. In gebieden waar deze opbrengsten hoog zijn, wordt er door ontvangers onvoldoende in bossen geïnvesteerd. In gebieden waar deze opbrengsten laag zijn, wordt er door ontvangers meer in bosherstel geïnvesteerd (**hoofdstuk 3, 4 en 5**).

De bestuurlijke capaciteit van het FLA-beleid kent een uitgesproken regionale differentiatie. Van de drie gevallen hadden Dak Lak en Lao Cai een grotere institutionele capaciteit dan Tay Ninh, omdat ze een groot bosgebied aanwezen als productiebos. De ontvangers van deze bossen waren bosbezitters met een completer pakket aan rechten. Deze toewijzing van productiebossen hielp de twee provincies ook om meer middelen in te zetten voor bosherstel van niet-overheidsactoren, terwijl het bosherstel in Tay Ninh voornamelijk werd gefinancierd door de staat.

Met betrekking tot bestuurlijke prestaties presteren Lao Cai en Dak Lak beter dan Tay Ninh in het uitoefenen van rechten door ontvangers, omdat ze de twee FLA-instrumenten (contracten en LUC's) toepassen. Dak Lak, met het grootste areaal productiebos, presteert het beste wat betreft het uitoefenen van eigendomsrechten. Sociaal leren vindt in de drie provincies voornamelijk

plaats bij overheidsactoren, die lering hebben getrokken uit het beleidsproces. Hoewel door hun aanpassingen van de doelen en oplossingen tijdens het uitvoeren van het beleid meer lokale mensen zijn aangemoedigd om betrokken te raken bij het beleid, hebben deze aanpassingen ook geleid tot onverwachte resultaten (voor wat betreft strategisch gedrag), met name in Dak Lak en Tay Ninh. Met betrekking tot de effectiviteit presteert Lao Cai het beste voor wat betreft de bosgesteldheid, aangezien het aandeel natuurlijke bossen en bosaanplantingen daar de afgelopen tien jaar sterk is toegenomen. Hoewel bosbouwaannemers in Tay Ninh het hoogste inkomen hadden uit FLA, was dit voornamelijk afkomstig van tussenteelt van marktgewassen in bosaanplantingen. Aangezien de inkomsten van deze tussenteelt werden behaald ten koste van bomengroei, werd het hoge inkomen van ontvangers in Tay Ninh niet als duurzaam beschouwd. Samengevat hebben alle drie provincies matig gepresteerd op alle elementen van bestuurlijke prestaties. In Tay Ninh presteerde het FLA-beleid het beste op het gebied van het verhogen van de inkomens van ontvangers, terwijl Dak Lak het beste was in het uitoefenen van bosrechten en Lao Cai het beste was in bosherstel (**hoofdstuk 3, 4 en 5**).

In **hoofdstuk 6** worden de bevindingen van het onderzoek bijeengebracht en theoretische en methodologische beschouwingen gepresenteerd over de overdracht van bossen en de bestuurlijke capaciteit. Ook worden er drie kernconclusies geformuleerd ten aanzien van de bestuurlijke capaciteit van het FLA-beleid in Vietnam. De eerste is dat de twee heersende landelijke discoursen over bosbouw gedurende de bosbouwhervormingen in Vietnam sinds 1991, te weten bosbouwsocialisatie en duurzaam bosbeheer, bepalend zijn geweest voor de verdere ontwikkeling van het FLA-beleid in de afgelopen twintig jaar. Door hun leidende rol te behouden bij het toewijzen van bosgrond bepleiten overheidsactoren nog steeds een beperkte toegang tot bosgrond en beperkte eigendomsrechten voor niet-overheidsactoren. Ten tweede is de institutionele capaciteit van het FLA-beleid gering door de beperkte codificatie van rechten, symbolische overlegbijeenkomsten voor actoren, weinig belangstelling van de lokale bevolking voor bosherstel en beperkte beschikbaarheid van bosgronden, financiering en informatie voor lokale actoren. Ten derde is een negatieve wisselwerking tussen het behalen van de twee beleidsdoelen (het verbeteren van zowel de bosgesteldheid als lokale inkomsten uit bossen) de reden geweest voor de geringe bestuurlijke prestaties van het FLA-beleid. Deze wisselwerking is het gevolg geweest van de gecombineerde invloeden van sociaal leren en eigendomsrechten op de samenwerking van actoren in het beleid. Op basis van deze conclusies vervolgt het hoofdstuk met een discussie over de kernfactoren die bepalend zijn voor de effecten van overdracht (eigendomsrechten, sociaal leren en externe factoren) en het onderlinge verband tussen de institutionele capaciteit en bestuurlijke prestaties van het FLA-beleid. Vervolgens wordt in dit hoofdstuk het kader voor bestuurlijke capaciteit geëvalueerd, waarbij gekeken wordt naar de sterke punten, tekortkomingen en de toepasbaarheid ervan bij de analyse van de bestuurlijke capaciteit. Na bespreking van de onderzoeksmethoden die in dit onderzoek zijn gebruikt, worden in dit hoofdstuk de implicaties voor het FLA-beleid en de overdracht van bossen beschreven. Naast het verbeteren van de eigendomsrechten zijn heldere, gedeelde verantwoordelijkheden van betrokken actoren cruciaal voor het bevorderen van een actievere betrokkenheid van niet-overheidsactoren, met name lokale bewoners. Tijdens lokale bijeenkomsten zou open en gelijkwaardig overleg plaats moeten vinden, waarin actoren overeenstemming bereiken over de te behalen collectieve doelen. Andere technische en beleidsmaatregelen om de waarden van



bossen te verbeteren (zoals NTFP's en milieudiensten) zijn daarnaast van bijzonder belang om het inkomen van actoren uit bossen blijvend te verhogen. Bij de planning van het macrobeleid zou er meer aandacht geschonken moeten worden aan de mogelijke wisselwerkingen van verschillende soorten landgebruik. Daarnaast zijn regelmatige evaluaties en herzieningen van het beleid noodzakelijk om aan te blijven sluiten bij de veranderingen in zowel de bredere sociaaleconomische context als de lokale omstandigheden. Ten aanzien van de overdracht van bossen zou er bij de institutionele opzet hiervan niet alleen naar eigendomsrechten, maar ook naar andere bestuurlijke kwesties gekeken moeten worden, en zouden zowel inhoudelijke als organisatorische aspecten van overdracht aan bod moeten komen. Er zou meer aandacht besteed moeten worden aan de gecombineerde effecten van eigendomsrechten en sociaal leren op het gebruik en het behoud van middelen. Uit dit proefschrift blijkt met name dat het veranderende bestuur ten aanzien van de overdracht van bossen geen 'uitholling' van de rol van de staat in de bosbouw betekent. Zowel op centraal als op provinciaal niveau spelen overheidsactoren nog steeds een belangrijke rol bij de overdracht van bossen. Het hoofdstuk eindigt met onderwerpen voor toekomstig onderzoek naar de verandering van de landelijke beleidsdiscoursen van bosbehoud naar bosproductie in 2008; de onderlinge samenhang tussen eigendomsrechten, sociaal leren, de bosgesteldheid en lokale middelen van bestaan; veranderingen in de kwaliteit van bossen door FLA; de rol van bosbedrijven bij het FLA-beleid en hun relaties/conflicten met de lokale bevolking; en de effecten van ander grondgebruik op FLA en overdracht van bossen in het algemeen.

Appendix 1. Background information on survey respondents

		The three cases	Tay Ninh	Dak Lak	Lao Cai
1	Gender (%)	288	96	96	96
	-Male	251	76	89	86
	-Female	37	20	7	10
2	Ethnic	288	96	96	96
	-Kinh	177	96	49	32
	-Hmong	32	0	0	32
	-Nung	16	0	0	16
	-Mnong	15	0	15	0
	-Muong	14	0	13	1
	-Tay	11	0	11	0
	-Dao	8	0	0	8
	-Ede	8	0	8	0
	-Day	7	0	0	7
3	Average age of HHs' heads	43	41	45	41
4	Native inhabitants	92	7	20	66
5	Education	288	96	96	96
	-Illiterate	37	4	1	32
	-Primary school	93	50	24	19
	-Secondary school	136	36	60	40
	-High school	20	5	10	5
	-University	2	1	1	0
6	Main livelihood	288	96	96	96
	-Famer	271	92	92	87
	-Non farmer	17	4	4	9
7	Economic status	288	96	96	96
	- Poor	70	4	42	24
	- 'Nearly' poor	36	11	13	12
	-Average	145	58	36	51
	-Above average	28	14	5	9
	-Rich	9	9	0	0
8	Average HH's income		4,120,144	1,358,115	1,464,270
	(VND/per capita/month)				
	-Poor		453,187	45,637	444,226
	- 'Nearly' poor		931,447	932,198	847,807
	-Average		2,412,224	2,018,062	1,519,309
	-Above average		5,718,307	5,418,009	4,663,110
	-Rich		18,890,180		

Appendix 2. Guiding questions for semi-structured interviews

1. What do FLA regulations stipulate about rights for actors involved?
2. To what extent do these rights enable actors to participate in decision making?
3. Where/ how do forestry agencies have meetings with local actors to discuss the problems, objectives and solutions of FLA?
4. To what extent actors' attitudes open towards other actors' perspectives?
5. Who directs and regulate funding, forests and information?
6. To what extent FLA actors' derive benefits from different forms of funding, forest and information?
7. To what extent forests, funding, information are available for forest rehabilitation?
8. To what extent FLA actors practice their rights?
9. Can any actors' adjustments regarding goals and solutions be observed?
10. What are the areas (hectares) of:
 - forest categories (special-use, protection, production) and forest status (rich, medium, poor)?
 - natural forests and forest plantations?
11. How have they changed over time under the FLA process?
12. What types of incomes could forest contractors attain from the forest land?
13. To what extent do these incomes contribute to their households' income?

Depending on the situation and the key informants, the interviews were focused on different questions in order to get more in-depth information on specific issues.

Appendix 3. The questionnaire for households' survey

District..... Commune:.....Village:.....
Date:.....
Interviewee's name:
Interviewer's name:
Age:..... Gender: male ☐ female ☐ Ethnic:Education:.....
Economic status: poor ☐ 'nearly' poor ☐ average ☐ above average ☐ rich ☐
Land:.....main livelihood:..... year of settlement.....

A. Perception on forests and forest land allocation

1. Do you think forests are important? Why/why not?
 - a. Yes (.....)
 - b. No (.....)
2. If the answer is yes, how do you know the importance of forests?
 - a. From television, newspapers, radios...
 - b. From information provided by forestry agencies;
 - c. From information provided by local authorities at communes and villages levels;
 - d. From your family, relatives, neighbors and friends;
 - e. Others (pleasespecify):.....
3. Do you think forest land should be allocated to individuals, households and organizations for forest protection and management? Why/why not?
 - a. Yes (.....)
 - b. No (.....)
4. Are there any problems of forest land allocation (FLA) in the area? If so, what should be done to deal with these problems?
 - a. Yes (.....)
 - b. No (.....)

-
5. Do you think local people are getting benefits from FLA? Why/Why not?
- a. Yes (.....)
 - b. No (.....)
6. Have you ever heard of the term 'forest owner'?
- a. Yes (.....)
 - b. No (.....)
7. If so, who do you think forest owners in the areas?
- a. Forestry agencies;
 - b. Local authorities (communes, villages);
 - c. Forest contractors
 - d. Others (please specify)
8. Have you ever heard of the terms 'special-use forest', 'protection forests', 'production forests'? If so, can you tell the differences among them?
- a. Yes (.....)
 - b. No (.....)
9. Why do you participate in forest land allocation?
-
-
-
10. Have you ever been asked to give your opinion in the planning of local forest protection and rehabilitation? If yes, how were you consulted?
- a. Yes (.....)
 - b. No (.....)

-
11. Before getting the land, were you consulted on the area, location of the land, and forest trees?
If yes, how were you consulted?
- a. Yes (.....)
- b. No (.....)
12. Have you ever been asked to give your opinion on the implementation and evaluation of local FLA. If so, what were your opinions?
- a. Yes (.....)
- b. No (.....)
13. Do you satisfy with these references? Why/why not?
- a. Yes (.....)
- b. No (.....)
14. Have you ever given feedback to forest management boards on FLA?
- a. Yes (.....)
- b. No (.....)
15. Were your feedbacks considered by forest management board?
- a. Yes (.....)
- b. No (.....)
16. How do you get information on FLA? (you can choose more than an option)
- a. From forestry officers
- b. Go to the management board
- c. From other contracts
- d. Others (please specify).....

17. Do you know FLA procedures, your rights and benefits in FLA?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

18. Are FLA regulations and procedures clear to you? Why/Why not?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

19. Do you think the allocation of forest lands is transparent and equitable? Why/why not?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

20. Does FLA policy meet your household livelihood need? Why/Why not?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

21. Do you think FLA is successful? Why/why not?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

22. Do you satisfy with FLA? Why/why not?

- a. Yes (.....)
.....)
- b. No (.....)
.....)

23. What would you like to change regarding the FLA policy and practices?

.....
.....
.....

B. Income

24. -Household economic status: poor ☐ 'nearly' poor ☐ average ☐ above average ☐ rich ☐
-No of labours in the household:No of persons:
-House: brick house level II ☐ brick house level III ☐ wooden house ☐ thatch house ☐
-Mean of transportation:
-Appliances: good ☐ sufficient ☐ shortage ☐
-Land: forest land.....agriculture land.....
-Main livelihood.....
25. Area allocated:ha, in which:
- Natural forest:ha
 - Rich ☐ medium ☐ poor ☐
 - Special- use forest:.....ha; protection forest:.....ha;
production forest:ha
 - Year of allocation:.....year of harvest:
 - Plantations:ha
 - Special- use forest:.....ha; protection forest:.....ha;
production forest:ha
 - Species:.....
 - Year of planting:..... Year of harvest:
 - Present status.....
 - Land for reforestation:ha
 - In special- use forest:.....ha; in protection forest:.....ha;
 - In production forest:ha
 - Species:
 - Density:.....
 - Year of allocation.....year of planting:.....
 - Year of harvest: Present status.....
26. What type of documents relating to land-use rights are you awarded?
- a. Red certificate
 - b. Long-term contract
 - c. Others (.....)

27. What income has your household get from forest land allocation?

(you can choose more than one option)

a. Selling forest products from the land allocated

(wood ☐ NTFP ☐ other ☐.....)

b. Getting wages for forest protection and rehabilitation

c. Getting wages by working for other people with forest land allocated

d. Others (.....)

28. How much does income from forest land allocation contribute to your household's income?

a. <5%

b. 5-15%

c. 15-25%

d. 25-35%

e. 35-50%

f. >50%

29. Besides income, what other benefits has your household get from forest land allocation?

.....
.....
.....

30. What do you think could help to increase your income from the forest land allocated? Why?

.....
.....

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Finally, I am responsible for all errors in this thesis.

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Scientific publications

Refereed articles

2012

Changing forestry discourses in Vietnam in the past 20 years

Thi Kim Phung Dang; Turnhout, E.; Arts, B.J.M. (2012)

Forest Policy and Economics 25, 31-41.

Non-refereed papers

2011

The Legitimacy of Forest Devolution Policy: The Case of Forest Land Allocation in Tây Ninh province, South Vietnam

Dang Thi Kim Phung (2011)

In: Proceedings of the Colorado Conference on Earth Systems Governance: Crossing Boundaries and Building Bridges, Colorado State University, USA, 17-20 May 2011.

Abstracts

2013

The institutional capacity of forest devolution: the case of forest land allocation in Vietnam

Thi Kim Phung Dang; Visseren-Hamakers, I.J. ; Arts, B.J.M. (2013)

In: Proceedings of the 5th of the International Conference on Social Sciences (ICSS), 04-05 October 2013, Izmir, Turkey.

A framework for assessing governance capacity: an illustration from Vietnam forestry reform

Thi Kim Phung Dang; Visseren-Hamakers, I.J. ; Arts, B.J.M. (2013)

In: Volume of abstract of the Nordic Environmental Social Sciences Conference (NESS), 11-13 June 2013, Copenhagen, Denmark.



Wageningen School
of Social Sciences

Thi Kim Phung Dang
Wageningen School of Social Sciences (WASS)
Completed Training and Supervision Plan

Name of the learning activity	Department/Institute	Year	ECTS*
A) Project related competences			
Writing research proposal	WASS	2010	6.0
Policy Analysis	Utrecht University	2010	3.4
Doing Interpretative Analysis	MGS, Wageningen University	2010	3.0
"The Legitimacy of Forest Devolution Policy: The Case of Forest Land Allocation in Tay Ninh province"	Earth System Governance: Crossing Boundaries and Building Bridges, Colorado State University, the USA	2012	2.0
"A framework for assessing governance capacity: an illustration from Vietnam forestry reform"	Nordic Environmental Social Science Conference (NESS), University of Copenhagen, Denmark	2013	2.0
"The institutional capacity of forest devolution: the case of forest land allocation in Vietnam"	International Conference on Social Sciences (ICSS), Social Sciences Research Society (SoSReS), Izmir, Turkey	2013	2.0
B) General research related competences			
ECPR (European Consortium for Political Research) Summer School 2010	Keele University, The UK	2010	3
FGV-FNP Summer School 2012	Getulio Vargas Foundation, Rio de Janeiro, Brasil	2012	3
The National Parks Institute: Leading Strategic Change Seminar	The National Parks Institute, Great Valley Center, California, the USA	2012	3
Seminar (FNP seminars, ENP seminars and other relevant seminars)	Wageningen University	2010-2014	3
C) Career related competences/personal development			
Information Literacy including Endnote	WGS	2010	0.6
Technique for writing and presenting a scientific paper	WGS	2010	1.2
Scientific Publishing	WGS	2010	0.3
Total			32.5

*One credit according to ECTS is on average equivalent to 28 hours of study load

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