

## DOES DEVOLUTION REALLY INFLUENCE LOCAL FOREST INSTITUTION?

### TWO CASE STUDIES IN THE CENTRAL HIGHLANDS OF VIETNAM

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#### 1. Introduction

Last decade, Dak Lak province of Vietnam has experienced a difficult period of forest degradation. It has created adverse impacts to environment and livelihood of the local inhabitants. The results of forest inventory shows that the provincial forest resources have been annually lost 23,000 hectares during the last five years. It is estimated around 2% of the provincial natural forest area is yearly destroyed. To reduce deforestation, participation of local people in forest management has emerged as a viable option. There has been a virtual explosion of interest in forests managed by local communities. Many visits of the central authority leaders repeatedly called for testing policies to devolve responsibilities over forest resources to the local users, which are called devolution of forest management. The transfer of resource rights and management functions from state agencies to local users has been seen as a strategy to better protection and use of forest resources. Yet, the success of these policies depends upon the local capacity for collective action and factors that encourage or inhibit collective action are insufficiently understood.

In 1999, the authorities of Dak Lak province have initiated a program of devolving authority over natural forest to local people. Up to date, 14 initial trial villages have received legal titles to forest in their vicinity with 6,739 ha of natural forest allocated. Devolution, or forest land allocation (FLA) as it is called in Vietnam, is a radical departure from previous government policy, which uniquely reserved control over forests to the state formerly. The major objective of FLA is quite ambitious. First, handing authorities of forest resources management over local villagers, the state expected that local villagers will be able to obtain additional benefits generated by forest management activities and forestland resources. Second, involving participation of local people in forest management, it is presumed that forest dependent communities will be able to do better the job of forest protectors, which were formerly assigned to state forest enterprises and forest management boards.

This paper examines the changes in local forest institutions that have occurred after allocation in two villages of Dak Lak. The study suggests that allocation has modified local forest institutions, though to a much lesser degree than expected. Local people have been eager to claim legal titles to local forests, yet they face significant problems to translate legal rights into rights-in-practice. Above all, local people need support in the enforcement of their rights against encroachment by outsiders. In addition, gaps between forest management regulations and local forest institutions continue to exist, creating possibilities for conflicts within villages and between villages and the state. The paper thus suggest that devolution opens up opportunities for local people to improve their access to and control over forests, but that on time legal interventions are not sufficient to create supportive local forest institutions.

The paper is divided into 5 sections. After introduction part, section 2 provides basic information about 2 studied villages. Section 3 describes and compares the changes in local institutions focusing on property rights according to the local community rules, property rights in-practice, and changes in governance structures. Section 4 give a detail account of problems that local villagers facing in translating legal rights into rights in-practice. The paper ends with a conclusion and policy recommendations.

#### 2. Basic Information about the Studied Villages

Why Cham B and Buon Diet villages? The two villages with different characteristics were selected to study with the purpose to learn different effects of FLA have brought to local people, and how local people in different villages react to policy intervention. The two selected villages can be seen as representatives of variation on the physical socio-economic conditions and historical cultural factors of the province as well as the central highlands.

For the first site, Cham B village was selected as a representative of remote access village, abundant forest resources with fertile soil. The local villagers have a long history living closely with government program, explicitly influenced by the state policies since the American war time (before 1975). The local villagers have been well trained on state forest policies. They are EDe ethnic minority group, their village was established in 1987 by separation from Cham A village under the state settlement program and up today the local people of Cham A and Cham B still remain a close relationship as relative connection. The recipients participated in FLA under form of groups.

The other village, Buon Diet, is representative of a pretty easy access village, high pressure on forest from illegal logging of timber for pepper poles. Migration in the region can be seen as a big problem. Forest resources are evaluated as poor and quality of soil in allocated areas is infertile. Most of the main revenue is generated by agricultural production. FLA program only involved 30% of their population to the program. They are Ja Rai ethnic minority group. Their village was found in 1973 under settlement program by the old Vietnamese republic government (before 1975). Local villagers participated in FLA under form of individual households.

Regarding forest resources of the two villages, they have been changed with different types after devolution.

- In Cham B village, the results of forest inventory show that, after devolution, allocated forest areas are declined. It is reported that 71.1 ha of forest (18.8%) have been reclaimed into shifting cultivable land by the indigenous villagers of studied village and their neighbors. In which, 17.2 ha (24.1%) have been exploited from rich evergreen forests and 53.9 ha (75.9%) converted from scrub forests. The interviews indicate that after FLA there are 29/42 households in the village (69%) having at least one species of upland in allocated forest areas.
- In Buon Diet village, after FLA, number of allocated forest areas has been little increased. The result of the forest inventory points out that 21.1 ha of non-forest lands (7.5%) have been naturally regenerated and 7.3 ha non-forest lands (2.6%) have been changed into shifting cultivable lands. There are 9/53 households (17%) having a plot of shifting cultivable land in allocated forest areas; of whom 6 households (11%) converted forest land to build agro-forestry models under intervention of the government program. Instead of declining forest areas, timber volume has been lost considerably. Since FLA completed, it is estimated that 1,268 trees (5% timber volume) mainly cut by illegal loggers. There are 34/53 households (64%) in the village collect trees for

developing pepper plantation.

It is found out that the forest resources of both studied villages have been burdened in providing their products not only for the studied villages but also for other relevant actors in the region. Surrounding Cham B, 27 households of E De group living in Cham A, those are closely depended on forests. Not very far from Cham B, there are 286 households of H'Mong people and 130 households of the 5&6 villages belonged to Kinh group, namely migrants, who are also cutting trees and clearing forests as main sources of their lives. In Buon Diet, the situation is more complex. There were 33 indigenous households living in the same Buon Diet village but they have not been selected in FLA but they need forests for their daily subsistence. In addition, 273 other households belonged to other ethnic minority groups and 300 families of Kinh, Thai, who are living surrounding Buon Diet, are also demanding land and timber for their livelihood as well.

Being villages of ethnic minority communities in the central highlands, the two studied villages still remain their traditional social structure. Each village, beside state village headman, who is nominated by the government as the state representative of the local authorities at the lowest level, traditional village headman, who is elected by the local villagers still play significant roles in solving conflicts, providing information about forests, training on local regulations. It can be recorded that one person is a representative of statutory body while the other is representative of local institution.

**Table 1: Basic information about the selected villages**

Criteria	Cham B	Buon Diet
1. Demography and ethnicity		
• Population (people)	278	337
• Number of households (HHs)	42	53
• Average family size (person)	7	6
• Major ethnic group	EDe	Ja Rai
• Percentage of ethnic minority group (HH)	90%	81%
• Year at school of HH head (years)	4.17	4.0
2. Agricultural and forestland		
• Average cultivable land per HH (ha)	2.82	1.61
• Largest cultivable land under a HH (ha)	6.14	6.70
• Smallest cultivable land under a HH (ha)	0.25	0.20
• Average forest land per allocated HH (ha)	13.5	14.6
• Type of forest	evergreen	open-dry forest
• Status of forest	poor	fair
• Topography	slope	flat
3. Major actors (non-recipients) related to utilization and management of forests	27 hhs of EDe (Cham A)	33 hhs of Ja Rai (Buon Diet)
	286 hhs of H'Mong (Thon Giang Hanh)	273 hhs of EDe, Ja Rai ethnic groups
	130 hhs of Kinh (Thon 5&6)	300 hhs Kinh & Thai (Thon 4,5,Thai)

Source: Field surveys in 2002

To conclude this section, one can see that FLA have been implemented in both villages but that it has failed the expectation to lead to improved forest conditions. The remaining parts of the paper seek to explain why that is so.

### 3. What are Local Forest Institutions in this Context?

One of our most challenges when talking about institution is to define what is institution. Before we go further, it is necessary to propose a common understanding about the term of local forest institutions mentioned in this paper.

Local forest institutions in this paper are understood as rules of forest management and use. It refers to generally agreed upon and enforced prescription that require, forbid, or permit specific action for more than a single individual. The rules can be *de facto* and *de jure* ones. Consequently they can be originated by government laws (we called as *de jure* rules) or by local community (we called *de facto* rules) to regulate operation related to forest resources. The distinction between *de jure* and *de facto* is important to understand the relations between ethnic groups and land tenure relations. For example, the government has the united law for forest protection and development, which is applied for the whole country. But each community has their own rules according to different ethnic minority groups.

Observed results show that *de facto* and *de jure* rules in the studied villages are parallel co-existed. Beside the state regulations, like other societies, the ethnic minority people of the studied area had their own local rules, or called village regulations, to shape day-to-day activities with forests even if these rules have not been recognized by the state. They may complement or conflict with the state

regulations and rules. The roles of local rules in the lives of local villagers in the central highlands are very important. Local rules can be seen as crucial instruments for self-governance of forest resources in the local villages while the effect of state statutory law is still very limited in the areas of ethnic minority groups. In the context of FLA, it is practically record that the communities have to execute both the state rules and the local rules.

It is also necessary to present here that local institutions are community regulations preserved and propagated under unwritten form. In the past, local villagers only behaved according to their institutions. Yet recent years, they may do differently in practice because the local institutions are not always valid in many cases. Local institutions of indigenous villagers in the central highlands are understood as a component of social system of ethnic minority groups. It manages actions of local villagers according to the local rules. Local institutions as instruments contribute to community management. It therefore can be changed in response to social changes.

It is also very important to distinguish between institutions and practices. Institutions are the rules that the local villagers have to follow or they must do it according to the rules but in practice they may do differently due some reasons. For example, the institutions do not allow non-recipients to cut trees in allocated forest areas but in practice they do it because they need trees for their housing.

The other terms "rights" and "rules" are frequently used in this volume in response to social relations between actors concerning forest resources. To focus our discussion, we concentrate our presentation on the rights as institutions. It is worth noting that the rights refer to an enforceable claim that is authorized some one to undertake a particular action. When one has right it also implies that some else has a commentary duty. To be easy to understand meaning of property rights, this paper we followed a simple classification developed by Schlager and Ostrom (1992) and modified it a little to suit with the local conditions as presented below:

Access	The right to enter a defined physical property (e.g., the right to enter allocated forest, to walk on a piece of forestland)
Withdrawal	The right to obtain the products of forest (e.g., the right to cut tree, the right to collect NTFPs)
Management	The right to transform the resource by making improvement (e.g., right to convert allocated forestland into shifting cultivable land, right to plant trees in forest, right to enrich forest)
Exclusion	The right to determine who will have an access right, who is allowed to cut trees (e.g., right to stop violators not allow them to cut trees without permission)
Alienation	The right to sell or lease the above rights (e.g., right to sell forest products, right to decide forestland could be mortgaged at the banks for loan)

Source: Schlager and Ostrom (1992)

Enforceability is also an important matter of devolution initiation. Property rights or forest tenure are seen as an enforceable claim to some use or benefits from forests. A claim on forests needs to be enforceable to be considered as tenure rights. Enforcement plays a significant role to enforce the rights, without enforcement, property rights have limited meaning. The potential ability to enforce rights may come from the state or from community. The tenure rights deriving from legislation and social institutions may complement each other, yet they may conflict each other as well. The more conflict between the state forest management regulations and local forest institution, the more insecurity of forest tenure could be.

Governance structure in this paper can be explained as a system of rules plus the instruments that serve to enforce the rules. It is an important component of forest management system in the locality. To focus our discussion in this paper, we will provide the changes on the roles of key actors as representatives of local governance structure changed under devolution program. There are 4 key actors mentioned, who are executing the rules in the locality as executors. Traditional village headmen and chiefs of clans can be seen as representatives of the local communities and state village headmen and commune people committee as representative of the government.

#### **4. Changes in Local Institutions before and after Forestland Allocation**

##### ***(a) Legal rights before and after devolution***

Before FLA, like other natural resources, forest resources of Dak Lak including forestland is declared as common property belonged to the whole people under integrated management of the state. Due to its special characteristics, forests are realized as vital important resources for economic development and defense purpose of the province. Degradation of forests is not only conductive adverse impacts for Dak Lak but also for other downstream provinces. To manage these resources, the tasks were mainly assigned to state agencies namely state forest enterprises and forest management boards. The power concentrated policies and state-based management system without participation of people in forestry sector during last decades have not brought expected results. As a result, forest resources are being declined day after day.

Under devolution program, for the way to go out and different from other provinces as most of bare lands for reforestation have been distributed to agricultural households, The Dak Lak authorities took a role of pioneer in allocating natural forest resources to local villagers, who are almost ethnic minority groups of the central highlands. Forest recipients are distributed natural forests including lands and granted certificates of land use rights for a period of 50 years. They can be extended for another 50 years. Right holders have 5 rights as regulated by the land law (right of exchange, right of transfer, right of lease, right of inheritance, and right of mortgage). In addition, forest recipients can be allowed to convert 5-10% of allocated forestland into agricultural land for producing food or earning short-term benefits. Moreover, households who need timber for housing can be permitted to harvest 10m<sup>3</sup> within a cycle of 20 years.

##### ***(b) Change in local institutions induced by FLA***

The nature of politic devolving authorities over forest management to the local users can be seen as a process of empowerment. Under sociology perspective, it can be seen as a process of social change. Devolution has created changes in local institutions of the communities and property rights. They are modified with different categories as depicted below:

**Table 2 Changes in rights as regulated by the local rules**

Rights	Before FLA			After FLA			
	A	B	C	Non-recipients	Re-cipients	B	C
Right of access	right	right	right	right	right	right	right
Right of withdrawal	right	right	right	right	right	no right	no right
Right of management	right	right	no right	no right	right	no right	no right
Right of exclusion	right	right	no right	no right	right	no right	no right
Right of alienation	right	right	right	right	right	right	right

Note: A=indigenous villagers of surveyed village; B=indigenous villagers of neighboring village; C=migrants;  
Source: Interviewed by the author

Based on the above table, in general, one can see that the rights of access and alienation are unchanged before and after FLA. Similarly, they are not different among key actors. Our observation shows that people living in the region can walk through forests. They can determine their forest products (e.g. decide whether timber, NTFPs will be used in family or sold in the market). It seems to be these rights are not emergent problems in the studied communities. People are more concerned about the rights of withdrawal, management and exclusion. For that reason, our discussions will be also paid more attention into these two issues.

Before FLA, it is found out that indigenous villagers of the studied villages have rights to withdrawal and manage any forest areas belonged to their territory as well as neighboring areas (communal property). The indigenous villagers of other villages also had similar rights like the people in the surveyed villages. However, there were quite different from migrants. According to the local rules, migrants could access forests, cutting timber but rights of exclusion and management of forests have not been granted. The local indigenous villagers have different evaluation about trees and land. According to their perception, trees can be seen as renewable resources and land is non-renewable resources. It is worth noting that allowing migrants to cut trees should be seen as a radical innovation in comparison to the past traditional rules. Some remote communities, who still keep strictly their traditional rules up today, do not allow any outsiders come to collect timber within their village territory.

After FLA, rights of management and exclusion of indigenous villagers in the studied village have been changed. Only forest recipients, new actor generated by FLA, have the same rights as the former. Indigenous villagers of neighboring villages (non-recipients) also lost right of withdrawal. Right of exclusion in the allocated forests remains to recipients but it is not business of other villagers. FLA policies also created impacts to migrant as the local community rules do not allow them to cut tree after FLA any more. Migrants have the same situation like indigenous villagers of neighboring villages. This leads to increasing conflicts, which will be discussed in the following parts.

**Table 3: Changes in rights enacted by the government**

Rights	Pre-FLA			Post-FLA			
	A	B	C	Non-recipients	Re-cipients	B	C
Right of access	right	right	right	right	right	right	right
Right of withdrawal	no right	no right	no right	no right	right	no right	no right
Right of management	no right	no right	no right	no right	right	no right	no right
Right of exclusion	no right	no right	no right	no right	right	no right	no right
Right of alienation	no right	no right	no right	no right	right	no right	no right

Note: A=indigenous villagers of surveyed village; B=indigenous villagers of neighboring village; C=migrants;  
Source: Interviewed by the author

Different from the local rules, before FLA, like other natural resources, according to forestry regulations, the so-called *de jure* rules, the local villagers including migrants have only the right of access. This is understandable because forest resources claimed state property (state property rights regime). Any activity influencing to forest resources must be accepted by the government. Forestry protection sections and state forest enterprises are representatives of the state, who have duties to oversee and perform forest management tasks. Annually, the state provides its budget for these works according to a limited financial plan. Yet, lacking of staff, insufficient budget added unsuitable management system lead to these rights were not performed effectively.

After FLA, thanks to influences of the innovative policies of FLA, indigenous villagers, who participated in the FLA program, have rights as presented above. The remainders have unchanged roles. The FLA creates new actors, the so-called forest recipients and non-forest recipients while in the past they were indigenous villagers as their other colleagues.

### **(c) Changes in practice on cutting trees and clearing forest**

Under impacts of devolution, it leads to the fact that local villagers have different behaviors to forest resources accordingly. In other words, there is a clear distinction between institutions and practices. Our interviews show that before FLA, although the government did not permit local indigenous villagers to cut trees, to clear forest for upland fields yet in fact, they did considerably because they are favor by the local rules. All actors, indigenous villagers of the studied village, indigenous villagers of other villages and migrants have harvested trees and converted forests for upland fields.

After FLA, local villagers continue to harvest trees and convert forests for shifting cultivable lands. 69% households in Cham B cleared allocated forests for upland fields and 64% households in Buon Diet cut tree in allocated forests for pepper poles. Different to indigenous villagers, migrants focus their efforts in activities of illegal timber cutting. This action can bring immediate benefits and it does not leave evidences of violation. Having observed from Buon Diet, there were around several tens of tractors illegally transported timber through the village every evening by migrants without control. The below table shows us actors appropriated forest resources before and after FLA.

**Table 4: Cutting trees and clearing forests in practice**

Action	Before FLA			After FLA			
	A	B	C	Non-recipients	Re-cipients	B	C
Walk into forest	yes	yes	yes	yes	yes	yes	yes
Harvest timber	yes	yes	yes	yes	yes	yes	yes
Clear forest for uplands	yes	yes	yes	yes	yes	yes	no
Stop other villagers	no	no	no	no	no	no	no
Selling forest products	yes	yes	yes	yes	yes	yes	yes

Note: A=indigenous villagers of surveyed village; B=indigenous villagers of neighboring villages; C=Migrants.

Sources: observed and interviewed by the author

Having comparison what the local villagers presented about their rights, which are regulated by the community and action they did in practice, ones can see a big distance between the rights and their activities in practice.

#### **(d) Changes in governance structure**

Regarding to governance structure in this paper, we would like to explore the changes in roles of key person in the communities and how their duties changed in forest resource management. Studying changes in the roles of key persons will help to understand local institutions whether they still remain their customs or reduced over time.

**Table 5: Roles of key person in the communities**

		Descriptives							
		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
						Lower Bound	Upper Bound		
BEFOR	traditional village headman	7	11.8571	5.3675	2.0287	6.8931	16.8212	7.00	22.00
	state village headman	7	11.8571	5.3050	2.0051	6.9509	16.7634	6.00	22.00
	chief of clan	7	6.8571	5.8716	2.2193	1.4268	12.2875	2.00	19.00
	commune people committee	7	11.7143	3.5923	1.3578	8.3919	15.0366	7.00	17.00
	Total	28	10.5714	5.2875	.9992	8.5211	12.6217	2.00	22.00
AFTER	traditional village headman	7	8.0000	6.8799	2.6004	1.6371	14.3629	1.00	21.00
	state village headman	7	13.1429	4.0178	1.5186	9.4270	16.8587	10.00	22.00
	chief of clan	7	5.0000	6.9282	2.6186	-1.4075	11.4075	.00	19.00
	commune people committee	7	17.0000	4.8305	1.8257	12.5326	21.4674	10.00	22.00
	Total	28	10.7857	7.2181	1.3641	7.9668	13.5846	.00	22.00

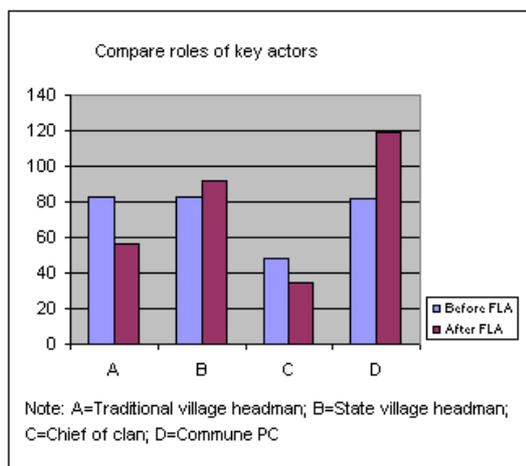
#### ANOVA

		Sum of Squares	df	Mean Square	F	Sig.
BEFOR	Between Groups	128.857	3	42.952	1.647	.205
	Within Groups	626.000	24	26.083		
	Total	754.857	27			
AFTER	Between Groups	597.857	3	199.286	5.913	.004
	Within Groups	808.857	24	33.702		
	Total	1406.714	27			

What we learnt from the findings that the devolution policies also have influenced to the roles of key persons concerning forest management in the communities. It is found out that before FLA, the 4 key characters in the studied villages were traditional village headmen, chiefs of clans, state village headmen and commune people committee. There was no significant difference among these persons as evaluated by the local villagers. However, after FLA, there is significant variation on the roles among these persons. The roles of two key persons of traditional society, namely traditional village headmen and chiefs of clans, are considerably reduced. Especially, the roles of chiefs of clans seem to be weaker in comparison with others. He has only one strong business in solving conflicts. Whereas, traditional village headmen still remain some important roles in identifying village boundaries, resolving conflicts and providing information about forest and land use history (more detail see table 6). Up to the time of investigation, it is still proved that

traditional village headmen to be non-replaceable persons in providing information of the communities. In our study, the commune people committee appears to be the most important organization in the locality as evaluated by the local villagers. Almost activities related to appropriation of forest resources, villagers informed that they have to ask the commune PC.

**Figure 1: Compare roles of key actors before and after devolution**



In comparison between two key persons, traditional village headmen (representative of the power of traditional society) and state village headmen (representative of modern society), we can see that after FLA, local villagers are more highly appreciated the roles of state village headmen than traditional village headman. Our direct observation from the surveyed villages is also suitable with assessment of the people. Without involvement of state village headmen, the study is impossible to carry out. The changes in roles of key persons in the studied villages partly inform us the changes in governance structure. The table (6) below presented a detail assessment by local villagers about the important degrees of key persons associated with major activities in forest management.

**Table 6: Changes in the roles of key persons as evaluated by villagers**

Activities	Before FLA					After FLA				
	A	B	C	D	Score	A	B	C	D	Score
Identify village boundaries	15	14	6	7	42	10	13	2	13	38
Issue permission	7	6	2	13	28	1	12	0	22	35
Control forest use	7	7	3	12	29	2	10	0	21	33
Penalize violations	9	10	3	13	35	4	11	1	22	38
Resolving conflicts	22	22	19	17	80	21	22	19	14	76
Developing regulations	10	12	6	13	41	7	12	4	17	40
Provide information	13	12	9	7	41	11	12	9	10	42
Total score for each actors	83	83	48	82	296	56	92	35	119	302

A=traditional village headman; B=state village headman; C=chief of clan; D=commune PC  
Sources: filed study

## 5. Problems in Translating Legal Rights into Rights in-Practice

Above we have briefly described the changes in property rights and governance structure. This part, we would like to explore problems in translating legal right into rights in-practice to seek for the answer whether or not devolution lead to forests better protected. It is hoped that understanding the challenges in transition of the rights, the underlying causes leading to insecurity of forest tenure, help to explain why devolution has not brought expected results yet.

From our research study, it points out that potential insecurity of forest tenure has been generated by many sources of which the mismatch between the state-local rules, lacking of supportive environment for right enforcement and potential conflicts can be seen as the three emergent issues.

First, at the outset of the program, the government presumed that FLA policies will be supplemented by the local rules through handing over property rights to the local users. Consequently, forest recipients will play the roles of forest guards against violators. In fact, this is a difficult task because the local rules did not favor the state rules. Taking Cham B village's case as an example, who are violators as it is called by the state forest regulations? Who destroyed allocated forests for upland fields? They are the indigenous villagers of Cham A (non-recipients). They have been being relatives with Cham B people (recipients). Cham A and B people have a long history living and cultivating in the same forest area. According to the local rules, clearing forest for upland fields is permitted both for A and B villagers. Exclusion of their relatives from upland field development is impossible. Relation between Cham A and B regarding to the forests cannot be simply solved by the legislation. It is not only creating un-equity but also highly potential conflicts.

Second, an enabling environment to enforce rights, which is necessary for any new forest tenure system established, is lacking. Looking at Buon Diet village, violators as they were blamed, who illegally cut trees, are migrants (non-recipients). The recipients cannot exclude migrants due to lack of legal environment to back up the rights while there were no positive supports from the local authorities. Enforcement plays an important role in forest tenure security yet it cannot automatically be generated by the certificates themselves. Having interviewed the communal people committee and local forest ranger, the results show that the local authorities including forest ranger are impossible to be effectively support forest management operation in the locality. Lacking of staff and resources are emergent challenges for the local authorities and forest rangers in providing supports to help forest recipients to enforce their rights.

**Table 7: Compare number of conflicts**

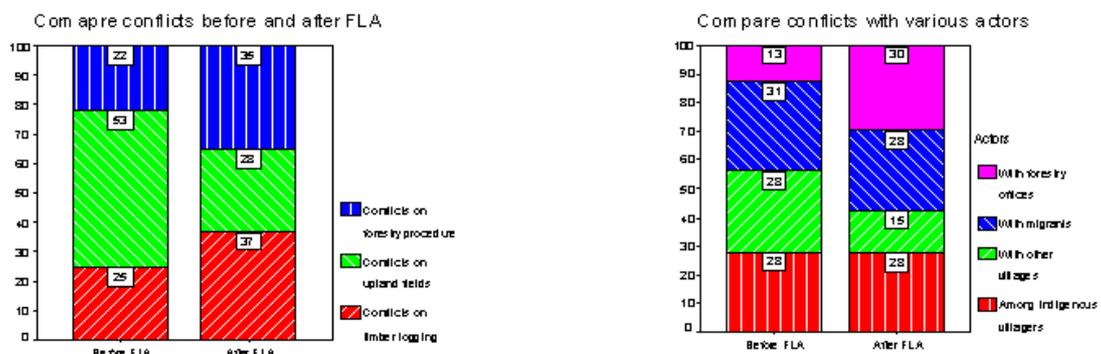
Type of conflicts		97-99	99-02
conflicts on timber logging areas	Mean	1.00	2.30
	Cases	8	20
conflicts on upland field areas	Mean	2.13	1.88
	Cases	17	15
conflicts on procedure for logging and upland fields	Mean	.88	2.38
	Cases	7	19
Total	Mean	1.33	2.25
	Cases	32	54

Source: field survey

Third, conflicts within villages and between villages-state continue to exist. They are indicating possibilities for forest tenure insecurity. According to reflections by the local villagers, conflicts on timber logging, upland field expansion and complex forestry procedure are the most concerned by the local users. The adjacent table reflects number of cases of conflicts in the two studied villages before and after FLA.

To compare different types of conflicts, our collected data show that conflicts on upland field appropriation have been emerged as major issues of pre-FLA period. After FLA, conflicts on upland field, timber logging and conflicts with forestry offices concerning permission for cutting timber are continuously disputed with various degrees.

**Figure 2: Compare types of conflicts and actors before and after FLA**



One of the most important incentives for the local users to participate in FLA is cultivable land and timber for housing. Yet, unequal selection of recipients and the complexity in providing permission from forestry office and local authorities disappointed the local people in managing allocated forests. There is only 20% of community's population, who have been selected to enjoy FLA while they are mostly belonged to rich and medium-land families. Complicated procedures to grant permit for cutting timber and ambiguous behavior of local forest rangers in dealing with violators made the local villagers lost the trust into the state forestry policies.

Regarding conflicts among various actors, the above graph shows that before and after FLA, conflicts among villagers still remain with a high degree. Conflicts with forestry office are continuously increased. This is almost suitable with the real situation observed and our data collection analyzed. Reclamation of land resource is not equal. There is significant difference on appropriation of upland fields as well as timber harvesting between forest recipients and non-recipients, between power persons and less power persons. The forest recipients and powers have much more lands than non-recipients and powerless. This is promoting persistent conflicts among indigenous villagers.

## 6. Conclusion and Policy Recommendations

The FLA program in Dak Lak provinces devolving authority and responsibility of forest management over local villagers should be seen as radical innovative policies of the local authorities. This program has clearly created opportunities for the local forest dependent communities to access to, control over and enjoy benefits in forest management. Handing property rights of forest resources to local villagers has provided confidence that the holders of rights will reap benefits in the future. They will therefore have incentives to manage allocated forest resources with effective manner. However, the outcomes from the studied sites have waned so many problems need to

be carefully taken into account. The aim of this warning is not to be disappointed the FLA initiators in stead it wants to provide the gaps, which are necessary for improvement of FLA implementation. Devolution program have not always been successful in achieving all of objectives. Considerably more attention is needed to the factors that make users willing to do better their job in managing forest resources.

First, for communities of ethnic minority groups in the central highlands, they almost have their own rules or village regulations. These rules have been created by very long history of experiences living with forests related to their culture. Villagers have to implement local rules as cultural behaviors. This is strength point of local rules. Under impacts of social changes generated by the market, government policies or others, they still remain certain strong influences to handle activities of management and use of forest resources in the local communities. The FLA policies, therefore, should be inherited positive aspects of the local rules to reduce the gaps between legal-local rules. Many instances in resolving conflicts between indigenous villagers can be seen as evidences for usefulness of the local rules.

Second, programs to devolve natural resource management like the FLA are based on the assumption that the forest recipients will take on the roles formerly assigned to forest enterprise and forest management boards. This certainly needs mechanism of collective action to develop specific guidance, to monitor and sanction violators. Without such mechanism, property rights may not be valid and expected results from the FLA cannot be obtained. Dealing with this situation, an enabling environment is needed. In this circumstance, the commune authorities should be strengthened to provide supports to the forest recipients. Especially, the forest recipients need urgent solution from the local authorities to enforce the granted rights. It is not easy task because it should be reminded that the state forest enterprises have been confronted with this challenge formerly.

Third, persistent conflicts in the communities should be reduced as much as possible with sensible resolutions because potential conflicts may be harmful security of forest tenure. Resolving conflicts is a big challenge of many programs. Conflicts about forest tenure do not only originated by the gap between state policies and local rules, but also generated by un-equity in allocating forest plots, selecting recipients. Conflicts also come from misunderstanding about the FLA policies due to lack of participation. It is impossible to recommend all resolutions here but some key points should be noted that form of allocation, division of forest plots, and selection of participants should be participated by the local users.

## 7. References

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