

EXECUTIVE SUMMARY

2014 PARTICIPATORY GOVERNANCE ASSESSMENT: TAKING STOCK OF REDD+ GOVERNANCE IN LAM DONG PROVINCE, VIET NAM



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Abbreviations

CPC	Commune People's Committee
DARD	Department of Agriculture and Rural Development
DONRE	Department of Natural Resources and Environment
DPC	District People's Committee
FAO	Food and Agriculture Organization of the United Nations
FDP	Forest Protection Department
FLITCH	Forests for Livelihood Improvement in the Central Highlands in Vietnam
FMB	Forest management boards
ICA	Institutional and Context Analysis
MARD	Ministry of Agriculture and Rural Development
MONRE	Ministry of Natural Resources and Environment
NGO	Non-governmental organization
NRE	Natural resources and environment
NTFP	Non-Timber Forest Product
PC	People's committee
PFES	Payment for Forest Environmental Service
PMU	Programme Management Unit
PPC	Provincial People's Committee
PWG	Provincial Working Group
REDD+	Reducing emissions from deforestation and forest degradation in developing countries (+ stands for conservation, sustainable management of forests and enhancement of forest carbon stocks)
SFM	Sustainable Forest Management
TOR	Terms of Reference
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
VNFF	Viet Nam's Fund for Forest Protection and Development
VNFOREST	Viet Nam's Administration of Forestry

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1. Introduction

The Participatory Governance Assessment for REDD+ (PGA) is truly an inclusive process, involving different stakeholders from government, civil society, the private sector and academia. A PGA produces robust and credible information on specific governance issues and can be used to inform policy- and decision-making and to improve REDD+ and forest governance.

In UN-REDD supported PGA pilots in Indonesia, Viet Nam and Nigeria, the governance issues prioritized range from quality and level of meaningful participation by local communities and indigenous peoples in the REDD+ process to corruption risks, transparency, law enforcement capacity, intergovernmental coordination and tenure rights.

The PGA is a good starting point for addressing governance weaknesses and strengths worth building on. Such governance data can inform policy reforms and improvement measures in the long term. A PGA can also potentially be used to report on governance performance of selected governance issues over time and ultimately increase the level of accountability if used strategically.

The governance information resulting from the PGA in Viet Nam is available in the form of

- a comprehensive analysis of the governance areas that are relevant for Viet Nam's REDD+ process in particular and forest governance in general;
- a set of recommendations based on the findings that concretely address shortcomings and build on the strengths identified;
- information on the performance of selected governance issues at different levels – currently the district and provincial levels in Viet Nam.

Analysing and addressing governance challenges are key to understanding and addressing underlying causes of deforestation and forest degradation, as well as to identifying and mitigating shortcomings and risks in current governance systems and structures. Access to reliable and robust governance data is essential if decision- and policy-making are to be as realistic, relevant and effective as possible – both in the short and long term.

2. What is the PGA process and who are the actors involved

The PGA in Viet Nam was carried out to (i) provide reliable information on strengths and weaknesses of selected governance issues in Lam Dong and the pilot sites (see Box 1 below) and generate recommendations for improvements, and (ii) suggest a roadmap on how to supplement the preliminary data generated by the PGA to ensure that recommendations generated by the PGA are robust and applicable to other provinces. More comprehensive governance data available beyond one province may inform REDD+'s wider efforts in Viet Nam and guide the implementation of Viet Nam's REDD+ strategy on governance-related aspects. Building on this, the PGA may also contribute to Viet Nam's obligation to report its safeguards to the United Nations Framework Convention on Climate Change (UNFCCC) on a regular basis through the nationally developed Safeguards Information System (SIS).¹

The Lam Dong Province of Viet Nam in the Central Highlands Region was selected as the PGA pilot site. The findings from this PGA pilot in Lam Dong potentially contributed to the UN-REDD Programme's Phase Two. At the national level, Viet Nam's Administration of Forestry (VNFOREST) under the Ministry of Agriculture and Rural Development (MARD) – in charge of all forest related matters, including nationwide forest governance – is the focal point of the PGA process. And under VNFOREST, the Forest Protection Department (FPD) operates as the focal point of this work. In Lam Dong, the Provincial People's Committee appointed the Department of Agriculture and Rural Development (DARD) – MARD's provincial-level counterpart – to be the focal point for the PGA process in the province.

Further, various stakeholders were involved in and actively contributed to the PGA process in Lam Dong, particularly:²

- The Provincial Working Group (PWG): The PWG was the core of the process. This group consisted of members from Lam Dong's state functional organizations at provincial and district levels, such as local authorities, community level representatives (members of committees on ethnic minorities and of the women's union) and academia. The PWG's main role was to provide background information on Lam Dong, to ensure that the data collection instrument was appropriate to local conditions, to validate findings and to contribute with relevant and realistic recommendations.

¹ All seven safeguards under the Cancun Agreements, Decision 1/CP.16 can be seen in Annex 3, and the full text of Decision 1/CP.16 can be found here: <http://tinyurl.com/CancunSafeguards>.

² The demand for more effective organization of the PGA work, with clearer roles and responsibilities as well as more expertise on the governance aspects, is documented here: <http://tinyurl.com/PGAJanuary2014-Workshop-Report>.

- The Expert Group (EG): This group included members from VNFOREST, international and Vietnamese NGOs and academia. This group was set up to provide direction to the PGA process in Viet Nam and technical support to the selection of indicators and the development of data collection tools, data analysis and report writing, including recommendations for improvements.³
- The Data Collection Group (DCG): Four data collection teams had a total of 18 members, with eight from the Provincial Working Group and ten independent consultants. The main task of this group was to collect data, to provide feedback on data collection and survey tools, through an iterative process, and to generate recommendations on data collection methodologies valuable for future work.
- The Coordination Group (CG): This group included members from the Food and Agriculture Organization (FAO) Viet Nam, United Nations Development Programme (UNDP) Viet Nam and the UN-REDD Programme. Its role was to coordinate and facilitate the PGA process based on mandates and the road map that was agreed on by key stakeholders, as well as to ensure regular communication among stakeholders and provide technical inputs throughout the process.

3. The assessment framework

Lam Dong's governance challenges were discussed with key stakeholders – both within and between the EG and PWG. The two main governance issues agreed on by these two stakeholder platforms for the pilot PGA in 2014 are in Box 1 below.

Box 1: Prioritized governance issues selected for PGA in Lam Dong

The two main governance issues selected for in-depth analysis in Lâm Đồng province

• **Issue A:**

Level and quality of participation of local stakeholders in the decision-making and implementation processes as related to forest contracts.

• **Issue B:**

Level of clarity and respect related to stakeholders' rights to access forest resources and benefit sharing.

³ See EG's mandate here, as stakeholders at the provincial level requested more specific governance expertise to be added to that of stakeholders contributing to the PGA in Viet Nam: <http://tinyurl.com/EG-Mandate>.

These two main governance issues were informed by the Institutional Context Analysis (ICA) that identified and proposed a number of key governance challenges for further discussion by EG and PWG, as well as identified key stakeholders based on their interests and constraints related to the Lam Dong's REDD+ process.⁴ The governance challenges in the ICA report were identified through interviews and consultations with stakeholders at the provincial and local levels. Once the ICA was available, different governance issues were discussed between the Provincial Working Group and the Expert Group that agreed on the two governance issues that are the most relevant and urgent to address. A set of indicators and research tools (both qualitative and quantitative methods) were then jointly developed and determined through extensive stakeholder consultations within and between EG and PWG.

The 2014 PGA process in Lam Dong involved the following main activities with extensive inputs from and discussions between the EG and PWG and facilitated by the CG:

- Identification of key governance issues for the PGA pilot: Based on the findings from the 2013 ICA and on the agreements and consultation among various stakeholders at national and provincial levels, two governance issues were selected for the pilot PGA in 2014.
- Development of indicator framework and data collection instruments: Based on the two governance issues agreed on for the PGA pilot, an indicator framework for assessing them was developed. From that, a set of data collection instruments and a guide was prepared – all through extensive stakeholder consultations.
- Training of enumerators: In mid-April training for 18 enumerators was conducted over three days to familiarize them with the use of relevant data collection methods, to finalize the data collection instruments and to start collecting data.
- Testing and revision of data collection instruments: After the training, the data collection instruments were revised and field-tested for further improvements and finalization (by the DCG).
- Data collection: PGA data collection took place in May and June of 2014. Enumerators were divided into four teams led by a senior researcher. Primary data was collected in four districts in Lam Dong Province (by the DCG).
- Data entry and analysis: The data collected were entered into prepared entry forms and analysed by the members of the DCG, PWG and EG.
- Verification of findings: After the first draft of the report was ready, a meeting with members of the EG, PWG, CG and DCG participating was organized in

⁴ The ICA is found here: <http://tinyurl.com/LamDongICA>.

Lam Dong in mid-June to verify the initial findings. A smaller meeting with leaders of the four data collection teams was then held to verify the initial findings in greater details.

- Report finalization: Following the verification meetings, the PGA report was finalized, with contributions from members of the EG, PWG and DCG.

The first issue (Issue A in Box 1) focuses on the quality of participation in the decision-making processes and implementation of REDD+ in the province. In the context of governance, participation “means effectively taking part in decision-making and implementation, either directly or through legitimate representatives”⁵ Current literature on resource governance in Viet Nam shows that an absence or lack of effective participation of stakeholders, especially the local people who live in or near forests, results in poor governance of natural resources in general and of forest resources in particular.⁶

It is important to note that although stakeholders’ participation was assessed in the context of contracts for forest protection the PGA pilot was not meant to assess the effectiveness of forest contracts in themselves.

The second issue (Issue B in Box 1) covers local stakeholders’ rights to forest resources and areas. Laws govern who has informal and formal rights to forests. Laws – statutory and customary – establish the basic principles for how people should interact with each other and with natural resources when forest related issues are on the agenda and reflect the economic and financial interests that drive much of the decision making concerning natural resources.⁷ Formal rights are recognized by statutory laws. Informal rights are practiced in daily life and although they are not recognized by the state, they are accepted and practiced by resource users. Following Schlager and Ostrom,⁸ tenure rights can be classified as the right to access, withdraw, manage, exclude and alienate. The rights covered in the PGA pilot (see Box 2) are based on the existing legal framework. In Viet Nam since the early 1990s, rights to forests have been allocated through a process known as Forest Land Allocation (FLA) and forest contracting. Different sets of rights to forests have been handed over to local stakeholders.

5 Patti Moore, Xuemei Zhang, and Ronnakorn Triraganon (2011), *Natural Resource Governance Trainers’ Manual*. IUCN, RECOFTC, SNV, Bangkok, Thailand. xii + 278 pages. p 193.

6 Nguyen Quang Tan and Hoang Huy Tuan (December 2013), *Quản trị rừng ở Việt Nam: Luật pháp, Luật tục và sự tham gia (Forest Governance in Vietnam: Statutory laws, customary laws and participation)*, *Tạp chí nông nghiệp và phát triển nông thôn (Journal of Agriculture and Rural Development of Vietnam)*: pp 7–11.

7 Patti Moore, Xuemei Zhang, and Ronnakorn Triraganon (2011), *Natural Resource Governance Trainers’ Manual*. IUCN, RECOFTC, SNV, Bangkok, Thailand. xii + 278 pages. p 119.

8 Schalager, E. & Ostrom, E. (1992), “Property Rights Regimes and Natural Resources: A Conceptual Analysis,” *Land Economics* 68(3): pp.249-262.



Team work on the indicators



Box 2: Rights covered in the PGA

Access rights: rights to enter forests.

Withdrawal rights: rights to harvest timber, harvest non-timber products, receive Payment for Eco-Systems (PES), mortgage, use forest as a capital contribution to a joint venture and raise animals under the forest canopy.

Management rights: rights to issue a legal permit to harvest timber or non-timber products, plant trees, thin the forest and cultivate crops (on the “bareland”) in the forests.

Exclusion rights: rights to patrol the forests, arrest encroachers and decide their punishment.

Alienation rights: rights to inherit, give, donate, transfer and exchange rights to forests.

Based on the selected governance issues, an indicator framework was developed through inputs from the PWG and EG (see Box 3). Accordingly, for each selected governance issue, the assessment was geared to look at the following three elements: 1) the legal framework, 2) the capacity and awareness of actors involved, and 3) de facto conditions, or what is happening on the ground.

Box 3: Indicator framework for PGA in Lam Dong

A. Level and quality of participation of local stakeholders in the decision-making and implementation processes related to forest contracts

A.1. Legal basis for stakeholders' right to participate

- A.1.1 Definition of stakeholders and their roles
- A.1.2 Stakeholders' right to participate
- A.1.3 Clarity of the legal framework
- A.1.4 Feasibility of the legal framework
- A.1.5 Legal framework for conflict management

A.2. Capacity of stakeholders

- A.2.1 Capacity of responsible agencies to facilitate a participatory process
- A.2.2 Stakeholders' understanding of their right to participation
- A.2.3 Arrangement of human resources
- A.2.4 Capacity development

B. Level of clarity and respect related to stakeholders' rights to access forest resources and benefit sharing

B.1. Legal basis for forest rights

- B.1.1 Legal rights and benefits for stakeholders
- B.1.2 Interactions between statutory laws and customary rules

B.2. Local people's awareness of their rights and availability of legal support

- B.2.1 Local people's awareness of their rights
- B.2.2 Enhancement of local people's legal knowledge
- B.2.3 Legal support to local people on forest issues

B.3. Realization of stakeholders' forest rights (and benefit sharing)

- B.3.1 Clarity of forest tenure rights in reality
 - Clarity of forest boundaries on the ground
 - Evidence of people's rights to forests
- B.3.2 Equity
 - Difference between legal provisions and reality
 - Areas of forests that are used by different stakeholders
 - Stakeholders' perspectives on equity in tenure rights and benefits sharing
- B.3.3 Conflicts and conflict resolution in forest management
- B.3.4 Forest tenure security
 - Stakeholders' perspectives on the security of their rights to forests
 - Stakeholders' investment in forestry (time, level and incentive)
 - Potential conflicts

4. Overview of Lam Dong and the district survey sites

4.1 Overview of Lam Dong Province

Lam Dong Province is located in the Central Highlands region of Viet Nam (see Figure 1). The province covers an area of 977 219 hectares, of which 597 669 hectares are forested and corresponds to a forest cover of 60.01 percent. The province's total population is 1.2 million. The ethnic composition is varied, with 41 different ethnic groups living in Lam Dong; 17 percent of these are originally from the Central Highlands region and the rest migrated to the province over the last few decades.

Recently forestry in Lam Dong has radically shifted from logging to social forestry. Many projects and programs have been implemented in the province, including Payment for Forest Environmental Services (PFES), forest contracting for forest protection, restoration, plantation establishment or forest management and community forest allocation.

At the moment, forest contracts for forest protection, restoration, plantation establishment or forest management in Lam Dong take two forms:

1. Forest contracts for protecting, restoring and planting trees (following Decision 202/QĐ-TTg dated 2/5/1994 of the Prime Minister): Local people enter into annual forest contracts with state forest organizations, such as forest companies and forest management boards, to protect or plant trees. Funding for this type of contract comes from national forest programs (e.g. the Five Million Hectares Reforestation Program), provincial programs and projects and PFES. Currently, around 365 000 hectares of forests in Lam Dong (or 83 percent) are covered by this form of contract, of which 312 000 hectares is under PFES funding, 23 712 hectares under provincial funding and 23 400 hectares are funded by a multilateral project.
2. Contract for forest production/ maintenance (following Decree 135/2005/NĐ-CP dated 8/11/2005): Local people enter into contracts (not necessarily annual) with forest companies or forest management boards for specific work (such as tree planting or tending a forest), for the whole production cycle or for a joint venture in tree planting. At the moment, 7 795 hectares of forests in Lam Dong (or 2 percent) have this type of contract.

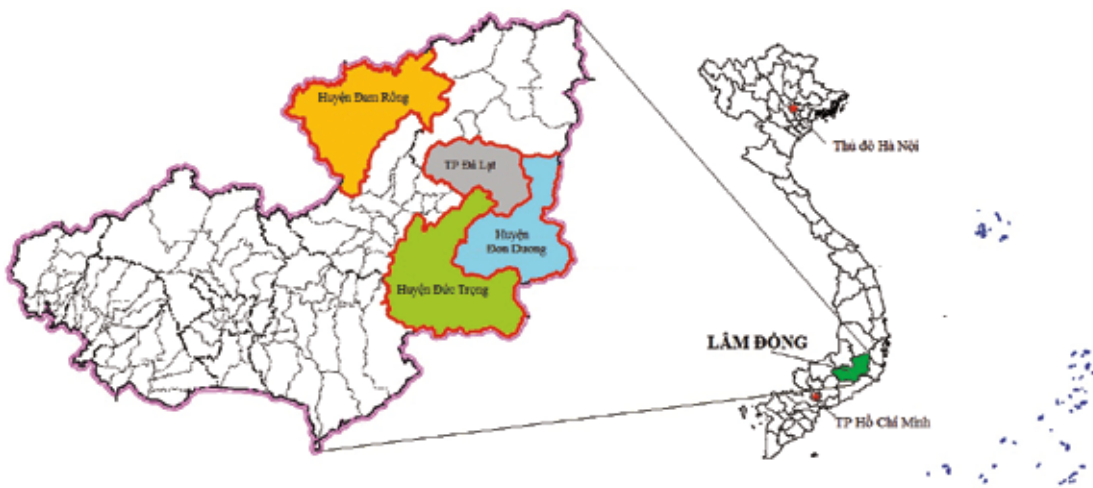
In addition, there was another type of forest contract for forest protection in the Central Highlands region, which followed Decision 304/2005/QĐ-TTg, dated 23/11/2005.

This forest contract was to pilot the FLA and to contract local communities from the Central Highlands. This program ended in Lam Dong in 2008.

4.2 The survey sites and sample sizes

The PGA data collection took place in the following four areas of Lam Dong province: Da Lat city and Don Duong, Duc Trong and Dam Rong districts (See Figure 1). These sites were selected because forests are important to the local economy and the two selected governance issues for the province are well represented here. In all four sites, forest resources play an important role in socio-economic development. Forests not only provide income from forest products, eco-tourism and PFES, but they also possess an important biodiversity value for their richness of flora and fauna.

Figure 1: Map of the survey sites for the PGA pilot



Data collection took place at the district, commune and village levels. At the district level, primary data was collected from different sources, including the Forest Protection Unit (FPU), the Office of Natural Resources and Environment, state forest companies and/or forest management boards. At the commune level, interviews were conducted with Commune People's Committees (CPC). In each village, separate focus group discussions were held with men and women from households with and without forest contracts, in addition to individual interviews on stakeholders' awareness of legal issues. Separate interviews were also held for people involved in forest (land) conflicts.

In terms of sample size, two communes were selected for the assessment in each district. In each commune, data were collected from two villages. In total, 16 villages in eight communes of four districts were covered in this pilot PGA (see more details on sample size in Table 1).

Table 1: Survey sample size

Survey groups	Number of survey samples	Gender balance in survey samples
People with forest contracts		
Focus group discussions	33 groups	16 women's groups
Individual interviews	132 persons	66 women
People without forest contracts		
Focus group discussions	29 groups	15 women's groups
Individual interviews	104 persons	58 women
People involved in forest (land) conflict	7 households	N/A
Commune People's Committee	8	N/A
District Office of Natural Resource and Environment	4	N/A
District Forest Protection Unit	4	N/A
State forest management boards	6	N/A
State forest companies	1	N/A

In addition, 77 legal documents related to the two selected governance issues were collected for review, along with various secondary data (reports and statistics) to complete the picture and triangulate information gathered.

5. Results and recommendations

The results found after data collection and analysis highlight both the strengths and weaknesses of the two selected governance issues in Lam Dong. Key findings are presented below for each of the two governance issues.

5.1 Key findings

Issue A: Level and quality of participation of local stakeholders in the decision-making and implementation processes as related to forest contracts (and how this does or doesn't support forest protection and sustainable forest management).

The following are strengths that can be built on:

- At the macro level there is a policy framework with legal documents and regulations that encourage stakeholders' participation (particularly those at grassroots level) and provide a foundation for contracts for forest protection.

In addition, supporting guidelines on how to implement these legal documents and regulations are available.

- The policy framework also identifies a system for solving conflicts among different parties and stakeholders that can be applied in the field of forestry.
- Government staff working with forest contracting have been trained in communication and other skills that are relevant to working with local people. The staff also have extensive experience working with communities and other stakeholders.
- Lam Dong has allocated an important budget line for raising awareness on legal issues and capacity building for forest protection management (20–30 percent of PFES's total management budget).
- Efforts to share information on forest contracting have been made via different channels, especially when a contract is being implemented; efforts to engage people in consultations and throughout the decision-making processes were evident.
- While a forest contract is being implemented, customary practices of local people and formal laws are integrated to avoid conflict in forest management.
- In terms of conflict resolution, local people usually handle issues domestically and informally. This has proven to be an effective way of resolving conflict within communities.

Weaknesses and gaps to be addressed are the following:

- There is a clear absence of elements to enable participation of stakeholders in the set of legal documents on forest contracting, despite its existence in the broader policy framework.
- Similarly, the broader policy framework maintains a system for resolving conflict among stakeholders in the forestry sector. However, the set of legal documents and regulations on forest contracting does not refer to this system.
- Responsible agencies have limited capacities to facilitate and ensure effective participation of stakeholders, despite the training provided and experience working with local people and stakeholders.
- Although Lam Dong Province allocates a budget for awareness raising and capacity building on legal issues and forest protection, the budget's details are too general and neither emphasize nor identify the need to promote stakeholders' participation.
- Despite efforts to engage local people in the process of discussion and decision-making on forest contracting, community participation is much more constrained than what the law stipulates. Moreover, local people's

knowledge of their participation rights is also limited.

- Local people without forest contracts, particularly women, have a low level of participation and limited understanding of and information about forest contracts.
- Efforts to share information on forest contracts through different channels have not been consistent. The criteria for how households are selected for the second round of data collection are not clear nor universal.
- Although customary practices have been somewhat integrated into implementation process of forest contract, they have not been implemented systematically. Information on the actual application of customary law has not been shared with stakeholders, particularly with local communities.

Issue B: Level of clarity and respect related to stakeholders' rights to access forest resources and benefit sharing.

The following are strengths that can be built on:

- The policy framework sets regulations on stakeholders' rights (their validity) to benefit from forests. These legal documents and regulations also clearly state the kind of agreements or documents provided to each stakeholder and determine their rights to forests.
- Forest owners and Forest Protection Departments or Units often inform stakeholders, particularly local people, on legal issues.
- Lam Dong Province has established a Legal Support Center that is particularly meant to serve ethnic minorities.
- When it is decided that land will be withheld from the stakeholders for public and economic purposes, they (particularly local people) most often abide by this decision.

Weaknesses and gaps that will benefit from being addressed:

- Customary laws have been institutionalized in the policy frameworks concerning forest protection and management. However, customary law has not been integrated into the legal framework.
- Groups of people with forest contracts, especially men, tend to have better access to legal information. But training methods are not designed to promote interaction among individuals or stakeholder groups. This has resulted in limited knowledge in communities, particularly in groups without forest contracts and for women.
- Local people are not aware that the Legal Support Center exists. Those who need legal advice are largely dependent on their neighbours and on community members to provide them with this information.

- Clear information on demarcation and rights to forests is not available to stakeholders, due to the lack of boundary signposts in forest areas and of clarity on the part of forest owners or contractors. The paper contract (which is legitimate proof of people's rights in the contracted areas) is not handed over to forest contractors.
- There is a significant difference noted in how forest areas are managed by different groups of stakeholders (i.e. between local people and state organisations). There is also a discrepancy between the rights stipulated by law and their on-the-ground realities. There are also variations in how different stakeholders exercise their rights.
- People with forest contracts do not have secure rights over forest areas and resources. From stakeholders' perspectives, a forest is temporarily contracted for them to protect, instead of being allocated to them for the longer term. Local people experience a relatively high level of uncertainty that there will be future contracting or compensation, as the government of Viet Nam can take back land.
- Conflicts on forest management are resolved based on formal legal principles. This means that the people without formal rights to forests have to stop activities considered illegal by statutory law. As the customary laws have not been considered or integrated into the statutory laws, there is a high risk that conflicts over forest rights will be solved only for the short term, but will reoccur in the long term, and the problem will not really be solved.
- There are many potential risks relating to the sustainability and security of rights for those with forest contracts; this is due to their lack of participation in the selection processes (i.e. the decision of which households will have forest contracts). These risks are also due to the lack of consultations, during the process of resolving conflict, on available livelihood options.

5.2 Recommendations

Similarly to how the key governance issues were developed, these recommendations on how to use the available governance data build on not only the findings from the data collected but also the discussions and agreements reached with relevant stakeholders. These recommendations are as follows:

Policy and legal framework:

- The lack of effective law enforcement and coherence among relevant policies should be addressed through clear policy implementation instructions, as well as how the policy can be integrated with other relevant and related policies or laws. This will provide clear guidance to authorities on which laws and policies should be enforced and when.

- Statutory and customary laws conflict on many fronts. For a start, it is advised that measures are taken to improve the compatibility between these two. To accomplish this, policy frameworks should acknowledge, and to some extent institutionalize, the use and application of traditional factors and customs that are suitable for local forest governance. This may entail documenting traditional factors and customs where they are not available.

The capacity of stakeholders:

- The PGA data demonstrate that there is a certain level of participation in the forest contracting processes in Lam Dong. Nevertheless, this level can and should be improved. To facilitate more meaningful participation, participatory methods should be used for capacity building for government staff. There should also be clear plans – and implementation of these – on human resource development to ensure effective use of this increased capacity, specifically related to REDD+ and forest resource management. Specifically, the facilitation skills of all government staff working directly with local people need to be improved. This will allow for more active engagement and effective uptake of local stakeholders' inputs. Grassroots trainers should also be taught how to facilitate continued engagement and timely information sharing with local communities.
- Within the allocated budget for capacity building in forest management, it is suggested that a specific budget line should be allocated to improve facilitation skills for government staff and promote a higher quality of participation.
- Regular updates and awareness raising events have been found to be insufficient. When raising the local people's awareness of REDD+ and related on-going efforts as well as seeking their involvement, it is necessary to organize workshops on a regular basis (i.e. two or three training courses on a



Exchange of experience in Jambi, Indonesia

similar topic and not a one-time event, which is the current practice). Steps should also be considered in order to assess, either formally or informally, how well local people have understood the information shared. As such, events can therefore be tailored based on such feedback and a better understanding of the knowledge level of the target audience. The regularity of updates and awareness raising events will facilitate iterative community learning and improve the quality of inputs at the local level. It will also increase the level of transparency – both during the implementation and decision-making phases.

Programme implementation:

- Local community representatives perceived that the security of forest contracts – especially the question of whether a contract will be continued in the future – was relatively low. This perceived uncertainty affects how forest resources are managed. Therefore, it is necessary to allocate land to local people with land certificates as rights to forest areas to incentivize them to invest in forest areas and protect them in the long run. This practice will enhance justice as rights are upheld, responsibilities are clearly defined and benefits are shared through active participation and a stronger sense of security. More importantly, discussions about the PGA process clearly indicate that this kind of forest allocation will more likely guarantee sustainable forest protection and management. However, forest allocation will not be effective without thorough participation and consultations at the grassroots level.
- There are no effective monitoring systems and mechanisms yet to keep watch over Viet Nam's REDD+ implementation once kicked off. Based on stakeholder discussions on how to best address this current gap, it is highly recommended that a board to monitor project and program implementation is established in localities where (poor) performance can be recorded and shortcomings can be timely addressed. This board can also ensure that the principles of stakeholder participation are adhered to and people's legitimate rights are more realistically respected and how this is best operated should be discussed further.
- The level of conflicts over forest management is relatively high. In order to avoid the recurrence of conflicts and improve people's participation, it is advisable and necessary to employ collaborative mechanisms whereby practical needs and local traditions are both taken into account.

Specific recommendations for Lam Dong:

- Guidelines on implementing forest contracts should be developed to include principles for a higher level of stakeholders' participation.
- A plan for awareness raising programs on rights and responsibility relevant to

all stakeholders should be developed, especially for women and stakeholder groups without forest contracts.

- Collaborative conflict resolution or grievance mechanisms should be developed and piloted and should focus on the causes of conflict and negotiation processes with relevant stakeholders.
- The legal support centers should increase their operations in all districts and awareness of them should be raised among relevant stakeholders.

Expansion of PGA to new provinces and provision of regular updates:

In general, the Expert Group found that the PGA report provides useful and robust governance data, with the added value that all involved stakeholders believe it to be legitimate information. These data are a valuable contribution to both policy- and decision-making and to Viet Nam's Safeguards Information System – especially for safeguard (b) related to “transparent and effective national forest governance structures”. As such, the Expert Group highly recommends that the PGA should expand its geographical scope so that the governance information available in the future covers three to five additional provinces. REDD+ would be implemented in these provinces and the governance data would contribute even more to Viet Nam's Safeguards Information System.

The PGA data should also be updated at regular intervals to allow for monitoring over time and to track the PGA's progress, or lack thereof.

However, as the PGA in Lam Dong was a pilot, valuable lessons were learned that should be taken into account when the PGA is implemented in new provinces. There should be a shorter and more effective process with clearer roles and contributions from different stakeholder groups, and already existing stakeholder platforms should be drawn upon and coordinated with similar initiatives when possible.⁹ For an overview of key lessons learned from the PGA process in Lam Dong, please see Annex 2.

⁹ Some suggested measures for this might be to have a clear mandate for each “group” – see the mandate for both the PGA Expert Group and PGA Provincial Working Group – both agreed in January 2014 and available here: <http://tinyurl.com/EG-Mandate>.

Annex 1: Key steps in a PGA

Step 1: Carry out an Institution and Context Analysis (ICA).¹⁰

Expected outputs: a report with a clear analysis of the existing institutions and context in the selected province, which also includes stakeholders' different interests and constraints. This report is also useful to point to key governance challenges to transparency and an effective national forest governance structures. The key governance challenges identified can be a good basis for further discussion among stakeholders before key governance issues are prioritized.

Step 2: Set up a working group of various stakeholders at the provincial level

(Provincial Working Group), an Expert Group and a coordination group. The three groups collaborate to develop a PGA roadmap. It is important that the groups coordinate and work closely together throughout all the steps in this process and also that the different responsibilities are clear and mandates are developed to outline roles and responsibilities.

Expected outputs: (1) a clear division of tasks for each group and each group member and (2) a roadmap for the PGA process.

To allow for some continuity in the new PGA processes and also to build on stakeholder feedback on the need to balance stakeholder inputs with expert inputs, it is advisable that the Expert Group already established continues their role - if it is agreed on with the relevant Provincial Working Groups.

Step 3: Develop a set of indicators and tools for collecting data.

Expected outputs: (1) an indicator framework, including main governance issues and indicators for each issue, (2) well-designed survey forms to collect data and guidelines on the data collection process and (3) a fieldwork plan for collecting data.

Step 4: Data collection.

Expected outputs: collected quantitative and qualitative data and verified and cleaned data in an accessible database.

Step 5: Analysis and report for further follow-up.

Expected outputs: a final report with (1) in-depth analysis of strengths, weaknesses and gaps of the selected governance issues and (ii) concrete and realistic recommendations for follow-up.

¹⁰ A TOR for the ICA is available to be used as suitable for other provinces

Annex 2: Lessons learned from the PGA pilot in Lam Dong

Process and organization

Preparation before site surveys: Preparation for data collection plays a very important role in ensuring the quality and legitimacy of the data collection process and the validity of assessment results. The enumerators arranged one day for a pre-visit to the selected PGA sites in order to make contact with local authorities to discuss the purpose of the site visits and select households to be interviewed, facilitating the future survey process. However, some of the data collection teams faced difficulties in communes and villages because the official letter informing them about the data collection process was sent to only the district level. While some at the commune level knew about the enumerators' site visits, they did not receive the official letter in advance.

Data collection team members: As agreed by the PWG and EG, each of the four data collection teams was to be composed of four members: one team leader, two independent enumerators (one from the provincial level and one from the district or commune, of which at least one should speak the local K'Ho language) and one independent observer. Each team was to include at least one female member. However, some of the enumerators failed to join the data collection process, so not all groups had the expected make-up. Therefore, one of the data collection teams consisted of only three members, all of whom were men. The teams that included a member of the local district or commune found that the data collection process proceeded more quickly than those that did not. For instance, one team faced difficulties in finding households that fit the survey criteria at one data collection site and therefore had to revisit their site selection to visit a different village. However, they faced difficulties in conducting surveys there since the team members could not speak the local H'mong language and thus had to find an interpreter to assist them.

Developing data collection members' capacity: The data collection team members possessed a range of backgrounds: some had experience with primary data collection methods, while others had little to no experience in conducting surveys and site visits. By working as a team, the enumerators helped build their fellow team members' capacities. Specifically, when self-assessing the data collection process following its completion, those with little to no experience conducting surveys expressed that they had been embarrassed about their lack of field experience. While initially hesitant to conduct surveys and interviews, they gained confidence

and capacity throughout the data collection process and eventually felt confident in using the primary data collection methods. The more experienced data collection team members also recognized their increased capacity to design and conduct surveys. Thanks to their participation in the PGA process, increased capacity was expressed not only by the Data Collection Group, but also by members of the Expert Group and the Provincial Working Group.

Coordination with local leaders: Some lessons emerged regarding coordination with local leadership in order to facilitate the data collection process. Firstly, it is advised to consult state forest companies or forest management boards (which manage the forest areas contracted to local people) in order to select villages suitable for the PGA, since forest owners directly and regularly work with local people. Therefore, their opinions and advice are very important. Secondly, data collection members should make an appointment with District People's Committee (DPC) leaders to introduce the purpose of the site visit and request their support. Appropriate procedures should be followed to ensure DPC leaders feel respected and that they are informed of the activities in their respective districts, even if they are not interviewed for the PGA itself.

When visiting communes and villages, district officials (forest rangers from forest protection stations) should ideally accompany the data collection teams in order to make opening remarks and introduce the team to the communes and villages. If this is not possible, the team may politely request the district officials to directly phone commune leaders instead. In villages, not only village heads but also team leaders of forest protection groups and village patriarchs may be asked to help organize the meetings (especially when inviting women). An additional benefit to leadership support is that such introductory meetings may be used to introduce stakeholders to the PGA process and the upcoming activities that will be conducted in their commune or village.

Conducting interviews with women: Because men usually take responsibility for forestry activities (for the purpose of labour division), communication on forestry-related issues is not aimed to women, and women are often not welcomed by men or feel they do not belong at village and commune meetings. During the data collection process, when women were asked a question they tended to think it was directed to their husbands. In some cases, women did not join the village or commune meeting because they thought themselves irrelevant to providing information on forestry-related issues. When inviting women to be surveyed and before conducting the interview, it is essential to clearly explain the survey content and the PGA target groups in order to encourage women to understand their important role in forest management. Furthermore, when inviting women to village and commune meetings, it may be ideal to invite both husbands and wives in order to divide respondents into groups of men and women.

Information sharing within and among data collection teams: Sharing information and advice within the data collection teams helped facilitate daily review of the data collection process and adjustment of the data collection plan for the coming days. For instance, information sharing helped the members of some teams to promptly overcome mistakes when conducting interviews (Form 10). However, as information sharing did not occur regularly, mutual learning among the data collection teams remained limited during the data collection process.

Conducting interviews via interpreters: When the interview could not be conducted directly with local peoples and ethnic minorities due to language barriers, requiring the use of interpreters, the quality of responses and thus of the data collected depended largely on interpreters' understanding of the issues that were discussed. Instead of asking individual questions as listed in the questionnaires, it is advised to develop the discussion into a logical story to ensure that the interview is more comfortable and convenient for interviewees. In such a situation, the enumerator should fill out the questionnaire and ask for any additional information that is needed.

Managing variable interview group size: In many cases where the groups interviewed were very large (more than 20 people) or small (fewer than 5 people), interviews were still conducted. In the case of large groups, collecting each person's comments might be time-consuming, however, the amount of data collected is significant and interviewees are often content with having had the opportunity to share information.

Review of policies, laws and regulations: As initially designed, a review of relevant policies, laws and regulations (PLRs) should have been conducted before the data collection instruments were piloted and completed. However, the data collection process was not conducted in this order for a variety of reasons. Thus the questionnaires were not designed to fill the information gaps that emerged during the PLR review, and the primary data collected on site was not necessarily able to respond to these gaps.

Survey instruments and data collection

Of all the field forms, Form 10 (questionnaire on individuals' awareness of laws) was the most difficult for the enumerators and respondents to use. Form 10 was only finalized after the PLR review was partially completed (at least Form 4 on regulations governing stakeholders' rights to forests), meaning that it was not discussed in detail during the training of enumerators. Because some local people are illiterate, at times the enumerator had to read and further explain the quotation from the legal documents used in Form 10, leading to a discrepancy between these responses and others given by literate respondents who did not receive the explanation. Moreover, Form 10 only applies to local people, so the findings did not reflect any differences between local peoples' and other stakeholders' awareness of laws. In the future, it

is advised to ask the questions under Part B (interviewing local people about their rights to forests) prior to using Part A (having local people read a quotation on the rights of forest contractors), as this can avoid local people providing a response to Part B based on the quotation used in Part A.

Form 17 (questionnaire on basic information on the village) also posed some difficulties for enumerators and respondents. For instance, some information inquiries were found to be overlapping (e.g. area of coffee cultivated and upland area were the same for some respondents), and it was difficult to estimate villagers' income from different sources. However, this problem might depend on local conditions; local people might plant diverse crops upland (such as coffee, upland paddy fields or cassava), and coffee might be grown on many different kinds of land (home garden, upland area). Responses to questions regarding income derived from different sources also depends on the manner in which the question is asked, since local people may find it difficult answer to a direct question such as, "What percent of the village's total income is derived from coffee?" However, they may provide an estimate by using an indirect question, such as, "If the total income of the village is 10 parts (10 stones), how many parts come from coffee?"

Forms 13 and 14 (interviewing groups of households with and without forests contracts) were missing some questions about the implementation of rights of management, exclusion and transfer of forest resources due to errors made during while the questionnaires were being finalized. Although such questions were included in Form 8 (interviewing state forest companies or forest management boards), the responses were not used as inputs for this report because corresponding information from local people was lacking.

Form 8 (interviewing state forest companies or forest management boards) did not ask about facilitation skill trainings or experience designing and facilitating participatory processes/events.

In addition, the Data Collection Group suggested that in-depth questionnaires should have been developed to collect quantitative data, which would complement the other data inputs. For instance, it would have been useful to hold additional interviews with DPCs, forest management boards, some household contractors and some households involved in conflicts or disputes. However, the existing field forms (Forms 7, 8, 11, 12 and 13) included many quantitative questions, and the enumerators could have used those questions to guide them in gathering more quantitative data on relevant issues.

Regarding the selected respondents and interviewees, only target stakeholder groups at the district, commune and village levels were interviewed. Interviews with stakeholders at the provincial level would have been very useful. For instance, regarding legal documents, the Forest Protection Sub-Department is responsible for

consulting with DARD on forestry policies. The district forest protection unit, under the jurisdiction of the provincial Forest Protection Sub-Department, takes responsibility for implementing forestry policies. However, the district forest protection unit is not under the jurisdiction of the Forestry Sub-Department; interviewing the Forestry Sub-Department could thus have filled a gap in the review of policies and their implementation at the provincial and grassroots levels.

In addition, during the data collection training the Data Collection Group agreed to remove some of the questions to be used in DPC interviews, which they later realized created a gap in policy information at the district level. Interviews with DPCs about district policies would still have been appropriate.

Annex 3: Cancun safeguards¹¹

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the FCCC/CP/2010/7/Add.1 protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.

¹¹ Cancun safeguards are spelled out in the Cancun Agreements, Decision 1/CP.16, appendix 1, pp. 26-27 and can be found here: <http://tinyurl.com/CancunSafeguards>.

