

REPORT

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



1. Introduction

The Participatory Governance Assessment for REDD+ (PGA) is a truly 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.

With this backdrop, the PGA serves many purposes in a country's national REDD+ process, depending on which stakeholder group is using the governance data.

From a government perspective, the PGA results

- highlight shortcomings and relatively low performance, and as such point to issues of urgent attention (which helps governments prioritize strategically);
- act as robust governance information and evidence that can feed into and support a government's policy-making, planning and strategies at national and sub-national levels;
- are a basis and starting point for policy-reform;
- act as comprehensive governance data that can feed into the national Safeguards Information System, which the country in turn will report back to United Nations Framework Convention on Climate Change (UNFCCC);
- track progress or regression (if the results are updated regularly).

From a civil society perspective, the PGA

- serves as robust governance evidence and information to support lobbying and advocacy and to hold decision makers to account;
- helps avoid discussions about the data's correctness and helps to forward the dialogue between civil society and government since the government has already validated the data; monitors progress or regression.

Although participatory processes take time, cost more and are sometimes quite challenging to implement adequately, there are four added values and benefits that outweigh these challenges:

- 1. Legitimacy:** When stakeholders have been involved in deciding on the main steps and components of the process, prioritizing the scope, formulating the indicators, determining how data will be collected and validating the data, they place trust in how the data is obtained and deem the actual findings and recommendations legitimate and accurate.
- 2. Ownership:** When stakeholders are involved from the onset, they also feel more ownership to follow up the recommendations, as opposed to when recommendations are presented from external entities.
- 3. Relevant data produced:** Stakeholders involved in the PGA process are also part of the target audience for the data it produces. And by jointly determining the scope of the PGA (thereby also determining what data will be available) they ensure that the data is in demand and relevant to different stakeholders.
- 4. Comprehensiveness of data:** A more complete vision of reality is created when the realities, contexts and perspectives of different stakeholders are taken into account. This provides a better evidence-base for more effective policy-making and governance reform.

In contrast to inclusive processes, governance reports and indices written by "actor

x” with the view of getting “actor y” to change its current practice are more likely to be denounced and shelved – not necessarily because of the inaccuracy of the data, but rather because of the lack of engagement by the concerned party, which often results in scepticism towards the results of the assessment. This is the case with most of the governance indices that produce international rankings, after which the countries scoring poorly reject the methods used as well as the findings (e.g. the Corruption Perception Index). PGA for REDD+ is an overall process that attracts the participation of different stakeholders – including the government, civil society, the private sector and academic experts – for the purpose of obtaining reliable and robust information on governance. This is a first step to overcoming governance challenges and in the long run can serve as a background for policy reform. When used properly, PGA can potentially be a due diligence tool.

The UN-REDD Programme is currently piloting PGAs in Indonesia, Viet Nam and Nigeria. A community of practice has been established to exchange experiences on technical, methodological and practical matters among countries and relevant actors.

The UN-REDD Programme is the United Nations’ collaborative initiative on Reducing Emissions from Deforestation and Forest Degradation (REDD) in developing countries. The Programme was launched in 2008 and builds on the convening role and technical expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP). The UN-REDD Programme supports nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation.

www.un-redd.org

The PGA process in Viet Nam started after an agreement to pilot the approach in one province was reached during the March 2012 PGA National Kick-off Workshop. Based on the selection criteria, Ministry of Agriculture and Rural Development (MARD) recommended Lam Dong as the most suitable province,¹ and the Lam Dong Provincial People’s Committee officially agreed in late 2012. Since then, the PGA has been conducted in Lam Dong with the participation of different stakeholders including government officers of all ranks from the provincial, district and commune levels; there have been well attended meetings with Vietnamese and non-Vietnamese members from women’s unions and ethnic minority committees, academia, and international non-governmental organizations (NGOs).

The PGA in Viet Nam was carried out to (i) provide reliable information on strengths

¹ Within Viet Nam, Lam Dong Province in the Central Highlands Region was selected as the pilot site for the assessment as this province was where the UN-REDD Programme Phase 1 carried out its activities. And the findings from the PGA pilot in Lam Dong can contribute directly to the implementation of the UN-REDD Programme Phase 2.

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).

This report presents the main findings from data collected during the PGA pilot in Lam Dong Province. Part 2 describes general background information and the context of Lam Dong Province where the PGA was piloted. Part 3 refers to the methodology of the PGA process and generally describes the PGA stakeholders, methodologies for indicator selection and the development of data collection tools and methods, data analysis and reporting. Part 4 relates the main findings of the assessment to the two selected main governance issues. Part 5 summarizes key conclusions and proposes recommendations both in terms of appropriate policy measures for improvements and best practices based on the PGA findings. Lastly, Part 6 indicates experiences and lessons learned from the PGA process and proposes basic steps for future PGA processes.



2. Overview of forestry and forest management in Lam Dong Province

Lam Dong Province is situated in the Central Highlands and has a total natural area of 977 354 ha. It is composed of 12 administrative units (ten districts and two cities) that include 148 communes, wards or towns. The province has a total population of 1.23 million (accounting for 1.39 percent of the total population nationwide) and 41 ethnic groups. Of these, 77 percent are of the majority Kinh and 23 percent are ethnic minorities (of which 17 percent are indigenous people from the Central Highlands). Major ethnic minorities include 12 percent K'Ho, 2.5 percent Ma, nearly 2 percent Nung, 2 percent Tay, 1.5 percent Hoa, Chu-ru 1.5 percent and less than 1 percent are others.

The province has a total area of 645 171 ha of forest and forest land (597 669.1 ha forested land and 47 501.9 ha of land preserved for forest plantation) and forest cover of 60.1 percent. Lam Dong has many forest types and relatively high biodiversity. Its forests play a vital role in socio-economic development, ecological conservation and water regulation in the province and in other parts of the Southeast Central Region of Viet Nam. There are 28 state forest owners including two National Parks, two national agencies, 8 companies (one member co., ltd), 16 protection forest management boards and 342 private companies that lease land and forests for their investment projects.

In recent years, Lam Dong's forestry has been transformed from exploitation-based into social-based forestry, which considers forest protection and development as key tasks. Program 327 for Afforestation and Bare-land Greening, the Five Million Hecta Reforestation Programme, the Forest Inventory Program, the Three Forest Type Reclassification Program have all contributed to the establishment of forest land area for providing industrial materials.

Many forestry programs and projects have been implemented in Lam Dong Province, for instance, the piloting of the policy on Payment for Forest Environment Services (PFES) under the Decision 380/QD-TTg by the Prime Minister was a prerequisite for Decree 99/2010/ND-CP on PFES, which was applicable nationwide. Other programs and projects are Community Forests Allocation, the 30A Program's Afforestation, the Forests for Livelihood Improvement in the Central Highlands in Vietnam (FLITCH), Participatory Forest Resource Monitoring, Forest and Land Allocation to the community and Contracted Forest Allocation that was developed under Decree

*Interviewing*

01/ND-CP and Decree 135/2005/ND-CP (Allocation of agricultural land, production forest land and bodies of water to state farms and state forest enterprises). These programs and projects have gradually aimed at enhancing forest management, protection and development to increase sustainability. Due attention has been paid to forest protection, orientated towards collaboration and participation of many economic components in many forms i.e. forest and land allocation and forest contract for forest protection services.

However, the forest area managed by local people remains limited. Out of the total forest area of 597 669 ha, so far 8 696.73 ha were allocated and granted to households with red books/land-use (or rights) certificates and 2 491.48 ha forest were allocated to eight local communities. The majority of forest areas are managed by state forest owners, who contract households to protect it. This type of forest management is generally called “forest contract for forest protection”, which has become common in Lam Dong Province recently. Contracted households receive payment in cash. The main sources of funds come from the Payment for Forest and Environmental Services (PFES) at 312 000 ha, the provincial budget at 23 712.34 ha and the FLITCH Project at 23 400 ha.

In reality, Lam Dong’s forest resources are suffering from external and internal pressures. Illegal logging and forest encroachment are taking place. Between 2009 and 2013, more than 1 200 ha of forests were illegally logged, and more than 1 500 ha of forests were encroached upon. The means by which deforestation and forest encroachment are practiced have become more and more complex and more difficult to uncover; for instance, there are common practices of illegally logging at night, growing illegal plantations under forest cover and using chemicals to kill trees. Besides illegal harvesting, the illegal trade and transport of forest products have been conducted in many complicated and sophisticated ways. Illegal actors now use more advanced technology for communicating and keep close watch on forest rangers’ schedules and their whereabouts. In addition they use rebuilt old and expired of registration vehicles for transporting illegal forest products, causing difficulties and challenges in violation settlement. The reality of forests in Viet Nam is important to keep in mind when assessing forest governance related to the REDD+ process at the provincial level.



For the PGA, the four locations that were selected are Da Lat City, Don Duong, Duc Trong and Dam Rong Districts. These locations represent Lam Dong well when it comes to the two selected assessment issues for the important role that forest resources plays in the districts' general socio-economic development.

2.1 The PGA process in Lam Dong Province

The PGA process in Lam Dong was implemented with the participation of stakeholder representatives at provincial, district and communal levels and included the commune forest management board, of which Lam Dong Department of Agriculture and Rural Development (DARD) had the main responsibility and the Forest Protection Department (subordinate of DARD) was the provincial focal point.

A series of workshops were held in 2013 to analyse key governance challenges, develop indicators and agree on data collection methods and tools. The PGA process was new to all stakeholders, and a key focus throughout the process has been to have a pragmatic approach of learning by doing. After the first field testing, stakeholders' participation was appreciated, yet they agreed and recommended a stronger participation of experts to ensure that their technical contributions for developing indicators and data collection methods and tools were adequate. This shift to include expert inputs alongside stakeholders' contributions was agreed to at a workshop held in January 2014. And a new organizational structure of the PGA in Lam Dong was introduced to allow for clearer roles and responsibilities (see Appendix A for more details):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.
- 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

² Link to this workshop report: <http://tinyurl.com/jan2014workshop>.

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

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. Assessment framework

Based on the Institutional and Context Analysis (ICA) report on the PGA in Lam Dong completed in early 2013, the outputs from a consultation workshop organized in January 2014 and an overview of forest management and protection in Lam Dong, in early 2014 the Expert Group discussed several governance challenges. The group then proposed two main governance issues to the Provincial Working Group to be addressed in the PGA:

- Level and quality of participation of local stakeholders in the decision-making and implementation processes as related to forest contracts;
- Level of clarity and respect related to stakeholders' rights to access forest resources and benefit sharing

The two issues were discussed and agreed on by the Provincial Working Group before developing an indicator set. A series of technical workshops on the indicator framework and tools for collecting data were held with participation of members from the Expert Group and Provincial Working Group. Detailed drafts of the indicator set were circulated between the two groups for comments, suggestions and revision. As such, the indicator set and data collection tools are products of an extensive process of discussion, thorough consultations by all stakeholders and especially crucial contributions from provincial members on the relevance and feasibility of issues selected and data to be collected for piloting the PGA in the province.

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".

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. Rights covered in this PGA include:

1. Access rights: rights to enter forests.
2. 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.
3. 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.



Team work on the indicators

4. Exclusion rights: rights to patrol the forests, arrest encroachers and decide their punishment.
5. Alienation rights: rights to inherit, give, donate, transfer and exchange rights to forests.

Specific indicators of each issue are presented below in Box 1. Both governance issues are assessed with the following three cross-cutting aspects taken into consideration: legal framework; capacities of stakeholders; and actual implementation.

Box 1: Indicators for the selected governance issues

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

3.1 Tools for data collection and analysis

The data collection tools build on the agreed governance issues that were prioritized by stakeholders and accompanied by indicators. The data collection tools were decided on through extensive stakeholder discussions to ensure that the methodologies were appropriate for data collection, which in turn ensured the robustness of the collected data. When sources of data had been identified, questions and content to be collected were listed and developed into data collection forms for each target group of respondents. Sixteen forms were developed for the collection of secondary data (nine forms on policy review and statistical figures) and primary data (seven forms for interviews and surveys with nine target groups) – see Appendix B for details.

Once the data collection tools were finalized, a two and half day workshop was organized to train the data collection teams on how to use the data collection tools and techniques, such as how to facilitate a group interview. After the training workshop, data collectors divided into two groups and went to Lac Duong District to conduct a short field test. Afterwards the two groups sat together and went through the details of each form after practicing in the field, which resulted in better adapted tools. These tools were fine-tuned before the data was collected in the four selected districts – see information on the collecting process in Appendix C and information about selected data collection districts in Part 2.4 below.

Data collected was analysed both qualitatively and quantitatively. While governance analyses often lean towards qualitative methods, it was decided that the qualitative part of the data and analysis of the PGA would be more prominent too. Data for each indicator is collected, reviewed and described later in this report. Quantitative data is added where applicable as illustration for qualitative analysis. Collected data were supplemented by a meeting of the four team leaders (one day) and all data collection team members (a half day). The two meetings provided feedback of Data Collection Group leaders and members regarding assessment of content (related to the two selected governance issues) and the data collection process (survey samples, data collection techniques and use of the facilitation method). Information from these meetings also helped to confirm findings of the data analysed.

3.2 Data collecting sites and interviewees

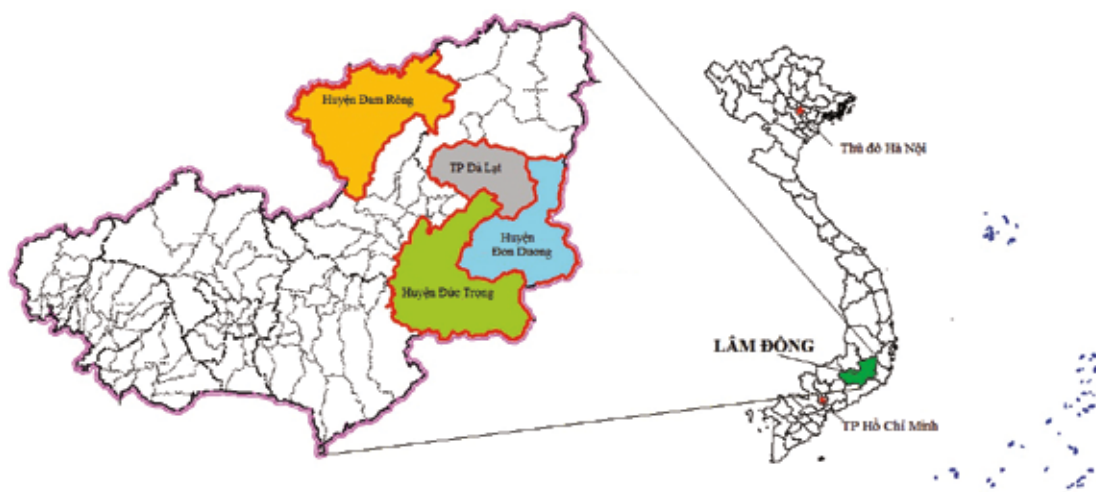
PGA data collection was carried out in four of Lam Dong Province's 12 districts. The districts surveyed for the PGA were Da Lat City, Don Duong, Duc Trong and Dam Rong (see Figure 1).

These sites were selected because forests are important to the local economy and the two selected governance issues are well represented. Besides, field sites in

these selected districts would contribute their experiences in sustainably managing forests. Da Lat City has relatively good socio-economic conditions, where protection forests mix with residential areas. Protection and production forests in Duc Trong, Don Duong and Dam Rong are large enough to be contracted under Decree 135/2005/ND-CP and PFES scheme from the provincial budget and FLITCH project.

Forest and forest resources of these four districts contribute considerably to the province's socio-economic development. In addition to forest products (production forest – Don Duong Forest Company) and tourism (Da Lat, Duc Trong), forests also bring benefits from hydropower (Dai Ninh in Duc Trong, Da Nhim in Don Duong by hydro-power plant) – upstream of Dong Nai River and the headwaters of large rivers, namely Serepok (Dam Rong) and Da Nhim (Don Duong). Also, forests in Duc Trong, Don Duong and Dam Rong are rich in biodiversity; they have diverse forest resources and serve as the habitat of endangered animals and plants endemic to the province. In these districts forest protection and sustainable resource management are very important for conserving biodiversity, supplying household water, protecting upstream water sources and the environment, regulating the climate and preventing land erosion in not only Lam Dong Province but also the central coastal provinces, the southeast region, Ho Chi Minh City and the Mekong River Basin.

Figure 1: Map of the districts selected for data collection



Data collection was carried out in two villages in two communes per district. The districts with their communes and villages are listed below:

- Da Lat City – two communes: Xuan Truong (Truong Xuan and Xuan Son village) and Tram Hanh (Phat Chi and Truong Tho village);
- Don Duong District – two communes: Ka Do (Ta Ly 1 and Ta Ly 2 village) and Lac Xuan (Chau Son and new Chau Son village);

- Duc Trong District – two communes: Hiep An (Dinh An and Da Ra Hoa village) and Da Quyn (Cho Rum and Toa Cat village);
- Dam Rong District – 2 communes: Ro Men (village 3 and village 5) and Da Long (village 2 and village 3).

As shown in more detail in Part 3.3, data were collected from secondary sources (legal documents, reports, statistic figures) and primary sources (in-person interviews with stakeholders). Table 1 provides a brief introduction to the interviewee groups and sample size in each of the four districts.

Table 1: Overview for each interviewee group

Interviewee group	Sample size	Number of female participants
Individuals with forest contracts		
Group discussion	33 groups	16 groups of women
Individual interviews on legal knowledge	132 people	66 women
Individuals without forest contracts		
Group discussion	29 groups	15 groups of women
Individual interviews on legal knowledge	104 people	58 women
Households compensated for official withhold of forest by the government	2 households	
Households involved in complaints and/or land disputes	7 households	
Commune People's Committee staff	8	
DARD district officials	4	
Forest protection sub-department officials	4	
Forest management board members	6	
State forest enterprise official	1	

3.3 Potential contribution to forest governance of the PGA in Lam Dong and REDD+ in Viet Nam

Forest governance is a relatively new concept in Viet Nam. Most definitions of forest governance have been introduced by international actors and are influenced by western countries' understanding of the concept. One of the most well known definitions in eastern countries, including Viet Nam, was discussed in Patti Moore:⁴

Governance is the interaction of statutory and customary laws and formal and

⁴ Patti Moore, Xuemei Zhang and Ronnakorn Triraganon (2011), *Natural resource governance – Trainers' Manual*. IUCN, RECOFTC, SNV, Bangkok, Thailand, p 105.

informal rules, institutions and processes through which a society exercises powers and responsibilities to make and implement decisions affecting natural resources and natural resource users and to hold decision-makers, implementers and natural resource users accountable.

This definition includes three fundamental components of governance:

- *Laws:* statutory law is written or codified law created by national or subnational authorities with law-making power and customary law is developed over time by traditional society and transferred orally from generation to generation.
- *Institutions:* in the field of development and natural resource conservation, institution refers to an organization or agency that takes responsibility for one or more aspects of natural resource development and governance.⁵
- *Processes:* this is a series of actions taken for the purpose of achieving a definite goal.

Of the 20 different governance principles used by nine international organizations, participation is one of four most frequently used (Patti Moore et al., 2011). Participation is also the most frequently used governance principle used in international agreements or declarations.

In the context of forest governance, participation means effectively taking part in decision-making and implementation on issues related to natural resources, directly or through legitimate representatives (Patti More et al., 2011). In Viet Nam, participation of stakeholders, particularly local people, in decision-making and implementation of processes on forest resources is stipulated in the Law on Forest Protection and Development and in the Ordinance on Grassroots Democracy (brought into effect on 01/07/2007). These legal documents prescribe concrete issues that people are entitled to know, discuss, implement, decide on and monitor the process. Research papers and articles about natural resource governance in Viet Nam have shown that a lack of effective participation of stakeholders – especially local people whose livelihoods are closely linked to local forest resources – has negative impacts on natural resource governance in general and forest governance in particular.⁶ As stated in Part 3 above, effectiveness of stakeholder participation, especially local people's participation, is evaluated based on three main aspects: (1) the legal framework that entitles stakeholders' participation, (2) stakeholders' capacities, especially facilitation skills for a participatory process, and (3) implementation of the participatory process in reality. PGA findings about stakeholder participation, particularly local people's participation, are expected to shed light on the significant parts of the overall picture of forest governance in Viet Nam in general and in Lam Dong in particular.

⁵ In some circumstances, institution means regulations, rules or norms.

⁶ Nguyen Quang Tan and Hoang Huy Tuan (Dec 2013), *Forest governance in Vietnam: Statutory law, customary law and participation Journal of Agriculture and Rural Development*, pp 7–11.

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 PGA also focuses on stakeholders' rights to forest and how stakeholders exercise them at the local level. The rights to forests as defined by law (including statutory and customary) not only reflect economic and political benefits but also affect other decisions on natural resources. Formal rights are authorized by law. Informal rights refer to the day-to-day activities (or experiences) that are not recognized by statutory law. These rights are identified and should comply with the forest users themselves.⁷ In natural resource governance, the rights of each stakeholder are usually identified as:

1. access rights: the right to enter a defined physical property;
2. exclusion rights: the right to determine who will have the right to access resources;
3. management rights: the right to regulate internal use patterns and transform the resource;
4. withdrawal rights: the right to obtain the products of a resource;
5. transfer rights: the right to transfer rights to someone else.

In this PGA, the findings on the right to access forests provide useful insights into forest governance and how statutory and customary law interact – both in how forest-related rights are stipulated and enforced.

Findings from this PGA aim to reveal a picture of strengths as well as shortcomings of the two selected governance issues in the context of Lam Dong. They also serve to provide recommendations to enhance overall forest governance through implementing and adapting certain policy measures. Furthermore, the two selected governance issues reflect other important governance principles important to REDD+, such as law, transparency, equity, effectiveness and state agencies' capacity to implement policies and provide access to information.

⁷ Schalager, E. and Ostrom, E. (1992), *Property Rights Regimes and Natural Resources: A Conceptual Analysis*, *Land Economics* 68(3): pp.249-262.

4. Key findings

Findings from assessing the two selected governance issues will be discussed in this section based on data collected. For both governance issues, the assessment results are presented in detail along with each indicator (see Box 1), followed by a summary of main findings. Conclusions are summarized for each governance issue further below.

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

4.1.1. Main findings by indicator

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

A.1.1 Definition of stakeholders and their roles

Content assessed: This indicator aims to define stakeholders based on the legal framework: Does a stakeholder exist in reality but not in the law? What are stakeholders' different responsibilities as outlined by the law?

Assessment results: According to an overall review of legal documents related to forest contracts and management, there are 77 in effect, of which 11 are enacted by the National Assembly (ten laws and one ordinance), 35 are enacted by the government (two resolutions, 16 decrees and 17 decisions), 20 are issued by ministries and 11 documents are issued by the authority of Lam Dong Province. A list of these documents is available in Appendix D. Fourteen of these documents have specified stakeholders and their rights related to forest contracts, including:

- Law on Land, dated 26/11/2003;⁸
- Law on Forest Protection and Development, dated 3/12/2004;
- Grassroots Democracy Decree in commune, ward, town, dated 20/4/2007;⁹
- Joint Resolution No. 09/2008 / NQLT - CP-UBTWMTTQVN, dated 17/4/2008, guiding the implementation of some articles of the Democracy Ordinance in communes, wards and town;
- Decree 135/2005/NĐ-CP, dated 8/11/2005, of the Government regulating the allocation and contract of agricultural land, production forest land and aquaculture land in stated-owned agricultural and forestry enterprises;¹⁰

⁸ By the time this report was completed, Law on Land 2003 was invalid and replaced by Law on Land 2013 (Legal code 45/2013/QH13, issued on 29/11/2013).

⁹ This decree replaced Decree No. 79/2003/NĐ-CP ngày 07 / 7 / 2003 of the Government on grassroots democracy in communes.

¹⁰ This decree replaced Decree 01/CP ngày 04 / 01 / 1995 of the Government on land assignment for production of agriculture, forestry and fishery in state owned enterprises.



- Decree 23/2006/ND-CP, dated 3/3/2006, of the Government on the implementation of the law on forest protection and development 2004;
- Decision 202/TTg, dated 2/5/1994, promulgating some regulations on forest contracts, zoning for forest regeneration and afforestation;¹¹
- Decision 07/2012/QĐ-TTg, dated 8/2/2012, of the Prime Minister promulgating some regulations on intensified enforcement of forest protection;
- Decision 304/2005/QĐ-TTg, dated 23/11/2005, on pilot forest assignment and contract for households and communities of minority people in the Highland Region;
- Circular 17/2006/TT-BNN, dated 14/3/2006, guiding implementation of Decision 304/2005/QĐ-TTg, dated 23/11/2005, of the Prime Minister approving pilot forest assignment and contract for households and communities of minority people in the Highland Region;
- Circular 102/2006/TT-BNNPTNN, dated 13/11/2006, guiding some articles of Decree 135/2005/NĐ-CP, dated 08/11/2005, of the Government regulating the allocation and contract of agricultural land, production forest land and aquaculture land in stated-owned agricultural and forestry enterprises;

These documents describe five stakeholders in the process of forest contracts for protection:

1. forest owner: forest management boards (FMBs) and one member of a company;
2. forest contractor: individuals, households, group of households and villages;
3. authorities: those in authority at the communal, district and provincial level;
4. ministries: Ministry of Agriculture and Rural Development (MARD), Ministry of Nature Resource and Environment (MONRE) and their subordinates at the provincial level;
5. others: mass organizations; Fatherland Front;¹² and individuals, households and villages without forest contracts.

Stakeholders' responsibilities are illustrated in Table 2. Forest owners take responsibility for implementing the process, and authorities and ministries are in charge of implementing cooperation. Forest contractors are responsible for implementation.

¹¹ Decision 202/TTg was promulgated in accordance with the Law on forest protection and development of 1991, which was replaced by the Law on forest protection and development in 2004. The Law on land 1993 was replaced by the Law on land 2003.

¹² The Viet Nam Fatherland Front is a political alliance organization and a voluntary federation of political organizations – such as social-political organizations, social organizations and outstanding individuals who represent the various strata of society, ethnic groups, religions and Vietnamese who live abroad. More information via the official link: <http://www.mattran.org.vn/home/gioithieumt/luatmt/lmttqvn1.htm>.

Table 2: Overview of stakeholders' responsibilities in forest contract

Stakeholder	Responsibility	Article/reference
Forest owner (where forests are state-owned)	Develop the plans of contracting production forest as natural and plantation forest, especially developing the plans for sustainable forest management, protection and exploitation before being contracted; Develop afforestation plan for forest contracts for production (including investment and model contract); Establish contract consulting committee; Finalize forest contract plans; Consider and approve application for forest contract.	Article 15, Article 16 Decree 135/2005/NĐ-CP Circular 102/2006/TT-BNN (Part I, Part II, 2 and Part II, 1.1) Article 4, Clause 2, Point b Decision 304/2005/QĐ-TTg
	Select forms of forest contract that fit with the capacity of forest contractors.	Article 7 Decree 135/2005/NĐ-CP
	Instruct forest contractors on (i) timber residues, (ii) the application of harvest silvicultural measures, (iii) combining of agricultural and forestry production, (iv) husbandry under the forest canopy and (v) the exploitation of non-timber forest products in accordance with current procedures and technical guidelines.	Article 15, Clause 1, Point d and Clause 2, Point c, Decree 135/2005/NĐ-CP
	Specify regulations for location of temporary cottages in forest contract areas; Check and monitor for forest contract violations.	Article 9, Clause 2, Point a, Decree 135/2005/NĐ-CP and Circular 102/2006/TT-BNN (Part I, Part IV, 3 and Part II, 1.1)
	Manage the contracts for forest protection.	Circular 102/2006/TT-BNN (Part I, Part III, 3)
	Forest contractor	Become a member of the committee for contract consulting; Comment on the forest contract plans developed by forest owners; Verify public list of households that are eligible for forest contracts for protection (as a member of the committee for contract consulting).
With the forest owner, discuss and select a suitable land contract for a planting and production forest model.		Article 16 ND 135/2005/NĐ-CP
Manage forest contracts.		Circular 102/2006/TT-BNN (Part I, Part III, 3)

Local authorities (province, district and commune)	Commune People's Committee certify contractor's need for a forest contract (verify this need on the forest contract application form).	Article 18 Decree 135/2005/NĐ-CP Article 10 QĐ 304/2005/QĐ-TTg
	Commune People's Committee cooperate with forest owners to develop forest contract plans in the areas belonging to the commune.	Article 4, Clause 2, Point b, Decision 304/2005/QĐ-TTg
Ministries and relevant agencies at central and provincial levels	MARD leads cooperation with MONRE; Ministry of Finance guides the implementation of Decree ND 135/2005/NĐ-CP.	Article 18 Decree 135/2005/NĐ-CP Article 11 Decision 304/2005/QĐ-TTg
	MARD guides and checks the implementation of land and forest allocation and forest contracts for protection; makes decisions it is competent to make, and reports and consults the Prime Minister when needed	Article 8 Decision 304/2005/QĐ-TTg
	DARD at the provincial level approves forest owners' plans of forest contracts, natural forest management and forest plantation for implementation.	Article 16 Decree 135/2005/NĐ-CP - Circular 102/2006/TT-BNN (Part II, 1.1)
	Natural resources and environmental agencies develop a map or determine administrative boundaries of contracted land.	Circular 102/2006/TT-BNN (Part I, Part III, 1)

A.1.2 Stakeholders' rights to participate in forest contracts for protection

Content assessed: This indicator aims to provide information on the current legal framework on stakeholders' rights to participation in the province.

Assessment results: Table 3 briefly introduces the current state of stakeholders' rights (see details in Appendix E). Accordingly, forest owners, forest contracting entities and government authorities at all levels have all the listed rights, especially the rights of determining location and area of a contracted forest, the model of contract and who are the contracted entities. Forest contractors are permitted to take part in deciding the forms of forest contracts (cyclical, periodical, seasonal), the contract model and who are the contracted entities (household, village or community) but are not allowed to determine the location and area of a contracted forest. The group of individuals without forest contracts (others) is not involved in decision-making processes.

Table 3: Summary of stakeholders' participation rights

Participation rights	Forest owners	Forest contractors	Authorities	Ministries	Others
Are provided with information	Y	Y	Y	Y	Y
Are consulted and given feedback	Y	Y	Y	Y	Y
Are able to determine location and area of contracted forests	Y	N	Y	Y	N
Are able to decide forms of forest contracts	Y	Y	Y	N	N
Are able to decide the model of forest contracts	Y	Y	Y	N	N
Are able to determine who are the contracted entities	Y	Y	Y	N	N
Participate in decision implementation	Y	Y	Y	Y	N
Participate in decision evaluation and monitoring	Y	Y	Y	Y	Y
Are able to adjust their decision during the implementation process	Y	N	Y	N	N
Determine the ratio of benefit sharing	Y	N	Y	N	N

Remarks: Y is yes; N is no, not permitted/not regulated.

A.1.3 Clarity of the legal framework

Content assessed: This indicator aims to assess if articles of participation in the legal framework can be understood and accessed by people and to what degree different stakeholders understand their level of participation.

Assessment results: In terms of clarity, overlapping or the potential for confusion should be avoided in legal documents. However, the phrase "contractual assignment" described in 135/2005/NĐ-CP might cause confusion between the terms "forest assignment" and "contract". It was not hard for data collectors (whose qualifications are either at master's or bachelor's degree level) to understand these documents. Yet, the assessment results show that people (especially those of an ethnic minority) found it difficult to have a good grasp of their content. The data collectors assessed the understanding of 109 people on a quotation on the rights and responsibilities of environment service users and providers (quoted from Decree 99), and 135 people on a quotation about the rights and responsibilities of forest contractors (quoted from Decree 135). The results show that respondents were able to summarize up to 75 percent (1 page) of Decree 99 and 50 percent of Decree 135, which data collectors read to them (see Table 4).

Table 4: Summary of assessment on clarity and comprehensibility of legal documents

	Quoted from Decree 99		Quoted from Decree 135	
	Incorrect summary	Correct summary	Incorrect summary	Correct summary
By gender				
Male	18.9%	81.1%	50.9%	49.1%
Female	32.6%	67.4%	51.7%	48.3%
By forest contracted groups				
Without forest contracts	31.8%	68.2%	51.4%	48.6%
With forest contracts	21.0%	79.0%	51.2%	48.8%
Average	25.8%	74.2%	51.3%	48.7%

As the survey was not conducted among other stakeholders (apart from local community members), it is not possible to assess how other stakeholder groups understand these documents within the scope of this PGA.

A.1.4 Feasibility of the legal framework

Content assessed: This indicator assesses whether legal documents regarding the participation process are instructed to those who implement it and if they face difficulties when implementing.

Assessment results: Guidance to the grassroots democracy ordinance (some articles) were described in the joint resolution between the Government and the Viet Nam Fatherland Front Central Committee 09/2008 / NQLT-CP-UBTWMTTQVN, dated 17/4/2008; guidance to forest assignment and leases were shown in Circular 38/2007/TT-BNN (amended in Circular 25/2011/TT-BNNPTNT) and Circular 07/ 2011/ TTLT-BNNPTNT-BTNMT; guidance to implementing Decree 135/2005/NĐ-CP were shown in Circular 102/2006/TT-BNN. Although guiding documents for policies on forest assignments and contracts are available, most of these only deal generally with stakeholder participation. For example, Circular 102/2006/TT-BNN guiding the implementation of Decree 135/2005/NĐ-CP describes only the responsibility of forest owners to “develop and announce forest contract plans to ensure public and democracy before implementing” (Article IV), and Circular 38/2007/TT-BNN indicates that in principle “the process of allocating, contracting and withholding forest have to be implemented openly with people’s participation” (Point c, Clause 3, Part 1). There is no specific guidance to assure stakeholder participation – especially that of local people. A citation that instructs how participation should be implemented should be in accordance with Decree 79/2003/NĐ-CP, which requires compliance with the legal documents on grassroots democracy implementation (brought into effect when Decree 135 was promulgated) or with Clause 3, Part II, Circular 102/2006/TT-BNN that reads:

The main forestry product that is harvested is divided based on the ratio of budget and labour investment by each party. Rights to benefits and obligations of forest contractors are exercised in accordance with Decision No. 178/2001/QĐ-TTg, dated 12/11/2011, of the Prime Minister regarding the rights to benefit and obligations of households and/or individuals who assigned, contracted and leased forest and forest land. The Joint Circular no.80/2003/TTLT/VNN-BTC, dated 3/3/2003, provide guidance for the implementation of this Decision.

Regarding what form implementation takes in reality, the main difficulties cited by interviewees (forest rangers, district departments of natural resources and environment [NRE], FMBs, forest companies and CPCs) are in selecting relevant households as contractors for forest protection as the priority target groups are poor households though they cannot afford to invest into forest.¹³

A.1.5 Legal framework for conflict management

Content assessed: This indicator intends to demonstrate to what degree complaint and conflict settlement mechanisms have been specified in the current legal framework.

Assessment results: Complaint and conflict settlement mechanisms have been described in the Law on Complaints 2011, Law on Forest Protection and Development 2004, Law on Land 2003 and Law on Handling Administrative Violations 2012,¹⁴ and Decree 157/2013/NĐ-CP provides the sanctioning of administrative violations and administrative handling measures regarding forest development and forest product management and forest contracts for protection. Relevant details of these laws include the following:

- main responsible agencies are described in Article 5 of the Law on Complaints 2011 that states general responsibilities; Article 30 of Decree 157/2013/NĐ-CP that indicates jurisdictions of agencies and individuals; and Articles 25–29 of Decree 157/2013/NĐ-CP that indicate jurisdictions of administrative punishment in forest protection, development and forest product management;
- complaint resolution authorities at all levels are detailed in Articles 17–26 of the Law on Complaints 2011;
- complaint and conflict settlement procedures are specified in Articles 27–43 of the Law on Complaints 2011. Disputes over, complaints about and violations of land have been indicated in Articles 135–144 of the Law on Land 2003. Articles 84 and 85 of the Law on Forest Protection and Development 2004 lay out procedures for the settlement of disputes over and handling of

¹³ Poor households are prioritized for forest contracts.

¹⁴ See: <https://iulaw.files.wordpress.com/2013/11/law-on-handling-of-administrative-violations-2012-en-vi.pdf>.

law violations on forest protection and development.¹⁵ The administration of penalties for violations, penalty forms and remedial measures are stated in Article 20 Decree 157/2013/NĐ-CP. Moreover, authorization to sanction administrative violations is described in Articles 38–51 of the Law on Handling Administrative Violation 2012.

Box 2: Legal regulations on settlement of disputes, complaints and denunciations regarding land

Land disputes should be reconciled in the following way:

1. the state encourages parties involved in a land dispute to reconcile it themselves or to resolve it at the grassroots level;
2. land disputes that the parties are not able to resolve shall be referred to the people's committee of the commune, ward or township where the land is situated.

People's committees of communes, wards and townships shall be responsible to coordinate with the Viet Nam Fatherland Front, its member organizations and other social organizations in order to reconcile land disputes. The time limit for reconciliation is 30 working days from the date that the receipt of a complaint is officially filed by a people's committee of a commune, ward or township. The result of a reconciliation of a land dispute must be noted and filed and the minutes signed by the parties involved in the dispute and verified by the people's committee of the commune, ward or township where the land is situated. If the result of the reconciliation is different from the current land use status, the people's committee of the commune, ward or township shall forward the result of the reconciliation to the competent state body to resolve it in accordance with the laws on administration of land.

Source: Law on Land 2003.

Similarly to the guidance on participatory processes under A.1.4, although specific guidance on complaint and conflict settlement mechanisms is available, these mechanisms are not reflected in the forest contract-related documents that are used in Lam Dong.

Summary of main findings on the legal basis for stakeholders' rights to participate

According to this assessment, the legal framework related to forest assignments, contracts and management consists of 77 legal documents, of which 13 documents specifically regulate stakeholders and their rights to participate (in the process of forest contracts). Five main stakeholders are mentioned: (1) the forest owners (Forest Management Boards and forestry companies), (2) the forest contracted entity

¹⁵ According to the Viet Nam Forestry Development Strategy 2006–2020 (Promulgated and enclosed with the Decision No. 18/2007/Q-TTg, dated 5/2/2007, of the Prime Minister), "activities of forestry production must be based on a foundation of sustainable management, through planning forest protection and development and aiming at continuous improvement of forest quality". More details can be found via http://theredddesk.org/sites/default/files/viet_nam_forestry_development_strategy_2.pdf.

(individuals, households, groups, village communities), (3) government authorities at all levels, (4) ministries, agencies and sectors at the local level, and (5) others (social associations and/or organizations, Fatherland Front and those without forest contracts). These documents also specify the roles of each party in the process of forest contracting. Accordingly, the forest owner is responsible for implementing the process of a forest contract, government authorities at all levels and relevant agencies collaborate to implement it and the contracted entity participates in implementation.

To facilitate implementation, the legal framework consists of guidance on implementing grassroots democracy ordinance and the forest contract. However, the guiding documents on implementing forest contracts only mention participation in principle. There are no specific guidelines to assure participation of all parties – especially local people – or at least a citation that requires to comply the legal documents on grassroots democracy implementation.

The legal framework also mentions the mechanism of complaints and conflicts settlement and specifies which are the responsible and collaborating parties at different levels, as well as the procedures and their sequence for settling complaints. However, as with the guidance on the participation of stakeholders, guidance on forest contracts do not specify which legal documents need to be complied with in cases of conflicts and complaints.

With regards to clarity of legal documents on stakeholders' rights to participation (and how easily understandable they are), in general, no overlaps among legal documents were found. These documents are easy enough for data collectors to understand, but relatively difficult for local people (especially for ethnic minorities). Furthermore, the terminology of "contractual allocation" (giao khoán) under Decree 135/2005/ND-CP confuses those trying to understand either forest contracting or forest allocation.

A.2 Stakeholder capacity

A.2.1 Capacity of responsible agencies to facilitate a participatory process

Content assessed: This indicator aims to assess the capacity of agencies in charge of forest contracting to facilitate the participatory process (including training courses and their experiences designing and promoting a participatory process or event).

Assessment results: Due to an error in sample design, information about the facilitation capacity of Forest Management Boards and state-owned forest companies was not collected. Thus, this assessment only focused on the facilitation capacity of officers working in the district Forest Protection Department (FPD), district Department of Natural Resources and Environment (DONRE) and Commune People's Committees.

In four surveyed districts, officers of the FPD participating in forest contract processes reported that they were trained on facilitation skills. The lowest figure was one out of 20 officers and the highest figure was every officer of the district FPD was trained on facilitation skills. Only five out of the eight surveyed communes had staff who participated in similar training courses (from two to eight out of a total 10–12 officers in these five communes). No one in the four district DONREs attended similar courses.

However, interviewing skills are a small part of a technical training course (for example the training course on forest protection, management and plantation) and mainly focus on how to persuade local people to follow what they are told to do. These skills are for one-way communication (skills of a local information officer or a forest and/or agricultural extension officer) rather than for methods of participatory facilitation (see box 3).

Box 3: What a facilitator needs to know about participation

In theory, a facilitator needs to know and apply the following:

- the core value of the participatory method;
- what is facilitation and the fundamental roles of a facilitator (leading the process and working as a neutral person);
- the difference between the role of a facilitator and other roles (agricultural extension officer, trainer, etc.);
- required attitudes and negative attitudes to avoid;
- basic interpersonal communication skills (listening, supervising, questioning and inquiring).

At higher levels, a facilitator needs to have the skill of working in groups (developing trust, encouraging participation, creating group motivation, encouraging participants to get to know each other) and the skill of planning and designing the participatory process (developing the program, the contents and action plans).

Source: Braakman, L., and Edwards, K. The art of facilitation capacity development. 2012. RECOFTC, Bangkok, Thái Lan.

With regards to experience in the process of design and event facilitation, the officers of the surveyed agencies (district FPD, district DONRE, CPCs) regularly hold, for example in the review meetings, annual public conferences on forest fire fighting and prevention and meetings on forest protection in villages. However, these events mainly focus on dissemination of information and not on participation as such.

A.2.2 Stakeholders' understanding of their rights to participate

Content assessed: This indicator assesses local people's understanding of their rights

to participate in the process of forest contracts, awareness raising of these legal rights and the budget used to disseminate the law.

Assessment results: With regards to local people's understanding of their rights to participate in the process of forest contracts, only ten out of 33 interviewed groups of households with forest contracts could list two of their fundamental rights, including the right to information about forest contracts and to vote for which households get forest contracts. Interviewees in nine groups did not know what their rights were, and in the remaining of 14 groups, people only knew about the right to protect, tend and develop forests and to receive payment. The groups without contracts for forest protection had limited understanding of their rights. Among 29 interviewed groups, only four mentioned the rights to information and to vote for which households get forest contracts; up to 14 groups did not know about their rights to forest contracts; and the remaining groups interviewed (11) only knew about their rights to protect, tend and develop forests and receive payment.

These findings reveal the need for training to raise awareness of local people. Among 33 interviewed groups of forest contracted households, eight did not have any household members participating in the training courses that were provided. Sixteen out of the 29 interviewed groups without forest contracts did not attend any courses. In other groups, local people were mainly trained in forest management and protection, forest fire prevention and firefighting rather than their rights to participate in forest contracts.

Regarding training methods, most of the training courses are organized for 50–70 participants (sometimes even topping over 70), and the materials are state legal documents that are read out loud and distributed to local people. The trainers also use artwork for the lecture and often spend time after the lecture to answer questions. Such sessions include approximately 30 minutes for discussion, depending on the number of questions. The location of training courses varies. They may be held in a village (for example, the village meeting hall, the forest protection group leader's house, etc.) or outside a village (CPC meeting hall). There is no fixed time but the meeting is usually in the evening or outside the working hours of local people.

There is no budget line included in the forest contract program for enhancing the involvement capacity of stakeholders. All training activities draw from the same budget line.

A.2.3 Capacity arrangement

Content assessed: This indicator assesses whether the division of tasks in the process of managing forest contracts are suitable to the capacity of FPD officers and community members.

Assessment results: The capacity of district FPD unit's officers participating in the

process were found to be suitable to the tasks appointed. In four district FPD units, only one officer did not have the suitable technical requirement for the job, but at that time his office did not have any other suitable choices for officers. For other related agencies, unqualified officers who participate in the process are mainly concentrate on the CPC level. At village level, all interviewed groups (both with and without forest contracts) think that all or at least some representatives of the village participating in the forest contracting process have experience and qualifications relevant for the tasks given in the process of managing forest contracts.

A.2.4 Capacity enhancement

Content assessed: This indicator aims to assess the impact that capacity enhancement activities had on the participatory method for stakeholders, the upcoming plans for capacity enhancement and the rationale of these activities.

Assessment results: Capacity enhancement in the process of forest contracts was conducted but focused only on technical issues – such as forest fire prevention, firefighting, forest protection, forest management and PFES –not on skills for planning and enhancing participatory methods. The particular courses for different groups were not organized per topic; instead, different topics were often combined in one course. Furthermore, training activities conducted were not based on the needs of capacity enhancement, and there are no plans to do this in the future.

Summary of main findings on the capacities of stakeholders

With regards to capacity enhancement, forest protection officers participating in the process of forest contracts in four surveyed districts were provided trainings on facilitation skills. Officers of only five communes out of the eight surveyed participated in the training courses, and no one in 4 district DONREs attended similar courses. However, training on facilitation skills is only a small part of the technical training course and mainly focuses on how to persuade local people to follow what they are told to do. These skills employ a one-way form of communication rather than facilitating participation, which is necessary for a facilitator. Similarly, experience in process design and facilitation of officers working in the interviewed agencies (district FPDs, district DONREs, CPCs) is limited to informative events at commune and village levels. In addition, there are no assessments on capacity enhancement needs for relevant officers and no plans for such assessments or training on methods and skills of participation facilitation in the future. Most remarkably, there is a budget for process implementation to ensure effective participation of parties (e.g. organization of participatory meetings of local people, employment of the facilitator for the local people meetings) yet all assessment sites lack a budget for this. The current budget for training and raising awareness does not have a specific budget line for training of the participatory methods and skills for relevant officers.

With regards to local people's understanding of their participation rights in the process of forest contracting, there are obvious differences between those with and without forest contracts, but in general the differences are very limited. People only know the rights to protect, tend and develop forests and to receive payments. This is because training and awareness-raising is not comprehensive (they only focus on men and/or the owners of forest contracted households, and there is little access to for everyone) and focuses on forest protection, forest management, forest fire prevention and firefighting without mentioning people's participation rights in the process of forest contracting.

However, in the context of limited capacity, representatives of relevant agencies or village communities who participate in forest contracts have qualifications as assessed by their colleagues or community members.

A.3. Effectiveness of the process

A.3.1 Participation of stakeholders

Content assessed: This indicator aims to assess the participation of stakeholders in the process of forest allocation and/or contracting and what their participation contributes.

Assessment results: Stakeholders such as CPCs, district FPDs and district DONREs (with the exception of one CPC and one district DONRE) nominated their representatives, including their leaders and staff, to participate in the forest contracting process. However, as detailed information about how these organizations participate in forest contracts at the local level was not collected during data collection, this section only discusses briefly the participation of forest owner organizations and local people (both households with and without forest contracts).

In general, because forest owner organizations have the main role in the process of forest contracts, they participated in all steps of the process (as described in box 4), designing, guiding and finally decision-making (see Box 4). Approximately 100 percent of relevant staff (leaders and technical staff) of forest owner organizations participated in every step of the process.

Box 4: Participation of forest owners in the forest contracting process

The fundamental steps	The main activities
Step 1: Prepare	Begin forest review and inventory to identify if the forest area meets the criteria (regarding PFES) for the forest contract.
Step 2: Meet with local people	Collaborate with forest protection forces and CPCs to organize village meetings to assess poor households and to prioritize which ethnic minority households will participate in the forest contract.
Step 3: Develop the implementation plan	Collaborate with CPCs to develop plans of forest contract for protection for households
Step 4: Assess and determine forest status	Develop plans for forest contract, and submit them to the provincial Department of Agriculture and Rural Development for approval
Step 5: Hand over the sites	Collaborate with CPCs and the forest contracted households (forest contracted groups) to hand over the sites - minutes will be taken.
Step 6: Prepare the forest contract dossiers	On the basis of the decision on (FES) budget allocation by PPC, develop unit price and time-limit of the forest contract; Households sign the forest contract agreements.
Step 7: Determine the ratio of benefit-sharing from forest	Monitor the contracted households' participation and effectiveness of forest protection and benefits.

As shown from the data collected and analysed, participation differs between various household groups involved the process of forest contracts. Most of the people who participated were men and they received forest contracts (29 out of the 33 the forest contracted households confirmed participating in the process). The number of households that did not participate is very low (only four groups out of 29 interviewed). The reason is that as they did not receive forest, they were not invited to participate.

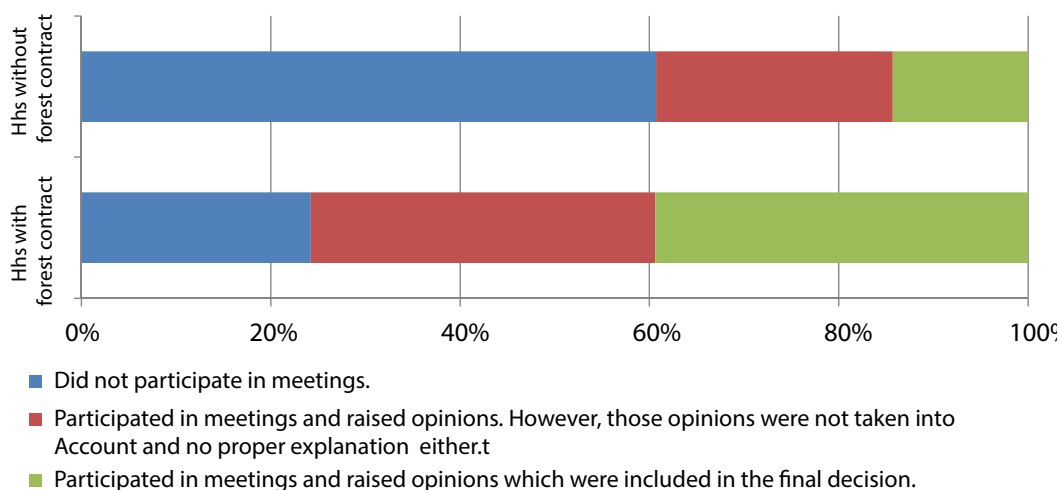
While men who did not participate said that they needed to participate, women thought that participation was not their obligation, and that their husbands or sons were legitimate representatives of their families. In a few cases, people did not want to participate in the process because they had other more important opportunities.

People’s participation in the process allows them access to relevant information but also an opportunity to weigh in with their opinions. In some cases, people have the right to select the households that participate in the forest contracts. The decisions of which villages are selected, how large an area will be contracted and how many households are contracted are decided by forest owners and/or CPCs without involvement of the people.

Only 47 percent of the interviewed people participating in forest contracting believed that their voices were reflected in the final decision of the process. Up to 53 percent thought that their voices were not reflected and that their contributions were not given satisfactory explanation or feedback. The level of participation of the

households without forest contracts was significantly less than that of those with forest contracts (see Figure 2).

Figure 2: The level of local people’s participation in the process of forest contracting



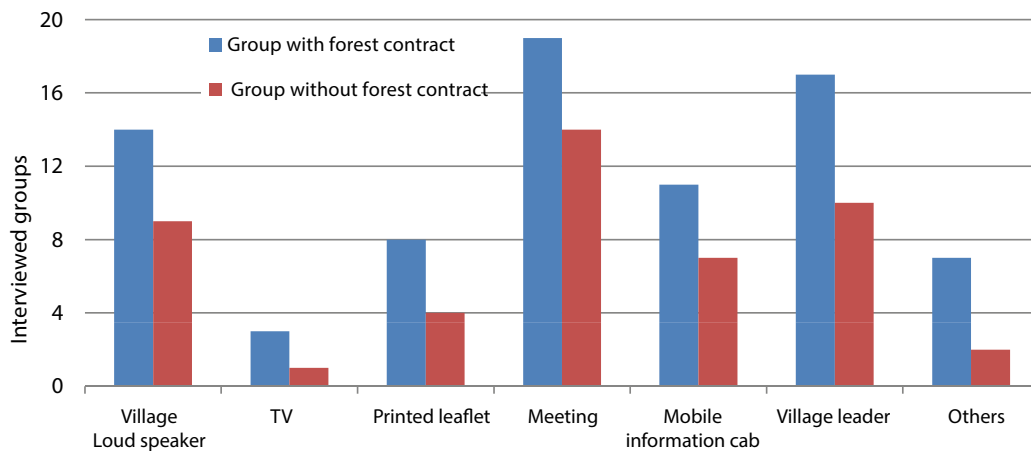
A.3.2 Transparency of the process

Content assessed: This indicator aims to assess the transparency and clarity of information related to the forest contract process, as well as decision-making at the local level.

Assessment results: The information related to the process of forest contracting was shared through a number of different methods. The most popular one is the use of loudspeaker in the village, informative meetings or information announced by the village head. Other channels were also used, such as leaflets, talking to forest protection forces, forest owners and/or CPC’s staff or local television (see Figure 3).

The information that was shared included the tentative plan of the process, as well as the rights and responsibilities of local people and forest owners (forest management boards and/or state-owned forestry companies). However, data reveal that information was only available in the first year of the forest contract. In many cases, as there were not enough forest areas to contract every household in the village, the village meeting were organized in the first year to select which households would receive the forest contracts. However, from the second year onwards, when implementing procedures for forest re-contracting (as the forest contract is only valid for one year), the forest owners and the village heads make the decision to contract or to stop contracting with households (minutes of the meeting with forest contracted groups are filed).

Figure 3: How information on forest contracts was disseminated



A.3.3 Interaction between the statutory law and customary law

Content assessed: This indicator aims to collect information on the flexibility of localities in applying traditional and cultural characteristics into the process of forest contracting.

Assessment results: The interaction between statutory law and customary law was assessed and considered according to three different aspects:

- Respecting “traditional forest owners” in the process of forest contracting: “Traditional forest owners” are identified as individuals, households or communities who have been using a certain forest area to date (normally they have owned it before or are using it), and this should be recognized and not violated by other people and/or communities. Up to six out of seven interviewed households affirmed that they complied with this principle in the process of forest contracting. In forest contracting, the “traditional forest owners” are often prioritized; for example, the people who are living or cultivating near the forest are prioritized to contract that forest area. The people who have been living in this area for a long time and are cultivating it are permitted to continue cultivation, but they have to commit in a written document to not extend to other forest areas. According to Decree No. 135/2005, forest is only contracted to households. In reality, forest owners have to harmonize the law and traditional practices so that they still sign contracts with each household (in accordance with the law), but organize the contracted households into groups and share benefits by groups (traditional practices). For the purpose of natural forest protection, the group approach is preferable and suits reality on the ground better, according to interviewees.
- Respecting traditional boundaries in the process of forest contracting: The

traditional boundaries are identified as the boundaries between forest areas that are used by the “traditional forest owners” and made by rivers, streams, mountain peaks, etc. As assessed, these boundaries are used in the process of forest contracting in most survey sites. As with respecting the traditional forest owners mentioned above, six out of seven interviewed households affirmed that they respected traditional boundaries in the process of forest contracting.

- Participation of traditional leaders in the process of forest contracting: The traditional leaders of the villages, for example the village patriarchs and the heads of families, participate in the process of forest contracting. Five out of seven interviewed forest owners affirmed this practice.

Although most forest owners asserted that the traditional practices related to forest management and protection are respected, these rules and practices are not made clear to all stakeholders, including state agencies and government authorities.

A.3.4 Budget

Content assessed: This indicator assesses the budget used for strengthening participatory mechanisms in the forest contracting process.

Assessment results: As described under indicator A.2.2, although the process of forest contracting at district level has a general budget line for informing local people and capacity enhancement, but there is no specific budget line dedicated to developing the facilitation capacities of the main responsible agencies and employing a facilitator, or for activities related to participatory methods.

A.3.5 Mechanism for complaint and conflict resolution

Content assessed: As opposed to Section A.1.5 regarding the system of complaints and conflicts settlement as set out in the legal documents, this indicator aims to collect information on the conflict resolution mechanisms in reality.

Assessment results: Although all interviewed officers of state agencies mentioned that the structure and operation of the system of complaints and conflict resolution was in accordance with legal regulations (see Section A.1.5), only some of them could point to the specific relevant legal documents (used to guide people on how to resolve complaints and conflicts). Up to 40 percent of interviewees (42 percent of those with forest contracts and 38 percent of those without) did not know who to inform of a complaint or conflict in the process of forest contracts.

The common view of interviewees is that when complaints or conflicts occur, these are community issues and are often resolved internally (through negotiation or the village reconciliation board). Each village has a reconciliation board, the members

of which are representatives of commune organizations, the village patriarchs, preachers or pastors (for Catholic villages), etc.

The complaints or conflicts related to outsiders of a village (including different communities and external organizations and/or agencies) must be resolved by government authorities. Local people contact the village head first to address an issue, followed by CPC and/or the forest management board. Households with or without contracts, especially ethnic minority households, did not seem concerned with who resolved the matters or how it was done; they only considered the village head and CPC as the focal point for reporting, presenting and complaining. The village head receives the settlement results, and then he informs the community.

Basically customary laws for resolving conflicts between communities does not exist. If the traditional leaders (the village patriarchs and the family heads) are invited to resolve disputes and conflicts, they only explain and recommend compliance with the law but do not resolve the matter by the customary law.

With regards to effectiveness of the complaints and conflicts settlement system at the local level, only 41 percent of households with forest contracts and 55 percent of households without forest contracts were satisfied with this system. The rest did not raise their voice or were unsatisfied. The main reason for the latter is that people do not know about the system, members of the reconciliation board are not qualified and they resolve conflicts by their opinions without external opinions and often shirk their responsibilities in the matter settlement (see Section B.3.3).

Summary of main findings on the effectiveness of the process

Limited facilitation capacity of the functional agencies affects full and effective participation of local people in the process of forest contracts. Roles of women in the forest contracts are not adequately provided for. Participation of local people is mainly from men, even for the groups with forest contracts. Relatively few households without forest contracts participate in the process simply because they are not invited. Additionally, participation of local people only focuses on providing them with information and consulting (see Table 5). In some cases, the local people are involved in voting for which households receive forest contracts in the first year of their forest contracts. From the second year onwards, which households get forest contracts is decided by the village heads and forest owners despite discussion with local people.

Table 5: Summary of the implementation of participation rights of people with forest contracts

	Legal regulations	De facto implementation
Information provided	Yes	Yes, in different ways
Comments provided through consultations	Yes	Yes, through village meetings
Decision on location and area of forest contract	No	No
Decision on the mode of forest contract	Yes	No
Decision on the model of forest contract	Yes	No
Decision on the forest contracted entities	Yes	Yes, in some survey locations
Decision implementation	Yes	Yes
Monitoring and evaluation	Yes	No
Adjustment of decisions during implementation	No	No
Determining the ratio of benefit-sharing	No	No

Because forest owners play a key role in the process of forest contracting, they guided and made decisions in all steps of the forest contracting process. Nearly 100 percent of staff of the one-member limited enterprises and forest management boards participated in the process. The stakeholders, including CPCs, district FPDs and district DONREs, nominated their representative leaders and staff to participate in the process.

Also relevant to the quality of participation is information sharing and availability and accessibility of data. In general, information is shared about the process of forest contracts by a number of different methods. The most popular one is the use of loudspeakers in villages, public meetings and announcements by village heads. The information shared includes the tentative plan of the program and the rights and responsibilities of local people and forest owners. However, information transparency is only ensured in the first year of a forest contract. As mentioned above, from the second year onwards, selection of forest contracted households is decided by forest owners and village heads without village meetings.

The forest protection contracts used at the survey sites are related to traditional factors. “Traditional forest owners” – individuals or communities who have been using a certain forest area to date and are recognized by other people or communities – are often prioritized to contract that forest area. In addition, traditional boundaries – the forest areas that are used by the “traditional forest owners” and made by rivers, streams, mountain peaks, etc. – are also used in the process of forest contracting in most of the survey sites. Similarly, the traditional leaders of the villages, for example

the village patriarchs and heads of families, also participate in the process of forest contracting. However, application of these principles into the process of forest contract is not systematic and depends on each officer as the information is not shared with all stakeholders.

Lastly, the mechanisms for complaint and conflict resolution were assessed. Although legal regulations on the process of conflict resolution were available, not every state officer was aware of them. The level of understanding among local people was even lower. Up to 40 percent of the interviewees did not know who to inform of complaints or conflicts related to forest contracting. When complaints or conflicts occur, the issues of the communities are often resolved internally (through negotiation or the village reconciliation board). Each village has a reconciliation board with members who are representatives of commune organizations, village patriarchs, preachers or pastors (for the Catholic villages), etc. The village heads and CPCs are the focal points to work with local people in case of conflicts with “outsiders”. The application of customary laws in conflict settlements between a community and outsiders does not exist because settlements are based on statutory legal regulations.

4.1.2 Conclusions

The results after data collection and analysis highlight strengths as well as weaknesses and gaps of this governance issues. Key findings are presented below:

Issue 1: Level and quality of participation of local stakeholders in the decision-making and implementation processes as related to forest contracts.

Strengths to build on:

- At the macro level there is a policy framework with legal documents to encourage stakeholder participation (particularly of people at grassroots level) and to provide a foundation for forest contracts for forest protection. In addition, supporting guidelines on how to implement these legal documents are available.
- The policy framework also identifies a system for solving conflicts among different parties or stakeholders that can be applied in the field of forestry.
- Government staff working with forest contracting has received training in communication and other skills relevant to working with local people. The staff also has extensive experience working with communities and other stakeholders.
- Lam Dong has allocated a specific and significant budget line for raising awareness (on legal issues) and capacity building on forest protection management (20–30 percent of the total management fee from PFES).
- Efforts to share information on forest contracts have been made via different

channels. During the implementation process of forest contracting, efforts to engage people through consultation and in decision-making processes were especially evident.

- During the implementation of forest contracting, customary practices of local people and formal laws have been integrated to avoid conflict in forest management, which has to a large degree been successful.
- In terms of conflict resolution, local people usually handle issues domestically and informally. This is a rather effective form of resolving conflict within communities.

Weaknesses and gaps to be addressed:

- There is an apparent 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 on forest contracting does not refer to this existing system.
- The capacity of responsible agencies to facilitate and ensure effective participation of stakeholders remains limited, 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 details are too general and do not emphasize or identify the need to promote stakeholder participation.
- Despite the efforts to engage local people in the process of discussion and decision-making on forest contracting, community participation is a lot more constrained than what the law stipulates. Moreover, local people's knowledge on their right to participate is also limited.
- Local people without forest contracts, particularly women, have a relatively low level of involvement in, participation in and understanding of forest contracts.
- Despite efforts to share information on forest contracts through different channels, the transparency and availability of relevant information is inconsistent. Decisions on selecting households after the first year of forest contracting are not made based on clear and shared criteria.
- Although there are efforts to take into consideration customary practices in formal law and regulations, data reveal that these efforts have not been undertaken systematically. Specific information on the actual application of customary law has not been shared with stakeholders, particularly with local communities.

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

4.2.1. Main findings by indicator

B.1. Legal basis on the rights to forests and benefit sharing from forests

B.1.1 Rights and benefits from forests of stakeholders

Content assessed: This indicator collects information about the rights and benefits of each stakeholder as stipulated by legal documents.

Assessment results: Article 5 of the Forest Protection and Development Law of 2004 identifies seven basic groups of forest owners: (1) protection forest management board and special use forest management boards; (2) economic organizations; (3) domestic households and individuals; (4) people's armed forces units; (5) organizations involved in forestry-related scientific research and technological development, training or vocational training; (6) overseas Vietnamese; 7) foreign organizations and individuals investing in Viet Nam. Articles 29–30 of the Law on Forest Protection and Development regulate that communities can be allocated forest by the state.

In Lam Dong Province, the main forest owners include: (1) protection forest management boards and special use forest management boards (FMB), National park and (2) economic organizations assigned forest ownership (forestry companies). Communities are also allocated forest, but they were not surveyed in this assessment. Thus, in this report the overview of the law includes community's rights to forest, but the analysis of site-collected data does not include communities that were allocated forests. As mentioned in Section 3.1, households with forest contracts and household groups are also stakeholders who directly manage and use forests at the local level. Households with forest contracts are mentioned under the part of the legal documents review on the rights to forests and discussed concretely in the part of site-collected data analysis. There are few households with forest allocations in Lam Dong, but they are still mentioned in this overview of policies and in the analysis so as to compare their rights to forests with those of households with forest contracts.

The legal documents related to the rights to forest (land) of stakeholders include:

- The Law on Land 2003. Part IV, Section 1, Articles 105–108: General regulations on rights and obligations of land users; Section 2, Articles 109–112: Rights and obligations of land using organizations ; Section 3, Articles 113–117: Rights and obligations of households, individuals and communities using land.
- The Law on forest protection and development 2004. Chapter 2, Section 3,

Article 30: Rights and obligations of forest allocated village communities; Chapter 5, Section 1, Articles 59–60: General regulations on rights and obligations of forest owners, Section 2, Articles 61–62: Rights and obligations of forest owners as special use forest management boards, protection forest management boards, Section 3, Articles 63–68: Rights and obligations of forest owners as economic organizations, Section 4, Articles 69–70: rights and obligations of forest owners as households and individuals.

- Decree 135/2005/NĐ-CP. Article 9: The rights of forest owners; Article 10: The rights of forest contracted entities; Article 15: Implementation of contracting production forest as natural and plantation forest; Article 16: Forest contract for planting production forest.
- Decree No. 23/2006/NĐ-CP. Article 32: Rights of forest owners as households and individuals; Article 33: Rights of forest owners as domestic economic organizations.
- Decree No. 99/2010/NĐ-CP. Article 8: Entities to enjoy payment for forest environment services; Article 20: Rights and obligations of providers of forest environment services.
- Decision No. 178/2001/QĐ-TTg. Chapter II: Benefits and obligations of households and individuals assigned and leased forestry land by the state; Chapter III: benefits of households and individuals contracted forest protection, regeneration and plantation by state organization.
- Decision No. 304/2005/QĐ-TTg. Article 5: Benefits of persons allocated with forests and land for planting of production forests; Article 6: Benefits of persons taking on contractual allocation of forests for protection.
- Circular No. 80/2003/TTLT-BNN-BTC. Chapter II: Financial support for forest plantation, tending and protection.
- Circular No. 102/2006/TT-BNN. Section IV: Rights of forest owners in conflicts settlement; Section V: Rights of forest contracted entities related to compensation in case of land recovery.
- Circular No. 17/2006/TT-BNN. Section III: Rights and obligations of households, individuals and communities assigned and contracted with forest protection.

Main rights and benefits of stakeholders are summarized in table 6.

Table 6: Summary of rights to and benefits from forests according to legal regulations

Types of rights	Forestry companies	Forest management boards	Forest contracted households	Forest contracted communities	Forest assigned households
Access:					
to the forest	Y	Y	Y	Y	Y
Exploitation					
timber exploitation	Y	Y	N	Y	Y
non-timber forest products	Y	Y	Y	Y	Y
timber residue harvest	Y	Y	Y	Y	Y
forest clearance	Y	Y	Y	Y	Y
animals/fish	N	N	N	N	Y
forest environmental services	Y	Y	Y	Y	Y
mortgage	Y	N	N	N	Y
financial contribution	Y	N	N	N	Y
animal husbandry under the forest canopy	Y	Y	N	Y	Y
Management:					
exploitation permission	N	N	N	N	Y
forest plantation	Y	Y	Y	Y	Y
forest pruning	Y	Y	Y	Y	Y
cultivation on bare land in the forest	Y	Y	Y	Y	Y
Exception:					
forest patrol	Y	Y	Y	Y	Y
violation arrests	N	N	N	N	N
violation sanctions	N	N	N	N	N
Transfer:					
inheritance	N	N	N	Y	Y
gift	Y	N	N	N	Y
offering	N	N	N	N	Y
transfer	Y	N	N	N	Y
conversion/exchange	N	N	N	N	Y
Evidence of the rights to forests:	Certificate of land use right	Certificate of land use right	Agreement of forest contract	Certificate of land use right	Certificate of land use right
Duration:	50 years	50 years	1-50 years	50 years	50 years

Note: Y = yes, N = not permitted/not regulated

The rights of forest contracted households are implemented according to the agreement between the forest owners and the forest contracted entities.

B.1.2 Interaction between statutory law and customary law with regards to forest management

Content assessed: This indicator collects information about how the current legal documents recognize traditional forest management practices.

Assessment results: In general, legal regulations on rights to and benefits from forests do not institutionalize traditional practices (related to forest management and protection) of communities. Among these legal documents, only the Law on forest protection and development from 2004 prescribes traditional customs and practices of local people in forest protection under Article 29 (see box 5).

Box 5: Traditional forest management as reflected in legal documents

The conditions for allocation of forests to village and/or communities are prescribed as follows:

a) villages and/or communities which share the same customs, practices and traditions associated with forests in production, life, culture and belief; be capable of managing forests; have demand; and file applications for forest allocation;

b) the allocation of forests to villages and/or communities must be in line with the approved plans for forest protection and development and match the local capacity/area of forest.

2. Villages and/or communities shall be assigned the following forests:

forests that they manage and use efficiently;

forests that have water sources that are used by the communities or other common communal interests and that cannot be assigned to organizations, households or individuals.

Source: Article 29, Law on Forest Protection and Development 2004.

Summary of main findings on the legal basis of the right to forests

In Lam Dong, those who are assigned the rights to forests by the state consist of special use and protection forest management boards and forestry companies. Communities are also assigned the rights to forests in the province but were not included in the scope of this report. Besides, forest contracted households and/or groups of households are stakeholders who manage and use the forests in the province. Although there are few forest assigned households in Lam Dong, they are also mentioned in the overview of policies and in the analysis so as to compare their rights to forests with the forest contracted households.

There are ten legal documents detailing the rights to forests (land) of the four stakeholders mentioned above. These show that the rights and basic benefits of households assigned forests with the certificate of land use right – which is uncommon in Lam Dong Province – are much greater than the rights and benefits of forest contracted people (more common in Lam Dong).

It is noted that legal regulations on the rights to and benefits from forests do not institutionalize traditional customs (related to forest protection and management) of local people. In the legal documents, only the Law on forest protection and development of 2004, Article 29, mentions the customs and traditional practices of local people.

B.2. People’s understanding of the law and legal support for local people

B.2.1 People’s understanding of the legal framework

Content assessed: Information collected for this indicator is about the understanding of stakeholders of their rights and benefits as regulated by the law.

Assessment results: The understanding of interviewed people with forest contracts for forest protection about their rights to forests is limited (see table 7). Only 52 percent of the 245 interviewees had some kind of idea about their rights to forests; the rest (48 percent) did not know about their rights. In general, men’s understanding was higher than women’s, and the understanding of people with forest contracts was higher than those without. However, even when people could correctly identify their rights to forests, their understanding of these rights was very limited. Two essential rights mentioned were receiving PFES money and planting trees in forest (see B.2.2).

Table7: Summary of local people’s understanding of their rights to forests

	Unable to answer		Able to answer	
	Quantity (person)	Percentage (%)	Quantity (person)	Percentage (%)
According to gender				
Male	49	40%	72	60%
Female	68	55%	56	45%
According to the groups with forest contracts				
Non-contracted group	62	60%	41	40%
Contracted group	55	39%	87	61%
Average	127	48%	128	52%

B.2.2 Enhancement of legal understanding for local people

Content assessed: This indicator aims to collect information about information about the law that is shared with local people.

Assessment results: In general, there are trainings on the law for local people, and they focus on forest fire prevention, firefighting, forest protection, forest management

and PFES. In these training courses, trainers often read aloud from legal documents and then spend approximately 15–30 minutes answering questions, which are mostly related to the PFES funds. In many cases, trainers respond, “It is a regulation of the state” to avoid providing detailed explanations to local people. The groups with forest contracts have the chance to annually attend training activities and/or talks on the law, so they are better informed than the groups without forest contracts (see the details on the organization of training activities to raise local people’s awareness of the law under the indicator A.2.2).

Regarding budget for awareness raising, 10 percent of the management cost of Lam Dong Forest Protection and Development Fund (over one billion dong – approximately 47 000 USD) is used for this purpose. The amount of this budget allocated to each forest owner depends on the forest area being managed and the unit price for each hectare (depending on location). This means that those who have more forest area and a higher unit price receive more of the budget to raise stakeholders’ awareness (through meetings, printing leaflets, banners, etc.).

B.2.3 Legal support on forestry matters for local people

Content assessed: This indicator collects information on the consultations on forest law held with local people as needed.

Assessment results: Apart from the training courses organized by forest owners to raise legal awareness for people with forest contracts, Lam Dong Province began in 2008 a program to universalized the law and/or legal matters related to many stakeholders (Decision No. 1212/QĐ-UBND, dated 8/5/2008, by Lam Dong PPC). One of the program’s objectives is “to universalize fully and promptly legal regulations in the fields related to legal rights and benefits of people, especially in remote areas and for ethnic minority in the provinces in order to facilitate people to use the law as means and tools for protecting their legal rights and benefits and those of the state and society”. As expected, “90 percent or more of the provincial population will be informed of the general law and the legal documents related to each population group”. Accordingly, legal support centers were established and located in the district center with the aim of supporting local people (especially ethnic minorities) in the districts on legal matters free of charge. Nevertheless, it was found that none of the interviewees knew about this system and have never used it.

If local people have any questions about legal matters, they first go to the village head and the village police. In some Catholic villages, local people ask the pastor about many things, including forests. If he cannot answer, they go to the CPC. Local people ask the officers of the forest management board if the board station is located near or in the commune. No matter if local people’s requirements are met on the district level, they have little access these organizations. They do not want to go far or go to district agencies or other organizations that they are not used to. Local

people can talk to the village head at any time and often ask the CPC during working hours in the morning. Some local people go to the house of CPC staff with whom they are well acquainted. No individuals or organizations have asked local people about what information or support they need.

Summary of main findings on the understanding of and the legal support system for local people

Compared with legal regulations on the rights to forests of people with forest contracts, the local people's understanding of their rights is limited, especially among women and people without forest contracts. However, local people can answer the question on what is their rights to forests. Two essential rights mentioned were receiving the PFES money and forest plantation.

One of the factors that affects local people's understanding of the law is that the training courses on the law only focus on forest fire prevention, firefighting, forest protection, forest management and PFES. Additionally, training applies the traditional methods where the trainer lectures and local people listen, and there is no interaction apart from 30 minutes of questions and answers at the end of the course. Men and household owners in the group with forest contracts attend the annual training activities, thus they know much more than women and the group without forest contracts.

Meanwhile, the budget for awareness raising is quite high, accounting for 10 percent of the management cost of Lam Dong Forest Protection and Development Fund (over one billion Vietnam dong equivalent to 46 000 USD). The ratio of this budget for each forest owner depends on his or her forest area and unit price for each hectare.

Additionally, since 2008 Lam Dong Province has deployed the program of universalizing legal support to many stakeholders. Accordingly, centers of legal support have been established at the district centers with the aim of supporting local people (especially ethnic minorities) in the district free of charge. However, the interviewees don't know about this system and have never used it.

If local people have any questions on the law, the people first go to the village head and the village police. In some Catholic villages, the local people ask the pastor. If these people cannot answer, the local people will go to the CPCs. They also ask the officers of the forest management station if the station is located near or in the commune. No individuals or organizations have asked local people about what information or support they need.

B.3 Actual implementation of rights to forests (and benefits from forests)

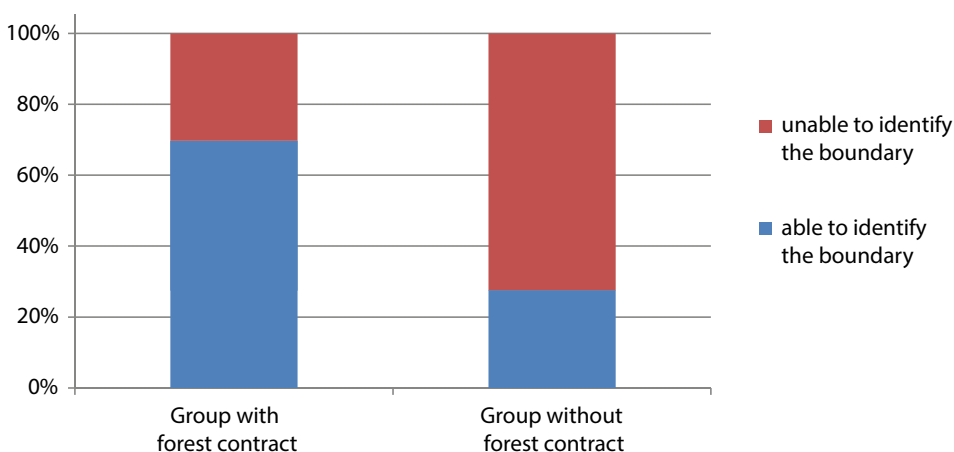
B.3.1 Clarity of the rights to forests in reality

Content assessed: This indicator assesses the clarity of rights to forests in reality by using two sub-indicators: (1) clarity of forest boundaries on site (reflected by forest boundary noticeboards, the percentage of people able to point out the forest boundaries and whether the people who have rights to forests regularly patrol for forest protection), and (2) local people’s evidence of rights to forests (for example the certificate of land use rights, agreements of forest contracts, etc.).

Assessment results: With regard to forest boundaries, the interviewees in all four surveyed districts affirmed that they had demarcated them. However, in some cases, the number of noticeboards that mark forest boundaries are insufficient or lost; in other cases (in Don Duong and Duc Trong, especially for contracted forest), the boundaries are only marked by paint. In Da Lat, in the past the forest boundaries were named after forest contracted households, but because of recent annual changes, the forest boundaries are named after groups, areas and sub-compartments.

The number of people able to recognize forest boundaries is very low: only 68 percent of the total of households with forest contracts interviewed could point out the forest boundaries or noticeboards on site, and only 22 percent of people without forest contracts (see figure 4).

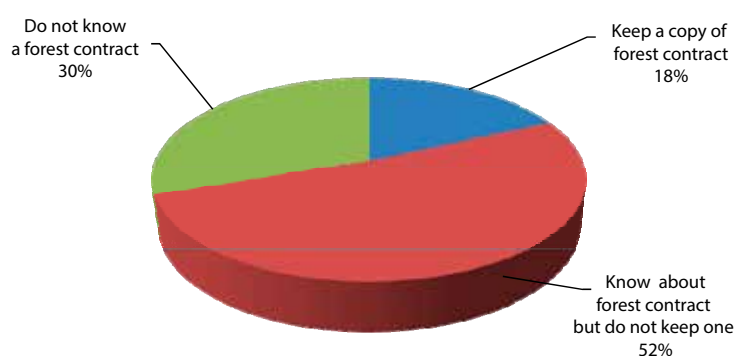
Figure 4: Local people’s understanding of the forest boundaries on site



The patrol for forest protection after the forest is contracted is conducted on an average of one to two times per week, and normally it is combined with other tasks. The area of forest patrolled varies according to the season and weather. Police, CPC and forest protection forces become involved in patrols in cases of raids or if forest resources are encroached upon.

For evidence of the rights to forests, the assessment focused on agreements of forest contracts for households, as the interviewed households included those with and without forest contracts. According to the technical staff of forest-owner organizations, all households with forest contracts are provided just one out of four original forest contract dossiers. Meanwhile, CPC said that local people do not receive forest contract dossiers and that the contract dossiers are kept by forest owners. In fact, only 18 percent of 33 household groups interviewed (six cases) said that they received the forest contract dossiers, while the rest did not know anything about them (see figure 5) The only document that everyone could cite was the list of signatures provided every time they received payment for the contract.

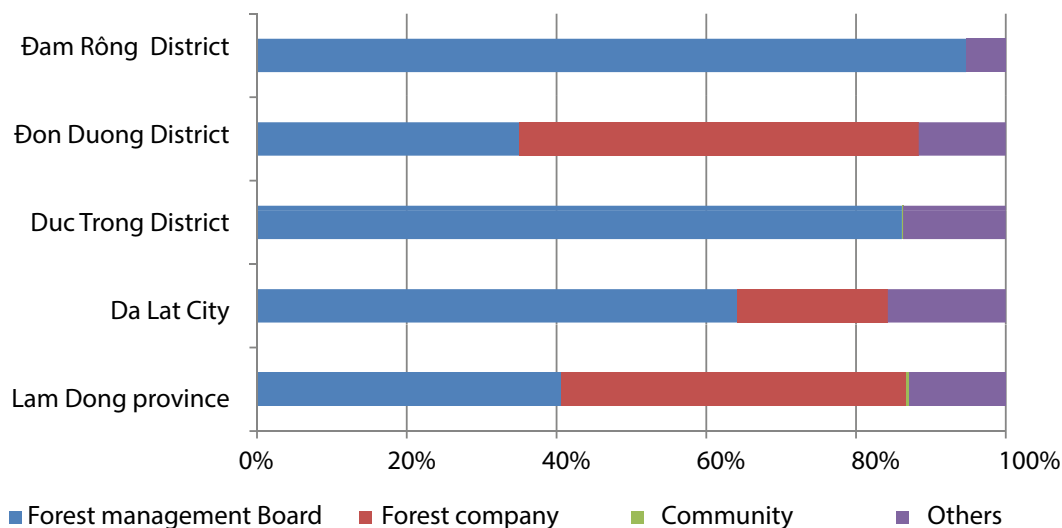
Figure 5: Understanding of the households with forest contracts regarding the contract dossiers



B.3.2 Equality

Content assessed: This indicator assess the equality in implementation of rights to and benefits from forests among stakeholders according to three sub-indicators: (1) forest area compared with the average number of people in each group, (2) the difference between legal regulations (rights and benefits on paper) and actual implementation of rights and benefits and (3) stakeholders' assessment, especially local people, on the equality of the rights to forests and benefit-sharing.

Assessment results: With regards to forest areas being managed by different stakeholders, Lam Dong and its surveyed districts show a big difference between forest areas managed by the state (Forest Management Boards, forestry companies) and forest areas managed by local people/communities (see Figure 6). At the provincial level, up to 87 percent of forest area is managed by the state (41 percent managed by Forest Management Boards and 46 percent managed by forestry companies). In the surveyed districts, this figure is 84 percent for Da Lat City, 86 percent for Duc Trong District, 88 percent for Don Duong District and up to 95 percent for Dam Rong District. Meanwhile, the local people (communities) only manage 0.4 percent of the total forest area of the province, 0.15 percent of forest area in Duc Trong District and 0.65 percent in Dam Dong District.

Figure 6: The ratio of forest area managed by different forest owners

The statistics on areas of contracted forest was not available in surveyed districts. In surveyed villages, they are not sufficient because only six out of total 16 villages had them. In these villages, each household is contracted an average area of 7.1 hectares. And though income from forest contracts (PFES money) accounts for approximately 13 percent of the village's total income, an average of only 40 percent (a range of 3–90 percent) of households in each village can access this source.

With regard to exercising rights, groups of people with forest contracts, apart from receiving payment from PFES, harvest non-timber forest products (42 percent of those interviewed), forest plantation (21 percent) and forest clearing (18 percent). The other rights that are implemented include harvesting timber residue, animal husbandry under the forest canopy and fishing in streams (see Table 8). Households without forest contracts also have these benefits even though they are not permitted them by legal regulations.

The group of forest owners (Forest Management Boards, one member of forest company Ltd) implement many of their rights and benefits. Apart from receiving PFES money, they conduct activities of forest product exploitation (timber and non-timber forest product) and forest plantation.

Table 8: Summary of rights and benefits of local people actually implemented

The rights	Forest MB	Forestry Companies	Households with forest contracts	Households without forest contracts
Receiving PFES money	6 (100%)	1 (100%)	33 (100%)	0
Timber exploitation	1 (17%)	1 (100%)	3 (9%)	1 (3.4%)
NTFP exploitation	1 (17%)	1 (100%)	14 (42%)	11 (38%)
Harvest of timber residue	3 (50%)	0	4 (12%)	1 (3.4%)
Forest clearing	3 (50%)	1 (100%)	6 (18%)	0
Fishing in streams	0	0	3 (9%)	0
Husbandry under the forest canopy	2 (33%)	0	3 (9%)	2 (7%)
Forest plantation	5 (83%)	1 (100%)	7 (21%)	0

Note: The figures in parentheses are the percentage of the number of people and/or organizations implementing this right in comparison with the total number of interviewed.

Regarding difficulties in using their rights, local people (those with forest contracts) claimed that the PFES fee is low and in many cases not worth with their time and effort. Another reason they do not use their rights is that legal regulations do not allow them to implement activities that they are used to (for example, livestock grazing, logging bamboo) (see Box 6).

Box 6: Summary of difficulties expressed by people with forest contracts

Forest environmental services:

- the timeline for payment of PFES is not fixed;
- the contract money is small and paid three to four months late;
- the Forest Management Board does not pay 100 percent of the contract value and pays only partially in advance;
- the record of recurrent payment is not available;
- the money paid for a contract for forest protection is decreased if the forest is encroached upon, but this money is not increased if the forest is well protected;

Difficult procedures and lack of documents given to those with forest contracts:

- the contract agreement must be attached to the map of the forest;

Poor infrastructure:

- there are no roads to transport the products that are harvesting.

Lack of technical support:

- people do not receive guidance on how to tender the trees delivered.

Lack of other benefits:

- people are not paid any allowances except for protecting the forest;

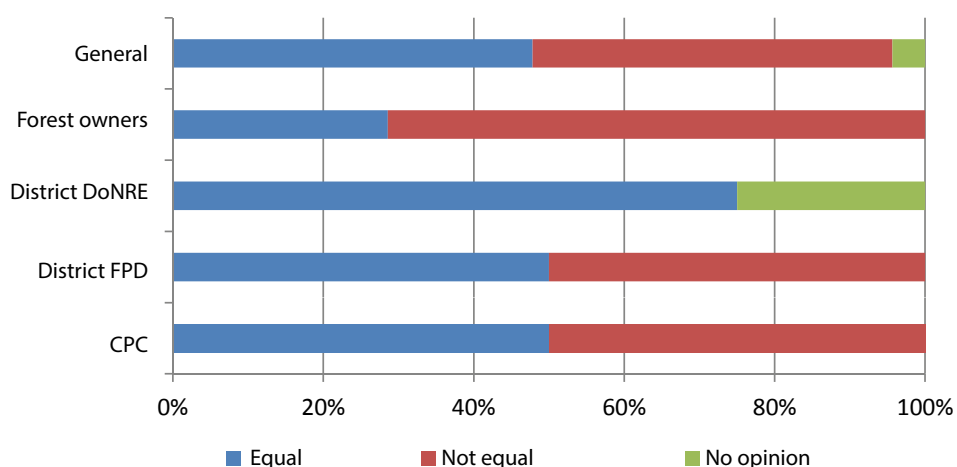
Source: Interview the forest contracted group (Sample 13)

Regarding the policies on forest management and their implementation, only 60 percent of households with forest contracts think that they are fair and fairly applied. The reason is that the costs and human resources spent for forest protection are higher than the payment received, and information about payment (how much and how often) is not very transparent. Some of the households with forest contracts think that the work distribution in the group of households is unequal. Several households are lazy and do not actively participate in forest protection but still get contracts every year. One suggestion to fix this discrepancy is that “it is more important to have responsible people than a great number of people involved”; accordingly, groups with forest contracts should be rearranged into smaller groups, and the inactive households should be rejected. The payment for forest protection would be delivered to fewer people, which means that each household with a forest contract would receive more money and be motivated to be more responsible for forest protection.

Of the groups without forest contracts, only 31 percent of those interviewed think that the policy is equal because those with forest contracts have to spend time and effort in forest protection, for which they are paid and receive other benefits. The rest think that the policy and implementation are not equal because there are a lot of qualified households that have not been received a forest contract in many years.

Of officers of relevant units, less than 50 percent of those interviewed believe that the policy and implementation are equal for all stakeholders; the others either do not agree or do not know (see figure 7). The main reasons are that stakeholders’ responsibility (of forest protection) is large; they must even work in the night and working conditions are difficult, but the funds for operation are small. Commune officers – who are responsible for different tasks though the commune budget is limited – meet difficulties in implementing policies on forest protection and management: “CPC is blamed for all deforestation, forest fires, conflicts and disputes. Whereas CPC’s budget is little, staff is not enough, the allowances for CPC staff is very low. They cannot do anything even though they want to” (quoted from an interview with a CPC official).

Figure 7: Summary of assessment on equality in policies and implementation



B.3.3 Conflicts and conflict resolution in forest use

Content assessed: This indicator aims to collect information about the existence of (serious) conflicts in forest management between stakeholders.

Assessment results: Conflicts at the local level related to forest protection and development over the past three years (2011–2014) have been mainly between local people and forest owners, because the local people cultivate or exploit the forest products on land managed by forest owners. These conflicts are usually jointly resolved by forest owners, CPC and forest protection forces (with district DONRE in some cases). District People’s Committees rarely have to become involved in conflict settlement. As described in Indicator A.3.5, conflicts in forest management are resolved based on statutory law but not on customary law or traditional practices. The law is strongly applied to support stakeholders (forest owners, people with forest contracts, etc.) who have legal rights to forests. Factors such as traditional rights to forests are not recognized in the law, so they are not considered during resolution. Consequently, the conflicts are usually handled in such a way that the people with legal rights to the forest will recover the (forest) land, and the other side will have to accept this resolution. Because there is no information available or discussions about “traditional rights” (over ancestral land of local people) combined with the demand of the people to use the land though they do not have legal rights to it, these conflicts tend to repeat (annually) in recent years, and have the potential to lead to other conflicts in the future (see Box 7 and further information in Indicator A.3.5).

Box 7: Conflicts and conflict resolution in forest resource management

Case 1: Since 2011, conflict has occurred every year between a group with forest contracts of Village A and some households who cultivate near this group's contracted area. According to the assessment of this group's members, it is because the people "encroach the forest land for coffee cultivation and illegally log forest trees".

This conflict was reported to CPC, the forest protection board and the forest owner. A conflict reconciliation board was established, including the head of the forest management and protection station (who represented the forest owner), the local forest protection officer and representatives of the commune forestry unit.

The conflict was resolved as follows: The people who plant coffee for the first time on the forest land were requested to suspend their activity immediately. The households who had a complaint against them resolved last year but continued planting coffee in the forest were requested to sign the minutes on clearance of illegal plantation. The coffee was destroyed and forest land was recovered for the group with the forest contract. The members of this group were satisfied with this result because they recovered their forest.

Traditional leaders (the village patriarch and the family head) were not involved in the process of conflict resolution and customary law and traditional regulations on forest use were not applied.

Case 2: Similar to the above case, the conflict happened between households who were cultivating at the edge of the forest that was being protected by households with a forest contract. They (the interviewed people) were deforesting for agricultural cultivation. The conflict was resolved in the same manner as the above case. The people who deforested for agricultural cultivation were requested to suspend their activities and pay a fine. The local people abided by the decision but refused to comment on it.

Source: Interview with a representative of stakeholders (Sample 11).

B.3.4 Security of rights to forests

Content assessed: This indicator assesses the security of people's rights to forests by analysing three subindicators: (1) stakeholders' (long-term) investment in forests, (2) stakeholders' assessment on the security of their rights to forests and (3) existence of potential conflicts in forests and forest land management and use.

Assessment results: Among 33 groups with forest contracts interviewed, seven said that they have planted about 25 030 ha of forest over the past years. The funds for their forest plantations are supported by different government programs (through the forest contract agreement) rather than their own funds.

Security of their rights to forests is assessed through four sub indicators:

- People's faith in the validity of the period that they have rights to forests: For the interviewed people (only groups with forest contracts), the length of their rights to forests are determined by the period of the forest contract. Only two out of the 33 groups believed that they would be contracted in the

long-term (50 years). The others were only concerned about the current one to two year contract and did not make any assumptions about the future.

- The difficulties in implementing the rights to forest: Only ten out of the 33 the groups with forest contracts believed that they would not face any obstacles in implementing their rights as laid out in the forest protection contract (see table 7) and that they would receive the expected benefits. The other groups either did not have an opinion (11 groups) or thought that it would be difficult (12 groups).

Finally are the hidden conflicts influencing the security of rights for local people. Assessment results above shows the potential risks to the security of the rights to forest (see table 9).

Table 9: The potential risks to the security of the rights to forests

Reference	Identified problems and potential risks
A.2.1. The facilitation capacity of responsible agencies A.3.1. Participation of stakeholders A.3.2. Transparency of the process	The weak facilitation capacity of relevant agencies and the limited participation of local people in decision-making in the forest contract process result in disagreement of local people with given decisions (for example: who receives forest contracts and how to contract them).
A.3.5. and B.3.3. Mechanism of complaints and conflict settlement	When the method of conflict settlement is not “cooperative” - does not consider the necessary needs of local people or their “traditional rights” - the conflict’s recurrence is more likely.
B.1.3 The interaction between statutory law and customary law	Similarly, when traditional factors are not assessed, it is possible for two regulation systems - “the formal one” and “the traditional one” - to exist for the same forest.
B.2.3. Legal understanding and support for local people	When local people cannot adequately access the law, there are risks that people will undertake illegal activities.
B.3.1. Clarity on forest boundaries in the field	When the forest boundaries are not clarified with stakeholders, the people who have legal rights to forests may meet difficulties in implementing their rights and responsibilities.
B.3.2. Equality (difference between legal regulations and reality, the average forest area and viewpoints of stakeholders on equality)	The differences in forest area managed by different stakeholders, legal regulations and reality, as well as dissatisfaction with the policies and reality in forest management are risks to ensuring the legal rights to forest.

Summary of main findings on implementation of the rights to forests in reality

The assessment shows that how rights are upheld and respected are not very clear. In four surveyed districts, although the forest boundaries were marked, the number of noticeboards marking forest boundaries did not meet set requirements; also, when



there was information on these boards it was not sufficient. In other cases, forest boundaries were marked only by paint and lacked the required boards to signal them. Further, the number of people who were able to identify set forest boundaries was too few: only 68 percent of people with forest contracts and 22 percent of those without. Additionally, households with forest contracts rarely had documentation of their forest contracts. Although the interviewed forest owners confirmed that all households with forest contracts are provided an original dossier of it, only 18 percent of the contracted households confirmed having received a forest contract dossier; 51 percent of forest contract owners were aware of the forest contract dossier but have never received it; and the remaining 31 percent of forest contract owners did not know about the required dossier.

The current level of equality in the rights to and benefits from forest resources is found to be a problem. Firstly, there is a significant difference in who manages forest areas. Nearly 90 percent of the total forest area is managed by the state, whereas only 0.4 percent of the total is managed by local people (communities) in Lam Dong Province. There are no statistics of the contracted forest areas in surveyed districts.

Secondly, how rights are being exercised seems to relate to who is managing the forest. For those with forest contracts, apart from receiving PFES money, the rights that are most commonly exercised are NTFP harvest, forest plantation and forest clearance. On the other hand, the forest owner groups (Forest Management Boards, one member co., Ltd) implement more rights and benefits. Besides receiving PFES money, forest owners harvest forest products (timber and NTFP) and plant forests. More important, households without forest contracts (who do not have legal rights to forest) also benefit from timber and NTFP exploitation, timber residue harvest and husbandry under the forest canopy.

With regards to equality in policies and their implementation, only 60 percent of the local community representatives interviewed agreed that equality and fairness were upheld through the policy implementation, while the remaining 40 percent interviewed disagreed with this statement. Some of the households with forest contracts also indicated that the work distribution within the group of households was not fair. For the groups without forest contracts, only 31 percent of those interviewed found that the relationship between how much time and work was spent on forest protection and what was received for payment and benefits was equitable and fair. The remaining interviewees found that policy and implementation were not reasonable and fair, as many qualified households failed to obtain forest protection contracts for many years even though they wanted them. Less than 50 percent of relevant agencies' officers interviewed believed that the policy and actual implementation were impartial for all stakeholders, the remaining 50 percent either did not agree or had no opinion.

Conflicts related to forest management and protection have been recurring in the

relevant localities for the past three years as local people cultivate or harvest forest products in the areas of other forest owners. The conflicts are often jointly solved by forest owners, CPC and forest protection forces by implementing legal principles and without consideration of traditional practices or customary law. Consequently, the conflicts are usually handled so that the people who have the legal rights to the forests will withhold (forest) land, and the other party has no choice but to accept. Due to a lack of teaching and discussion about “traditional rights” (of the ancestral land of local people) as well as the demand of people who do not have legal rights, these conflicts tend to repeat (annually) and risk potentially leading to other escalated conflicts in the future.

The final matter is the security of rights to forest. This issue is assessed through gathering information about local people’s (long-term) investments in forests; people’s assessment on the security of their rights to forests; and the potential conflicts over forest land management and use.

Findings illustrate that at the time of the survey, investments in forests only derived from state expenditure through relevant programs and projects, whereas local community contractors were not investing their own resources. The majority of stakeholders interviewed did not see their rights to forests from a long-term perspective. Rather, they only knew that the forests were contracted to them (not assigned) for a certain period of time, and the continuation of the contract was uncertain compared with the forest recovery and forest areas managed by the state. As such, there are a lot of potential risks that may result from the perceived uncertainty of the contracted people’s rights to forest, which in turn will negatively impact the sustainability of forest policies – such as that all people might not become involved in the selection of households for forest contracts, there might not be discussion for further improvements and adjustments of policies that do not reach set targets and alternative livelihoods for local people might be taken into account in the settlement of conflicts.

4.2.2 Conclusion

Findings related to the level of clarity and respect related to stakeholders’ rights to access forest resources and benefit sharing in Lam Dong indicate the following strengths and gaps across three aspects: the policy framework on the rights to forest resources; legal understanding of and legal support for local people; and actual implementation of the rights to forest.

Strengths found worth building on:

- The policy framework defines regulations on and supports the validity of stakeholders’ rights to and benefits from forests. These legal documents clearly state the kind of agreements and documents that should be provided

to each stakeholder and determine their rights to the relevant forest area.

- Forest owners and the Forest Protection Department often provide relevant information on legal issues to stakeholders, particularly to local community stakeholders.
- Lam Dong Province has already established a Legal Support Center for local communities, particularly for ethnic minorities.

Weaknesses and gaps to be addressed:

- Customary laws concerning forest protection and management have been institutionalized in the policy frameworks. In other words, there is not yet an integration of customary law within the legal framework, which in turn often leads to a perpetuation of conflicts over forest areas and resources.
- Stakeholders with forest contracts, especially men, tend to have better access to information on legal matters. Training methods are not designed to promote interaction between those with and without a forest contract. This has resulted in limited knowledge among communities, particularly stakeholders and stakeholder groups without forest contracts and to a certain extent women.
- Local communities are generally not aware of the existence of the Legal Support Center. People in need of legal advice are largely dependent on their neighbours and village fellows for this information.
- Information on forests and land demarcation and rights to forest areas or resources is not available to stakeholders. Further, there is a lack of sign posts that clearly indicate the different forest areas. The paper contract paper – which is the legitimate proof of people's rights over the contracted forest areas – is not handed over to who it belongs to, namely the forest contractors.
- Through this assessment a significant difference was found between forest areas with local community contractors on the one hand and forest areas managed or held by state organizations – especially in terms of how investments were made. Mostly, investments are funded by state actors and not by local actors, as the latter view the continuation of the contract period to be too uncertain. Also, there is a discrepancy between the rights stipulated by law and de facto realities. There are also differences in how different stakeholders exercise their rights or how they are constrained from doing so.
- Rights of people with forest contracts over forest areas and resources are not respected. Local community representatives who were interviewed perceived that the forest was temporarily contracted for them to protect, instead of being allocated. Local people experience a relatively high level of uncertainty with regards to (dis)continued contracting and, therefore, future compensation, in the cases of land retrieved by the government.

- Conflicts related to forest management are resolved based on formal legal principles. This means that stakeholders without formal rights to forests have to halt activities that are considered illegal through statutory law. As customary law has not been considered nor integrated into formal law, there is a high risk that conflicts over forests will continue.
- Many of the risks identified through this assessment that relate to jeopardizing the sustainable use of forest resources and stakeholders' with forest contracts access to justice (especially those living at the local community level) are due to the lack of (appropriate) participation in the selection processes, such as decisions on which households will get forest contracts. Further, consultations on livelihood alternatives are not available to local people during the process of resolving a conflict and was seen as a risk to the sustainable use of forest resources.

5. Conclusions and recommendations

The findings of this report are the result of extensive stakeholder participation and contributions – agreeing on the most critical governance challenges and their indicators in implementing REDD+ in the Lam Dong Province, agreeing on the methodology and tools to collect data and validating the findings. These stakeholders were local community representatives, civil society organizations, NGOs, academia and government representatives, both at national and provincial levels. The organizational structure of the PGA was agreed and defined early in 2014 through clear mandates of the Expert Group and the Provincial Working Group.

For Lam Dong Province, two governance issues were selected based on a joint prioritization by stakeholders:

- level and quality of participation of local stakeholders in the decision-making and implementation processes as related to forest contracts (and how this supports – or does not support – forest protection and sustainable forest management);
- Level of clarity and respect related to stakeholders' rights to access forest resources and benefit sharing.

5.1. Conclusions

The PGA findings show the following strengths and weaknesses of the two governance issues.

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 supports – 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 GoV 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 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. For an overview of key lessons learned from the PGA process in Lam Dong.

6. Lessons learned from the pilot PGA in Lam Dong Province

The Expert Group and Provincial Working Group see the value of the PGA and how its process leads to concrete findings that all stakeholders have validated, to nuanced and constructive discussions and to more realistic recommendations relevant for the improvement of REDD+ governance in Lam Dong Province. This section discusses lessons learned and experiences drawn from the pilot PGA process in Lam Dong Province over recent years and includes two main parts: (1) the process of implementation and organization and (2) survey instruments (questionnaires) and data collected. Based on the lessons learned, this section of the report proposes PGA steps to be taken in the future.

6.1 Lessons learned

6.1.1 Process and organization

Preparation before surveying on site: 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 data collectors 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 upcoming surveys. However, some groups of data collectors still faced difficulties in communes and villages since 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 data collectors' 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 groups was to be composed of four members: one team leader, two independent data collectors (one from the provincial level and one from the district or commune, including at least one member who spoke the local K'Ho language) and one independent observer. Each group was to include at least one female member. However, some of the data collectors failed to join the data collection process, so not all groups had the expected make-up. One of the data collection groups consisted of only three members, all of whom were men. Those data collection groups that included a member of the local district or commune found that the data collection process proceeded more quickly than those without local people. For instance, one group faced difficulties in finding households that fit the

survey criteria on one data collection site and had to revisit their site selection and use a different village. However, they faced difficulties in conducting surveys there since the group members did not speak the local H'mong language and thus had to find an interpreter to assist them in conducting the surveys with H'mong people.

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, data collection members helped build their fellow data collectors' 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 at first 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 members also recognized their increased capacity to design and conduct surveys. Further, in addition to the Data Collection Group members, members of the Expert Group and the Provincial Working Group have also recognized increased capacity thanks to their participation in the PGA process.

Coordination with local leaders: Some lessons emerged regarding coordination with local leadership in order to facilitate the data collection process. Firstly, it was 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 data collection and site visits, since they work directly with local people on a regular basis. 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 visits and request their support. Appropriate procedures should be followed to ensure that DPC leaders feel respected and that they are informed of 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 also be used to introduce stakeholders to the PGA process and upcoming activities to be conducted in their commune.

Conducting interviews with women: Because men usually take responsibility for forestry activities (for the purpose of labour division), forestry-related issues are sometimes not communicated to women, and women have often not been welcomed

by men or felt they did 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 and commune meetings 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 the 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 the interpreters' understanding of the issues being 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 data collection member should fill out the questionnaire and ask for any additional information that is needed.

Managing variable interview group sizes: In many cases where the groups of interviewees were very large (more than 20 people) or quite small (less than 5 people), interviews were still conducted. When there are large groups, collecting each person's comments may be quite time-consuming, but 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 it was 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 completed 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.

6.1.2. Survey instruments and data collected

Of all the field forms, Form 10 (questionnaire on individuals' awareness of laws) was the most difficult for the data collectors and respondents to use. Because Form 10 was only finalized after the PLR review was partially completed (at least Form 4 on regulations governing stakeholders' rights to forests), it was not discussed thoroughly during the training for data collectors. Further, there was a disparity in data collection methods for literate and illiterate respondents: the data collector had to read and explain the quotation of legal documents used in Form 10 to illiterate respondents, so their responses were not obtained in the same manner as those from literate respondents (to whom the quotations were not explained). Moreover, Form 10 only applied 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) in order to avoid people's responses to Part B being influenced by the quotation used in Part A.

Form 17 (questionnaire on basic information on the village) also posed some difficulties for data collectors 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), which made it difficult to estimate villagers' income from different sources. However, these difficulties may have been dependent on local conditions: local people may plant diverse crops upland (such as coffee, upland paddy fields or cassava), and coffee may be grown on many different kinds of land (home garden, upland area). Responses to questions regarding income derived from different sources also depended on how the question was asked: since local people may have found it difficult to answer a direct question, such as, "What percentage of income is from coffee out of the total income of the whole village?" However, they may provide an estimate by using an indirect question, such as, "If the total income of the village is ten parts (ten stones), how many parts come from coffee?"

Forms 13 and 14 (interviewing groups of households who do and do not have forests contracts) were missing some questions about the implementation of rights of management, exclusion and transfer of forests, because there were some errors made during completion of the questionnaires. 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 of the lack of corresponding information for further analysis.

Form 8 (interviewing state forest companies or forest management boards) did not include questions on facilitation skill trainings or experience designing and facilitating participatory processes and 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 experiencing conflicts and disputes. However, the existing field forms (Forms 7, 8, 11, 12 and 13) included many quantitative questions, and the data collection teams could have used such questions to guide them in gathering more quantitative data on relevant issues.

Regarding the selected respondents and interviewees, only targeted 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, which is 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 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 decided to remove a section of the interview with DPCs, 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.

6.2 Recommendations on the PGA process

The findings of the PGA pilot process in Lam Dong Province indicated a strong participation of stakeholders. In addition, although some parts of the questionnaires and methods of data collection need to be amended, the collected data are highly reliable: the data analysis as presented in this report show a clear overall picture of different aspects of the two selected governance issues (the participation of stakeholders, especially local people and rights and benefits from forests).

Based on successful lessons learned and experiences from the PGA pilot process, the following basic steps for a PGA process are proposed:

Step 1: Institutional Context Assessment (ICA): The specific activities include the following:

- develop an outline and an ICA work plan and identify roles of members;
- discuss the ICA outline and work plan with stakeholders;

- conduct the ICA and write reports, including recommendations on the PGA's main contents;
- discuss the ICA findings with stakeholders and propose the PGA's main contents.

Expected outputs: ICA report, including recommendations on the PGA's main contents.

Step 2: Establish a Provincial Working Group, outsource a support group and develop the plan for evaluation. This activity is implemented by the PGA focal point agency in the province (in cooperation with the central PGA focal point agency and UNDP and UN-REDD). The specific activities include the following:

- develop Terms of References (TORs) for individual groups (refer to the TORs for the PGA pilot process in Lam Dong);
- identify potential members and invite them to join;
- organize group meetings to introduce the PGA processes and discuss specific activities as well as develop a work plan.

Expected outputs: (1) Provincial Working Groups and facilitator groups are established with specific TORs for the whole group and for individual members and (2) the PGA work plan is agreed on.

Step 3: Develop the evaluation framework and data collection questionnaires. These activities are conducted by the Provincial Working Group with the support from the facilitator groups. The activities include the following:

- reach a consensus on the PGA's main contents (governance issues need to be assessed);
- develop indicators, questionnaires and guidelines for data collection;
- conduct an assessment of the pilot to crosscheck questionnaires and indicators;
- complete indicators, questionnaires and guidelines for data collection;
- select and provide training courses in the PGA and the application of questionnaires for interviewers (and maybe with the members of the Provincial Working Group) and develop the work plan for data collection.

Expected outputs: (1) evaluation framework, including selected governance issues and relevant indicators, (2) questionnaires and guidelines for data collection and (3) work plan for data collection.

Step 4: Data collection. This activity is conducted by interviewers with the support of the facilitator group. Specific activities include the following:

- send official letters informing about the main contents and introducing the groups of interviewers;
- pay a pre-visit to prepare the data collection;
- conduct data collection at all levels;
- check the collected data and enter them into the computer.

Expected outputs: necessary data collected for indicators that are then entered into computer.

Step 5: Analysis and write report. This activity is conducted by the team leaders of the groups of interviewers with the support from other members and the facilitator group. The specific activities include the following:

- incorporate and analyse the collected data based on the individual issues of governance and indicators;
- write reports and proposals;
- discuss evaluation findings and proposals with interviewers, Provincial Working Group members, facilitator groups and representatives from the agencies and localities where the PGA is being conducted;
- complete PGA report
- publish PGA report

Expected outputs: the PGA report that includes the analysis of findings of the individual issues of governance and proposed recommendations.

In conclusion, and with the lessons learned thus far taken into account, it is highly suggested that PGAs should be conducted in the provinces implementing REDD+ in Viet Nam to provide robust governance data and inform policy and decision-making. Consolidated, this governance data can also be used to inform the implementation of UN-REDD Viet Nam Programme Phase 2 and also feed into Viet Nam's Safeguards Information System – in particular the Cancun safeguards: (b) related to transparent and effective national forest governance structures, (c) related to respect for the knowledge and rights of indigenous peoples and members of local communities and lastly (d) related to the full and effective participation of relevant stakeholders.

In concrete terms, a suitable arrangement would be that the PGA is conducted through the UN-REDD Viet Nam Programme Phase 2, as there is currently a budget for this activity. The information gained would facilitate an iterative process to allow for learning and corrections along the way that are related to how governance is addressed and managed from a national and provincial level. The set-up of PGA in new provinces should be discussed further with government counterparts at VNFOREST and PMU for the UN-REDD Viet Nam Programme Phase 2. For

monitoring purposes and to allow for additional policy measures for improvements, subsequent PGA reports should also focus on how the issues raised in this report and recommendations have been addressed in order to keep track of issues in need of urgent attention but also of progress made over time.

Appendices

Appendix A: List of people who contributed to the PGA process in Lam Dong

The Provincial Working Group in Lam Dong

	Names	Position	Organization
1	Bùi Văn Hùng	Vice Director	DARD of Lam Dong Prov.
2	Nguyễn Bá Lương	Vice Director	Forest Protection Sub-branch
3	Hoàng Công Hoài Nam	Head of Section	Forest Protection Sub-branch
4	Võ Văn Lập	Head of Section	Forest Protection Sub-branch
5	Võ Minh Thâm	Assistant Manager	Fund for Forest Protection and Development. Lam Dong Prov.
6	Nguyễn Trúc Bông Sơn	Director	Agriculture Extension Centre
7	Trịnh Thị Kim Thanh	Head of Committee	Prov. Women Union
8	Bùi Nguyễn Lâm Hà	Trainer	Đà Lạt University
9	Thân Trọng Toàn	Head of Section	Ethic Section of Lac Duong Distr.
10	Phạm Thành Công	Expert	Depart. Resource and Environ
11	Trịnh Văn Tiến	Vice Director	Forest Protection Office in Lac Duong Distr.
12	Hồ Huỳnh Dũng	Vice Manager	Đa Nhim Forest Management Board. Lac Duong
13	Nguyễn Thế Liêm	Forest Protection Officer	Forest Protection Office of Di Linh Distr.
14	K'Brêl	Vice Chairman	Bảo Thuận Commune, Di Linh Distr.
15	Mo Lom Sứ	Member	Forestry Board of Gung Ré Commune, Di Linh Distr.
16	Lê Thái Sơn	Section Officer	Forest Protection Sub-branch

The PGA Expert group

	Names	Position	Organization
1	Nguyễn Hữu Dũng	Director	Forest Protection Department
2	Nguyễn Quang Tân	National Coordinator	RECOFTC Viet Nam
3	Hoàng Huy Tuấn	Assistant Dean	Hue Agriculture and Forestry College
4	Phan Triều Giang	Lecturer	Agriculture and Forestry College in HCM City
5	Nguyễn Việt Dũng	Vice Director	PanNature
6	Huỳnh Thu Ba	Lecturer	Melbourne University, Australia
7	Ngô Trí Dũng	Director	CORENAM

The data collection group

	Names	Position	Organization
1	Nguyễn Bá Lương	Vice Director	Forest Protection Sub-department
2	Hoàng Công Hoài Nam	Head of Section	Forest Protection Sub-department
3	Võ Minh Thâm	Assistant Manager	Fund for Forest Protection and Development. Lam Dong Prov.
4	Thân Trọng Toàn	Head of Section	Ethic Section of Lac Duong Distr.
5	Nguyễn Thế Liêm	Forest Protection Officer	Forest Protection Office of Di Linh Distr.
6	K'Brêl	Vice Chairman	Bảo Thuận Commune, Di Linh Distr.
7	Mo Lom Sứ	Member	Forestry Board of Gung Ré Commune, Di Linh Distr.
8	Lê Thái Sơn	Section Official	Forest Protection Office
9	Đào Vĩnh Lộc	Independent data Collector	Yersin College, Đà Lạt City
10	Nguyễn Thanh Nguyên	Independent Data Collector	Institute of Forestry Science
11	Phạm Thế Anh	Independent Data Collector	Yersin College, Đà Lạt City
12	Nguyễn Ngọc Yến	Independent Data Collector	Yersin College, Đà Lạt City
13	Huỳnh Thị Mỹ Liên	Independent Data Collector	Yersin College, Đà Lạt City
14	Hoàng Kiều Nhật Hạnh	Independent Data Collector	Đơn Dương District
15	Trần Nam Thắng	Independent data collector, Team leader	
16	Hà Huy Anh	Independent data collector, Team leader	
17	Trần Lê Trà	Independent data collector, Team leader	
18	Phạm Nguyễn Thanh	Independent data collector, Team leader	

The coordination group

	Names	Position	Organization
1	Đỗ Thị Phương Thảo	PGA Coordinator in Viet Nam	UNDP Việt Nam
2	Tina Sølvyberg	Programme Officer	UNDP/UN-REDD Programme
3	Kristin DeValue	Data Collection Specialist	FAO/ UN-REDD Programme

Appendix B: List of survey forms

Survey forms	Use purpose/main contents
Forms for collecting secondary information	
Form 1: Overview of legal regulations	To provide surveyors a general overview of related legal documents
Form 2: Overview of legal regulations on stakeholders' roles in the forest contract process	To get an overview of legal documents related to stakeholders' roles in the forest contract process
Form 3: Overview of legal regulations on stakeholders' right to participate in the forest contract process	To get an overview of legal documents on stakeholders' right to participation in the forest contract process
Form 4: Overview of legal regulations on stakeholders' rights and responsibilities over forest	To get an overview of legal documents on stakeholders' rights and responsibilities over forest
Form 5: Overview of legal regulations on stakeholders' benefits from forest	To get an overview of legal documents on stakeholders' benefits from forest
Form 15: List of secondary documents to be collected	To get a list of secondary documents to be collected
Form 16: Forest area per owner group	To collect data on forest area controlled by different groups of 'owners'
Form 17: Basic information at village level	To collect a data base of the surveyed villages
Forms for collecting primary information	
Form 7: Interview forest protection office, section of resource and environment and commune people's committee	To interview government agencies responsible to support the implementation of the forest contract process
Form 8: Interview forest management board and state forest company	To interview state forest 'owners' participating in the forest contract process
Form 10: Interview about understanding of law	To interview people about their understanding on legal documents on rights related to right to participation and right over forest
Form 11: Interview about complaints and conflict resolution	Interview people about their understanding on legal document related complaint and mechanism for conflict resolution in reality
Form 12: Interview about compensation for forest land	Interview people about the situation of compensation when forest land was withheld during past years
Form 13: Interview households who contracted forest for protection	Interview households who contracted forest for protection
Form 14: Interview households who do not contract forest for protection	Interview households who do not contract forest for protection

Appendix C: Time schedule for data collection in the field

Time	Content	Responsible
15-17/4	Training on methods and tools for information collection Grouping into 4 groups. Each group has 4 members	FAO
18 / 4	Plenary discussion to agree on all survey forms	Survey groups
19-20/4	Collect statistic data and related documents Read, review and compile documents and policies Inform local authorities and confirm next steps Preparation for field works and logistics Meet forest protection agency and management board of Đa Nhim protection area Meet section of resource and environment	Survey groups
21/4	Group 1: Go to work in Đa Nhim commune Group 2: Go to work in Đa Sa commune Meeting of the whole team	Divided into two big groups
22/4	Collect village information	Survey groups
23/4	Plenary meeting for reviewing and adjusting the survey forms	
24/4 - 4/5	Improve the survey forms. Preparation for field work Group meeting to agree on the survey plan	
5/5	Morning: Plenary meeting to agree on questionnaires and survey method Afternoon: Print and copy survey forms and document	Divided into four groups
6-12/5	Group into four small groups to carry out field work in 4 locations Group 1: Survey in Đức Trọng district: Hiệp An commune: Định An and Đa Ra Hoa villages Đạ Quyn commune: Chợ Rùm and Toa Cát villages Group 2: Survey in Đam Rông district: Rô Men commune: Village 3 and 5 Đạ Long commune: Village 2 and 3 Group 3: Survey in Đơn Dương district: Ka Đô commune: Ta Ly 1 and Ta Ly 2 villages Lạc Xuân commune: Châu Sơn and Kinh Tế Mới villages Group 4: Survey in Đà Lạt city Xuân Trường commune: Trường Xuân 2 and Xuân Sơn villages Trạm Hành commune: Phát Chi and Trường Thọ village	

13-18/5	Group meeting: Feedback from field work Clean information Entry survey data Prepare field report	
19 - 20/5	Assess data and information	
21-30/5	Analyze data and information; report writing	
12/6	Validation Workshop	

Appendix D: List of legal documents related to the two assessed issues

	Number of document	Date of promulgation	Document type	Name of document
A. Documents of Parliament and Government				
	14/1999/QH10	12/6/1999	Law	Law on the Vietnamese Front for the Fatherland
	13/2003/QH11	26/11/2003	Law	Law on Land
	29/2004/QH11	3/12/2004	Law	Law on Forest Protection and Development
	20/2008/QH12	28/11/2008	Law	Law on Biodiversity
	45/2009/QH12	04/12/2009	Law	Law on Natural Resource Tax
	03/2011/QH13	25/11/2011	Law	Law on Denouncement
	02/2011/QH13	11/11/2011	Law	Law on Appeal
	15/2012/QH13	2/7/2012	Law	Law on Administrative Penalty
	35/2013/QH13	20/6/2013	Law	Law on Mediation at Grassroots Level
	45/2013/QH13	29/11/2013	Law	Law on Land
	3 4 / 2 0 0 7 / P L - UBTVQH11	20/04/2007	Ordinance	Ordinance on Democracy Implementation at Commune, Ward and Township
B. Government document				
	30a/2008/NQ-CP	27/12/2008	Resolution	Support programme for quick and sustainable poverty reduction in 61 poor districts
	09/2008/NQLT - CP-UBTWMTTQVN	17/4/2008	I n t e r - resolution	Instruction of the implementation of Articles 11, 14, 16, 22 and 26 of the Ordinance Democracy Implementation at Commune, Ward and Township
	163/1999/ND-CP	16/11/1999	Decree	Land allocation, forest land lease to individual, household and organization for stable and long term use in forestry
	17/2002/ND-CP	08/02/2002	Decree	Amendment to Decree 77/CP (29/11/1996) on administrative penalty in forest protection and management, and forest product management
	139/2004/ND-CP	25/6/2004	Decree	Administrative penalty in forest protection and management, and forest product management
	200/2004/ND-CP	03/12/2004	Decree	Re-arrangement and renovation of state forest enterprises

135/2005/NĐ-CP	08/11/2005	Decree	Allocation of agriculture land, production forest land and water body to state farms and state forest enterprises
09/2006/NĐ-CP	6/1/2006	Decree	Regulations on forest fire prevention and rescue
119/2006/NĐ-CP	16/10/2006	Decree	Organization and operations of Forest Protection Force
23/2006/NĐ-CP	03/03/2006	Decree	Instructions to implement the Law on Forest Protection and Development (2004)
159/2007/NĐ-CP	30/10/2007	Decree	Administrative penalty in forest protection and management, and forest product management
48/2007/NĐ-CP	28/3/2007	Decree	Principles and methods for defining the price of different forest types
05/2008/NĐ-CP	14/01/2008	Decree	Fund for forest protection and development
99/2009/NĐ-CP	02/11/2009	Decree	Administrative penalty in forest protection and management, and forest product management
99/2010/NĐ-CP	24/09/2010	Decree	Policy for payment for forest environmental services
74/2010/NĐ-CP	12/7/2010	Decree	Regulation on the cooperation among the people for self-defense, police force in commune, ward, township and forest protection force to maintain political security, social safety and forest protection
157/2013/NĐ-CP	11/11/2013	Decree	Regulation on administrative penalty in forest protection and management, and forest product management
15/2014/NĐ-CP	27/2/2014	Decree	Instruction to implement the Law on Mediation at the Grassroots Level (2013)
202/TTg	2/5/1994	Decision	Regulation on contracting forest for protection, tending, regeneration and planting
178/2001/QĐ-TTg	12/11/2001	Decision	Right to get benefits for forest owners and contract households
231/2005/QĐ-TTg	22/09/2005	Decision	Support to state farm and forest enterprise, forest management board employing laborers who are ethnic minority people in the Central Highlands

1174/QĐ-TTG	07/11/2005	Decision	To approve pilot scheme to allocate and contract forests to households who are ethnic minorities in the Central Highlands for protection
304/2005/QĐ-TTG	23/11/2005	Decision	Decision on pilot scheme to allocate and contract forests to households who are ethnic minorities in the Central Highlands for protection
186/2006/QĐ-TTg	14/8/2006,	Decision	Regulation on forest management
18/2007/QĐ-TTG	05/02/2007	Decision	Approval Strategy for forestry development in Viet Nam (2006-2020)
57/2007/QĐ-TTG	05/04/2007	Decision	Amendment to Decision No. 146/2005/QĐ-TTg (15/6/2005) on policy to withhold production land of state farms and state forest enterprises for allocating to poor ethnic minority households
147/2007/QĐ-TTG	10/09/2007	Decision	Some policies for production forest development in 2007-2015 period
166/2007/QĐ-TTG	30/10/2007	Decision	Promulgation of policy to support investment and benefit enjoyment for households, village communities and organizations participating in the project “Forestry development to improve living conditions of ethnic minority people in the Central Highlands”.
380/QĐ-TTg	10/04/2008	Decision	Policy for piloting payment for forest environmental services
39/2009/QĐ-TTG	9/3/2009	Decision	Regulation for cooperation among people self-defense and forest protection forces in forest protection
334/CT-TTG	10/03/2009	Decision	Strengthen methods to implement the 5 million ha reforestation programme
1504/QĐ-TTG	18/08/2010	Decision	Amendment to Article 3 of Decision 166/QĐ-TTg (30/10/2007): Policy to support investment and benefit enjoyment for households, village communities and organizations participating in the project “Forestry development to improve living conditions of ethnic minority people in the Central Highlands”
34/2011/QĐ-TTG	24/06/2011	Decision	Amendment of Regulation for forest management in the Premier’s Decision No. 186/2006/QĐ-TTg (14/8/2006)

66/2011/QĐ-TTG	09/12/2011	Decision	Amendment of Decision No. 147/2007/QĐ-TTg (10/9/2007) about policy for production forest development in 2007-2015 period
07/2012/QĐ-TTg	08/02/2012	Decision	Some policies for strengthening forest protection work
C. Documents of Ministry			
62/2000/TTLT/BNN-TCĐC	6/6/2000	Circular	Instruction for land allocation, land lease and granting land use certificates
105/2000/QĐ/BNN-KL	7/10/2000	Decision	Decision on tasks of field-based forest protection staff
17/2006/TT-BNN	14/3/2006	Circular	Instruction to implement Decision No. 304/2005/QĐ-TTg (23/11/2005): Approval of pilot scheme to allocate and contract forest to households and village communities of ethnic minorities in the Central Highlands
106/2006/QĐ-BNN	27/11/2006	Decision	Instruction to manage community forests
102/2006/TT-BNNPTNN	13/11/2006	Circular	Instruction to implement Decree No. 135/2005/NĐ-CP (08/11/2005)
38/2007/TT-BNN	25/04/2007	Circular	Procedures to allocate and to lease forests to organization, household, individual and village community
123/BNN-LN	15/01/2008	Official Letter	Instruction to pilot, establish, manage and use the Fund for protection and development of community forestry
114/2008/QĐ-BNN	28/11/2008	Decision	Establish Fund for forest protection
08/2009/TT-BNN	26/2/2009	Circular	Instruction to implement some policies to support agriculture, forestry and aquaculture according to Decree No. 30a/2008/NQ-CP (27/12/2008)
07/2011/TTLT-BNNPTNT-BTNMT	29/01/2011	Circular	Instruction to allocate and to lease forests in connection with to allocate and to lease forestry land
25/2011/TT-BNNPTNT	6/4/2011	Circular	Amendment of some administrative procedures in Circular No. 38/2007/TT-BNN
80/2011/TT-BNNPTNT	23/11/2011	Circular	Instruction on methods to define payment for forest environmental services
20/2012/TT-BNNPTNT	07/05/2012	Circular	Instruction on procedure for inspection and payment for forest environmental services

85 /2012/TT-BTC	10/7/2012	Circular	Instruction on mechanism to manage money of the Fund for forest protection and development
6 0 / 2 0 1 2 / T T _ BNNPTNT	09/11/2012	Circular	Regulation on principles and methods to define forest area in the environment service valley for payment
1 4 4 / 2 0 0 2 / T T L T / BNNPTNT-BCA-BQP	6/12/2012	Circular	Instruction on the cooperation among forest protection, police and army forces for forest protection work
6 2 / 2 0 1 2 / T T L T / BNNPTNT/BTC	16/11/2012	Circular	Instruction on procedure and mechanism for payment for forest environmental services
80/2013/TTLT-BTC- BNN	14/06/2013	Circular	Instruction to manage and use non-production fund for forest protection and development
2362/CT-BNN-TCLN	16/07/2013	Instruction	Instruction to implement policy on payment for forest environmental service
2487/QĐ-BNN-TCLN	24/10/2013	Decision	Announce the valley area of more than two provinces in order to form basis for payment for forest environmental services
D. Documents of Lam Dong province			
2823/QĐ-UBND	29/10/2008	Decision	To define functions, tasks and organization of management boards to manage forests in Lam Dong province

13/2009/QĐ-UBND	4/3/2009	Decision	To decide pattern for cooperation among forest protection force and other political, social and professional organizations in the province for forest protection, forest fire rescue and forest product management
887/SNN-KL	21/4/2009	Official Letter of DARD	Instruction to allocate and contract forest to households and village communities
1704/UBND-LN	19/3/2009	Official Letter of PPC	To promote forest allocation and forest contract for households and village communities in the province
22/2010/QĐ-UBND	05/7/2010	Decision of PPC	Issue regulation on forest allocation to village communities in Lam Dong province
05/2013/QĐ-UBND	8/2/2013	Decision of PPC	Issue regulation for the establishment, organization and operation of commune Forest Boards
1458/QĐ-UBND	05/08/2013	Decision of PPC	Amendment and approval of plan for payment to forest environment service in Lam Dong province in 2013
18/QĐ-UBND	05/01/2013	Decision of PPC	Approval of forest protection and development plan period 2011-2020
20/2013/QĐ-UBND	20/4/2013	Decision of PPC	Issue some policies to support production in poor commune according to the Support Programme for quick and sustainable poverty reduction towards 2015
813/SNN-LN	13/5/2013	Official Letter	Strengthen human resource to support and work together with group of households to implement the policy to contract forest for protection and pay according to the forest environmental services policy
819/QĐ-UBND	25/4/2014	Decision of PPC	Approval annual plan to receipt and expense for forest environment service in Lam Dong (2014)

Appendix E: Summary of the overview results of stakeholders' right to participate

Stakeholders	Summary of basic rights to participate	Reference documents
Forest owners or the contract awarding party	To get information	Article 04 of Circular No.17/2006/TT-BNN
	To be consulted and contribute opinion	
	To decide location and area to be contracted	Part II, 1.1, 2 of Circular No.102/2006/TT-BNN
	To decide contract forms (cycle, stage and season)	Article 44, Item 06, of Decree No 23/2006/NĐ-CP
	To decide contract models	
	To decide target groups to be contracted (household, village, community)	Article 09, 2, 15, b of Decree No. 135/2005/NĐ-CP
	To participate in the decision making	Article 5, 1 of Decision No. 202-TTg
	To join the monitoring and evaluation	Article 04, 2. B of Decision No. 304/2005/QĐ-TTG
	To adjust the decision (contract) during the implementation process	
To decide the benefit level	Article 20, b of Decree No. 99/2010/NĐ-CP	
The contract/ recipient/ rental Party	To get information	Articles 19, 4 of Decree No. 23/2006/NĐ-CP
	To be consulted and contribute opinion	
	To decide the location and area to be contracted	Articles 6, 2 of Decision No. 202-TTg
	To decide contract forms (cycle, stage, season)	Articles 13, 14, 19, 20, 23 of Ordinance on Democracy at Grassroots Level No. 34/2007/PL-UBTVQH11
	To decide contract models	
	To decide target groups to be contracted (household, village, community)	
	To participate in decision making	
	To join the monitoring and evaluation	
	To adjust the decision (contract) during the implementation process	
To decide the level of benefit		

Government authorities (commune, district provincial and national)	To get information	Article 03, b, d, đ of Circular No. 25/2011/TT-BNNPTNT Chapter II, Article 06, 04 of Circular No. 07/2011/TTLT-BNNPTNT-BTNMT Article 04 of Circular No. 17/2006/TT-BNN Item 2, 2, 3, 4,a, b, d, đ, 5 of Circular No.38/2007/TT-BNN Article 29, 3 of the Law on Forest Protection -2004 Article 37 of The Law on Land- 2003 Article 19, 4, 20, 2, a, 20, 3, a, 43, 6 of Decree No. 23/2006/NĐ-CP. Article 2, đ of Decision No. 07/2012/QĐ-TTg Article 04, 2. b, 04, 3, 08, 1, 10 1, 2 of Decision No. 304/2005/QĐ-TTG
	To be consulted, to contribute opinion	
	To decide location and area to be contracted	
	To decide contract forms (cycle, stage, season)	
	To decide contract models	
	To decide target groups to be contracted (household, village, community)	
	To participate in the decision making	
	To join the monitoring and evaluation	
	To adjust the decision (contract) during the implementation process	
To define the level of benefit		
Ministries and sectorial agencies (MARD, MRE, Forest Protection Agencies, Section of Resource and Environment)	To get information	Chapter II, Article 06 of Circular No. 07/2011/TTLT-BNNPTNT-BTNMT Item 2, 5 of Circular No. 38/2007/TT-BNN
	To be consulted, to contribute opinion	
	To decide location and area to be contracted	
	To decide contract forms (cycle, stage, season)	
	To decide contract models	
	To decide target groups to be contracted (household, village, community)	
	To participate in the decision making	
	To join the monitoring and evaluation	
	To adjust the decision (contract) during the implementation process	
To define the level of benefit		
Others: Mass and social organizations, Front for the Fatherland, people who do not receive forest	To get information	Article 13, 14, 19, 20, 23 of Ordinance No.34/2007/PL-UBTVQH11
	To be consulted, to contribute opinion	
	To decide location and area to be contracted	
	To decide contract forms (cycle, stage, season)	
	To decide contract models	
	To decide target groups to be contracted (household, village, community)	
	To participate in the decision making	
	To join the monitoring and evaluation	
	To adjust the decision (contract) during the implementation process	
To define the level of benefit		

