

**Property Making in the Vietnamese Uplands:
An Ethnography of Forest Relations in Three Dao Villages**

To Xuan Phuc

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Abstract

This book sought to understand how property has been made in the Vietnamese Uplands. It does so based on an ethnographic field research conducted in three uplands villages in northern Vietnam. As shown in this study, property in the uplands has been made and remade by various mechanisms such as state regulations and market institutions, and conflicts are an important element in making property on the ground.

This study relies on the political ecology studies of Southeast Asia forests, and the studies on property relations in Post-Socialist countries. At the analytical level, it employs the property and access frameworks. The study examines the factors that shape forest conflicts, the ways in which conflicts are manifested, the underlying causes of the conflicts, and how these conflicts make property on the ground. Conflicts occur during and after the implementation of the forest devolution policy are of the main focus.

In Vietnam, the forest devolution policy is incomplete and territorial. At the local level, entirely embedded in local power relations, policy implementation results in a highly skewed distribution of benefits that different actors derive from the forest. Holding political power, local political elite are able to capture virtually all benefit. The implementation constitutes an example of patron-client relationship at the local level.

Informed by the devolution policy and larger socioeconomic forces of the country, markets have vigorously emerged in the uplands. Often, markets create opportunities for outsiders to reap most of benefit from the markets. Rights to the forest granted to villagers under the devolution policy do not guarantee benefit for villagers; instead, they dispossess villagers to the forest. Markets also produce patron-client relationship on the ground. Within the village, markets favor the households who have labor and capital but marginalize those who lack these assets.

Under the certain conditions such as violation of subsistent ethnic and state involvement, the inequality of benefit distribution, imbalance power relations, and different notions and visions result in various types of forest conflicts among villagers and between them and outsiders. Conflicts are not always adverse as commonly perceived, but they are important in making property on the ground.

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List of Abbreviations

ANOVA	Analysis of Variance
CEEC	Central and Eastern European Countries
DARD	Department of Agriculture and Rural Development
DFP	Department of Forest Protection
DLA	Department of Land Administration
FAO	Food and Agriculture Organization
FLA	Forestland Allocation
GDP	Gross Domestic Product
ha	hecta
Ibid.	Ibidem (in the same place)
IUCN	World Conservation Union
JICA	Japanese International Cooperation Agency
km	kilometer
LUC	Land Use Certificate
m	meter
m ³	cubic meter
MARD	Ministry of Agriculture and Rural Development
MB	Management Board
MOF	Ministry of Forestry
MOLISA	Ministry of Labor, Social Affairs, and War Invalid
NGO	Non Governmental Organization
NCSSH	National Center for Social Sciences and Humanities
NTFP	Non timber forest product

PC	People's Committee
SEA	Southeast Asia
SFE	State Forest Enterprise
SPSS	Statistical Package for Social Survey
TFAP	Tropical Forestry Action Program
UNDP	United Nation Development Program
US\$	United States Dollar
VND	Vietnamese Dong

Chapter 1. Forest Devolution, Market Liberalization, Local Households and Forest Conflicts

1.1 Forest Uses and Forest Conflicts at Local Level

I revisited Ban Ye, my first study Dao (ethnic minority) village, in early 2005. During the first days, I asked Bo Min, my host, to take me around the village. I observed that villagers were still heavily dependent on forestland and forest resources for their livelihoods as they used to be in 2000 when I was in the village first time. Swidden plots, usually with fencing are called *trại* (farming land) by villagers, are prevalent in the forest. In the village logs are hidden in many places which are not difficult to find. In the forest, logs are scattering on the ground. Footpaths using for hauling logs are interlaced. My talks with villagers revealed that income from timber and non timber forest products (NTFPs) is their main source of household income.

Than Con is my second study village. The village is inhabited primarily by Dao people. When I revisited the village in 2004, Anh Thon, the village chairman, showed me around again (as he did this for me in 2001) to see if there were changes in the village. He showed me the forestland the state gave to villagers in 1996. I observed that many plots were planted with acacia (*keo tai tượng*) and cassava. Some plots were fallow. Anh Thon also showed me *Lưõi Hái* mountain where, according to him, many villagers in the village and in the three villages nearby went for timber. I know from my earlier visit to Than Con that local authorities did not give the forestland in *Lưõi Hái* to villagers but to Anh Thon for protection.

Ho So is my third study village. This Dao village is located in a buffer zone of Ba Vi National Park. Here villagers practice swidden cultivation in the forest inside the Park. When I accompanied Chu Nguyen, my host, to go to the Park, I observed that cassava often was intercropped with acacia on the land from the contour 100 to 600 m. In some places, I saw a few small indigenous trees such as *Sầu* and *Trám*, often hidden under the shadow of acacia and cassava. Chu Nguyen told me that cassava belonged to villagers, acacia belonged to local cadres, and indigenous trees belong to the Park authority.

The above description are only of sketches some day-to-day practices to gain access to land and resources of villagers in the three villages. In this study I am interested in

exploring the factors that have shaped these practices. One would assume that resource access and resource control at the local level are mainly shaped by the state forestry policies. But when I contrast swidden and logging practices of Dao villagers in my study villages to the state forestry policies, these practices are seen as violation of the policies. The villagers' day-to-day practices seen as "illegal" by the state merely reflect part of the every day conflicts over forest access and forest control in the uplands of Vietnam.

Studying forest conflicts in the Vietnamese uplands is the main focus of this book. I am interested in finding why conflicts are still prevalent in the uplands despite the state implementation of the forest devolution policy aiming to provide local people a broader set of tenure rights over the forest. I am concerned about the conflicts that emerged during and after the implementation of the devolution policy. I argue in this book that under the certain conditions conflicts emerged among upland villagers, and between them and outsiders including local state agencies, land leasers, and lowland traders mainly because of unequal distribution of material benefits they derived from the forest, the imbalance in power relations among these actors, and their conflicting notions and/or visions of forest. Conflicts, as shown in this study, are not only shaped by forest devolution policy, but also by several mechanisms particularly market forces and household assets. In this study I am interested in examining what roles the forest devolution policy has played in influencing these conflicts, and what role other mechanisms such as timber and land markets, household labor, capital, and power have played in shaping the conflict outcomes.

From my earlier visits to all three villages I learned that villagers have been engaging in these activities for many years even before the state implemented the devolution policy in the villages the mid 1990s. Though considered as illegal by the state, these activities are still practiced by virtually all households. In the villages, none of the villagers perceive these practices as illegal. In other words, these practices are socially accepted by them. Villager's contestation to the state policy reflects their effort to gain access to the forests for their living. I emphasize in this book that forest conflicts are part of property making processes in the uplands. Conflicts facilitate villagers to gain legitimate claims over forestland and forest resources. Thus, conflicts are not necessary bad, as commonly believed. Instead, they can create a social space of negotiation among the involved

parties. Conflicts thus serve as a foundation for better forest governance on the ground. In the section below I highlight the theoretical frameworks that inspire my study on forest conflicts and property making in the uplands of Vietnam.

1.2 Theoretical Background and Research Questions

Studying the conflicts and their contribution to property making process, this book is informed by two main bodies of theories; the theories on political ecology of the forest in Southeast Asia (SEA) and the theories on decollectivization and agrarian question in Post-socialist countries. At the analytical level, I adopt property analytical framework by Benda-Beckmann and Benda-Beckmann (1999) and access framework by Ribot and Peluso (2003).

According to the property framework, property is social relations between people over property objects seen as valuable materially and symbolically. Property relationships consist of the property holders, property objects, the set of rights, duties, privileges, and possibilities that express what property holders may or must do (or not) with the property object, and the temporal dimension in which property relationships are expressed. These relationships are manifested at the layers of culture and ideology, legal framework and institutions, social relationships and social practices. Property in one layer may be different in other layers. Further, the four layers may be distinct from each other, or interwoven; they may also oppose each other. Property practices include two types. The first are activities that deal with property objects and rights such as use, transfer, inherit or dispute the right to concrete resources. The second is the social process in which rights are reproduced and changed, and the nature of property law is explained, discussed or disputed in the interaction settings. These practices are significant for the reproduction and change in the types of property relationships expressed in legal rules and ideologies. These practices reflect the property making process. As highlighted in the framework, property practices are often conflictive, involving the disagreements over property rights and duties or over appropriate applicable legal frameworks and ideologies.

Political ecology studies of the forest in SEA often emphasize the forest conflicts usually occur between the state and villagers around the state forestry. One of the underlying causes of the conflicts is that the states and villagers have different interests over the

forest (Bryant 1996, Peluso 1992, Vandergeest 1996). Most of the SEA states see the forest as an important source of state revenue and ecological value. Therefore, they claim all forests as their property and try to keep villagers out of the forest by using “culture of control” (Peluso 1992). In response, villagers use their “culture of resistance” to resist to the states in order to make their way to the forest (ibid.). Conflicts between the states and villagers often result in deforestation, rural poverty, and social differentiation (Li 1999, McCarthy 2000). Usually in this context, local elite and the patrons are the ones who benefit most (Wollenberg et al. 2006, Kaln 1999, Sowerwine 2004). Conflicts over forest access and control are key characteristics reflecting complicated forest politics in the SEA uplands.

The studies on decollectivization and agrarian change in Post-socialist countries often highlight the property embeddedness and fuzziness (Hann 1998, Verdery 1999, Sturgeon and Sikor 2004). They emphasize that individual rights to land created by the Post-socialist states after the break down of the cooperative system are not enough to guarantee benefits for right holders. Very often, these rights are embedded in socio-political and cultural context and exercising these rights depends on various factors. Usually, actual property relations on the ground is fuzzy, it is neither private nor public, but a type of hybrid or recombinant (Stark 1996). In this context, those have connections with political power are the ones who benefit most (Sturgeon 2004, Verdery 1999, 2003). Property fuzziness is often attributed to the resource conflicts.

The access analytical framework asks the question “why some people or institutions benefit from resources, *whether* or not they have rights to them” (Ribot and Peluso 2003, 154). Defined as “ability to benefit from thing” access concept emphasizes all possible means including property rights people use to derive benefits from resources. This framework highlights two main mechanisms for benefit derivation: rights-based access which includes access defined by law, custom, and convention, and structural and relational access which comprises a number of factors, such as market, technology, capital, power, and knowledge.

The key distinction between property and access is legitimacy. Property concept takes in legitimacy, considering it as the key element facilitating benefit derivation. The concept

of access is more encompassing, emphasizing all possible mechanisms facilitating process of benefit derivation.

My study concerns forest conflicts and property making in the Vietnamese uplands. Stemming from the two theoretical approaches of property and access, thus the study asks the main research question: How has property been made in the Vietnamese uplands?

In adherence to the neo-liberal notion on private property, the Vietnamese state has transferred use rights over forestland and forest resources to local households, through the process of forestland allocation (FLA) or the contracting, for long term use. This process is often understood as the forest devolution policy, or forest devolution. The state expects that giving local households more rights to the land for long periods of time would motivate them to put more investment in the land and consequently they would derive higher economic gain from the land. At the same time, the forest condition would be improved. However, as highlighted by the studies on property relations in Post-socialist countries, the states often oversimplify the complexity of local areas.

At the local level, property relations are often fuzzy owing to conflicting and overlapping claims on the same resources, and lack of rules and crystallized practices (Verdery 1996, Sturgeon and Sikor 2004). Thus, the devolution policy initiated by the Vietnamese state may only be a system among several others such as customary rules, market institution, and technology, or what Ribot and Peluso (2003) term structural and relational mechanisms those shape property practices on the ground. Thus, property making landscape is much more complicated than what is defined in the legal regulations and framework. Conflicts serve as a mechanism facilitating people to gain their legitimacy on the forest from socio-political institutions. Dao villagers in my study villages engage in swidden and logging practices for which they come into direct conflicts with the Vietnamese state in order to derive their legitimacy on the forestland and timber from local state agencies or other socio-political institutions such as their village communities. In this study, I do not mean that conflicts are only the way to make property. Conflicts are only a mechanism among several others that make property on the ground. In my study, I use forest conflicts as a lens to explore property making process in the Vietnamese uplands. My study interest stems from my field observation, that forest

conflicts are still prevalent in the uplands of Vietnam despite the state's implementation of the forest devolution policy.

Since I am interested in examining the underlying causes of forest conflicts, I pose the question: *What are the factors influencing forest conflicts in the study villages?* Conflicts may come about as conflicting interests between the state and local villagers over state forestry, as highlighted by political ecology studies, or as other causes. In this study I argue that under certain conditions such as involvement of state agencies, violation of subsistent ethic, forest conflicts emerge owing to the unequal distribution of material benefits different actors derived from the forest, imbalance of power relations among them, and differences in their notions of the forest. Further, I am interested in exploring types of forest conflicts. I ask the question: *In what way have these conflicts manifested at the local level and why?* In this study, conflicts are understood as similar to everyday forms of resistance highlighted by Scott (1985). As Scott put, "They require little or no coordination or planning; they make use of implicit understandings and informal networks; they often represent a form of individual self-help; they typically avoid any direct, symbolic confrontation with authority" (ibid., xvi). Scott also points out various forms of conflict or what he terms "weapons" of the powerless employed to resist to the powerful which include foot dragging, dissimulation, desertion, false compliance, ignorance, sabotages among others. Conflicts thus may be manifested in both quiet, non-violent forms, expressed in terms of languages, hidden acts, but may also manifested in open forms, involving physical actions.

To examine the relationship between forest conflicts and property making, this study asks another question: *How have these conflicts contributed to property making on the ground?* At the local level, conflicts on the one hand may create space for negotiation among involved actors; they on the other hand may also motivate other types of conflicts involving other actors. In this study, I explore how these conflicts make property in the study villages.

In general, this book is framed by answers the above questions. In the section below I provide an overview of the book.

1.3 Overview of the Book

This book is organized into nine chapters examining the property making process in the uplands of Vietnam in general and in the three Dao villages in particular. After Chapter 1, Chapter 2, *Property Making, Forest Conflicts, and Access*, lays out the theoretical framework for this study. This chapter includes the discussion on political ecology studies on the SEA forest, and the theories on decollectivization and agrarian changes in post-socialist countries. Political ecology studies emphasize a variety of conflicts between the state and local people around state forestry and their effects on local livelihoods and the environment. The studies on decollectivization and agrarian changes in post-socialist countries highlight the property embeddedness and property fuzziness. At the analytical level, the chapter discusses the property and access concepts. The property framework emphasizes the complex process of property making. The access concept helps understand mechanisms employed by different actors to derive benefits from resources.

Chapter 3, *Research Methodology*, attempts to link theoretical background presented in Chapter 2 and the subsequent empirical chapters. The chapter includes the conceptual framework based on property and access concepts, followed by research questions and propositions. The chapter also discusses several strengths of a combination between qualitative and quantitative approaches employed in this research. It includes the discussion on various research techniques used for data gathering, analyzing, and presenting. At the end of the chapter, I highlight a number of practicalities concerning ethical and logistic issues for doing field work in the uplands of Vietnam.

The objective of Chapter 4, *Settings*, is to introduce three main backgrounds of the study. I begin by describing historical background of the Dao in the uplands of Vietnam, their interaction to the forest environment, and discussing the Vietnamese state policies and discourse toward them. I then move to the second background, introducing forest devolution policy in Vietnam. This is followed by the third background which I present the three study villages. A description on household surveyed samples drawn from the three villages is included.

Chapter 5, *Forest Devolution Policy and Property Relations*, describes the process of the devolution policy implementation and examines effects of this policy on distributions of material benefits among villagers in the three study villages, the power relations among them and between them and local authorities, and their different notions and visions of forest. I highlight in this chapter that though the devolution policy places strong emphasis on individual rights to land and forest resources, the allocation and contracting of these rights often come with very strong state's management obligations. This severely restricts rights of villagers whereas constitutes opportunities for local elite to capture most of benefit from the forest.

In Chapter 6, *Access Relationships between Villagers and Outsiders*, I examine effects of market force on distribution of material benefits villagers on the one hand and outsiders including local state agencies, lowland traders, and urbanites on the other hand derived from the forest, their power relations and notions of forest between them. Through analyzing the data obtained from the market for timber in Ban Ye, market for forestland in Than Con, and market for garden land in Ho So, I conclude in this chapter that markets tend to dispossess villagers by allowing outsiders to reap a large share of benefit derived from the forest.

Following the development of Chapter 6, *Chapter 7, Access Relationships among Villagers*, looks into distribution of material benefits villagers in the same village derived from the resources by using market and household assets as mechanisms, their power relations, and their notions of forest. By analyzing structures of different markets discussed in Chapter 6, I conclude in this chapter that markets tend to favor the villagers those have strong labor, capital, and connection to political power whereas dispossess marginalized villagers to the resources.

Attempting to link distribution of material benefits, power relations and notions of forest to conflicts, Chapter 8, *Forest Conflicts and Property Making*, deals with the relations between distribution patterns and emergence and types of conflicts in the three villages. I highlight in this chapter that the forest devolution policy, markets and households assets bring about an unequal distribution of material benefits actors derived from resources, the power relations among them, and their notions of the forest. Under the certain conditions,

these unequal distributions and differences result in various types of forest conflicts among villagers, and between them and outsiders.

Chapter 9, *Conclusion: Incomplete Forest Devolution, Forest Conflicts, and Property Making*, summarizes and discusses the main findings of the study and offers some contributions of theories covered by this book. The chapter also includes some implications for understandings the Vietnamese uplands.

Chapter 2. Property Making, Forest Conflicts, and Access

This chapter critically examines several bodies of literature that are relevant to my research. The discussion first focuses on property analytical framework. It then proceeds to tackle the studies of the political ecology of forests in Southeast Asia. What follows is a discussion on the theories on decollectivization and agrarian question after socialism, and a discussion on the concept of access. Following this, I explain how these bodies of literature and concepts assist in framing my study of property making and forest conflicts in the uplands of Vietnam after the Vietnamese state implemented the forest devolution policy. At the end of the chapter, I present a summary of the literature.

2.1 Property Analytical Framework

Commonly perceived, property is a bundle of rights and obligations over a property object. Franz von Benda-Beckmann and Keebet von Benda-Beckmann (1999) however argue that this notion of property is too narrowly defined. They suggest a property analytical framework for studying property relations which includes several components: different layers of social organization in which property rights are exercised, the multi-functions of property, and the complex of property entities and property object.

Property relationships consist of four elements. The first is the social entity, being the holder of the property relationships. The second is the unit of natural and social environment, which is the object of property relationship. The third is the set of rights, duties, privileges, and possibilities that express what property holders may or must (not) do with the property object. The fourth is the temporal dimension, in which property relationships are expressed. Property relationships are manifested in four layers of social organizations: cultural ideas and ideologies, concrete normative and institutional regulations, social property relationship, and social practices.

In the layer of cultural ideas and ideologies, property rights are important, as they express certain functions of property, that is, what the property is and how and for what purpose it should be used. In most societies, there are different and often competing ideologies, such as moral economy versus individualism, capitalism versus socialism, and welfare state versus neoliberalism.

In the layer of legal regulations and institutional framework, the cultural and ideological notions of property relationship are not the same with those in the layer of cultural ideas and ideology. Rules and legal concepts are more specific about property status, rights, and obligations. The situation becomes more complex in the context of legal pluralism, where different sets of laws, such as legal, local, and religious, coexist. Different sets of law may determine the social entity, property object, property relationships, rights and obligations, and spatial and temporal dimensions differently.

In the layer of social relationships, in addition to the economic function, which is too narrowly determined by economists, property has social, political, and religious functions. In ideologies and law, property has a social function, as it emphasizes how property should be used to benefit the entire society. It also provides social security to the group. Rights are categorized into two components: use rights (including access and withdrawal right), and decision-making rights (management, exclusion, and alienation), making property political. Thus, by focusing only on the economic function, one neglects other important aspects of property and becomes unable to understand why people act in certain ways.

Specific functions of property may be more important for certain groups, but less for other. Furthermore, how entities, property objects, relationships, rights, and obligations are defined in ideologies and legal regulations (categorical property relationship) may be different from what they are on the ground (concretized property relationship). People's interactions are influenced differently by many factors. Moreover, the property law framework may remain constant or change in different ways and at a different pace than the people's constellation of concrete property rights. Thus, concretized property relationships may be different from the categorical ones.

In the layer of social practice, property relationships are manifested in two ways. One is in the activities of people in relation to property rights and objects. These may include use, transfer, inherit, and dispute over the rights to a concrete resource. These activities contribute to the maintenance and change of property rights as actual social relationships, and to the maintenance of the legal property rights system which is inscribed into these relationships in more indirect way. The other is in the social process in which property

rights and law are reproduced and changed. These practices are important for the reproduction and changes in property relationship at the layer of legal regulations and ideologies. Usually, property practices are conflictive. So are property rights and law. At the same time rights and law are also medium through which conflicts are expressed.

Property framework connotes two types of conflicts that contribute to the maintenance and change of property relationships. The first involves disagreement over the rightful constellation of property relationship, emerging when individual or groups, particularly those who have direct interest in property objects and relationship contest with each other over property relationships. Conflicts may also occur at the layer of ideology on the issue which property object should be used for what purpose. The second comprises conflicts over appropriate legal framework and ideology.

I adopt this property framework to study property making and forest conflicts in the Vietnamese uplands. This framework helps to understand why conflicts are still prevalent in the uplands despite the state's implementation of forest devolution policy. Villagers contest to each other over the rights to forestland and forest resources the state granted to them under the forest devolution policy. Villagers and (local) state agencies, those in charge of forest management, may have disagreements over appropriate framework applied to forest use and management. Conflicts may not be only restricted to rights to the forest or legal framework considered appropriate but also about the issues of benefits derived from forest, power relations, and conflicting notions of forest. Furthermore, conflicts may not only occur among villagers, and between them and (local) state agencies, but may also involve other people such as traders and/or lowlanders. At the village level, conflicts are may not only attributed to forest devolution policy but other factors such as market force. To better understand about forest conflicts the section below discusses about those in the SEA.

2.2 Political Ecology of Forests in Southeast Asia

Forests are highly contested spaces, the arenas of struggles and conflicts, where both trees and forest dwellers usually find themselves on the losing side. (Doornbos, Saith, and White 2001, 1)

What is happening in the forests in the SEA uplands is best portrayed by Martin Doornbos, Ashwani Saith, and Ben White in the special issue of *Development and Change* (2001), titled “Forest: Nature, People, Power.” They highlight two crucial issues: the ongoing conflicts over forest resources and the impact of conflicts on the villagers and the environment. Indeed, there have been ongoing struggles, conflicts, and movements involving various stakeholders with diverse interests in the forest.

One of the most prominent types of conflict found in SEA uplands is the conflict between the states and local people. To understand conflicts over forest resources, Bryant (1997) places the state at the center of his research, viewing it as the leading participant in the conflict situation. In the same manner, Walker (1989 cited in Bryant 1992) finds the state to have a very important role, as it performs different functions simultaneously—as developer, protector, and steward of the environment. What are underlying causes of conflicts between the two?

2.2.1 Discrepancy in Viewpoints and Interests

Political ecology studies have examined the underlying causes of conflicts between the state and local people, pointing to, among other things, the discrepancy of viewpoints regarding the forest between the two. In Indonesia, for example, the state’s views on forest resources are strongly influenced by the west, which very much emphasizes conservation. In contrast, forest villagers see the forest as their source of livelihood (Peluso 1992). The state believes that the forest must be maintained to provide “the greatest good for the greatest number of people for the longest time” (Dana and Fairfax 1980, 72 cited in Peluso 1992, 8). Many states in SEA adhere to this notion and promote forest conservation, structuring this in a way that provides them with absolute control over the resource (Peluso 1992; Vandergeest 1996; Hirsch and Warren 1998; Sowerwine 2004). Very often, the state’s notion of forest oversimplifies the material and spiritual values of the forest to the local people (Poffenberger 1990, 1998).

State law defines and determines the boundaries of criminality, without recognizing the complexity of existing local institutions, and criminalizing all activities considered as not suitable for the state’s purpose. In Thailand, the state usually sees upland people as causes of deforestation and deterioration of the watershed areas (Vandergeest 2003). The

Indonesian state qualifies as deforestation the conversion of forestland to agricultural land by upland villagers to sustain their livelihoods (Peluso 1992). In Vietnam, swiddening or swidden farming is often regarded as detrimental to the environment (Do Dinh Sam 1994; McElwee 1999).

Generally, the activities deemed “illegal” by the state are acceptable and justifiable to the villagers, yet this notion goes beyond the understanding of the state. Sato (2000) finds this pattern in the Thailand uplands; where the state established conservation areas without taking into account local interests. In the Philippines, the government policy on community-based resource management focuses only on management aspects without paying attention to social and environmental factors (Gauld 2000). The state’s oversimplification of the local people and their sources of livelihoods has led to the underestimation of the villagers. In Indonesia, as related by Li (1999), the state, with its stereotypic notion of upland villagers, has failed to see the diversity, complexity, and productivities of the upland agricultural system. Customary laws and local practices that define and determine boundaries of criminality are different from state laws. Consequently, the upland people see the enforcement of state laws as criminal, as these often do not accommodate local customs (Vandergeest 1996; McCarthy 2004).

Conflicts over the forest between the state and local people are also attributed to conflicting interests between the two (see Peluso 1992, 1993, 2003; Vandergeest 1996; Hirsch and Warren 1998). On the one hand, the state and its constituencies emphasize conservation so they restrict people’s activities which they consider as detrimental to the forest. On the other hand, local villagers have struggled to maintain the forest as their source of livelihood. The strong influence of development agencies on the government, including on matters concerning the environment, has been noted. Sato (2000) says that the Thai government has been strongly influenced by donor funds for the environmental sector when formulating protected areas and scientific regulations. In Vietnam, government’s policy framework on conservation is also very much influenced by global interest (Zingerli 2005). Doornbos, Saith, and White (2001) confirm the rise of wider natural, regional, and global concern over the sustainable use of forest resources in the long term.

Political ecologists have shown that forest conflicts are not only between the state and local people, but also among state agencies. In Thailand, the Ministry of Interior, which is in charge of improving rural livelihoods, encourages upland villagers to expand their cultivation areas in the forestlands. The Department of Forestry, which is responsible for forest conservation efforts, restricts the expansion of cultivation areas in the forests. This difference in mandates has resulted in conflict between the two (Hirsch and Warren 1998). In Myanmar, timber enterprises run by state agencies in charge of timber exploitation come into direct conflict with the Department of Forestry (ibid.). In China, Sturgeon (2004) finds various contradictions and inconsistencies among state agencies brought about by two strands of the state mission of economic development: one emphasizes market development while the other focuses on poverty alleviation. The Agricultural Department, for example, gives importance to the production output of the grain and is not much concerned with where the grain is produced. The Forestry Department, however, encourages forest conservation by limiting people's activities in the forest. Consequently, the Agricultural Department comes into conflict with the Forestry Department. It is clear then that the lack of separation or overlapping institutions and economic roles is a major reason for conflicts among the state agencies.

2.2.2 Control and Resistance Mechanisms

Various states in SEA have used different measures to control local people in order to maintain their exclusionary role in forest management. In *Rich Forest, Poor People*, Peluso (1992) defines various means of control that the Forest Department in Indonesia has employed to control access over rich forests. The "culture of control" (ibid.) or "technique of control" (Peluso and Vandergeest 2001) includes formal and informal elements. According to Peluso (1992), the state laws which define and determine boundaries of what are allowed and not allowed, constitute the formal elements of control, while terror, tortures, or fear make up the informal elements. These categories are found in the four components of control used by the Indonesian state to restrict access of local villagers to forest resources. First is control of land. State legitimacy is founded on this type of control. Control over land is secured by the recognition of rights by others. The state demarcates specific territories as forestland, claims all resources in these territories as state property, and places these directly under the control of state agencies.

Second is control over labor. This is important to ensure the profitable exploitation of forest products. Third is control over forest species. This is crucial in achieving the objective of forest use, such as game or watershed protection. The state maintains its monopoly by levying taxes or limiting trade and transportation of certain species (Peluso and Vandergeest 2001). Fourth is control over ideology. This type of control is manifested in the state laws which legitimate state authority over the forest. These four types of state control over forest resources ascribe to the state its multiple functions with regard to the forest: landlord, conservation institute, and forest enterprise.

To control people and space, states in SEA use “territorialization” as a tool (Vandergeest and Peluso 1995). Territorialization is the “process by which states attempt to control people and their actions by drawing boundaries around a geographical space, excluding some categories of individuals from this space, and proscribing or prescribing specific activities within these boundaries” (ibid., 257). The concept of “territorialization” means the exclusion or inclusion of people within specific boundaries. It defines the limits of people’s activities within geographic boundaries. In the uplands of Thailand Vandergeest (1996) notes that the process of territorialization involves three stages. First, the government declares all forest areas that are not claimed by permanent cultivators or forest agencies as forest, and places the areas under the direct control of the Forestry Department. Second, the government designates portions of the forest as reserve and protected areas, in which many activities of the villagers, such as swidden cultivation and harvest of non-timber forest products, are prohibited. Third, using land classifications, the government maps all forestlands and nonforestlands. The maps serve as basis of the government for controlling people’s activities and use of forest resources. This pattern is also found in other countries in Southeast Asia where all states first divide their territories into different economic and political zones, then rearrange the people according to the zones, and set up the state agencies that will operate both territorially and functionally to control the people and the zones (Vandergeest and Peluso 1995, Sowerwine 2004). Thus, mapping is very important for the state in controlling people and space.

Beyond territorialization, the state uses other techniques to maintain control over forest resources. Peluso and Vandergeest (2001) broaden the definition of “culture of control” by pointing out such techniques of “power” as territorial zoning and mapping, enactment

of laws to set up boundaries for forest inclusion and exclusion, establishment of state agencies to enforce the laws, and designation of forest police to protect the forest and make sure that the laws are enforced. Control is also exercised through the use of the military. These techniques of power are found in Thailand (Hirsch and Warren 1998), Indonesia (Li 1999) and elsewhere in SEA.

While mapping is a useful technique of the state for controlling people and space, it brings about serious problems at the local level. Local landscapes are more complicated than what the state assumes. Very often, there exist overlapping rights and claims to the same resources (Sikor 2004, 2004; Hirsch 1990; Hirsch and Warren 1998; Vandergeest and Peluso 1995; Vandergeest 1996; Li 1999; Sowerwine 2004; Peluso 1992; Suryanata 1994, 1999). As the state maps do not include these overlapping rights and claims of multiple actors, conflict arise between state law and customary law.

Local villagers use their culture of resistance in responding to the state's culture of control (Peluso 1992). They have their own ideologies that justify their rights to the resources. In Indonesia, Peluso notes that the local people encroach on the land and cultivate it (to resist state control over land); damage the trees or sabotage newly planted species (to resist state control over the trees); slow down or migrate to other places (to resist state control over labor); and ignore state policies or develop or maintain a culture of resistance (to resist state control over ideology). In the Vietnam uplands, Sikor (2001, 2004) observes that the Black Thai villagers ignore the forestland allocation policies and modify these to suit the local context. They resist these policies to increase their rights and reduce their duties attached to the land. Also in Vietnam, the local people in the northern uplands ignore the government's forest allocation policy and use the land continuously according to their own customary practices (Sowerwine 2004; Alter et al. 2002 in Castella et al. 2002).

2.2.3 Effects of Conflicts on Property Relations at Local Level

Studies of political ecology have identified several impacts of conflicts on property relations livelihoods, including forest degradation, rural poverty, and rural differentiation (Peluso 1992; Hirsch and Warren 1998; Barber 1989 cited in Li 1999; Li 1999; Kahn 1999; McCarthy 2000). Usually, in conflicting situation, actors try to maximize their use

over the forest resources, making the forest degraded (*ibid.*). In such a situation, local elite or the patrons are those that benefit the most. Several studies have highlighted the importance of informal and personalized patronage which links upland and lowland, subordinate and dominant groups (laborers and landlords), and peasants and people who have access to capital and the authorities (Li 1999; McCarthy 2000; Wollenberg et al. 2006). Following Li (1999), patronage is one of the characteristic ways in which power works in the upland settings. In the Indonesian uplands, newcomers and long-time residents differ in terms of class. Their relationships are complex. To sustain their stake over the resource, newcomers and long-time residents have to tie up with powerful people in the village. Studying lowland areas in Indonesia, Hart 1989 (cited in Li 1999) notes that in places where the level of state authorities is weak, the local patrons act as brokers of state-derived power and largesse (e.g., land rights, credit, government development programs). Local patrons could be local elites, wealthy newcomers, officials, or a combination of some of these, that usually link up with state authorities, such as state institutions, state agencies, or state ideologies (Kahn 1999; Ruiters 1999; Edmunds and Wollenberg 2002). McCarthy (2000) provides a similar observation, saying that the Indonesian government allocated property rights over vast areas of rich rainforest to well-connected conglomerates and politico-business families, resulting in the restriction and deterioration of the forest livelihoods of upland villagers as well as in forest fires.

The decentralization of forest management in Indonesia, in which forest management power is transferred from the central government to the district government, has brought about clientelism, which shapes access to and use of the natural forest (McCarthy 2004). Devolving power to the local state agencies and officials in the absence of civil society implies a danger that the local elite will capture virtually all benefits from the devolution (McCarthy 2004; Wollenberg et al. 2006). Moreover, such a transfer of power from the central government to local officials, embedded in local power relations, creates opportunities for collusion and corruption, and promotes maximization of resource utility (Smith et al., 2003 cited in Wollengber et al. 2006). In China, the local officials representing the local state have tried to reap benefits from local resources for their own gain while compromising the benefits of the other villagers (Sturgeon 2004). A similar

pattern can be noted in the Vietnamese uplands in which the local elite who are former or current local officials are reportedly grabbing the lands of villagers (Sowerwine 2004). In the Indonesian uplands, the local elite have been able to benefit from intensive commercial agriculture because they have connections with state authorities and are backed up by the state's techniques of control. They are in a good position to capture benefits in the form of either subsidies or direct benefit from the state (Peluso 1992). Barber et al. (in Li 1999) observes that in Indonesia, local elites had claimed large areas of forestland along the logging road and sold these to newcomers, reaping huge profits from the sale, or have the newcomers work the land for them.

The above discussion on forest conflicts shows two important issues. First, the findings highlight the conflicts between the state and local villagers (and sometimes between the state agencies) around state forestry. Second, they highlight impacts of the conflicts on property relations on the ground particularly the emergence of local elites who are in good position to derive good benefits from forest resources. Looking at these findings through the lens of property framework, these conflicts are manifested at two different layers of social organization: property practices and ideologies. At the level of social practices, conflicts occur between the states and local villagers over rights to the forest and legal framework such as state laws or customary laws considered appropriate. At the layer of ideology, conflicts occur between the states and villagers over meanings of forest; in other words on the idea how forest should be use for what purpose. The contestation between the two reflects process of property making in the Southeast Asian uplands. In this process, local elite are the ones who benefit the most.

Focusing on the conflicts between the state and local villages tends to neglect an important aspect of forest conflicts – the micro-level conflicts happening on the ground. Forest conflicts may also occur among villagers living within the same locality. In a process of rapid change strongly driven by market, population growth, and information, it is probable that upland villagers are also in conflict with one another over forest access and forest control. There may likewise be conflicts between villagers and local elite as the latter capture most of the benefits from resources at the expense of the former. In addition, studying forest conflicts in general sense misses a lot of insight on landscape of forest conflicts. Forest conflicts are complex in terms of actors involved, types of

manifestations, and their underlying causes. In this book, I pay a particular attention on micro-level conflicts, looking into actors involved, conflict manifestation, and underlying causes, and try to interrogate how these conflicts make a contribution to property making on the ground. To be better informed about conflicts and their relations to property making process I take a look at the theories on decollectivization and agrarian changes in post-socialist countries in the section below.

2.3 Decollectivization and Agrarian Changes in Post-socialist Countries

The collapse of socialism in many countries in Eastern Europe and in some countries in Asia was marked by agrarian reform, defined as the attempt to change the agrarian structure, which may include land reform, land tenure reform, and other supportive reforms, as well as reform of the credit system. Land reform involved changing and thereby improving the distribution of land among landholders (Bruce 1998:5). In many countries, the reform includes two components: restoration of property rights and restitution or recreation of property rights. Restoration of rights is a form of privatization by which property rights are returned to the legitimate owners, usually the previous owners. Restitution of rights means the creation of new rights to new owners. In general, the reform in Central and Eastern European Countries (CEECs) was implemented in the early 1990s. Land and other assets such as the cooperative land and state owned farm land, water buffaloes, machineries were either allocated or leased to peasants and workers who used to work in the enterprises or cooperatives (Hann 2003; Eidson and Milligan 2003; Torsello 2003; Cartwright 2003; Burawoy and Verdery 1999; Zberski-Salameh 1999; de Waal 2004; Cellarius 2004). The reform components, however, vary across countries.

2.3.1 Effects of Reforms on Property Relations

Studies have noted that reform is a complicated process with unanticipated outcomes. Verdery observes that “decollectivization . . . proved to be extraordinarily complicated . . . unanticipated contingencies, unpredictability, a huge gap between theories and practice, and the intrusion of multiple unintended consequences.” (2003, 113). Decollectivization has both positive and negative effects on rural livelihoods. In Vietnam, decollectivization has brought about a substantial increase in Gross Domestic Product (GDP) and

agricultural production (Watt 1998). It has allowed the villagers more autonomy in deciding on how to use the land to achieve economic efficiency (Kerkvliet and Selden 1998). Many villagers are more mobile and able to respond more quickly to the market. In some semi-urban areas in Vietnam after the land allocation, villagers started to sell their agricultural land to outsiders and gained huge benefits (Kerkvliet 1995).

Verdery (2003), however, strikingly illustrates various negative consequences of the property-making process in postsocialist countries. The first is *polarization*. The property-making process strengthens the polarization process (rich and poor, supertenant and smallholders). The second is *delegitimation*. During the property-making process, only those with power are able to grab land, leaving behind the disadvantaged people (widows, poor, and migrants). The third is *demodernization*. Being unable to afford costly agricultural input, many villagers exploit the land, consequently exhausting the resource. The fourth is *deracination*. Decollectivization replaces local institutions, such as kinship, knowledge, and values, transforming kinship from something performed into lines, like on a chart, knowledge as basis for ownership into official paper as basis for claims, and values as competence and personhood into some commodity (rent or market). The fifth is *devaluation*. Decollectivization leads to the loss of many local identities. The last is *subjectification*. Decollectivization strengthens state penetration into rural life, making the villagers more subjected to the state.

Sturgeon and Sikor (2004) observe that the privatization of forest has led to insecurity, worsening poverty, and limited access of villagers to natural resources. In Vietnam and China, under the reform, households received contractual rights but not the right to own the land (Kerkvliet and Selden 1998; Sowerwine 2004; Yeh 2004; Sikor 2004a). In Vietnam, the restoration of paddy land to previous owners has deprived other villagers who did not have the land to contribute to the cooperative during the period of socialism (Kerkvliet and Selden 1998; Castella et al. 2002; Castella 2005; Sikor 2004). These disadvantaged people include those who came to the village during the collectivization period as migrants, or the poor who settled in the village a long time ago but did not own any land prior to the collectivization. Eventually, the reform in Vietnam has led to social differentiation (Luong and Unger 1998; Nguyen 2006). In Bulgaria, only the original residents of the villages are entitled to land. This means that migrants from other

localities are excluded from the allocation (Kaneff 1998). Likewise, those who do not have blood ties or have limited kin relationships with the villagers are totally excluded from owning land (ibid.) In some countries, only those who contributed their land to the cooperative are entitled to receive land after the cooperative collapses (Cartwright 2003; Castella et al. 2002; Castella 2005). In the Russian countryside areas, reform has been implemented in a way that will keep ownership of the land with the local inhabitants to protect them from land speculators (Miller and Heady in Hann 2003). In rural Romania, excluded villagers are usually the disadvantaged ones, such as widows, the poor, and migrants (Verdery 1996). Further, if one is not a resident of the village, he or she is not entitled to receive land and thus becomes landless (ibid.).

In studying in CEECs, Rabinowicz and Swinnen (1997) found that the restitution and restoration of property rights after the decollectivization have brought about a change in the pattern of income distribution, wealth, and political sphere in these countries. In Poland, the findings of Zberski-Salemeh (1999) show that decollectivization has led to price destabilization, worsening the peasants' access to productive resources and constitution of monopsonistic buyers. The opening up the economy has caused increases in the price of agricultural input at a higher level (up to 1,800 percent) and the price of agricultural produce at a much lower level (about 250 percent). The huge gap between input and output price has resulted in a decrease in the purchasing capacity (by 40 to 60 percent) of buyers, putting peasants at a disadvantage. Furthermore, the credit system does not work effectively for peasants. The decline in the allocation of credit and complicated procedures and requirements for getting loans hinders peasants' access to productive resources (ibid.).

Who are winners and losers in the process of land allocation and what determines them winners or losers? Rabinowicz and Swinnen (1997) identify indicators of whether a person is a winner or a loser, such as individual skills and social position in the collective managing state-owned farms during the socialist period. Individuals differ greatly in these aspects. Verdery (1996) asserts that winners are usually the ones who have money to buy land, or have connections with local authorities. Winners are also the local elite who use their power to claim land at the expense of the other villagers. Verdery notes in her study of a village in Transylvania that, within an ambiguous situation and

complicated procedures required by government, members of the land commission—an institution formed after the breakup of the cooperative to take charge of land restoration—abused their power and used their knowledge to gain access to land for themselves and for their relatives as well. The transformation then appears to be not from plan to market, but from plan to clan. Similarly, Miller and Heady (in Hann 2003) found in the Russian countryside that the local elite used to serve as chairpersons in the cooperatives or managers of state farms. They use existing social relations for their benefit. Sometimes, this includes local elite become the mafia (Verdery 1996). In the context of a weakening party state, the local bosses abandon vertical relationships with the higher levels and strengthen horizontal relationships at the local level to serve their interests better (ibid.). Such relationships may involve violence, which threatens local security. Thus, the collapse of socialism has led to personalism and patronage, placing local livelihoods in a more precarious state.

2.3.2 Property Reform, Property Embeddedness, and Property Fuzziness

From a neo-liberal perspective, it can be said that the restoration and restitution of property rights to peasants have enabled them to move to the capitalist type of production. They now have private rights to the land, and their rights are protected by the state. These create an incentive for them to use the land effectively. Platteau (1992) says that providing villagers with individual rights to land encourages them to invest in their resources, contributing to the stabilization of the resource. This results in increased income and improved farm productivity. In the same manner, Feder and Nishio (1999) suggest that allocating land to local villagers and titling their land lead to higher land price and income for them. The World Bank (cited in Sturgeon and Sikor 2004) states that among the most crucial factors in improving the livelihoods of the poor are giving them clearly defined rights and having such rights secured and marketed through a sound land market.

There is evidence that this neo-liberal notion of private property toward economic development oversimplifies the complexities on the ground. In many post-socialist countries, new rights established by the reform are embedded in a sociopolitical and cultural sphere (Verdery 1996; Hann 1998, 2003). Exercising such rights in the context of

a “lack of routinized rules and crystallized practices” appears extremely difficult (Verdery 1996). In rural Bulgaria, Hann observes, “[T]here are many persons and families in Hungary today for whom the current rhetoric about widening choice and extending property rights must seem a sick joke: whether or not they are eligible for compensation coupons, they cannot become entrepreneurial farmers because they lack the basic capital resources” (1993, 113). Verdery (1999) suggests that exclusive individual ownership rights which are what many reformists expect to see are constituted within an environment of complex social relations, policies, and social actors. “These relationships shape what actors are able to do with property, modifying the “rights” to which they may be entitled and the “obligation” to which they can be held” (ibid., 65). Verdery (2003) further argues that receiving property rights has not done much for people who, owing to many constraints, are not able to transform these into benefits. Zbieski-Salameh (1999) observes that Polish peasants are trapped in the price scissors and are totally contingent on outsider market, quality control from outside, and dictated price for their produce. For them, taking a loan from the bank entails risks. Facing these difficulties, many retreat from the market and go back to the closed-cycle subsistence production instead of exploring new market opportunities. The rights given to Transylvanian peasants after the restoration of land are not exercised, given the limited market of their agricultural produce. Thus, peasants are forced to sell their produce to state-monopolized agencies, which dictate prices much lower than the market price. Moreover, ownership rights of those who have received land but are not able to work the land by themselves are seriously mitigated (Verdery 1999). Tibetan peasants in China are also facing many difficulties in exercising their “bundle of power,” as they have limited understanding of the rights and obligations attached to their land (Yeh 2004). Land reform in Russia has not helped much in improving local livelihoods and has even brought about many constraints inherited both from socialism and the demise of socialism (Perrotta 1998). In Hungary, peasants have a hard time selling their produce from vineyards and pig raising (Hann and Sarkany 2003). In Bulgaria, peasants in the Rhodope mountain area find it difficult to derive benefits from the trees (Cellarius 2003). In Romania, land was returned to old owners, who no longer have the physical strength to work the land. And even if they opt to lease their land, the prospects are slim, since the

land market has not developed in the area. Given these circumstances, many villagers abandoned their land (ibid.).

The above discussion implies that it is not easy to turn newly acquired rights into material benefits. Hann (1998) uses the term “embeddedness of property” to illustrate the situation in which the property rights are embedded in socioeconomic, political, and cultural situation. Verdery argues that property in postsocialist countries is much more than rights; it is “a cultural system, a set of social relations, and an organization of power. They all come together in social processes” (2003: 19). Property involves risk and the ambient condition affects or influences rights and risks. Land restitution and restoration not only provide people with rights—in many cases, alienation rights—but also with risks transferred from the cooperative to individual households. In a growing market economy, Verdery observes, ownership that gives significant control and generates values is control not of land but of intellectual property rights over agricultural inputs, such as seeds and fertilizers. Thus, having exclusive rights to land does not always assure the holder of economic gain.

How does the property system in post-socialist societies after the reform look like? Studies have shown that the property system is not private with individual, well-defined rights and clear obligations over a single entity, but embodies a hybrid form between public property that remained after socialism and the private one newly established by the reform. Stark (1996) calls this system “recombinant property.” Meanwhile, Verdery (1999) uses the concept of “fuzzy property” to characterize the property system after socialism. She identifies three sources of fuzziness. The first is conflicting claims to ownership of a single resource. Different people may contest ownership of a single object, making the associated rights, obligations, and claims more complicated. The second is overlapping claims to a resource. The third is lack of routinized rules and crystallized practices.

The fuzzy property system is found in many post-socialist countries. In the special issue titled “Property, land and forests in post-socialist societies” of *Conservation & Society*, edited by Sturgeon and Sikor (2004), all contributors explore the question of fuzziness in postsocialist countries. In Albania, de Waal (2004) argues that this fuzziness comes from

the coexistence of state law and customary law regarding forest use and management. Forest trees, for instance, are managed according to customary law. The state, however, maintains a tier of state control over forest trees and issues logging license to operators. Threatened by the possible loss of timber, the villagers started to log the timber illegally, causing forest degradation. According to de Waal, the economic conditions and overlapping ownership of the same forestland contribute to the fuzzy property system. In the Rhodope Mountain in rural Bulgaria, fuzzy property system is a result of blurred boundaries and constraints in exercising bundle of power (Cellarius 2004). State policy on the harvest of timber is unclear, resulting in diverse interpretations by different actors. Fuzziness also comes from complicated administrative procedures for exchanging newly acquired rights (*ibid.*). In the Vietnam uplands, fuzziness is caused by overlapping claims and rights to forest resources and discrepancy between state land policies and customary laws (Sowerwine 2004). In China, fuzziness is the outcome of two contradictions and one inconsistency. The first contradiction pertains to the vision of the landscape between the state and the Akha (ethnic minority local people). While the former involves simplified land uses, the latter entails complex and mutual access to and use of land. The second contradiction refers to the strands of development plans. The state emphasizes market development, while the Akha stress poverty alleviation. As regards inconsistency, the state places a strong emphasis on clear property rights, while the Akha do not. Also in China, Yeh (2004) observes that fuzziness comes from the difficulty of the Tibetan (local) people in exercising their “bundle of power” owing to their limited understanding of the rights and obligations attached to the land allocated to them.

As observed by many scholars, property fuzziness is attributed to property conflicts. At the same time, conflicts make property fuzziness on the ground. Fuzziness may stem from conflicts in the notions of land relations between socialism and postsocialism. Studying property relations in the Vietnamese uplands, Sikor (2004) observes four types of conflicts. First, socialist property rights may be overlapping and involve different property entities covering the same resource, while the new land legislation promotes exclusive rights with a single entity. Second, socialist land relations provide different legal rights to different actors, while the new land legislation separate rights from the social context regardless of political and social status. Third, socialist states perform an

instrumental use of law, while post-socialist property relations are characterized by conflicts between claims and procedure created by the new law, on the one hand, and the notion of morality, on the other.. Fourth, the socialist land boundaries are flexible, while the new reforms require a clear demarcation of boundaries with clear rules governing the activities within these boundaries. Moreover, unlike the socialist land legislation, which is flexible in distributing control over land, the new land legislation unifies the hierarchy of control over different types of land and resources. Sikor (2004) mentions that the upland people reacted to the government land reform, which separate rights from obligations in order to increase rights and reduce obligations. Generally, property relations in the uplands of Vietnam are subject to intense debate and the inequitable allocation have led to fluctuating and overlapping claims and at times to violent conflicts (see also Sowerwine 2004).

At the level of property practices, conflicts over land emerge as a result of overlapping claims and rights among former and new owners. Verdery (1996) considers the property reform as a war of memory and knowledge, allowing the local elite to use their power and knowledge to skew benefits for their own gain. Conflicts also arise between the one who gets the land and the one who does not (Castella et al. 2002; Castella 2005; Sikor 2004), between villagers and local authorities (Kerkvliet 1995), and between the ideologies of private and collective (Verdery 1999). There are likewise cases of conflict between or among members of a family (Verdery 1996, 1999, 2003; Kaneff 1999, Thelen 2005), among villagers, and between villagers and local authorities. Conflicts also occur among various actors over legal framework considered appropriate. Bulgarian peasants responded to the property reform initiated by the state in order to preserve the institutions that work for them (Greed 1999). Russian villagers say no to the reform because they see no benefit from it (Hivon 1995). Customarily, proper use and control of the land are achieved by fairness or a common understanding among the villagers. After decollectivization, private farmers who did not work in the cooperative received large areas of land and many privileges from the state. Some, however, abandoned the land; others cultivated it but only for subsistence and not for commercial production. To the villagers, this is not fair. To gain access to resources monopolized by private farmers, they engaged in various forms of resistance, such as damaging the crops planted on the

land and burning down farm machines (ibid.). In Vietnam, the Black Thai ethnic group in the northern uplands resisted the reform which aimed to provide them with private rights and longer period of use. They prefer the periodical allocation of land to individual households—although this is not allowed by the law—since periodical allocation helps maintain equity of land use among the villagers (Sikor 2004). Also, the Dao people in the northern uplands of Vietnam disregarded the government land policy, deciding to stick to their own customary laws on resolving land conflicts (Sowerwine 2004).

The above discussion has highlighted complexities of property making at the local level. As shown by many studies, production of property on the ground has not only been shaped by the state property reform but other factors. Implementation of the state property reform has often been embedded in local situations, resulting in “recombinant” or “hybrid” forms of property. Property fuzziness, property conflicts, and emergence of local elites are some main manifestations of property making and remaking in post-socialist countries. To understand how property rights are (not) able to facilitate right holders to derive benefits from resources, I discuss the access analytical framework in the section below.

2.4 Access Analytical Framework

Picking up on MacPherson’s (1978) definition of property, as “a right in the sense of an enforceable claim,” Ribot and Peluso (2003) argue that property right is only one mechanism among many which allow households to benefit from something. They then developed the access concept, emphasizing mechanisms which would enable people to benefit from resources. They define access as the “ability to benefit from things” (ibid., 153). This concept helps in understanding “why some people or institutions benefit from resources, *whether or not* they have rights to them” (ibid., 154; emphasis in the original). Following Ribot and Peluso, “access is all possible means by which a person is able to benefit from things” (ibid., 156).

Ribot and Peluso divide social action into access control and access maintenance. “Access control is the ability to mediate others’ access” (ibid., 158) whereas access maintenance refers to “expanding resources or powers to keep a particular sort of resource access open” (ibid., 159). Control is about mediating, checking, directing, and

regulating access of others. The authors coin the term “access gaining” to refer to the process in which access is established. There exist two main mechanisms constituting access: rights-based access, or access defined by law, custom, and convention; and structural and relational mechanisms, which include a number of factors, such as market, technology, authority and knowledge. Access mechanism is “the means, process, and relations via which actors gain, control, and maintain their access to resources” (ibid., 159-160).

In terms of the rights-based access, there are two main mechanisms by which people can benefit from things. One is legal access mechanism, in which peoples’ benefits from a resource are derived from their rights attributed by law, custom, or convention, or “property” (ibid., 162). Access is gained through the enforcement of claim to use and benefit from things. The other is illegal access mechanism, which pertains to “the environment of benefits from things in ways that are not socially sanctioned by state and society” (ibid., 164). Illegal access can be achieved through stealth, coercion, threat, or force. This is a form of direct access defined against that which is based on the sanctions of custom, convention or law.

Following Ribot and Peluso, structural and relational access mechanisms include a variety of methods. Technology, such as means of transportation and irrigation techniques, mediates resource access in many ways. Access to capital enables households to buy technology to derive benefit from a resource. Capital can also be used to buy rights to control resources, or to pay rent to maintain resource access. Access to market influences the ways in which people gain, maintain, and control access through exchange relations. Access to labor and labor opportunities also determines who are able to benefit from resources. Equally important is access to knowledge, authorities, social identities, and social relations. All these mechanisms help people derive benefits from resources. Thus, property right is only one mechanism among many others which enable people to gain, maintain, and control access to a resource.

2.5 Property and Access in Comparison

Property and access concepts are similar in a number of ways. They are both concerned with relations among different actors particularly regarding resource use and management. In addition, they focus their attention on the benefit stream. The key difference between the two concepts is legitimacy. Property concept emphasizes legitimacy, considering it as a way to facilitate property holder to derive benefits from resources. Not having legitimate claims on the resources people would not be able to derive benefits from these resources. Focusing on the “ability to benefit”, access concept is more encompassing than property as it includes both legitimate claims and other mechanisms those allow people to derive benefits from resources. According to Ribot and Peluso, property right is determined by legal regulations, such as laws or convention, while ability is the quality or state of being able, or the power to perform, whether physical, moral, intellectual, conventional, or legal. In other words, rights are determined by institutions, whether formally or informally, while ability is the state of being able to make use of such institutions to gain benefits from a thing. However, as discussed in an earlier section, rights are often embedded in socioeconomic, political, and cultural contexts. Having rights to resources does not necessarily mean that the right holder will be able to derive benefits from these. Socioeconomic circumstances, for instance, may pose limitations, such as lack of labor or technology to extract resources.

There is a lot of evidence supporting Ribot and Peluso’s argument. Many studies on post-socialist land relations emphasize that the newly acquired rights by the local people after decollectivization do not guarantee benefits for them. In addition to property rights actors may use other means, such as skills, knowledge, and connection to political powers, to derive benefits from resources. In Africa, Berry (1989, 1993) notes that the way African peasants make a living and accumulate assets depends on their access to productive resources and their strategies to use and manage these resources effectively. Understanding resource access and resource use, Berry suggests, is “not simply a matter of tracing rational actors’ responses to relative factor prices and rules governing the definition of property rights or nature of enforcement of contracts” (1993, 3). Socioeconomic, political, and cultural contexts influence the patterns of resource use, which in turn determine access to resources. In southern Ghana and southwestern Nigeria, Berry (1989) observes that the claims of cocoa farmers to land are usually based

on their membership in social groups. Access to productive resources, particularly land, labor, and capital for agricultural production, depends on their participation in the various social institutions in the areas. “Rights to occupy, hunt, or administer or cultivate land, for example, were often contingent on membership or status in a compound, descent group or community” (ibid., 41). Thus, farmers have to cultivate social institutions to be members of the groups. The rights to control productive resources are not determined by state law, but rest on those who are able to dominate or influence others (ibid., 41). To gain and maintain their access to resources, particularly land, labor, and capital, peasants in southern Ghana and southwest Nigeria use their social identity and status as well as connections with government. In areas where land is still available, the ability to derive benefits from land depends on the availability of household labor to work the land. Having a land title does not guarantee farmers benefits from the land. Berry (1993) states that in situations where rules, transactions, and values are ambiguous, people try to strengthen their ability to negotiate and access productive resources. This in turn increases their opportunities to strengthen their access rather than acquiring exclusive control over resources. Many African farmers, for instance, prefer not to register their land rights, although doing so will help them gain ownership rights to the land. In this context, economic activities cannot be explained by exclusive control over resources. As observed by Berry, the problem of inefficient use of land in Africa is not brought about by ambiguous land rights but by the people’s limited access to land resulting from their low participation in “processes of interpretation and adjudication, and their ability to pay” (ibid., 105).

In the sections above I have discussed several main bodies of literature that frame my study on property making and forest conflicts. The property concept, understood as a social relations between people over property objects served as an entry point which facilitated my understanding of what is taking place on the ground. In particular, it helped me distinguish rights and obligations over resources created by property reform in post-socialist countries including Vietnam. This concept provided me with more insight into how rights are trumping obligations, and vice versa. In addition, it increased my knowledge of how different actors manipulate different parts of this bundle of rights and obligations to their advantage. Actors may find ways to separate rights from obligations

in the bundle, trying to increase their rights for their own gain and, at the same time, reduce their obligations (Sikor 2004) or even push obligations toward other people. Further, the concept helped me understand two types of property conflicts that occurred over concrete property practices and appropriate legal frameworks and ideologies. In the uplands of Vietnam, villagers may contest each other over the use of forestland and forest resources. They may come into conflict with the state and outsiders over appropriate legal institutions governing the forest use and management on the ground.

The property concept, however, is not sufficient in explaining all mechanisms employed by actors to derive benefits from resources. To this extent, the access concept, defined as “ability to benefit” provides a good framework for understanding these mechanisms and appears very useful for studies on forest relations. The access concept helps provide the answer to the question of who controls and benefits from resources, and how. Access is more encompassing than property, as it includes both property right and structural and relational mechanisms. Actors may use property to derive benefit from resources and may also use other mechanisms such as capital and technology for benefit derivation. Thus, these concepts help me to explore the mechanisms of benefit derivation those beyond the property right. Villagers in the Vietnamese uplands may derive benefits from forestland and forest resources the Vietnamese state devolved to them by way of property rights and/or by other ways such as market, technology, and capital. Further, the access concept facilitates my understanding on mechanisms actors may use to control other people’s access to the forest. In my study, I adopted this framework to examine how villagers in the uplands of Vietnam are (or not) able to derive benefits from forestland and forest resources devolved to them and why. I also explore mechanisms employed by other actors as village outsiders to derive benefits from forest and forest resources.

Political ecology studies on the forest in SEA uplands have emphasized forest conflicts often occur between the state and local villagers around state forestry. Forest conflicts are attributed to conflicting views and interests over the forest. Usually, the states use “culture of control” which includes various mechanisms such as fine, punishment, and terrors to control villagers’ access to forest. In response, villagers use “culture of resistance” to resist to the states. As a result, conflicts emerged between the two manifested in both quiet forms such as languages and ignoring, and concrete actions like

sabotaging and protest. In this situation, local elite often establish themselves in a favorable position to enable them to capture virtually all benefits from resources. There emerges new kinds of social relationship on the ground particularly patron-client. This body of theories directed my attention on conflict forms and their underlying causes in the uplands of Vietnam. Furthermore, it assisted me to investigate the effects of conflicts on power relations at the village level.

The studies on effects of property reforms in post-socialist countries have highlighted property embeddedness, fuzziness and property conflicts. Adhering to the western notion of private property, the Post-socialist states have emphasized individual rights over single property objects. As a result, property reforms in these countries aim to create a strong notion of private rights with rigid property boundaries of land and other resources. The local people have been granted individual rights to resources, such as land and forest. However, as shown by many studies, exercising these rights in the absence of other resources, such as capital, knowledge, and skills is extremely difficult. Very often, property rights are embedded in socio-political and cultural context. Thus, though hold property rights, many local people are not able to make use of their rights to derive benefits from the resources while some actors, even without rights to the resources, are able to derive material benefits from resources by using their other assets, such as capital, skills, and knowledge. Property relations on the ground are not as clear as expected by the states, but often fuzzy, mixing between public and private forms. This fuzzy property often leads to various forms of conflicts. In this study, I adopted this approach to explore how villagers in the Vietnamese uplands are able to exercise property rights to forestland and forest resources the state granted to them. I also employed this approach to examine constraints the villagers have in transferring these rights into material benefits.

Both political ecology studies on the forest in SEA and the studies on property relations in a Post-socialist context highlight conflicts over resources. They emphasize that conflict is attributed to conflicting interests and visions among different actors, discrepancy between legal and local institutions, and unequal distribution of resources and power among these actors. It has been implied that local elite, equipped with strong assets, such as capital and political power, are able to capture most of the benefits from the resources. There are some differences in terms of the conflicts highlighted by the political ecology

studies and the property studies. First, political ecologists tend to highlight the conflicts between state agencies and the local people, relating these to the predominant role of the state in controlling the use and management of resources without paying enough attention to local livelihoods. Studies of property relations in post-socialist countries examine conflicts that often take place in an environment where the property system has been changed substantially from a socialist to private. Thus, the conflicts mainly pertain to conflicting claims among various actors, particularly those at the local level such as local state agencies, villagers, and family members. Second, political ecologists tend to examine conflicts in a broader context, while studies of property relations in post-socialist countries are focused on conflicts arising after the reform. From my observation, the question on how conflicts are manifested has not been carefully addressed by studies of property relations in Post-socialist societies nor by studies of political ecology in SEA. In my book, I lean my analysis on the two bodies of literature and seek to understand forest conflicts, and the nature of these conflicts, in the uplands of Vietnam.

My study on property making and forest conflicts is informed by both the political ecology studies on the SEA forest and the studies on property relations in post-socialist countries. At the analytical level, I adopt property and access concepts to look at the process of property making and forest conflicts. The main research question was asked in this study is that: *how has property been made in the Vietnamese uplands?* Adhering to the western notion of private property, since the beginning of 1990s, the Vietnamese state has started to transfer use rights over forestland and forest resources previously rested in the hand of the state to local households by ways of forest land allocation (FLA, or *giao dat giao rung* in Vietnamese) and land contracting (*khoan*) for long term use. This process is often known as forest devolution policy or devolution for short. The state expects that the implementation of devolution would create a private property system for the forest resources on the ground which in turn would motivate upland villagers to invest more in land and would derive more benefit from it.

Studies on property relations in post-socialist countries, however, have shown that the states have oversimplified the complex of local areas. Property rights created by the reform are often embedded in sociopolitical and cultural context. Further, property relations on the ground are often fuzzy and conflictive. The forest devolution policy

initiated by the Vietnamese state may only be a way to make property over the forest on the ground. There exist other mechanisms such as market, capital, power, and technology, or what Ribot and Peluso (2003) term relational and structural mechanisms may influence property making process as much as the devolution does. Thus, property making on the ground is more complicated and far beyond what is defined by the legal framework alone. In this study, I argue that forest conflicts are part of property making in the Vietnamese uplands. Conflicts serve as a mechanism for villagers to gain their legitimacy on the forest from sociopolitical institution. Having said this, conflicts are part and not exclusively of property making. In this book, I use conflicts as a lens to look at property making in the uplands.

Examining forest conflicts is the main focus of my book. Forest conflicts are still prevalent in the uplands despite the state's implementation of the forest devolution policy. To understand the underlying causes of these conflicts, this study raises the secondary research question: *what are the factors influencing forest conflicts in the study villages?* Conflicts may emerge between (local) state agencies and villagers owing to their different interests and conflicting views over the forests, as pointed out by political ecologists. Conflicts may also occur among various actors such as state agencies, villagers, and family members over property rights and claims newly established after the reform as highlighted by the property studies in post-socialist countries. Following the property framework, conflicts may emerge among property holders over property rights and obligations attached to resources concerning issues of resource uses, transfer, and inheritance; or over legal frameworks considered appropriate. In this book, I examine underlying causes of forest conflicts in the Vietnamese uplands in general and in my study villages in particular. I argue in this book that under the certain conditions, forest conflicts emerge in the uplands owing to unequal distribution of material benefits actors derived from forestland and forest resources, the imbalance power relations among them, and the conflicting in their notions of the forest. Forest conflicts may not only be shaped by the forest devolution, but also by other mechanisms particularly market forces. In addition, I argue that the landscape of forest conflicts is more complex than those highlighted by the political ecologists. They involve different state agencies, villagers, local elite, lowland traders, and city people. Conflicts are not only about overlapping

rights and claims as emphasized by the property studies but about benefit distribution, power relations, and meaning of resources.

As discussed earlier, the political ecology and property studies look into both quiet and open forms of forest conflicts. In this book, I adhered to this notion, investigating different types of conflicts. My study asked the question: *In what ways have the forest conflicts manifested at the local level and why?* Conflicts perceived in this study are as similar as the notion of everyday forms of resistance noted by James Scott (1985). In Scott's language, "[T]hey require little or no coordination or planning; they make use of implicit understanding and informal networks; they often represent a form of individual self-help; they typically avoid any direct, symbolic confrontation with authority" (ibid., xvi). Looking into types of conflict manifestation, I lean my analysis on the Scott's notion on "weapons" of the powerless group which include foot dragging, dissimulation, desertion, false compliance, ignorance, sabotage, among others. Conflicts thus can manifest in both quiet and open forms.

Interrogating the relation between forest conflicts and property making on the ground, this study asked the question: *How have these conflicts contributed to property making on the ground?* Conflicts on the one hand may create space of negotiation among different actors thus contribute to better resource governance on the ground; they on the other hand may serve as an impetus igniting other types of conflicts which involved other actors.

2.6 Summary of the Chapter

This chapter reviewed several bodies of literature which inform my study of forest conflicts and property making in the uplands of Vietnam. The first body of literature pertains to the studies of political ecology of forests in Southeast Asia. It highlights forest conflicts among different actors, particularly between the state and the local people, and looks into the causes of conflicts. The second body of literature concerns the decollectivization and agrarian question after socialism in post-socialist countries. It identifies the anticipated and unanticipated effects of decollectivization on property making in post-socialist countries. Particular attention is given to the constraints experienced by the local people in exercising the rights granted to them by government

after the reform. The studies also point to various forms of conflict over resources, attributing these to property fuzziness. At the analytical level, the chapter discussed on property and access concepts, highlighting similarities and differences between the two, and discussed how these concepts help frame my analysis in the book. Finally, the chapter discussed how these bodies of literature inform the study of forest conflicts and property making in the uplands of Vietnam.

Chapter 3. Research Methodology

In this chapter I discuss research methodology, linking the theoretical background presented in chapter 2 and the subsequent empirical chapters. I begin with the presentation of the research conceptual framework built on property and access concepts, and theories on political ecology on the SEA forest, and on property relations in post-socialist countries. I then present research question and propositions drawn from the framework. Following this, I highlight the strengths of the combination of qualitative and quantitative approaches and identify data-gathering techniques. My account shifts to the discussion on data collection, which includes the unit of analysis and data-gathering techniques, measures of main variables, and process of data collection. The manner in which I analyze qualitative and quantitative data is described next. Finally, I provide an account of the practicalities of doing fieldwork in the uplands of Vietnam and tackle some ethical issues that arose during my fieldwork. A summary of the sections is given at the end of the chapter.

3.1 The Conceptual Framework

In this section I try to explain how research questions stemming from the theoretical discussion can be integrated into the framework to facilitate understanding of the factors that bring about conflicts in the uplands of Vietnam after the state implemented the forest devolution policy, and how these conflicts contribute to property making process at the local level.

3.1.1 Research Questions

This book asks the main research question: *how has property been made in the Vietnamese Uplands?* Using forest conflicts as a lens to look at property making process this research raises several important questions:

- *What are the factors influencing forest conflicts in the study villages?* This question helps explore the underlying causes of forest conflicts in my study villages. To answer this question, I examine how the implementation of forest devolution policy has shaped forest conflicts in the study village, and how other mechanisms such as market institutions, capital, power or structural and relational mechanisms (Ribot and Peluso

2003) have influenced forest conflicts. For this question, I focus on the conflicts those emerge during and after the implementation of the forest devolution policy.

- *In what way have these conflicts manifested at the local level and why?* This question first investigates whether conflicts occur over timber trees, forestland, and/or non timber forest products, and forest development programs. Second, it looks into the actors involved in the conflicts. Conflicts may involve local state agencies those are in charge of forest management and local villagers who are using the forest. Conflicts may also involve villagers in the same villages, or between them and outsiders. Third, the question investigates the ways conflicts manifest. Conflicts may manifest in peaceful and quiet forms expressed in terms of languages, looking away, ignoring, and false compliance. Conflicts may also manifest in open forms expressed in terms of concrete actions such as fights and protests.
- *How have these conflicts contributed to property making on the ground?* This question examines how forest conflicts in the study villages help to make the property on the ground. On the one hand conflicts may create an opportunity for the actors involved to negotiate over forest use and management. On the other hand, conflicts may serve as impetus igniting other types of conflicts which involve other actors.

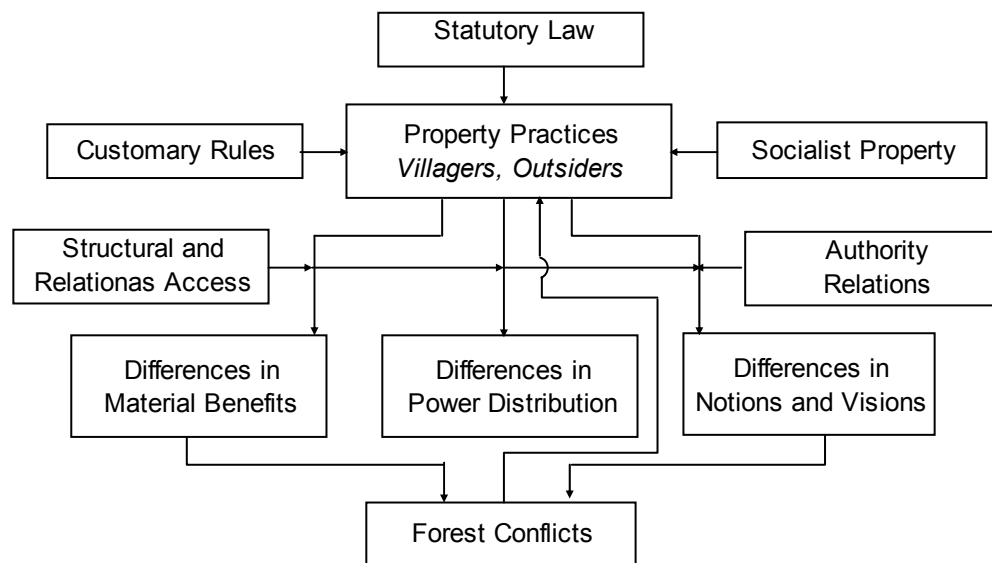
3.1.2 The Research Conceptual Framework

I use property and access concepts as a basis for my research conceptual framework presented in figure 1. These concepts serve as a useful lens for examining the factors that bring about forest conflicts, the ways in which conflicts are manifested, and the ways they contribute to property making on the forest at local level. Emphasizing property making, the property concept helps in answering the question of who receives rights and obligations over the forest after the implementation of the forest devolution policy, and how forest conflicts come about and why. The access concept helps in determining who really benefits from forest after the implementation of forest devolution policy, and under what mechanisms.

Focusing my framework on property concept, property practices in my study villages are shaped by three different property systems. The first is statutory law. This system refers to the forest devolution policy, including forest land allocation; land contracting, and

forest protection and planting programs. This system pays primary attention to individual and exclusive rights over forestland and forest resources. The second is customary rules of Dao villagers. This system often emphasizes the communal rights and relatively equal access of villagers to forestland and forest resources. The third is socialist property, which has remained after collectivization. This system places stress on non-private property, or public rights and egalitarianism. All three systems coexist and apply to the same resources, serving as legitimate foundations for the property practices of the different actors.

Figure 1. The research conceptual framework



The forest devolution policy, which the government of Vietnam has implemented since the early 1990s, involves the distribution of forestland to individual households for utilization and protection purposes.¹ Under this policy, government has expanded the individual rights of households, with the expectation that the people will be encouraged to invest more labor and capital in forestland and forest resources and thus derive more economic benefits from these. The implementation of the devolution policy may bring about differences in material benefits that the actors have obtained from the forest resources (such as holdings of forestland and cash income from timber and non-timber products or from protection or tree planting fees). Devolution may also bring about

¹Different legal regulations apply to different types of forest and land. I provide a detailed description of these regulations in chapter 4.

differences in power relations among the actors. Moreover, actors may hold varying notions and visions of the forest landscape, which include the meanings they attach to the forest, the rights that they think they should receive, and the duties that they think they should fulfill. These notions and visions are influenced by the socioeconomic and political environment, or authority relations, that is, the level of village autonomy in a broader political context.

As the literature has shown, property rights are largely embedded in the sociopolitical and cultural contexts, and that, quite often, turning these rights into a benefit stream is extremely difficult. The access concept suggests that property rights are only among the mechanisms that enable actors to derive benefit from resources. There are likewise structural and relational access mechanisms, such as the socioeconomic and political structure, that strongly shape the ways in which different actors derive material benefits from resources, the distribution of power among these actors, and their visions of the forest. In this research, I pay particular attention to three factors or selective access mechanisms²: access to power, access to market, and household assets³.

In this framework, I perceive that forest conflicts arise among different actors, whether among villagers or between villagers and local government officials, because of unequal distribution of material benefits from the forest, unbalanced power relations, and contradicting visions of the forest. I understand conflict as the clashing of interests of two or more parties, with at least one of the parties seeking to assert its interests at the expense of the other. My interest is to examine four dimensions of forest conflict in the Vietnam uplands: (1) the resources at stake, which could be forestland, forest development programs, including forest protection and forest planting, or timber and non-timber products; (2) the actors involved in the conflict, which could be people living within the same village or outsiders, such as local government officials and traders; (3) the forms or manifestations of the conflict, which could be nonviolent or open forms; and; (4) the underlying causes of conflict. In this research, I focus my attention on forest occur during and after the implementation of the devolution policy. Thus, those occurred before the devolution will go beyond the scope of this study. Conflicts perceived in this

²This is a term coined by Jesse Ribot (personal communication on 27 June 2006).

³Within a household, access to power may be included among the household assets.

study are as similar as the notion of everyday forms of resistance noted by James Scott (1985). In Scott's words, "[T]hey require little or no coordination or planning; they make use of implicit understanding and informal networks; they often represent a form of individual self-help; they typically avoid any direct, symbolic confrontation with authority" (ibid., xvi). Looking into types of conflict manifestation, I lean my analysis on the Scott's notion on "weapons" of the powerless group which include foot dragging, dissimulation, desertion, false compliance, ignorance, sabotage, among others.

As discussed earlier, I also perceive that forest conflicts are part of property making on the ground. They may help actors to have their claims legitimated by sociopolitical institutions.

3.1.3 Research Propositions

Based on the conceptual framework, my main research proposition is as follows: *Forest conflicts are still prevalent in the uplands of Vietnam and are largely shaped by the forest devolution policy and other access mechanisms.* The alternative proposition is; *The devolution policy and other access mechanisms do not make any contribution to the forest conflicts in the uplands of Vietnam.* These are supplemented by several propositions:

Sub-proposition 1: Property practices in the forest are shaped by multiple property systems, particularly the forest devolution policy, customary rules, and socialist property system.

Alternative proposition: Property practices on the forest are mainly shaped by one of the property systems mentioned above.

Sub-proposition 2: The forest devolution policy has resulted in unequal distribution of material benefits different actors derived from the forest, the imbalance power relations among them, and differences in notions and visions they reflect on the forest.

Alternative proposition: The devolution policy does not have any effect on the distribution of material benefits different actors derived from the forest, the distribution of power among them, and differences in their notions and visions of the forest.

Sub-proposition 3: Market and household assets bring about differences in the distribution of material benefits different actors derived from the forest, the distribution of power among them, and the difference in their notions and visions of the forest.

Alternative proposition: Market and household assets do not have any effect on the distribution of material benefits among the different actors, the distribution of power among them, and differences in their visions of the forest.

Sub-proposition 4: Under certain conditions, the differences in material benefits that different actors derive from the forest, the distribution of power among them, and the difference in their notions and visions of the forest result in various forms of forest conflicts.

Alternative proposition: There is no conflict over the forest among these actors despite the inequality in benefit and power distribution, and differences in notions and visions.

3.2 Qualitative and Quantitative Approaches, and Data gathering Techniques

In this study, I employ both qualitative and quantitative methods. According to Creswell (1994), in quantitative research, reality is object and singular, and is separate from the researcher. Usually, researchers who adopt this approach are independent from the studied objects. They do not apply their own values and biases in the course of the research. Following Creswell, quantitative research uses formal language and an impersonal voice. The research is context-free and is often statistically designed. Data collected are processed and generalized for prediction, explanation, and understanding. Findings obtained from quantitative research are accurate and reliable through validity. In qualitative research, reality is considered as subjective and multiple. The researcher interacts with the studied objects in the course of the research, and integrates his or her own values and biases as regards the studied objects. Informal language is applied, and personal voice and justification are allowed. Qualitative research is context-bounded. Findings are based on observed patterns and theories, and are accurate and reliable through verification. Creswell identifies two types of quantitative method: experiment and survey. The experiment type is further categorized into true experiment (use of random assignment of the subjects to treatment condition) and quasi experiment (use of nonrandomized designs). The survey type pertains to cross-sectional and longitudinal

studies using questionnaires or structured interviews for data collection, with the intent of generalizing from a sample to a population. Qualitative research consists of several types, including ethnographies, grounded theory, case studies, and phenomenological studies. According to Creswell, ethnographies are studies in which the researcher examines an intact cultural group in a natural setting during a prolonged period of time by collecting primarily observation data. The research process is flexible and typically evolves contextually in response to the lived realities encountered in the field setting. Case studies entail exploration of the case, phenomenon, or event, bounded by time and activity, and the collection of detailed information during a sustained period of time. Yin (1994) distinguishes between two different types of case study: single case studies and multiple case studies. Case studies may also include quantitative data.

Literature has shown a number of advantages in combining the two approaches in research. One, as indicated by Denzin (1989) and Greene et al. (in Creswell 1994), is that it helps triangulate the data and findings and neutralize any bias inherent from data sources, investigators, and methods. Another is that it serves to minimize weaknesses and allows appreciation of the strengths of each approach. For this research, I conducted both survey and case study. According to Babbie (1990), by using the sampling technique and standardized questionnaires, survey data can “facilitate the careful implementation of logical understanding” (ibid., 41). I found the household survey useful in generating quantitative data to describe the differences in material benefits that different actors derived from forest resources. The case study using ethnographic account, in turn, helped me in gathering qualitative data. According to Miles and Huberman (1994), qualitative data can help depict the complexity of real situation. Staying in the village while collecting data for a substantial period of time made it easier for me to understand the process and dynamics of change occurring in the area. The data obtained from the case study enabled me to understand how different actors were able to benefit from the resources, their local power relations, and their different visions of the forest.

Employing both quantitative and qualitative methods required a lot of time, effort and skills. I tried to balance the two by conducting a small household survey and a case study in each village. I used various data-gathering techniques, such as semi-structured interviews for the survey, and formal and informal interviews with key informants to

obtain qualitative data. The interviews were held in various settings, including the fields, the forest, and at home during meals. I found the informal interviews using unstructured questionnaires very effective in gathering highly sensitive data, such as details of conflicts or the activities considered as illegal by the state. In addition, I employed several observation techniques to understand how actors interacted with the forest and among themselves. I also performed group interviews to obtain the actors' consensus on issues that I was interested in, particularly their views on property relationships and the forest. There were occasions on which I organized group discussions, as these facilitated the exchange of ideas and encouraged interaction among the participants. I likewise adopted the participatory mapping method in all my research sites, which proved to be a very useful tool for understanding dynamics of resource use at the local level.

3.3 Data Collection

In this section, I discuss my study's unit of analysis, followed by the data-sampling techniques I employed in the course of my research. Then I provide an overview of data collection and the process of field data collection. Throughout the discussion, I highlight the need to combine both quantitative and qualitative methods.

3.3.1 Unit of Analysis and Data sampling

Unit of analysis

This research uses two units of analysis to understand the factors that bring about forest conflicts in an upland village and among different villages. One is the household, which is the unit of production and reproduction (Sikor 1999), responsible for farm activities and maintains control over production assets, such as land, labor, and capital. Usually, decision on farm activities is made by the head and is carried out collectively by the household members. In the same way, the household handles matters related to reproduction, such as food allocation and expenditures. Within a village, households are bounded by various sets of institutions, such as labor exchange, marriage, familial ties, and administrative regulations, yet they remain independent in controlling their production assets. They differ from one another in terms of their access to production factors, political power, and other resources.

The other unit of analysis is the village, which is the aggregate of the individual households. I use cross-case comparison to examine the complex and spatial distribution of forest conflicts. Although the village is not considered as an administrative unit in Vietnam,⁴ it plays an important role in managing the village's assets such as wet rice land and irrigation system. Moreover, it serves as a channel through which government directs its inquiries related to the collection of taxes or fees and the allocation of resources, such as credit and loan, to the village. Villages differ from one another in their biophysical features, market access, local institutions, and authority relations, among others.

Village selection and data-sampling techniques

I purposely chose three villages for my study. The first, which I call Ban Ye, is located in Tan Da Commune, Bac Minh District, Hoa Binh Province⁵. I selected this village for a number of reasons. One is that I was quite familiar with the Ban Ye as I spent five months there in 2000, and visited the area on various occasions between 2001 and 2003. My extended stay allowed me to establish rapport with the villagers. Another reason is that I built connections with various government agencies in the district and commune, owing to my previous work in an organization at Hanoi Agricultural University. These networks enabled me to gain easy access to government archives at the local level. The third reason is that the village is inhabited largely by Dao people (ethnic minority), most of whom are fluent in Vietnamese—the language that I speak.⁶ Fourth, since forestland allocation was implemented in the village in 1995, or around ten years ago, the village made an excellent site for examining forest conflicts those occur after the implementation of the devolution policy.

Than Con, my second study village is situated in Van Tho Commune, Mieu Thanh District, Phu Tho Province. I selected this village for quite similar reasons as those for Ban Ye. The people are mostly Dao, who can speak very good Vietnamese. I got to work

⁴In Vietnam, the commune is the lowest administrative unit of government at the local level. Usually, one commune in the uplands consists of five to ten villages.

⁵Some of the data I obtained from my field research are sensitive. To protect my informants and other people who I worked with in the course of my research, I use pseudonyms for all villages, communes, and districts, as well as names of the people I mentioned in this book. See more ethical issues in section 3.5 of this chapter.

⁶In Vietnamese schools, the medium of instruction is Vietnamese. Thus, only ethnic minorities who live in remote areas in the uplands and do not go to school are not able to speak Vietnamese well.

in the village when I became involved in a capacity building project in 2001 and 2002. I stayed there for about forty days to study the effects of FLA on local inequality. Thus, I had a chance to bond with the villagers and build contacts with commune and district authorities. The villagers' hospitality, in fact, strongly encouraged me to work again in the village. After the project, I had a good understanding of the dynamics of forest resources use at the local level. The FLA was implemented in Than Con in 1996. Forest development programs those I elaborate in detail in chapter 4 were initiated much earlier, beginning in 1992. Compared to the people in Ban Ye, those in Than Con are more autonomous in using the land allocated to them.⁷ In addition, they are more exposed to and more dependent on the cash economy. In addition to forest products, they have a variety of agricultural products, such as tea and cassava, which they sell in the market.

My third study village is Ho So which can be found in Ba Tay Commune, Ba Tay District, Ha Tay Province. It was recommended to me by a friend from Hanoi College of Pharmacy who had done research work there. I first visited the area in early 2003, before I embarked on my doctorate studies, to check if the village would be an appropriate site for my future research. During this trip, I was accompanying a group of researchers, also friends of mine from the Center for Social Forestry of the University of Forestry, who would conduct Participatory Rural Appraisal activities in the area to determine the level of dependence of villagers on the forest. Although my visit was short (only two days), it provided me with a sketchy overview of the village and the interaction between villagers and forest resources. Ho So is located in a buffer zone of Ba Vi National Park, where the state established stringent control over the forest.⁸ Consequently, the villagers' access to forest is highly restricted. The Park authorities retain control rights over the forest and have, since the early 1990s, contracted much of the land within the Park to different actors for forest planting and protection purposes. Similar to those of Ban Ye and Than Con, the people in Ho So are mostly Dao who speak fluent Vietnamese. They, however, enjoy better infrastructure and greater exposure to the market economy.

Data-sampling techniques

⁷I explain the differences in the villagers' autonomy in using the land allocated to them in chapter 4, as well as in chapters 5 and 6.

⁸The National Park is officially classified as a special-use forest, where human activities are totally banned. A description of the different types of forest is provided in chapter 4.

For my survey sample, I included at least 20 percent of the total households in each village. Since, initially during my field research I perceived a household's access to political power⁹ as a strong mechanism differentiated households' benefit derivation, I divided the households in each village into two groups, one with access to political power and the other without. Usually, in each village, households with access to political power were few, so if possible, I included all of them in the survey. For the subgroup with no access to political power (the remaining households in the village), I randomly selected the households to be covered by the survey. In Ban Ye, 34 of 50 households (70 percent) constituted my survey sample. Of them, six had access to political power. I counted in the sample twelve households that did not have any forestland, having been established after FLA implementation. I believed that including them would allow me to understand the dynamics of land transactions in the village. In Than Con, my survey sample covered 23 of 40 households (57.5 percent). Of them, five had access to political power. In Ho So, my sample households numbered 25 (out of a total of 104 households in the village, or 24 percent). I was able to identify only three households with access to political power, as it had been difficult for me to approach and get local officials to talk about issues related to forestland.¹⁰

Prior to the survey I pre-tested my questionnaires. For the purpose of comparison among the study villages, I tried to maintain important questions of the questionnaire. However, since the study villages differed from one another in many aspects, such as physical features, local livelihoods, and resource characteristics, the questionnaires for households in one village were structured differently from those in other villages.

For the interviews, which were intended to generate qualitative data, I approached many key informants, including male and female villagers and village officials, commune officials who were knowledgeable in my research topic, and district officials from the Department of Agriculture and Rural Development (*Phòng Nông nghiệp và Phát triển Nông thôn*, or DARD), Department of Forest Protection (*Hạt Kiểm lâm*, or DFP),

⁹Household access to political power is defined as the presence of village or commune officials in the household. I also included among households with political power those who have members that used to serve as officials during forestland allocation.

¹⁰Issues on forestland are highly political and involve a lot of power relations. My account on this is found in chapter 5. In this book, I use the terms local cadres and local officials interchangeably.

Department of Land Administration (*Phòng Địa chính*, DLA), and similar agencies. I also made visits to some provincial officials, and spoke with traders and non-villagers, including those who had work connections with villagers in my study sites.

3.3.2 Measures of Main Variables and Data-gathering Techniques

Table 1 summarizes the measures of main variables in the conceptual framework and the techniques I used for obtaining data.

Table 1: Measures of main variables and data gathering techniques

Variables	Measures	Data-gathering techniques
Forestland allocation	Components, objectives, implementation process, enforcement mechanisms, rights (<i>de jure</i> and <i>de facto</i>), duties of actors involved	Policy review, key informant interview, observation
Forest development program	Components and main objectives, implementation and enforcement mechanisms, rights and duties of actors involved	Policy review, interview with actors, observation
Customary rules	Rights and duties expressed in the patterns of activities and behaviors of villagers in using and managing the forest	Key informant interview, group interview, observation
Socialist property	Patterns of forest use and management and rights and duties of villagers during the socialist period; patterns, rights, and duties still upheld up to the present time	Interview with villagers and former officials, group interview, observation
Property practices	Forest-based activities, including swidden cultivation, terrace construction, timber plantation, land transaction or abandonment, timber logging, and harvest of non-timber forest products; management and supervision practices	Interview with actors, focus group discussion, household survey, observation, participatory mapping
Material benefits	Cash income derived from the forest (particularly from timber and non-timber products, swidden crops, and forest protection and plantation fees); size of landholdings; area of timber and cash crop plantation; crop productivity derived from the land.	Key informant interviews, household survey, observation
Power distribution	Who (villagers, local officials, traders) control what resources. Mechanisms of access control and maintenance. Pattern and types of relationship among actors manifested regarding resource use and management.	Key informant interview, observation
Notions and visions of the forest	Actors' perceptions on landscape functions at present in the future, and on the sets of rights and duties attached to the resource that different actors should be granted	Policy review, interview with actors, focus group discussion
Structural and relational access	Household access to political power, annual income, age, educational attainment, labor resource, access to draft power, access to extension service, and access to market	Focus group discussion, household survey, observation
Authority relations	Level of local government supervision over village affairs (as manifested in, for instance, the number of visits of local officials to the village, and fines and punishments imposed by the local government on	Interview with villagers and local officials, focus group discussion, observation

	violators); legal regulations covering the forest	
Conflicts over the forest	Resources at stake, actors involved, manifestations of conflict, underlying causes	Key informant interview household survey, observation, participatory mapping

3.3.3 Process of Field Data Collection

Fieldwork for my research spanned a total of twelve months from 2004-2005. Approximately three months were initially allotted to each village, with the remaining three months devoted to entering and encoding data and bridging data gaps. I started my fieldwork in Ho So because this was the village with which I was least familiar. Unlike in Ban Ye and Than Con, where I was able to begin work shortly after I arrived, it took me quite a long time to build rapport with the villagers in Ho So and local officials here. The issues of forest use and management in the village, and village politics, were also much more complicated in this village, compared with the other two (see chapters 4, 5 and 6). Moreover, in terms of population, Ho So was the largest among the three. Considering these factors, it took me four months to complete my fieldwork in this particular village

After I completed my research in Ho So , I moved to Than Con, which is about 2 hours away from Ho So by motorbike. Given this short distance, I was able to visit Ho So for a number of times when I was doing my fieldwork in Than Con. Usually, on the way back from Than Con to my office and hometown in Hanoi, I dropped by Ho So and stayed there for one or two days to get some updates. It was in Ban Ye where I did my fieldwork last.

My fieldwork in each village entailed a series of steps. The first two weeks involved warm-up activities. I went around the village and commune and spoke with villagers and officials, rekindling former relationships and creating new ones. I was also able to have a sketchy comparison between the village I remembered from before and as I saw it during my fieldwork. I invited a key informant who I knew well to be my guide (again). We went to different areas, including wet rice lands, swidden lands, forestlands, and cash crop and timber plantations. I had the opportunity to ask questions on issues pertinent to my study, understand the village situation and other concerns, and identify actors that I should meet. Then I started to focus my field data gathering by talking with the villagers, including men and women, old, middle-aged, and young, sometimes joining them in going to the fields to harvest crops or to the forest to collect bamboo shoots, timber, and

firewood. When necessary, I invited a group of key informants to discuss issues of interest to my research. I also requested three to four knowledgeable villagers to go with me to an area where we could see the entire village to discuss the issues related to forest use and to draw resource maps. From these maps, I saw the dynamics of forest resource use in the villages.

After obtaining qualitative data, I conducted a household survey. As I was already familiar with the people and situation in the villages even before conducting the survey, except in Ho So, I was able to formulate an appropriate set of survey questions.¹¹ When I completed the survey in all villages, I reviewed the data sets. Periodic visits were made to the villages to fill data gaps.

I did not stay in each village for three consecutive months. Instead, I made repeated visits to the village, with each visit lasting ten to fifteen days. After visiting the site, I went back to my office in Hanoi to work for several days on entering the data in my computer, reviewing the write-up,¹² and checking on the plans for my next visit. There were some advantages in doing this. One is that, as I could not use my computer that much in the field, this system of field-data gathering and entering helped me avoid having huge volumes of data after my fieldwork. Another is that I was able to have substantive discussions with my colleagues at my office after each visit.

In the field, I often stayed with local households and thus had the chance to triangulate my data with my host. I also worked with many government officials, particularly those from the agriculture and forestry agencies at the district level. If I had to spend the night in the district, I always stayed in their offices. This “informal” way of working allowed me to establish good relationships with them and consequently generate good data.

3.4 Quantitative and Qualitative Data Analysis

In this section, I discuss how I processed the quantitative and qualitative data which I had obtained from my fieldwork. I begin with the process of quantitative data analysis and then move to the process of qualitative data analysis.

¹¹As Ho So had a high population, I did not get to know all the households well before I conducted the survey.

¹²See details on this technique in the section 3.4

3.4.1 Quantitative Analysis

To process survey data, I employed the Statistical Package for Social Survey (SPSS). This entailed, first, coding and entering the data from the questionnaires into the data sheet. Some qualitative data, such as the sex of household head and household access to political power, were quantified, coded, and entered into the data sheet for quantitative analysis. Second, once I completed the data sheet, I ran the SPSS to analyze the data. I employed three statistical analyses for my research, namely, bivariate correlations, t-test, and analysis of variance (ANOVA).

Bivariate correlations

Correlations between two variables, such as between household labor and its swidden area and between household cash income derived from timber and its holdings of forestland, were measured to assess if there was a linear relationship between the two. I used Pearson's correlation coefficient to determine the strength of their correlation, with the significant level at either 0.1 or .05. A detailed description of this statistical analysis is presented in annex 1.

T-test for independent samples

The use of the Independent-Sample T-test, or t-test, is intended to compare the means for two groups of variables and find out whether these are statistically different from each other. In this research, I compared, for example, the income derived from timber between two groups of households, with one group of households having draft power (buffalo) and the other having none. A detailed description of this statistical analysis can also be found in annex 2.

One-way ANOVA

The one-way analysis of variance (ANOVA) is meant to compare the means of three or more variables. In this research, for example, I compared the income means of three groups of households: (1) households with large draft power (three water buffaloes), (2) households with fair draft power (one to two buffaloes), and (3) households without draft power. A detailed description of this statistical analysis is likewise provided in annex 3.

3.4.2 Qualitative Analysis

In general, my research is based on qualitative analysis using an ethnographic account. This approach is described by Miles and Huberman as the “extended contact with a given community, concern for mundane, day-to-day events, as well as for unusual ones, direct or indirect participation in local activities, with particular care given to the *description* of local particularities; focus on individuals’ perspectives and interpretations of their world” (1994, 8; emphasis in the original). Qualitative data take the form of words that are based on observation, interviews, secondary documents, photos, and maps. Owing to their nature, qualitative data are not ready for analysis but require some processing (ibid.). In the course of my research, I adopted three components of data analysis as suggested by Miles and Huberman: data reduction, data display, conclusion drawing and verification.

Data reduction

Miles and Huberman (1994, 10) explain data reduction as the “process of selecting, focusing, simplifying, abstracting, and transforming the data that appear in written-up field notes or transcriptions (writing summary, coding, making clusters, making partitions, writing memos). It is “a form of analysis that sharpens, sorts, focuses, discards, and organizes data in such a way that ‘final’ conclusions can be drawn and verified” (ibid., 11). In writing up my qualitative data, I relied on my field notes, which were very cumbersome and sketchy, as I tended to write down all things I deemed important to my research. At the end of a day’s fieldwork, I usually spent time converting these notes into a write-up. After some time in the field, I would refer to the contact summary sheet on which I had written up several questions related to the study concepts, themes, and issues emerging from my field study, and try to find answers to these questions based on my field notes and write-up. I also used codes and coding in order to manage the data better.

Data display

Data display refers to “an organized, compressed assembly of information that permits conclusion drawing and action” (ibid., 11). This consists of various types, such as graphs, charts, matrices and networks. In this research, I used various types of graphs to illustrate my data analysis and support my account, such as comparing the timber income and landholdings of different groups of households, and in demonstrating the increasing attention of government on forest conservation. I also drew a pie chart to show the

unequal distribution of benefits among different actors; and a flow network to present the flows of timber, capital, and information in a timber commodity chain. Maps further served to enhance my presentation of data. All these types of display are vivid evidence that can help in drawing conclusion.

Conclusion drawing and verification

Miles and Huberman (1994) suggest that, from the beginning of data collection, the researcher has to come up with some form of preliminary conclusion, or what things mean. Following this, I, after each visit to my study village, went back to my office and, based on my field notes and write-ups, wrote up some initial conclusions, which I gradually and repeatedly verified during my succeeding field visits. After completing my fieldwork, I reviewed the data sets, write-up, and preliminary conclusions, and made a summary of these conclusions. When necessary, I went back to the village and spent extra days there to verify my conclusions.

3.5 Situating Self and Ethical issues

I discuss here several issues that I regard as important for an ethnographical study. I first describe how I situated myself during my research, and then highlight some ethical aspects of the research, with emphasis on some important dimensions when conducting a micro-politic research on an ethnic minority group in the uplands of Vietnam.

3.5.1 Situating Self

As I believe that my background strongly shapes the way I look at things and the way I understand and interpret data, I deem it worthy to discuss here my profession and familiarity with research topics, issues, people, and villages.

I consider myself as a rural sociologist who has some additional knowledge of agricultural techniques. From my training in agronomy at Hanoi Agricultural University, I learned about plants, animals, and agricultural techniques. After I obtained my degree I shifted to the social sciences and underwent training as a social practitioner, or one who has some social theory background, plus practical experience, to work with the local people. For my postgraduate studies, I sought to enhance my theoretical background on natural resource management and agrarian questions, with focus on post-socialist

countries. My academic background in agriculture and the social sciences benefited my research in many ways as I could respond better to villagers' wide range of questions.

The environment in which I grew up and received my training strongly shaped my ideology. I am a Vietnamese from a majority group (Kinh) who was born and raised in a rural village in the lowlands. My childhood was embedded in a rural setting. I had first-hand experience in village life. I participated in farming activities. There were times when my family experienced food shortage during hard times. Having gone through all of this, I have developed a deep understanding of village life and the difficulties that rural families face. I have grown particularly sympathetic toward the Dao ethnic people in the uplands who I have worked with.

To a certain extent, the resettlement of my family to Hanoi City in the early 1990s has affected my relationship with the people I met in the field. Being the capital city, not to mention the political center and the second largest economic center of the country, Hanoi is known as a modern place. Many people here adopt an ethnocentric way of thinking, considering themselves as more "civilized" than people from other areas. Since I have lived in the city for quite a long time, many people consider me as a "Hanoian". During my research, several villagers who had not yet been to the district or provincial town or Hanoi kept asking me about, "what Hanoi was like?" They asked questions about city life and enjoyed my stories. Upon their request, I showed them family photos and I enjoyed hearing their comments on my family members and the settings in the photos. I considered this as a form of reciprocal relationship between me and the people from whom I would get data. These kinds of exchanges had helped me in building my relationship with the villagers.

In the village setting I was seen differently by different people. The villagers always regarded me as a student (*sinh viên*) at the university and a resident of the city who came to their village to study the forest (*rừng*). Being labeled as such helped me earn some form of respect from the people, especially since no one in all of my three study villages held a university degree. However, this also put pressure on me as many of them assumed that, with such an educational background, I knew many things (in fact I did not!). They posed so many questions that I could not answer immediately. Some, for instance, asked

what kind of disease could be affecting their acacia trees that had caused the death of many seedlings, how to get rid of this disease, what kinds of fruit trees they should plant along the bank of their ponds, and how to improve soil fertility to increase rice productivity. I tried to write down all their questions and sought the opinion of my colleagues at the office so I could return to the villagers with the answers.

The local authorities had mixed perceptions of me. As my research focused on the forest, I worked mostly with DARD, DFP, and DLA at the district level. I also visited the provincial town to meet with some officials as well as to get secondary data. At the commune level, I dealt with members of the People's Committee (*Ủy Ban Nhân Dân*, or PC). I noted two prominent views of these officials toward me. One group, accounting for only a small number, was quite skeptical about my research, perhaps owing to the sensitivity of my research topic. This included officials who I met for the first time while doing this research. Some considered me as a *sinh viên* who had no benefit to them, and so they showed no interest in working with me. I found it difficult to approach and obtain data from them.

Let me relate one incident here. When I started my work in Than Con, I sought the permission of the district PC to work in the village. I wanted to meet with the office manager to inform him formally of what I wanted to do in the area. To facilitate this meeting, I asked for the help of my friend who was also an official at the district office. My friend called the manager several times, but he said he could not meet with me, as he was busy all the time. After many failed attempts, my friend succeeded in setting up a meeting between the manager and me. When my friend and I arrived at the manager's office, he was reading some document. We sat down and I gave him a recommendation letter written by a local non-government organization (NGO) in Hanoi. He quickly skimmed the letter. I was quite sure he did not read it thoroughly (it was from an NGO). He just kept staring at the document he was reading when we arrived (perhaps pretending to read it) while I told him about my research and my purpose for seeing him. Still with his eyes fixated on the document, he asked me to come back another day. Realizing that it would take so much time before I could get some assistance from this manager, I decided to meet directly with the vice chair of the district PC (*Phó Chủ tịch huyện*), who I already knew from my previous activities in the area. Luckily enough, she still remembered me.

After listening to me as I introduced my research objectives and my inquiries, she wrote down at the back of my NGO-made letter, “*Đề nghị các cơ quan giúp đỡ đồng chí Phúc hoàn thành nhiệm vụ*” (“Kindly request agencies to help cadre Phuc fulfill his duty”). I was very surprised and happy with her note, as I knew this would facilitate my data gathering. It connoted, first, an order from a “big boss” of the district sent to agencies in the district to provide me with assistance in my research. Second, it changed my status from a student (*sinh viên*) to a cadre (*đồng chí*), which relatively equalized my social status with the officials I had met. This would also help me avoid red tape. True enough, upon seeing the note, some officials presumed that I had a close relationship with the vice chair so they were more enthusiastic toward helping me. Perhaps they did not want to upset their boss (the vice chair). I was thus free to visit district agencies, some of which I did not think would accommodate me.

The second group, accounting for a much larger number of officials compared to the first group, included those who had a similar background as mine and/or those who I got to know from my previous visits to the area. Consisting mostly of officials from DARD, DFP, and DLA, they considered me as one of their colleagues (*đồng nghiệp*) and a *sinh viên* at the same time. Like me, they were interested in agriculture and forestry issues, and were thus pleased to share their knowledge and experiences. As they also saw me as a *sinh viên*, they took good care of me, offering me a bed to stay for the night and meals in their “collective” kitchen when I was working in their offices. I obtained qualitative data from them through informal talks during meals much more than from my official meetings with them. My relationship with some was so close that they kept visiting me when I was in the study village. This affected my dealings with a number of villagers who were involved in the activities considered illegal by the state, as they were afraid I would report them to these officials.

3.5.2 Logistic Considerations and Ethical Issues

Logistic considerations

In order to conduct research in a village, one has to follow various administrative requirements, depending on whether they are foreigners or Vietnamese. A Vietnamese researcher first has to have a host organization, which could be a government

organization, an NGO, a development agency or a project office. He or she must obtain a letter of recommendation (*giấy giới thiệu*) from this organization, introducing him or her to the local officials. In principle, a freelance researcher without a *giấy giới thiệu* cannot be allowed to work in a village. There has to be a prior arrangement with the proper authorities before any researcher can enter the field. Once the researcher has the *giấy giới thiệu*, he or she has to bring this to the district PC and seek permission to work in the village.¹³ Based on the *giấy giới thiệu*, the objectives of the research, and the proposed study sites,¹⁴ the district PC decides on whether or not to grant permission to the researcher. If it decides to do so, it issues another *giấy giới thiệu* which the researcher will show to district agencies which he or she will work with, and the commune PC that covers the proposed study village. The commune PC may issue another *giấy giới thiệu* which the researcher will show to the village chair (*trưởng thôn*). At this point, the researcher can start his or her work.

Though this procedure appears simple and clear, the processing of the request takes a long time especially for foreign researchers.¹⁵ For Vietnamese researchers, there are different ways to shorten the procedure. For instance, after receiving the *giấy giới thiệu* from their host organizations, some researchers go directly to the commune and study village to work, bypassing district officials. Usually, these researchers are from government research organizations in the city who consider themselves as people from the central administration (*trung ương*) and therefore can bypass lower-level local authorities (*chính quyền địa phương*). Researchers from NGOs or development agencies cannot do this and have to comply with the formal requirements. Another way is to obtain *giấy giới thiệu* from district agencies, such as DARD and DFP, which is easier and faster than getting one from the district PC. A third is an informal way that often produces good results. If the researcher has a good relationship with the boss in the district or province, he or she can just ask for a hand-written *giấy giới thiệu* from them. Usually, this *giấy giới thiệu*, whether with or without a red stamp, is more effective than the formal one.

¹³Foreign researchers have to go to the provincial PC to seek permission.

¹⁴There are still some areas in the uplands which are off-limits to researchers.

¹⁵Sowerwine (2004), for example, says that it took her several months of fulfilling the administrative requirements before she could start her fieldwork in the uplands of Vietnam.

As my work contract ended before I pursued my doctorate studies, I actually did not have a host organization. So prior to going to the field, I asked a colleague from the Institute of Ethnology in Vietnam to assist me in finding a host that could give me the authorization I needed. He told me that if I wanted to be hosted by his institution, I had to secure a letter from my university in Berlin addressed to the director of his institute, which is the same requirement asked from foreign students. This sounded (and was indeed) complicated, since I was not a foreigner. My friend then suggested an alternative, that is, to seek a local host NGO, but he added that this would entail the payment of “administrative fees” to the NGO. I agreed to his suggestion. Going back home from abroad to do my field research, I met with the director of a NGO. He was happy to give me six copies of the *giấy giới thiệu* for the three communes and three districts correspondingly to my three research sites. The administrative fee, however, turned out to be quite a sum, considering that the only assistance the NGO extended me was the issuance of the *giấy giới thiệu*, and nothing more. I even incurred additional “administrative” expenses by, for instance, inviting the director to our conference in a beautiful place, free of charge, even though his participation was not needed at all, or by buying him several cartons of expensive cigarettes when I came back home from trips abroad. I then felt very tired and harassed. Added to this, the NGO failed to obtain government permission to have my supervisor visit me in the field.¹⁶ Luckily, I met my friend who was the director of another local NGO. She offered me assistance without any “administrative fees,” giving me as many *giấy giới thiệu* as I needed and helping me get permission to bring my supervisor in. In fact, it was other agency that I had to pay quite a lot of “administrative fees” to secure such permission.

At the district level, I usually obtained *giấy giới thiệu* from DARD and DFP. Once I fulfilled all administrative requirements, I started my work in the village. There are several important practical issues, that require further discussion.

One is the selection of a household in the village where I can stay. Usually, researchers prefer households where they first started to work or households in good condition so that they would not have to experience difficulties in terms of food and sanitation. In an

¹⁶ In Vietnam, foreigners need to obtain permissions from the government in order to go to the field. Tourist areas are exempted from the permission.

upland village, these are usually households that are better-off or households of village or commune cadres. In my case, I did not stay in just one household, but in several households. There are several reasons for this. I started my fieldwork in Ho So, which I knew the least among my study villages. As I did not have the chance to check which household would be the most suitable for me to stay in, I followed my friend's suggestion to stay with the household of the chair of the commune women's organization (*Chủ tịch hội Phụ nữ xã*). This household was used to having "strangers" in its home, since it had accommodated many researchers, practitioners, and students, including foreigners, doing a study or implementing projects in the village. All the members were kind and supportive to me, and one of them was a security officer of the village, so I felt safe with them. Despite these advantages, however, I realized that staying in one household, particularly of local cadres, could have some disadvantages. First, villagers who did not like local cadres were not open to me in discussing factors in forest access and forest conflicts, even if they did not have any problem with the chair of the women's organization. They were afraid that I would relay to the chair of the women's organization the information they share with me, and she in turn would pass this on to the other cadres. This perception of some villagers lessened my opportunities to get substantial data on the complexities of village politics. Second, staying in one household unintentionally shifted my attention away from households located in other parts of the village, making me miss some important aspects of the village picture. I only realized this at the end of my fieldwork in Ho So. Third, some households, particularly the poor ones, were not pleased with me, as they thought I did not like the poor families thus only staying in the better-off household. Learning from this experience, I adopted another housing strategy when I did my fieldwork in the second and third villages.

In Than Con, I decided to stay initially in the house of the village chair. Having a *sinh viên* or *đồng chí* in the house was not common in the village and was seen as a privilege of the household. As I planned to transfer from one household to another to understand the village better, I informed the chair about this. He and his sons agreed, although unhappily, to my plan. I moved to a young household locating near the forest. There I had the opportunity to observe how dependent the villagers were on forest resources. I spent quite a lot of time sitting on the gable of the house, often very early in the morning or

very late in the afternoon, observing and sometimes talking to the people going to and from the forest. I was lucky as my host was neutral to other villagers, which allowed for openness in my dealings with villagers. My host was also very open minded and willing to share information with me. There were times when I stayed with other households in the village for one or two nights. I had meals with them. This helped strengthen my relationships with the villagers and avoid misperceptions among poor households toward me.

With Ban Ye, my third study village, I was already quite familiar, since I worked in the area before I pursued my postgraduate studies. At that time, however, I did not stay in the village but in the project house of my former organization, which was located in another village, about four kilometers away from Ban Ye. I enjoyed several advantages from staying in the project house. My colleagues visited their project sites often so I had the opportunity to discuss my work with them. Whenever I visited their projects, they brought with them a lot of good food which they shared with me free of charge. The project house was also in a much better condition than any house in Ban Ye. However, during my fieldwork, I decided to stay in the village to know more about it, the people, and their practices. I chose a simple household whose members I knew quite well from my former visits. It was not better-off yet not poor. It had a middle-aged head and did not have access to political power. It was large in size, having three generations living under one roof. This proved to be an advantage for me, as I was able to talk to old, middle-aged, and young members. The house was located at the center of the village and near the village road, which then gave me an opportunity to observe the forest-based activities of villagers. Households in Ban Ye were situated near each other, so I did not have to spend a lot of time going from one house to another. The household where I stayed was quite neutral to other households, so I remained there in the course of my fieldwork in the village. But to strengthen my relationships with other households, I had meals with them and sometimes spent the night in their houses.

Another crucial logistic issue for me during my fieldwork was timing. When I performed the household survey in Ban Ye, the villagers were preparing their land for wet rice cultivation. This activity lasted about two weeks, and the adult household members were often not at home from 7:00-8:00 A.M. to 5:00-6:00 P.M., as they were working in their

fields. Although some went back home to have lunch and take a nap at noon, I did not disturb them. To keep up with their schedule (and my timetable for the survey), I had to conduct early and late interviews. For the early interviews, I had to wake up at 5:00 A.M. or so, and begin doing interviews at about 5:30 A.M. or 6:00 A.M.. At this time, the household heads had already eaten breakfast and were having tea. There were thus occasions on which I did the interview while filling up my empty stomach with strong tea and sometimes local whisky. The late interviews were held after the household heads had their dinner, at around 8:00 P.M. or 9:00 P.M. I found doing these more enjoyable than in the morning, as the villagers did not have time pressure.

Staying in small villages for an extended period allowed me to observe and participate in some spiritual ceremonies of the people and hence broaden my understanding about their cultural life. I established close friendships, particularly with residents of Ban Ye and Than Con. Seeing me as a friend, they let me take part in their special activities. In Than Con, I joined three friends in going to the forest to hunt squirrels and harvest honey. We left the village late in the afternoon, bringing with us crossbows and arrows, a big bottle of local whisky, flashlights, a pan, and rice. We arrived in the midst of the dense forest when it was already dark and really cold. My friends asked me to stay behind in a small hut which used to accommodate loggers, and then they disappeared in the forest. It was my first time to stay in the forest during nighttime. I felt scared, having heard many stories about different kinds of ghost in the forest over and over again from the villagers (some of whom told me convincingly that they themselves saw real ghosts!). I wanted to set up a fire to keep me warm and not think about ghosts, but the lighter did not work. About two hours later, my friends came back, bringing with them one small red squirrel and about two kilograms of wild frogs. We then had an exotic meal as compensation for my fear. The next morning, we went up the forest and harvested about two liters of honey from three beehives. My friends decided to divide the honey equally among all of us. They insisted that I have a one-fourth share, even if I had told them that I was not entitled to it. After this trip to the forest, my relationship with the villagers, especially the young ones, had improved greatly. They were pleased to share information with me.

In Ban Ye, I sometimes joined the loggers in the forest to see how they felled trees. I also engaged in informal talks with the villagers over good tea and sweets I had brought with

me from Hanoi when they visited me at night. Not only did I gain much information from these talks but also the trust of the villagers, especially in sharing with me sensitive data on conflicts and timber logging. These also provided me with the opportunity to triangulate my data.

Ethical issues

Many scholars emphasize the need to consider ethical issues in conducting research, particularly that which employs ethnographic methods. As Creswell (1994) stresses, the researcher has to bear in mind that he or she has an obligation to respect the rights, needs, value, and desires of his or her informants. To fulfill this obligation, the researcher has to state clearly the objectives of his or her study so that the informants will understand what the research is about. Prior to the research, the researcher should obtain from the informants a written permission to conduct the research. Informants have to be informed of the procedure and proposed activities of the research, and must have access to the transcripts and written interpretations and reports produced by the research. When analyzing and presenting data, the researcher must take into account the informant's interests and wishes. He or she has to protect the identity of his or her informants by using fictitious names instead of their real names.

I adopted Miles and Huberman's framework to situate and orient myself during the research. First of all, I strongly believe that my project is worth doing in terms of both development and theoretical discourses. On the development side, the existence of upland and ethnic minority people in SEA in general and Vietnam in particular is still a myth for many people. In Vietnam, little research has been done to examine how the upland people, particularly the ethnic minorities, interact with forest resources after the government implemented the forest devolution policy (except the studies of Sikor 1999, 2004, Castella et al. 2002, Sowerwine 2004, Nguyen 2004, and Zingerli 2005). As the process of devolution is ongoing in many localities, my research provides policymakers and practitioners with a better understanding of the actual results of the devolution at the local level. Findings also contribute to readjustments of the current policy and its implementation mechanisms so that these will capture more effectively the rapid changes in the uplands. On the academic side, my study will offer strong empirical evidence to the

contemporary debate on post-socialist property relations, political ecology on SEAforests, as well as property and access concepts.

Through this research, I had the chance to improve my skills in working with the local people and gain significant knowledge about their livelihoods and local culture. Further, my stamina was strengthened, as I had to work under very difficult circumstances, including shortage of fresh water, lack of nutritious food, absence of electricity and means of communication, and sanitation problems. Having gone through these difficulties for an extended period of time, I was able to understand how hard the life of the local people was.

Another ethical issue pertains to the informant's consent to participate in the research. Prior to and during my fieldwork, I clarified to my informants that I wanted to study how the villagers used the forestland after FLA implementation. I told them specifically that I wanted to identify the constraints and opportunities that villagers had when using forest resources. Despite my efforts in explaining, my informants maintained diverse views of my research. On the one hand, local authorities who I had worked with understood that I was doing my research on the land policy, and that I wanted to know how Dao villagers used the forestland after the FLA. Consequently, most of them cooperated with me. Those who were not interested in working with me and avoided me were officials that were involved in "red tape" and/or those with many things to hide from the public (such as the office manager I mentioned earlier). To address this problem, I sought the help of informants who had good relationships with these aloof personalities by writing informal letters on my behalf, requesting them to meet with me. If these people still refused to see me despite the informal letter, I simply resorted to getting information on them from their friends who I knew well.

Most of the villagers were open and willing to share their opinions with me. There were only a few who refused to divulge personal information, such as their income from timber logging. In cases like these, I did not force them to talk and instead tried to generate information from other sources, such as their neighbors and friends or my host in the village. During interviews, if my informant did not want to respond to certain issues, I would shift to another topic and go back to these issues at a later time.

What did my informants gain from my research and what cost did they have to bear for participating in my research? My impression is that I got more from them than they got from me. Many of them had to spend hours talking to me. An excerpt from my field notes serves as a good illustration of this situation. When I revisited the former chair of the cooperative, he teased me by saying, “*You come again? I have nothing left to tell you*” and then he laughed. Aside from time, the informants gave much effort to answer my awkward, irritating, stupid, ignorant, and difficult questions. They laughed, kept silent, ignored me, looked away, or even got upset with some of my questions. I would ask them to recall what happened to them many years ago, or to recall how much they spent on, say, fertilizers some years ago. These kinds of questions forced them to think hard in order to remember.

More than time and effort, my informants had to bear some costs when giving me information. Some households, for instance, risked having their forest protection contracts terminated when they admitted to me that they had not done anything to protect the forest and simply received forest protection fees. Timber traders would not be able to maintain their business if the local authorities found out what they had told me about paying the people in charge so that their illegally harvested timber could pass through all the checkpoints. The villagers would have challenged the legitimacy of the village chair if they knew how much money he was able to get from the forest protection program. The income that villagers derived from timber would have been seriously constrained if the local authorities learned how much timber was brought out of the village for a short period of time near the Lunar New Year. Village woodcutters would not have sold timber to traders at the current price if they knew how much benefit the traders had gained from the trading. All of these circumstances imply the ethical issues of privacy, confidentiality, and anonymity. My informants have right to their privacy and it is my obligation to respect and not to violate their privacy. I have no right to force them to give me information. To protect my informants, especially if they shared with me highly sensitive information, I treated such information as confidential. I changed the names of the villages, communes, districts, and my informants. Although I took many photos of, for instance, a truckload of illegal timber, loggers cutting timber in the forest, and people working on their swidden fields inside the Park, I do not present any of them here.

My research looks into conflicts among different actors, particularly in relation to the unequal distribution of material benefits from the forest after the forest devolution policy, unequal power relations among actors, and their conflicting notions and visions of the forest. As apparent from my field data, many of my informants were at odds with each other. I tried to be neutral in dealing with them, but this sometimes proved extremely difficult. When I met up with local officials, for example, some of them claimed that the Dao in general were stubborn, destructive to the forest, and *xanh vỏ đỏ lòng* (green on the outside but red on the inside).¹⁷ I knew that what they were saying were not true, but I could not tell them my opinion. In turn, many Dao villagers would tell me that local authorities did not care about local livelihoods and always prohibited their access to forest. I knew that this was not true for all local authorities. A head of the technical department (*phòng kỹ thuật*) of the Park, for example, told me that the Park's policy on banning swidden cultivation inside the forest was wrong and this policy should be readjusted. In this case, I would tell the villagers that there were good officials who understood them and their situation, but could not do anything for them as yet.

Another difficult situation I encountered was when I joined the loggers in going to the forest to see how they cut timber. I saw hundreds of young trees cut down. As each tree fell down, many smaller trees in the surrounding areas were destroyed. Further, the loggers just took the trunk, wasting all the other parts of the tree.. Many questions came to my mind. Does this mean that I consented to such logging activities? Should I tell local authorities what I had seen? Were local authorities totally right in saying that the Dao villagers were destructive to the forest? More broadly, should I speak for the villagers' interest or the local authorities' interest? Should I advocate for the villagers or the local authorities in this case? These were extremely difficult questions for me to answer at the very early stages of my research. To determine whether villagers were wrong and local authorities were right, and vice versa, I first collected evidence from them and asked myself questions such as, what would have been an alternative source of income for loggers? Was there a "win-win" solution in which the forest would be better protected while improving local livelihood? Had the forest been better protected if enforcement

¹⁷This is a Vietnamese saying which means that what the Dao villagers do are usually different from what they say.

mechanisms were strengthened? By asking these kinds of questions, the wrongness and rightness, legality and illegality, of the situation became clearer to me.

What did I do in order to repay my informants? To be honest, I did not have much resource to pay them. I am quite sure that the balance between their “investments” and the “returns” from my research was not equitable. I knew, however, that many of them consented to participating in my research without any thought of compensation or reward. For informants to whom I had to give compensation, my principle was that I would not pay them in cash but in kind. If I paid them in cash, they might expect to receive the same thing from future researchers, who then might not have the means to pay. Moreover, they might get used to being paid as informants that they might modify the data according to how well they had been paid (although it does not necessarily follow that good pay would bring about good data, and vice versa). This would of course jeopardize the natural course of the research. I experienced this in Ho So, as the people had been exposed to many research and development projects. Villagers and local officials had been paid (sometimes very well) for their participation in these projects. Thus, many of them expected to receive the same thing from me even though I had told them at the beginning of my research that I was a student and was conducting a research in fulfillment of my university’s requirement.

I gave gifts which were too small to be considered as enough compensation for my informants’ effort, time, and risks. Beyond this, I showed them my gratitude in various ways. I would invite village officials for meals in local restaurants or brought them books. I also gave sweets or fruits to their children. In some cases, I spent a couple of days helping village chairs prepare reports to be submitted to the district PCs for funding consideration. In another case, I helped the new land cadastral officer of the commune in rearranging his office, as he had no idea how he would arrange systematically the dozens of land maps there. Sometimes, I used my motorbike to bring village officials to the commune or district center to attend meetings. I also bought them some stuff such as briefcases where they could store their documents and helmets for their protection when riding motorbike. In general, I tried to make myself available to them if they needed my assistance.

As regards my in-kind payment, I usually gave a household a small gift worth around 20,000 Vietnamese dong (VND), or about US\$1.30. This consisted of one kilogram of sugar (for the whole family, especially the elders), a half kilogram of glutamate for cooking, and a pack of sweets (for the children). As households in Ho So were used to receiving gifts, what I gave them no longer surprised them. I even knew that many of them expected me to pay in cash. Households in Than Con were not familiar with receiving gifts, so they seemed to appreciate these. In fact, they did not expect anything from me. Seeing me several times bringing a sack of sugar and glutamate and packs of sweet at the back of my motorbike when arrive in the village from my hometown, my host would tell me, "*You spend a lot of money on buying gifts for the whole village. You do not have to do it, save your money!*" In a sense, my gift to each household could be considered as substantial, since a villager earned only as much as 14,000 VND (less than one US dollar) per day if he or she worked as a hired laborer.

In Ban Ye, some informants likewise expected me to pay in cash, since they had experienced this with a previous research project. Even when I was already doing my fieldwork in the village, some staff from a research organization in Hanoi came to the village and again paid the villagers for being informants. To a certain degree, my research was jeopardized, as some villagers compared my research with this other research. They would keep telling me how much money they received from participating in other research projects. I took this of course as their way of asking me indirectly why I did not pay them in cash. I consistently told them that I was a student who had fewer resources than government researchers. Nonetheless, visiting the households and giving them gifts, especially the poor ones, had proved fruitful, as some of them initially thought that I did not like them.

In special cases, I paid cash to my informants who did more than just providing information. Those that acted as my "guides" in going around the village and forest received 50,000 VND (US\$3.30) per day. While this amount far exceeded the normal "guiding" fee, it was worth paying them as much, since my trips required a lot of effort from them. I also paid cash to informants who helped me with mapping, at around 20,000 VND each for a half-day's work.

3.6 Summary of the Chapter

This chapter discussed the methodology I employed for my research, beginning with the presentation of the conceptual framework based on the political ecology studies and property relations, and on property and access concepts. The property concept, as I have stated, asks the question of who gets what rights and obligations over the forest after the devolution policy and how forest conflicts come about. The access concept asks the question of who really benefits from the forest, and how. These bodies of theories and concepts provided me with a theoretical background for understanding the factors that have brought about forest conflicts in relations to property making process in the Vietnamese uplands.

My research employed both qualitative and quantitative methods. The quantitative method was intended to generate such data as household's attributes or forest benefits. The qualitative approach was meant to yield such data as the different actors' notions and visions of the forest, local power relations, and forest conflicts among the different actors. My analysis, however, draws much from the qualitative data I had obtained using the ethnographic approach. I use my quantitative analysis to support my qualitative analysis.

As I conducted a micro-politic research at the local level, I found issues such as how I situated myself in the field and ethical concerns worth discussing. In this chapter, I elaborated on these issues at length, providing an account of the practicalities of doing field research in the uplands of Vietnam. I believe that my experience could be of help to those who are not so familiar with the uplands but want to conduct ethnographic studies there.

Chapter 4. Settings

This chapter provides the three main village backgrounds of my book. First, I provide a brief description of the migration of the Dao ethnic group to Vietnam, their settlement pattern in the uplands, and the ways they interact with the forest to maintain their livelihoods and uphold their culture. In addition, I touch on the Vietnamese state policy and discourse with regard to the Dao. Second, I focus my attention on the forest devolution policy, taking into account several important forest policies to highlight the institutional changes that have happened around the forest. And third, I present the general features of my three research sites.

4.1 Background: The Dao

In this section, I provide some background on the Dao who I have worked with. I begin with discussing briefly their migration history and settlement pattern, and then proceed to describing the ways in which the Dao interact with their forest environment to secure their livelihoods and maintain their cultural value. I finish the section by highlighting Vietnamese discourse and government policies pertaining to the Dao.

4.1.1 Dao Migration Background and Settlement Pattern

The Dao people who I have worked with are officially classified as one of the fifty-four official groups in Vietnam. Comprising a minority, they account for only 0.81 percent of the total population of Vietnam. In 1999, the Dao in Vietnam totaled around 620,000, scattered in thirty-nine provinces (Vuong Xuan Tinh et al. 1999). Although the Vietnamese government classifies the Dao into one ethnic minority group, the Dao are further divided into different groups such as *Dao đỏ* (Red Dao), *Dao quần chẹt* (Dao with tight trousers), among others (Be Viet Dang et al. 1971).

The Dao in Vietnam are believed to have come originally from China from the thirteenth to the twentieth century through different paths (Be Viet Dang 1995, Dang Nghiem Van 1995). They reportedly migrated to Vietnam for a number of reasons, including natural calamities, oppression, and over-exploitation of the natural resources in China. Studies show that the Dao settled in various elevations in the uplands. According to Vuong Xuan Tinh et al. (1999), the Dao in high elevation areas (800 to 1,000 meters) often have many

difficulties, such as limited access to market, poor infrastructure, and low level of integration with other groups. Usually, they subsist on swidden cultivation. Many of them also construct terraces to grow wet rice, and engage in livestock production. In middle elevation areas (400 to 600 meters), where the forest cover is lower and land is more barren than that in higher elevation areas, the Dao are more densely settled with people from other groups. They often belong to different branches, like those living in high elevation areas, but they enjoy more favorable infrastructure conditions than the latter. Many of them still maintain their swidden fields in the forest despite the infertile land. Commonly grown in the area are fruit trees, such as peach and plum, and other cash crops. There are several months a year in which the Dao experience food shortage. In low elevation areas (200 meters and below), the Dao depend largely on wet rice production for their livelihood, although some still undertake swiddening. Compared to those in high and middle elevation areas, the Dao in low elevation areas have improved infrastructure and better and more diverse sources of livelihood.

4.1.2 The Dao's Traditional Way of Using and Managing Forests

The Dao have their traditional methods of using and managing the forest. Usually, they perceive timber, non-timber forest products, and forestland as common property (Nguyen Ngoc Thanh 1999; Nguyen Van Thang 1995). According to these authors, under the traditional system, local people generally have equal access to forest resources. Forestland, for example, is managed collectively yet swidden plots are privately owned. Rights to swidden plots and terraces are privately determined and highly restricted from outsiders. In my research, I found the Dao in the three villages to be using and managing the forest in ways that are different from what has been mandated by legal regulations. Similar to the observation of Nguyen Van Thang (1995), the Dao follow traditional practices in conserving and protecting the forest. In several areas, they employ intercropping to prevent soil erosion. They build hedges by planting trees or constructing earthwork, creating in the process a multicanopy structure that replenishes and conserves the soil. I note the preference of the Dao in my study villages to establish their swidden plots in old forests and bamboo forests, since the land there is fertile. Moreover, the Dao do not employ clear-cutting when preparing their fields for swidden cultivation. Instead, they leave a number of stems, measuring about 50 to 60 centimeters, planted on the

surface. The root system of the remaining trees, in this case, is beneficial in preserving the humidity of the soil, allowing a high rate of forest recovery after cutting, and enhancing the soil condition and consequently reducing soil erosion.

More than an important source of livelihood, the forests play a crucial role in the Dao's cultural life (Be Viet Dang et al. 1971, Nguyen Van Thang 1995). In many areas, the Dao still follow numerous rituals and beliefs that form part of their customary law on forest use and management (ibid.). Before planting and harvesting time, for example, villagers gather together, bringing with them wine and some local food, and pray to the gods for a good harvest. Within a year, there are days on which the villagers are forbidden to go to the forest, as they believe that doing so will result in crop failure or bad luck (ibid.)

The belief system of the Dao is still bound to the forest. Some studies indicate, however, that given the rapid change in the uplands, the uplands are now under greater pressure and the customary laws of ethnic minority peoples, including the Dao, have profoundly changed (Le Trong Cuc et al. 2001; Rambo 1995; Nguyen Van Thang 1995).

4.1.3 The State Policies and Vietnamese Discourse on the Dao

The Vietnamese state is strongly convinced that swidden cultivation is detrimental to the environment (McElwee 1999, Le Duy Hung 1995). The Dao account for the second largest group of ethnic minority people who are swiddeners (Trinh Ba Bao 1995). In the 1970s, about 85 percent of them were engaged in swidden cultivation. In 1989, around 44 percent of the total of 520,000 Dao people still maintains this farming practice (ibid.). As a result, the state views the Dao as a group whose cultivation practices are causing environmental degradation (ibid., Be Viet Dang 1995).

Historically in Vietnam, the uplands were perceived as unoccupied and unpopulated areas. Upland dwellers, including the Dao, were considered backward, uncivilized, underdeveloped, and extremely poor (Rambo 1995). After the country gained its independence in 1954, the Vietnamese government made a strong effort to “enable the uplands to catch up with the lowlands . . . , ethnic minority groups to catch up with the Kinh [the largest Vietnamese group]” (The Third Party Meeting instruction 1966, 5 cited in Be Viet Dang et al. 1971). To bridge the “economic and cultural gap” between lowland and upland, downstream and upstream, ethnic minority and ethnic majority groups, the

government strongly promoted fixed agriculture and sedentarization. This process was fostered by the collectivization process. The government emphasized that “rapid and strong implementation of fixed agriculture and sedentarization in combination with collectivization for swiddeners is an urgent task” (Resolution of Ministerial Council on 12 March 1968 cited in Be Viet Dang et al. 1971). The program of fixed agriculture and sedentarization included three main revolutions: means of production, technology, and ideology and culture¹⁸ (Be Viet Dang et al. 1971). These revolutions, combined with collectivization, were expected to permanently settle large numbers of swiddeners, including the Dao. While the implementation of the program has brought about improvements in the local livelihoods of upland ethnic minorities (Nguyen Duy Hung 1995; Trieu Duc Thanh 1995; Trinh Ba Bao 1995; Nguyen Anh Dung 1995; Dinh Ngoc Vien 1995), however, many of them, including the Dao, are still struggling to eke out a living from swiddening (Rambo 1995). At present, only 4.4 percent of the Dao in the uplands have food surplus, 68.9 percent have food sufficiency while 24.4 percent do not, and 2.2 percent experience hunger (Hoang Ba Thinh and Le Thi Nham Tuyet 1995). Usually, poverty incidence among the Dao is about three to four times higher than the average national figure. Until now, income from the forest accounts for more than 36 percent of the total income of the Dao, much higher than that of other ethnic groups (ibid.). This means that many Dao still rely heavily on the forest.

4.2 Forest Devolution Policy

In Vietnam forest cover dropped from 43 percent in 1943 to 33.8 percent in 1976, and further to 27.8 percent in 1990 (Nguyen Van Dang 2001). From 1943 to 1976, about 100,000 ha of forest were lost each year. This went up to 230,000 ha per year from 1980 to 1985 and slightly fell to 176,000 ha per year from 1985 to 1990 (see Table 2).

¹⁸Regarding the first revolution, the program aimed to fix swiddeners to a piece of land and having them work that land so that they could no longer move to other areas. The program also aimed to bring in new cultivation techniques to help swiddeners increase crop productivity (the second renovation). In addition, the program also considered that to have swiddeners settled at a fixed place would take time as swiddeners need to change their ideology.

Table 2. Changes in forest cover over time

Year	Total forest area (thousand hectares)	Natural forest (thousand hectares)	Planted forest (thousand hectares)	Forest cover (percent)
1943	14,300	14,300	-	43
1976	11,169	11,077	92	33.8
1980	10,908	10,486	422	32.1
1985	9,892	9,308	584	30.1
1990	9,175	8,430	745	27.8
1995	9,305	8,252	1,050	28.2

Source: Nguyen Van Dang (2001).

4.2.1 Doi Moi (Renovation) and the Forest Devolution Policy

Covering a total of about 19 million ha, forest areas account for two thirds of the total area of Vietnam. Prior to the country's independence, the forest was managed by the French colonial state. However, owing to the absence of the state in the uplands, virtually all forests in remote areas were managed by local communities (Nguyen Van Thang 1995 cited in Vo Chi Chung et al. 1998). After the defeat of the colonial rulers, government nationalized all forests in 1954. During this period of the 1950s and until the 1980s, the forests were managed by a great number of state forest enterprises (SFEs, or *Lâm trường Quốc doanh*) directly under the Ministry of Forestry (*Bộ Lâm nghiệp*, or MOF), and by local authorities at the provincial and district level (Nguyen Van Dang 2001).¹⁹ Local people were completely excluded from forest management. There was an overlap in functions within each SFE. Each had a duty to protect the forest and, at the same time, exploit timber to meet the logging quota prescribed by the state.²⁰ In practice, however, the SEFs merely focused on timber exploitation, disregarding their duty to protect the forest (*ibid.*).

In 1986, the Vietnamese government decided to shift from centralized planning to a market economy—a process commonly known as *Đổi Mới* (renovation). Households that were not previously considered as economic units became important elements of the

¹⁹ Of 413 SFEs in 1989, 76 were directly under the MOF, 199 were under the Department of Forestry in the provinces, and 138 were under district authorities (Nguyen Van Dang 2001).

²⁰ From 1955 to 1960, about 560,000 cubic meters (m³) of timber was extracted each year. From 1976 to 1980, annual extraction was about 1,620,000 m³ (Nguyen Van Dang 2001).

market economy. The government lessened its control over the means of production, transferring this to private hands. It also cut off subsidies previously given to state-owned agencies, such as SFEs, and closed down those that were ineffective. It fostered more market integration to create incentives for economic development (ibid.)

During this period of the 1980s, the forestry sector underwent a crisis. There were a number of conflicts between SFEs and the local villagers over the forests, as many villagers demanded the land monopolized by the SFEs. In addition, SFEs lacked investment funds to enable them to renovate (Sikor 1998). Coordination among various forestry-related agencies was poor (ibid., Nguyen Van Dang 2001). From 1989 to 1991, within the framework of the Tropical Forestry Action Program (TFAP), the government initiated the Forestry Sector Review with technical and financial support from various international agencies, such as the World Conservation Union (IUCN) and the United Nations Development Programme (UNDP). The TFAP emphasized the protection of flora and fauna, highlighting that “the most important key issue in Vietnam is protection” (MOF 1991, 91). It further stated that “without effective support from external sources Vietnam will not be able to maintain a sufficient base for the threatened species or its natural habitat” (ibid., 91). To deal with the crisis, the review called for the allocation of land to non state sectors. Further, it suggested that the forestry sector be restructured in order to cope with the market economy.

Following these suggestions, the MOF first shifted the function of the forestry sector from forest exploitation to forest production and protection. Second, it changed the forest management regime from state forestry to household-based forestry. Control over the forest was transferred from the state to local households. Third, the functions of forestry agencies were broadened with the diversification of activities, such as forest planting, protection, and service provision. Fourth, and finally, it placed more investments in the improvement of production and processing technologies of the forestry sector (Nguyen Van Dang 2001).

In August 1991 the National Assembly passed the Law on Forest Protection and Development (*Luật Bảo vệ và Phát triển rừng*), affirming the importance of forest resources to the environment, to government revenue, and to local livelihoods. As

defined in the law (article 1), forestland is land with standing forests and land without standing forests intended for forest planting. As before, however, management of forests and forestlands rests with the state and its constituencies (article 2). State management covers a wide range of activities, including forest surveying, classifying, and boundary demarcating on the map and on the field. Other tasks involve land use planning, formulation of the forest protection and development and utilization plan and the implementation of this plan, forest and forestland allocation, land withdrawal, land registration, land recording book, and forestland and forest dispute resolution (article 2). The state is mandated to allocate forest and forestland to organizations and individuals for protection, development, and utilization according to the state's plan (ibid.).

As classified by the law, there are three types of forest with their corresponding legal regulations: protection forest (*rừng phòng hộ*), special-use forest (*rừng đặc dụng*), and production forest (*rừng sản xuất*). Protection forest, which accounts for about 30 percent of the total forest area, is set aside for the protection of watershed, soil, and the environment (article 26). Its management is assigned to Management Boards directly under the Ministry of Forestry (currently the Ministry of Agriculture and Rural Development, or MARD or *Bộ Nông nghiệp và Phát triển Nông thôn*), or the People's Committee at the provincial level (article 11). Management Boards (*ban quản lý*) may contract (*giao khoán, or khoán* in short) the forest to organizations or individuals for purposes of forest protection or planting but not for utilization (article 29). Special use forest, which comprises about 10 percent of the total forest area, is intended for nature conservation, protection of the ecosystem and flora and fauna gene resources, and historical, environmental, and cultural sites (article 31). It is under the control of the Management Boards. Production forest, which makes up 60 percent of the total forest area, is the source of wood and forest-based products and is meant to contribute to ecological protection (article 36). Following the law, the state allocates (*giao*) forest to organizations and individuals, depending on how valuable the forest is (article 11). Recipients can use the land for agroforestry purposes (article 36), provided that they follow the state's plan (articles 37 and 41).

In 1993, the government passed the Land Law (*Luật đất đai*), which applies to different types of land, including forestland. As clearly stipulated in the law, land belongs to all

people but shall be uniformly managed by the state, having the mandate to allocate land to organizations, households, and individuals (article 1). Similar to what is indicated in the Law on Forest Protection and Development, the state shall exercise state management of land in the whole country, and the People's Committees at the provincial and district level shall do the same in their respective boundaries (article 8). The law also grants land recipients a large scope of rights, including the rights to transfer, exchange, lease, inherit, and mortgage (article 1). Land recipients can maintain these rights for twenty years for annual crop lands and fifty years or more for perennial crop lands (article 20), which is long enough for them to invest in the land for long-term benefits. Rights, however, are associated with duties. Land recipients have to use the land according to the government's plan and other legal regulations (article 79). In addition, they have to protect the soil, enrich soil fertility, and pay the land tax, land transaction fee, and land registration fee (*ibid.*). Improper use of land is tantamount to land withdrawal (articles 24 and 26). The law also puts a limit or ceiling to the amount of land each household is entitled to.

Accompanying the Land Law, Decree 02 was issued by government in 1994, providing for the allocation (*giao*) of forestland to individual households for long-term use. This policy is commonly known as forestland allocation (FLA, or *giao đất giao rừng*). The land distributed to households was mainly production land and mostly barren, with low-value forest. Recipients of this land were granted all five rights, as mandated by law, for fifty years, with the security of land use certificates (LUCs, or *giấy chứng nhận quyền sử dụng đất*) issued by local authorities. In 1995 Decree 01 was issued, mandating the contracting of land in special-use and protection forests. It grants land to SFEs and Management Boards for management and then contracting to local households for forest protection and planting. Local people who sign contracts with SFEs or Management Boards receive forest protection or tree planting fees from these agencies. In table 3, I highlight several distinctions between the *giao* of production forest and *khoán* of protection and special-use forests to local households.

Table 3. Comparing the *giao* and *khoán* of forestland

Characteristics	Production forest	Protection/Special-use forest
Percent to total forest area	60 percent	40 percent
Emphasis of land use	<ul style="list-style-type: none"> • Production of wood and forest-based products • Protection of environment • Agroforestry 	<ul style="list-style-type: none"> • Protection of watershed, soil, and environment • Nature conservation, protection of the ecosystem
Status of land given to households	<ul style="list-style-type: none"> • Barren land (mainly) • Land with standing forest or planted forest but low timber value 	<ul style="list-style-type: none"> • Land with standing forest, usually high timber value • Barren land designated for forest planting
Form of granting the land	Allocation (<i>giao</i>)	Contracting (<i>khoán</i>)
Scope of rights granted to land recipients	Exchange, transfer, lease, mortgage, inherit	Specified in forest protection and/or planting contracts, usually strictly limited
Duration of rights	Fifty years	Specified in the contracts
Management control over the land	Households	SFEs, Management Boards
Level of legal restriction in using the land and forest resources	Relatively low	High to very high
Source of permission needed to use the land and harvest trees	Local authorities	Central government

Sources: Law on Forest Protection and Development of 1991; Land Law of 1993; Decree 02 of 1994; and Decree 01 of 1995.

The government has initiated significant effort to foster FLA processes at the local level. By the end of 1996, a total of 6.8 million ha of forestland had already been allocated to both state and non state units. Of this, 2.58 million ha comprised barren land, or 38 percent of the total. The rest consisted of land with standing forest. Among the recipients, SFEs and Management Boards received 4.6 million ha, or 67.6 percent of the total land allocated; cooperatives and other organizations obtained 0.6 million ha, or 8.8 percent; and households and individuals acquired 1.5 million ha, or 22 percent (FAO, MARD, and JICA 1998).

The process in which the central state transfers use rights to the forest to local households is often called forest devolution policy. In this book, the forest devolution policy, or devolution in short refers to a variety of forestry policies including FLA and land contracting. By implementing the devolution policy, the Vietnamese state expects that the local people would have an incentive for using the land in more effective ways to improve their livelihoods. Granting land to individual households will allow for the effective use of the land and, consequently, the accumulation of capital. The combination of tenure security and a large magnitude of property rights are believed to be a strong incentive for mobilizing local investment in the land for long-term benefits. The state thus guarantees long-term security (fifty years) to land recipients, expanding their rights to the land. It also promises to render suitable technical and financial support for the effective use of the land. Environmentally, the state gives a strong emphasis on environmental protection. About 40 percent of the total forest area has been classified as protection and special-use forest, or forest for “environmental protection,” in which human use is either entirely banned or highly restricted. Around 60 percent has been earmarked as production forest, in which human use for cultivation is allowed yet subject to various constraints, such as the “government’s plan.”

There are two points I would like to make here regarding the forest devolution policy in Vietnam. First, to a certain extent, the policy is territorializing in the sense of Vandergeest and Peluso (1995). Both the Law on Forest Protection and Development and the Land Law emphasize state management of forest and forestland, which encompasses a wide range of activities, such as surveying, classifying, boundary demarcating, mapping, land use planning, issuing policies on land use and land management, implementing policies, allocating land, contracting and withdrawing land, registering land, inventorying land, issuing land use certificate, and resolving land conflicts (article 8, Law on Forest Protection and Development; article 13, Land Law of 1993). This implies the state’s attempt to control the local people and space by drawing boundaries in the forest and specifying activities which are allowed or not allowed within these boundaries. In addition, the laws aim to confine people to certain portions of land with rigid boundaries on the fields as well as on the map, having them registered in the land

recording books. The forest devolution policy in this case leads to an increased presence of the state at the local level.

Second, devolution is very selective. It does not take place in high-value timber forests and/or forest areas deemed important to the environment. As I mentioned earlier, 40 percent of the total forest area has been declared protection and special-use forest, in which human activities, such as cultivation, timber logging, and non-timber product harvesting, are extremely restricted. Management control over this type of forest rests entirely on state agencies (see also table 2, above). Forestland may be contracted to the local people for forest protection and planting, but not for utilization. Under this contractual arrangement, the rights of the local people to the forest are very limited (also see table 3). In the section below, I discuss three forest development programs which I perceive as part of the devolution, as they reflect the government's strong concern for forest cover, in particular, and environmental protection, in general.

4.2.2 Forest Development Programs

In Vietnam, forest planting has been carried out since the 1960s, and has been strongly emphasized since the 1980s, with the strong efforts of government and donor agencies toward increasing forest cover. This has resulted in the increased area of planted forest, from 92,000 hectares in 1976 to more than a million hectares in 1995 (Nguyen Van Dang 2001; see table 1, above). What follows is a review of three major programs relevant to my study.

PAM afforestation program. Since 1976, the World Food Program has supported the Vietnamese government in forest tree planting and the adoption of the agroforestry model. More commonly known as the PAM afforestation program, or PAM program, it aims to produce wood and firewood on barren land in order to reduce pressure on the natural forest and increase household income, and contribute to environmental protection by reducing soil erosion, mitigating the negative impact of natural calamities on agricultural activities, and protecting land in the coastal (Nguyen Ngoc Binh 1995). The program involves several activities, such as afforestation, forest protection, establishment of home gardens, and development of agroforestry models.

As household access to land is a precondition for the success of the afforestation program and poverty alleviation in the uplands, the PAM program manager requested the government to give land to households involved in the program for tree planting. In response, government allocated one to two hectares of land to each household for planting eucalyptus and adopting agroforestry for at least thirty years, subject to expansion if the households would use the land effectively. Recipient households are eligible to receive loan from government to invest in the land. They are also granted the right to exchange, transfer, or pass their products from the land to others. To legitimize their claims to the land, the government has issued them LUCs. Other benefits include entitlement to 70 percent of products from the land at the time of harvest; the rest goes to the SFEs and/or cooperatives.²¹ At present, the PAM program is being implemented in various upland areas.

Program 327. From the 1950s to the 1980s, barren lands were prevalent in the uplands. Data from a national land survey in 1993 indicate that the total barren land in the country accounted for 34.5 percent of the total land area (about 11.4 million ha), or more than 20 percent larger than the total forest area (Nguyen Van Dang 2001). In the northwestern region, barren land comprised 72 percent of the total land area (ibid.). To “regreen” barren land, the Ministerial Council (*Hội đồng Bộ trưởng*) issued Decision 327, also known as Program 327, in September 1992, specifying important strategies and policies to bring barren land into effective use. Aside from regreening barren land, the objectives of the program were to, protect the environment and encourage the practice of fixed agriculture and sedentaration among forest-dependent dwellers. The SFEs were assigned as management units (article 2), with the local households as production units (article 3). They allocated barren land to households for planting, or contracted land with standing forest to households for protection (article 6). In return, the households received a planting or protection fee. The program also sought to increase the forest protection area and national forbidden forest, or *rừng cấm* (article 2). To help swidden households stabilize their livelihoods, it gave each of them 5,000 square meters (m²) of land for home garden and grazing (article 8). About 60 percent of the program funding was spent on

²¹I obtained this information from documents given by local authorities to the local people in Ho So who are involved in the program.

infrastructure, extension techniques, planting of protection and special-use forests, and resettlement of swiddeners. The remaining 40 percent was used as interest-free loan to the households (article 10).

During its first two years of implementation (1993 to 1994), the program emphasized the protection of forests in critical watershed and swidden areas. In 1995 to 1996, it focused on the maintenance of protection and special-use forests and the promotion of fixed agriculture and sedentarization. In 1997 to 1998, it paid attention to the planting of protection and special-use forests. Thus, in general, the program concentrated on forest planting and protection, and did not pay enough attention to local livelihoods (Sikor 1995).

The Five Million Hectare Program. To undo the mistake of Program 327, government issued Decision 661, also known as Program 661, in July 1998, with the aim of creating five million hectares of forest in the country by 2010.²² The government expects that by program end, the forest cover will be 43 percent, up from about 30 percent in 1999. Unlike Program 327, in which the local people were passive participants, Program 661 considers the local people as the main actors in forest planting and protection and as the main beneficiaries of these activities (article 2). Swidden and/or poor households living around the forest are prioritized to receive land areas of protection and special-use forest (article 7). Moreover, unlike Program 327, in which benefit sharing was totally absent, Program 661 gave the local people specific rights to land in protection forests. They are allowed to harvest firewood and undertake selective cutting of trees which they themselves had planted. The government also provides support for circulating their products in the market. However, as I have noted earlier, the state still maintains primary control over the rich-value forest (article 5).

Looking at the forest development programs, in general, state power is still prominent in the forest, particularly protection and special-use forests. Although households have been granted individual rights to the production forest, for instance, exercising these rights is

²²Of the five million hectares, two million hectares will constitute protection and special-use forest, one million hectares will grow perennial crops and fruit trees, and the remaining one million hectares will comprise softwood forest.

still subject to various legal restrictions. In the section below, I provide a description of my research sites.

4.3 Description of the Research Sites

My three study sites are located in three different geographical areas of the Vietnam uplands: Ban Ye in Tan Da Commune, Bac Minh District, Hoa Binh Province; Than Con in Van Tho Commune, Mieu Thanh District, Phu Tho Province; and Ho So in Ba Tay Commune, Ba Tay District, Ha Tay Province (see figure 2). These research sites are distinct from one another in several aspects. Table 4 highlights some of the major distinctions of the three villages and table 5 presents three survey samples.

Figure 2. Location of the study areas



Source: Prepared by Daniel Muller (2006).

Table 4. Three research sites in comparison

Description of the village	Ban Ye	Than Con	Ho So
Total households	50	40	104
Total population	247	187	526
Average paddy land per capita (m ²)	187	160	n.a
Average forest land per household (ha)	11.9	6.4	n.a ^a
Three main income sources of households	Timber, bamboo, swidden crops	Timber, tea, livestock	Land sale, cassava, livestock
Distance from main market ^b (km)	12	7	4
Infrastructure conditions	Poor	Poor	Good
Year of forestland allocation or land contracting	1995	1996, 1998	1995
Type of forestland at the time of allocation and contracting	Production	Production	Special use
Type of forestland at present ^c	Protection	Production/ protection	Special use
Household's access to forestland and forest resources	Restricted	Lowly restricted	Highly restricted
Emergence of land market	No	Yes	Yes

^aSince the forest around Ho So is classified as special use forest and managed by Park authorities, households are not entitled to land within the Park. However, Park authorities *khoán* the land to some villagers (contractors).

^bI define main market here as closet market where people from the study villages can buy important goods, such as agricultural inputs (fertilizers, seeds), clothes, and gasoline.

^cThere has been a change in the types of forestland in Ban Ye and Than Con. I explain these changes in chapter 5.

Table 5. Description of the survey samples (on the average)

Description	Ban Ye (n=34)	Than Con (n=23)	Ho So (n=25)
Age of household head	38	37	39
Household size	5.1	4.9	4.4
Educational level of household head (grade)	4	5	7
State-allocated paddy land per household (m ²)	667	941	152
Private paddy land per household (m ²)	802	741	680
Forestland per household (ha)	11.6	8.8	n.a. ^a
Tree planting area per household (ha)	None	4.4	n.a. ^b
Household annual rice shortage (months)	4	1-3	8
Household annual timber income (million VND)	4	4.8	None
Household annual bamboo shoot income (million VND)	0.9	0.34	0.3
Household annual swidden crops income (million VND)	0.7-0.8	4-5	2.3
Household annual income from other sources (million VND)	1.5	3.8	5.2
Estimated household total income per year (million VND)	6-7	7-15	7-17
Proportion (percent) of household's cash income spent on food	70-80	55-60	80

^aSince Park authorities contracted land to only a small number of households, or contractors, in the village, these contractors gave some of their land to other households, with no formal contracts but only verbal agreements. Households that had received land from contractors would return the land to the contractors after two to three years of cultivation. To this extent, although households had received some portions of land within the Park, I do not count these as land officially contracted to them.

^bHouseholds in Ho So plant softwood trees in forestland of the National Park, but they intercrop these trees with swidden crops. Thus, it is difficult for them to calculate the planting area in terms of hectares.

4.3.1 Ban Ye Village

Ban Ye is located in the northwest of Tan Da, one of the sixteen extremely poor communes²³ among the twenty-one communes of Bac Minh District, Hoa Binh Province. It is surrounded by Cuu Commune in Mieu Thanh District, Phu Tho Province, and another three villages in Tan Da. Geographically, the village is located at an altitude of about 600 to 800 m. It holds the watershed area where the Hoa Binh Hydropower Plant—the most important plant in the country which supplies about 60 percent of its electricity—can be found. Owing to the ecological importance of the area, virtually all forests in the district in general and the village in particular are classified as protection forest.

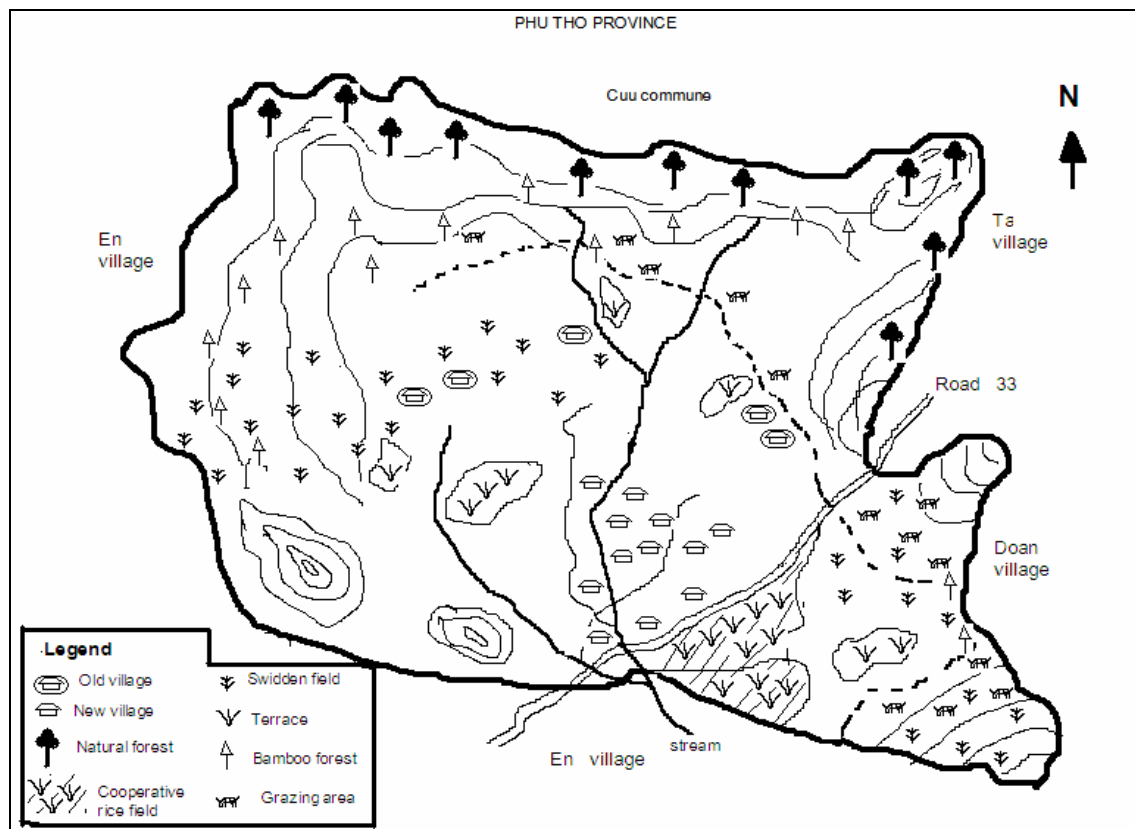
When I went to the village, an elder told me that their cooperative, which I call cooperative Ye, was officially established in 1963 as a combination of two smaller cooperatives of two smaller villages. The first village, *Suối Cà*, consisted of thirteen Dao households that used to live on a high mountain in other areas and engage exclusively in swidden cultivation for their livelihood. These original settlers, according to the present villagers, came from somewhere in China. In 1958, cooperative *Suối Cà* was formed. The second village, *Suối Yên*, was composed of only eleven Dao households that stayed in the upper part of Yen Stream. Although swidden cultivation was the main source of livelihood, some households had some wet rice land near the stream which they had converted from waste land. Traditionally, the Dao did not know how to undertake wet rice cultivation (Be Viet Dang et al. 1971, Nguyen Van Thang 1995, Vuong Xuan Tinh et al. 1999). The village elder recalls that “*women in the village were afraid of the water buffalo as if it was tiger.*”²⁴ However, since the people lived near other ethnic groups that

²³According to the Ministry of Labor, Social Affairs and War Invalid (Bộ Lao động Thương binh và Xã hội, MOLISA), a commune is classified as extremely poor when it exhibits the following five criteria: (1) located in a remote area, more than 20 kilometers (km) away from the development center; (2) lack of or poor infrastructure, such as passable roads, electricity, water and sanitation system, school, clinic, and other social services; (3) human development index, such as literature rate, prevalence of disease, and access to information and social services, falling below the national standard; (4) lack of means of agricultural production, with the local people engaged in production mainly for exploitation and subsisting on swidden cultivation; and (5) high poverty incidence, with more than 60 percent of the households considered as poor and hungry. In 2002, 2,362 communes were classified as extremely poor.

²⁴Water buffalo is used in land preparation for paddy cultivation. This joke means that the Dao, particularly the women who do not go beyond the village boundaries, have no idea how a buffalo looks like, thus, they mistake the buffalo for a tiger.

practiced wet rice cultivation, such as the Tay and the Muong, they eventually learned how to do it. In 1963, the local authorities of Bac Minh District merged *Suối Cà* and *Suối Yên* cooperatives, forming cooperative Ye.²⁵ The cooperative then moved to a new area, which is the present location of Ban Ye (see figure 3). The local authorities took 1.8 ha of wet rice land from a nearby cooperative and gave it to cooperative Ye. They also sent technical staff to teach the households how to cultivate wet rice. Since then, the Dao in Ban Ye have become more familiar with this agricultural practice.

Figure 3. Sketch map of Ban Ye



Source: Participatory mapping (2005).

²⁵This followed the collectivization process in the country, which involves three stages. The first is labor exchange team (*tổ đổi công*), in which the local people still own the means of production but are encouraged to work in teams on a labor-exchange basis. The second is low-ranking cooperative (*hợp tác xã bậc thấp*), in which individual ownership over the means of production is abolished. The local people are members of the cooperative and they work the land collectively. They are paid for the assets they have contributed to the cooperative. The third is high-ranking cooperative (*hợp tác xã bậc cao*), in which the local people work for the cooperative and get their income share based on the number of workdays they have rendered. They do not get paid for the assets they have contributed to the cooperative.

Demographically, Ban Ye is small (see table 4, above). There are only three Kinh households living but they do not consider themselves as villagers. In fact, they are not registered as regular residents of the village. All of them operate stores that sell goods to the Dao in the area. When I asked them if they wanted to register as permanent residents of the village, they told me, "*It does not bring about any benefit.*" At present, Ban Ye is administrated by a chair and a vice-chair. Women's and youth groups have been formed but are not active. The members meet only once or twice a year.

Both local officials and households in Ban Ye confirm that Ban Ye is poor compared with the surrounding villages. Most of the houses are poorly constructed and located on both sides of the stream. There are two reasons for which villagers prefer to build their houses near a stream. First, it is convenient for them to fetch domestic water from the stream. Second, they use the stream as a route for bringing timber from the forest to the village. The state paddy land is located at the center of the village, while self-constructed terraces can be found in the households' swidden fields. Although the practice of swidden cultivation is banned, virtually all households have maintained their swidden fields in the forest.

When I went to the village in 2004, forestland allocation was implemented ten years before. All households at that time received portions of land classified as production forest. As all forestland within the village boundaries had been distributed, the households that were established after the allocation do not have access to the land in principle. At present, the villagers are struggling to earn a living. Agricultural production is still subsistent in nature. Paddy land are small and not sufficient for the population. Some households do not have paddy lands; which explains why swidden cultivation remains an important food source in the village. Although timber logging, like swiddening, is considered as illegal by the state, the people derive their income mainly from timber as well as NTFPs, particularly bamboo shoot. Animal husbandry is not well developed. Most of the households raise pigs but only for special occasions, such as religious rituals and weddings. Many tend water buffaloes, which they use for land preparation and for hauling timber from the forest to the village.

Although located in a remote area, the Dao in Ban Ye are highly dependent on the market economy. For essential goods, such as rice, salt, and dried fish, villagers go to the stores operated by the Kinh in the village. For agricultural inputs, like fertilizers, seeds, and pesticides, they go to the main market, located 12 km from the village. Owing to their lack of market information, villagers often have a weak bargaining power. When buying things from the stores or the market, they often accept the price offered by sellers. Moreover, they sell their products, such as timber, bamboo shoots, and farm crops to outsider traders at a price offered by the latter, without knowing the difference between the offered price and the market price. When I was in the village in 2005, for example, the price of rice in the stores was about 4,800 Vietnamese dong (VND) per kilogram, or about US\$0.30—10 percent higher than the market price. Cassava was sold to traders for 250 VND per kilogram, or less than two cents—about 20 percent lower than the price at the main market.²⁶

Infrastructure conditions in Ban Ye are the very poor. While it has a primary school, the facility is in an extremely bad shape. Students who want to pursue higher education go to school at the commune center, five km away from the village, or the district center, about 20 km away. Travel is difficult for the young students especially during the winter season, when the road is muddy and slippery. As a result, many children drop out of school. Only three households can afford to send their children to high school at the district center, all of which have members who are village officials. In 2003, a small clinic was constructed in the village with government financial support. This was closed, however, at the end of 2004, as, according to the villagers, there was no money to pay for the staff's salary.

Some description of the households surveyed

In Ban Ye, I selected thirty-four households for the survey. Some of their main characteristics are presented in the table 4 above. Compared to the other two villages, households in Ban Ye have the biggest size. Usually in a household, there are two main laborers—often the husband and wife—a supplementary laborer, and two dependents.²⁷

²⁶I already subtracted the transportation and loading costs.

²⁷In this study, I define main laborers as those who are able to work the whole day in the fields effectively. They are usually the ones whose ages range from 15 to 65 years, regardless of sex. I define supplementary

About 85 percent of the households own terraces. All have one to three swidden plots each, totaling about one hectare. They also received state paddy land when cooperative Ye broke up in 1988. As I have mentioned earlier, the households established after forestland allocation in 1995 do not have access to land in principle. They constitute about 35 percent (or twelve households) of my survey sample.

The households derive cash income largely from timber and bamboo shoot. I observed that children about 10 years old and villagers in their late 60s still go to the forest to gather bamboo shoot. The households also obtain income from swidden crops, such as cassava and corn. Although almost all grow cassava, only 67 percent sell a proportion of the produce for cash; the rest is used as supplementary food for the household and/or animal feed. Similarly, of the 79 percent of households that cultivate corn, only 42 percent sell their harvest for cash.

4.3.2 Than Con Village

My second study village, Than Con, is located in Van Tho Commune, Mieu Thanh District, Phu Tho Province. It borders Xe village in the same commune and other three communes in the district (see figure 4). The village lies at an altitude of about 500 to 600 m. Within its boundaries is *Lưõi Hài* mountain, with a peak of about 1,100 meters above sea level.

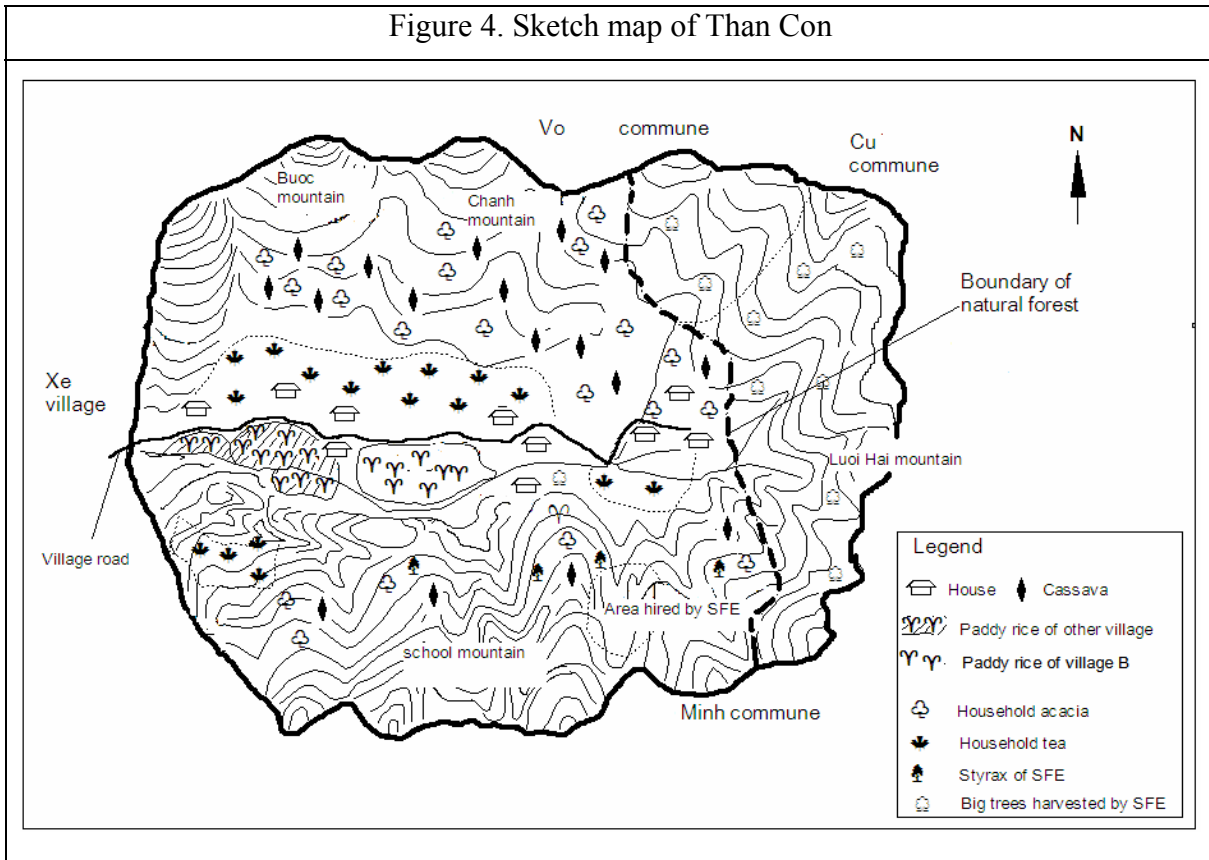
Almost all people that I met in Than Con and Van Tho Commune believe that Than Con is the poorest among the thirteen villages in the commune. The chairs of both the Ban Yend the commune note that the village meets all the criteria of a poor village specified by MOLISA (see footnote 7). At present, half of the households experience food shortage for about one to three months per year. In terms of population, Than Con is the smallest of my three study villages.

In Vietnamese, Than Con means success. This name was given to the village by local authorities after they successfully persuaded the Dao living in higher areas to give up their nomadic ways of life and adopt fixed agriculture and sedentarization. Many

laborers as those who are not physically able to take on heavy work in the field the whole day, such as land preparation, logging, and crop harvesting, but can do lighter tasks, such as taking care of animals, cooking, and collecting bamboo shoot. Usually, they are aged below 15 years or above 65 years. Dependents are those who are too young or too old to work.

villagers remember that the first Dao household settled in the village in 1966, followed by another ten from 1966 to 1970. When the households moved to the area which is the current location of the village, there was a small state-owned agricultural enterprise which cultivated paddy rice. All forests around the village were managed by SFEs. The villagers then started to learn wet rice cultivation techniques from the enterprise and found a suitable area near the stream to establish their own plots.

Figure 4. Sketch map of Than Con



Source: Participatory mapping (2004).

The process of cooperative establishment in Than Con was similar to that in Ban Ye. Than Con cooperative was officially established in May 1970. Local authorities took 2.2 ha of paddy land from the nearby cooperative and gave it to Than Con cooperative. Although they encouraged the villagers to contribute their own land to the cooperative, many households retained a certain area of land for their own. The former vice-chair of the cooperative told me that even during the collective period, many households were in search of suitable land for constructing their own terraces. In addition to wet land, all households had their own swidden plots outside the collective swidden fields. “Local

authorities knew about private forms of production but they looked away,” says the father of my host, who used to be the accountant of the cooperative. The loose control by the local government over wet rice land and swidden land during the cooperative period allowed the villagers to keep their own land.

Forestland allocation was implemented in the village in 1996 and again in 1998, during which the households received land for production purposes. Forestland in the Luõi Hái mountain area (see figure 4, above), however, was not distributed to the households but was placed under the direct management of the local authorities. At present, the forestlands allocated to the villagers are planted to trees (mainly acacia), tea, and cassava. The households’ main sources of income are trees and firewood, supplemented by the income from tea. Almost all households grow tea in their home garden or in their forestland, or both. Households that received land where the styrax of the SFE existed obtain quite a large income from this source. Many households engage in livestock production for commercial purposes. Similar to Ban Ye, off-farm income is nonexistent in Than Con.

Compared to the Dao in Ban Ye, those in Than Con have better access to the market. Although located seven km away from the main market, many households often go to the market. This allows them access to market information and greater bargaining power when buying and selling goods. They can easily sell their agricultural produce, such as cassava, maize, and tea, either to traders who come directly to the village, or at gathering points in nearby villages at a slightly higher price. As the market for tea and wood-based products is strongly developed in the province, the villagers find it quite easy to market their produce.²⁸ This opportunity is absent among Dao people in Ban Ye.

Than Con suffers from lack of infrastructure and social services. Only one primary school can be found in the village, and it is in poor condition. The village road is of bad quality, making it hard to traverse. Children often have to skip classes during the rainy season,

²⁸As regards tea cultivation, Phu Tho is a suitable place for this. The area of tea plantation in the province increased from 7,200 ha in 1996 to 11,773 ha in 2004 (MARD 2006). Currently, there are two large tea-processing companies, plus many small-scale ones managed by individuals, in the area. However, the total tea production output only meets 45 percent of the processing capacity of these companies (*Vietnam News*, 17 January 2006). As regards softwood production, Phu Tho is where Bai Bang Paper Company is located. Recently, the company has been falling short of raw materials. I provide more details on this in chapter 6.

when the road becomes muddy and slippery. Nonetheless, students have better access to education than those in Ban Ye. Some are able to complete grade 12. A number of households send their children to boarding schools at the district or provincial center.

A chair and a vice-chair administer the village affairs. Among the community organizations established in the community are women's group, farmers' group, veterans' group, and youth group. All of them are quite active. The women's and farmers' groups currently serve as channels for villagers to access government loan and agricultural inputs, such as fertilizers and seeds.

Description of the households surveyed

In Than Con, I selected 23 of the total of 40 households as sample for my survey. Generally, the households in Than Con have a similar size and average age with those in Ban Ye (see table 4 above). In each household, there are often two main laborers (husband and wife), a supplementary laborer, and two dependents. Compared to those in Ban Ye, people in Than Con have more access to paddy land. The land, however, is not sufficient, so half of the households experience rice shortage from one to three months a year. On the average, about 50 percent of the forestlands allocated to the households are now planted to acacia. Some households leased their land to SFEs to obtain immediate cash. About 35 percent of the sample households maintain land near their houses.

Dao in Than Con have a greater diversity in their source of income than those in Ban Ye. Timber and firewood production is the primary source of income, involving more than 80 percent of the sample households. The second largest income source is cassava cultivation, engaged in by all households in my survey. Intercropping cassava with acacia is a common practice. Tea cultivation, the third largest income source, involves more than 80 percent of the households in the sample. It is becoming an important source of cash for many households in the village. Other sources of income are livestock raising (more than 60 percent of the sample households), gathering and selling bamboo shoot (35 percent), and providing labor (39 percent).

Each household in the sample earns about 11 to 15 million VND per year, which is two times higher than the annual income of a household in Ban Ye. About 50 to 60 percent of this amount is spent on food; 5 to 11 percent on agricultural input; and 10 to 23 percent

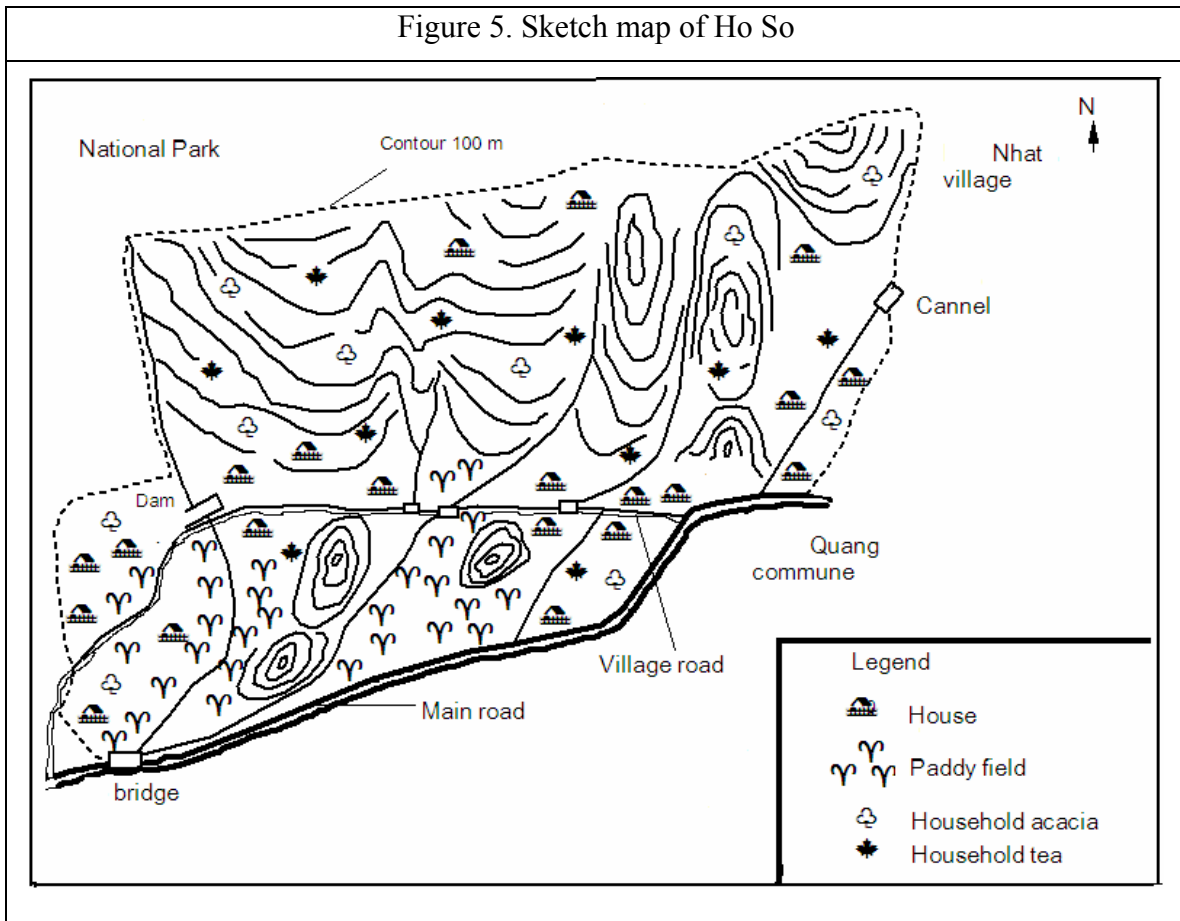
on clothes, education, and healthcare. The remaining amount is set aside as savings. Some households have used their savings for major purchases or house improvement. One third has purchased motorbikes and a color television sets, and more than 50 percent have wooden houses with cemented courtyards, which the Dao in Ban Ye cannot afford to have.

4.3.3 Ho So Village

My third study village, Ho So, is among the three Dao villages of Ba Tay Commune, Ba Tay District, Ha Tay Province. It is located within the buffer zone of Ba Vi National Park. Prior to 1997, the village was called Son. Ho So was separated from Nhat Village. The separation took four years (from 1991 to 1994) to complete. At present, Ho So is surrounded by Nhat village in Ba Tay Commune, Quang Commune, and the National Park (see figure 5). In terms of population, Ho So is the biggest of my study villages.

According to the Dao in Ho So and Ba Tay Commune, their original commune was officially established by French rulers in 1938. It was inhabited by about one hundred Dao who settled in an area with an altitude of about 800 to 1,200 m. The local people then subsisted on swidden cultivation. When the Vietnamese government implemented the sedentarization program in the 1950s, it encouraged the Dao to reside in the lower elevation areas. The resettlement process took quite a long time. In 1959, the government gave the households 20 ha of land with a contour of 80 to 150 m for cultivation, but only a few moved down to reside in the lower areas; the rest moved down only to cultivate their plots but maintained residence in the high areas. One of my key informants expresses, "*We were not used to living in one place.*" In 1968, the cooperative in the area, which I call Ho So cooperative, was formed. Since then, Dao have settled down systematically. The local authorities took some paddy land from a nearby cooperative of the Muong and Kinh to give to Dao for cultivation. When the cooperative formally disbanded in 1992, the land was distributed with each individual obtaining 93 m².

Figure 5. Sketch map of Ho So



Source: Participatory mapping (2004).

During colonial times, Ba Vi National Park (Vườn Quốc gia Ba Vi) was chosen as one hill station of the French rulers (Reed 1995). After the French were defeated, in 1977, the Vietnamese government changed the area into Ba Vi forbidden forest (*Rừng Cấm Ba Vi*).²⁹ At that time, Rung Cam covered an area of 2,140 ha, stretching upward from areas with a 400-m contour. At that time, *Rừng Cấm* was managed by Ba Vi forest enterprise, an organization within the Department of Agriculture of Hanoi City. The establishment of the forbidden forest forced many Dao households residing in areas above 400 m to

²⁹In Vietnamese language, *Rừng Cấm* means forbidden forest. This implies the prohibition of various human activities, such as hunting, swiddening, and timber logging.

resettle in portions below 400 m, or to migrate to other areas. Interestingly, some of them transferred to Than Con³⁰.

In early 1991, the Ministerial Council (currently the government) issued Decision No. 17, which concerned the expansion of Ba Vi forbidden forest to 7,377 ha³¹. The land immediately above the 100-m contour was defined as forestland and thus belonging to forbidden forest. At the end of 1991, the Ministerial Council issued Decision No. 407, changing Ba Vi forbidden forest into Ba Vi National Park or the Park³² classifying forest within the Park as special-use forest. The expansion of forbidden forest and later the Park dispossessed the local people, including the Dao in Ba Tay Commune in general and Nhat village in particular, of their cultivation lands. Once again, they were asked to transfer to areas below the 100-m contour. The resettlement program, which was under the support and supervision of the Hanoi People's Committee, or Hanoi PC (the institution which managed Ba Vi forbidden forest at that time), took several years, beginning with the moving out of cadres of the village and commune in 1991-1992. "*We had to be good examples for villagers, thus, we were the ones who moved out of our former village first. The villagers just followed,*" explains the former chair of the cooperative. Other households in Nhat village resettled in the new village in 1993-1994.

The Hanoi PC took 97 ha of land from the Ba Tay forest enterprise in the new village, as well as pine trees, timber trees, and tea gardens to give to new settlers. Based on the settlement plan, each household was entitled to approximately one hectare of land in the new village. In addition, the Hanoi PC gave each household one million VND (around \$100 US) to facilitate their relocation. A total of eighty-seven Dao households from Nhat village moved to the new village, which is currently Ho So. At that time, paddy land in Ho So belonged to *Mường* (ethnic minority) people from a nearby village of Quang Commune. Though already moved to the new village, villagers still maintained their paddy land in their former village. Gradually, they bought the paddy land of the *Mường*.

³⁰The local people in Than Con and Ho So claim that the Dao people in their communities belong to the same branch called *Dao quần chẹt* (Dao with tight trousers). Thus, when the Dao in Ho So moved out of the area, they chose to reside in Than Con, since the Dao in this village belonged to the same branch as theirs. When I stayed in Than Con and Ho So at the end of 2004, I observed that the residents of these two villages often visited each other.

³¹Decision No. 17/CT was issued on 16 January 1991.

³²Decision No. 407-CT was issued on 18 December 1991.

At present, the Dao in Ho So have both state-owned paddy land and their own paddy land.

Compared to the Dao in Ban Ye and Than Con, those in Ho So have difficulty in accessing land. “*All land belongs to the Park and we do not have any land,*” shared many Dao people in the village. Many households, however, continue to tend their swidden land inside the Park despite the state’s strict prohibition against the swiddening practice inside the Park. Agricultural production is very intensive in the village. Like those in the lowland, almost all households in Ho So use hybrid seeds and fertilizers, herbicides, and insecticides in cultivating paddy rice to ensure higher productivity. In 1995, the Park authorities contracted land inside the Park to a certain number of households (hereafter, contractors) for forest protection and planting in 1995. These contractors then gave part of the contracted land to other households in the village for tree planting and cassava cultivation.

Livestock production is much more developed in Ho So compared to the other two study villages. In 2003, the villagers started to sell their home garden to outsiders, particularly those from Hanoi City. They gained large profits from the sale, and were thus able to construct new houses, buy more paddy land, and invest in livestock production as well as household assets, such as motorbikes and colored television set.

The Dao in Ho So are much more integrated into the market economy than those in villages Ban Ye and Than Con. Outsiders have a difficulty in distinguishing the Dao in Ho So from the Kinh. Many Dao in Ho So kept saying to me, “*We are Kinh-Dao.*” They speak Vietnamese fluently. They wear Kinh-style clothes every day. Many of them, particularly the women, engage in medicinal plant trade and make frequent trips to Hanoi and other parts of the country. They get commodity goods, such as rice, meat, vegetables, beverages, and even electric appliances, directly from two big stores in the village.

The villagers are also very much exposed to development projects. Ho So has, in fact, been labeled as an eco-village, so it attracts many outsiders to visit and study the area. Within the three months that I stayed in the village, I was able to meet a number of researchers, students, project officers, including foreigners, and government officials who had come to visit and work in the area. Since the early 1990s, a number of local and

international NGOs have helped the Dao achieve livelihood stability in their new settlement.

The facilities in Ho So are likewise better than those in the other two study villages. These include a health clinic operated by one trained staff and a post office located near the People's Committee Hall, which was built in 2002. There is also a newly constructed primary and secondary school in the area. Many residents have completed secondary school and even higher education.

The village is administered by a chair and a vice-chair. The community organizations consist of a women's organization, a youth organization, and a veterans' organization, which are all quite active.

Description of the households surveyed

In Ho So, I selected 25 households for the survey. Compared to those in villages Ban Ye and Than Con, households in Ho So are smaller in size and have greater access to education and consumer goods. About 70 percent of them have motorbikes, and 61 percent have colored television sets. The housing condition is also better: 16 percent have two-story houses, 44 percent have one-story good concrete houses, 32 percent have normal concrete houses, and only 8 percent have temporary bungalow houses.

The households, however, have less access to land than those in Ban Ye and Than Con. The paddy land given them by the state accounts for only 17 percent of the land held by each household in Ban Ye and 23 percent of the land held by each household in Than Con. Some 64 percent of the survey households do not even have this land.³³ Although households in Ho So have their own paddy land, the area is about 8 percent and 15 percent smaller than the area of paddy land owned by each household in Than Con and Ban Ye village, respectively. About 32 percent of the survey households do not even have this land. When it comes to forestland, in principle, households in Ho So have no access, since all forestland areas above the 100-m contour belong to the Park. But, as I have mentioned earlier, many households still maintain their swidden fields in the forest.

³³These households include those that had land in Nhat village but sold this to the residents there. They explained to me that Nhat village is quite far from Ho So and it would take them a lot of time maintaining their land in Nhat. The rest of the households do not have the land, as they were established after the forestland allocation program was implemented.

On the average, the area per household is 2,800 m². In addition, 52 percent of them have received forestland from contractors, so they have additional plots for cultivation. However, owing to land shortage, 80 percent of the households lack food for about eight to months per year.

The households derive their income from various sources, including swidden crops, NTFPs, and livestock production. Some engage in small trading and forest planting and protection activities. The total annual income of each household in Ho So, excluding the income from selling home gardens, is quite similar to the total annual income of each household in Than Con but much bigger than the total annual income of each household in Ban Ye. In general, about 80 percent of the annual income of households in Ho So is spent on food.

4.4 Summary of the Chapter

In this chapter, I introduced the setting of my study, presenting three main backgrounds: the Dao, the ethnic minority people who I worked with; the forest devolution policy; and the research areas. With the Dao, I focused my attention on several issues, including their migration and settlement pattern in the uplands of Vietnam, their traditional ways of using and behaving toward the forest, and the Vietnamese government's policy and discourse toward their ways of living. Traditionally, Dao adopted the nomadic way of life. Having been bound to the forest environment for many generations, Dao people have grown heavily dependent on forest resources materially and immaterially. While most of them are presently engaged in fixed cultivation and sedentarization, some still maintain their practice of swidden cultivation. The Vietnamese state believes that swidden cultivation is detrimental to the forest resources and the environment. As a result, it enforced policies to resettle the swiddeners. A large number of upland dwellers, including many Dao have been relocated. But some still adhere to swidden cultivation practices.

Regarding forest devolution policy, it is territorial, aiming to control people and space. The devolution, as I believe, leads to the increased presence of the state at the local level. In addition, the devolution policy is highly selective. The state intentionally does not include in the devolution those forest areas with rich material and ecological value

With the research areas, I provided a brief description of the three villages, highlighting their similarities and differences. In general, the villages are small, poor, and mostly inhabited by Dao. Given the many constraints in access to cultivation land and forest resources, the local people find difficulty in sustaining their livelihoods, which have been heavily dependent on the forest. Food shortage is prevalent and income sources are limited in all three villages. In the next chapter I will explore how the forest devolution policy was implemented in the study villages and examine effects of the policy implementation on property relations in the villages.

Chapter 5. Forest Devolution Policy and Property Relations

This chapter focuses on the implementation of the forest devolution policy and its effects on property relations in the three study villages. My main argument in this chapter is that, although the devolution policy emphasizes individual rights over forestland and forest resources, the allocation or contracting of these rights often comes with very stringent management obligations that restrict the right of villagers, providing the local elite with opportunities to capture most of the benefits from the forestland and forest resources. In my discussion, I pay attention first to the implementation of forest devolution policy and its effects on property relations in Ban Ye village. I examine how the devolution policy has influenced the distribution of forestland and forest resources among different actors, the balance of power among them, and their notions of the forest. Subsequently, I explore the effects of the devolution policy on property relations in Than Con and then in Ho So villages. Toward the end of the chapter, I compare the policy effects on property relations among the three villages and provide a conclusion on these findings.

5.1 Forest Devolution Policy in Ban Ye Village

5.1.1 Forest Management prior to the Devolution

Swidden practices prior to the devolution

As mentioned in chapter 4, before cooperative Ban Ye was established, all twenty-four Dao households in Suoi Ca and Suoi Yen subsisted entirely on swidden cultivation. “*We were free to practice swiddening wherever we wanted,*” claim the villagers. They maintained swidden plots in the forest, which they had claimed on a “first-clear, first-own” basis. This means that once the households had chosen an area in the forest and cleared it for cultivation, no other villager could work on the land. Usually, land was cultivated for about two to four years, and then left fallow for six to seven years. During these periods, household-based exclusionary claims to the plots remained enforced.

In 1963, the cooperative Ban Ye was formed. To encourage villagers to settle permanently in an area, district authorities gave the cooperative 1.8 hectares (ha) of

paddy land which they had taken from the neighboring cooperative.³⁴ As this area was not sufficient, the cooperative acquired a large area of the forest for collective swiddening. Many villagers recall that, every year, several hundreds of kilograms of swidden rice were used as seedlings. Cooperative cadres encouraged households to contribute their swidden land to the cooperative, but they preferred to keep their plots. During this time, the cooperative did not have significant control over swidden land, but had control over household labor. Villagers were required to contribute labor for collective work. On average, one primary laborer was asked to render twenty workdays per month. For the rest of the month, the villagers were free to use their time for their own work. Consequently, although access to swidden land was open, shortage of labor hindered many households from acquiring a large area for swiddening. At the end of 1988, Ban Ye cooperative was dismantled. The collective swidden fields were abandoned, so the villagers enjoyed free access to the land. In principle, commune officials let the villagers establish plots wherever they found suitable, except in the deep forest. The boundaries of swidden fields were very fluid in time and space. In the early 1990s, the villagers started to encroach on forestland in Cuu Commune, Vinh Phu Province (currently Phu Tho) (see Figure 3) to practice swidden cultivation. “*There was no one there [Cuu Commune] who stopped us from working the land,*” the villagers recall.

Logging under socialism

In chapter 4, I pointed out that, during socialism, forests in the country were managed by a large number of SFEs. In Tan Da District, where Ban Ye is located, Tu Ly forest enterprise under the provincial Forestry Department (*So Lam nghiep*) was in charge of forest management. Similar to other SFEs in the country, Tu Ly enterprise did not care about forest protection, but was concerned mainly with timber exploitation. To meet the logging quota set by the forestry department, the enterprise mobilized a number of agricultural cooperatives including Ban Ye to log timber. Villagers remember that Road 33 was built in the early 1980s. Ban Ye cooperative signed a logging contract with Tu Ly

³⁴As I have mentioned in chapter 4, although it was the first time for the villagers to grow paddy, some of the Dao in Suoi Yen, even prior to the establishment of the cooperative, had already learned cultivation techniques from other ethnic groups that lived near them.

enterprise. The male members exploited timber in forest areas identified by the cooperative. The cooperative then sold the timber to the enterprise at a price determined by the latter. For one cubic meter of timber, the cooperative received a cash amount equivalent to approximately 30 kg of rice. The earnings were divided among all cooperative members, including those who did not engage in timber extraction but participated in other activities of the cooperative, such as weeding and land preparation. After ten years of logging, good timber has virtually disappeared from the forest around Ban Ye. By the end of the 1980s, Tu Ly enterprise terminated its logging contract with the cooperative.

When forest management shifted from the state to the households in the early 1990s, large areas of forest previously managed by SFEs were handed over to the provincial and district governments. Correspondingly, forest control was transferred from Tu Ly enterprise to the provincial Department of Forest Protection. Tu Ly enterprise became a paper-making company. During this period, state control over the forest at the local level was very loose. The villagers remark, “*We did not know who the kiểm lâm were. We never met them.*” Illegal logging, according to my key informants, started after Tu Ly enterprise left the village in the early 1990s. They share, “*We were free to glean (mót) the leftover of the enterprise.*”³⁵ The villagers then sold the timber to private traders from the district center, who in turn took the timber back to the district center to sell to private sawmills.

5.1.2 Implementation of Forestland Allocation

The Formal Process as Prescribed by Government

The process of forestland allocation begins with the household writing a letter of request (*đơn xin nhận đất*) to the district authorities, specifying how much land it wants to receive (size of the holding), the location of the land, and the vegetation status of the land (whether it is barren land or covered by what type of forest). The household then brings the letter to the chair of the village (*trưởng thôn*) for certification, submits the certified letter to the chair of the Commune People’s Committee (PC) (*chủ tịch xã*) for approval,

³⁵The villagers use the term *mót* (glean) to refer to their logging activity, since they only logged the “leftover trees” of the enterprise.

and forwards the approved letter to the district authorities. The household has to submit as well a land use plan (*kế hoạch sử dụng đất*) indicating how it will use the land over a five-year period. This plan must be in accordance with the state's land use plan. This plan also has to undergo certification by the village chair and approval by the Commune PC chair prior to submission to the district authorities. Based on the letter of request and the plan, the chair of the District PC (*chủ tịch huyện*) makes a written decision (*quyết định giao đất*) to allocate land to the household, specifying its rights and duties as a land recipient. Subsequently, the land allocation team (*tổ giao đất*) enters the field and identifies the area of land to be allocated to the household. Once allocation is completed on the site, the size and location of the holdings are marked on a sketch map with a scale of 1:10,000 (*bản đồ giao đất*). The minutes of on-site allocation (*biên bản giao đất thực địa*) are recorded. The entire process thus involves five legal documents: letter of request from the household, the plan made by the household, written decision from the chair of the District PC, minutes of on-site allocation signed by members of the allocation team and the household, and a sketch map. All these constitute the land allocation file (*hồ sơ giao đất*), which can serve as the legal basis for resolving conflicts over land if ever these emerge. Three copies of this file are made: one for the household, another for the Commune PC, and the third for the *kiểm lâm* or the cadastral office (*phòng địa chính*) of the district. Following the formal procedure, the legal basis for land allocation is the land use plan of the household. Thus, prior to land allocation, land use planning must be performed at the commune level, as this will help the allocation team determine how much land in the commune and the village is available, and for what purpose. Planning will also inform the allocation team of what is happening on the ground and the local land use pattern, which are important considerations during the allocation process. In the following sections, I explain how the FLA was implemented in Ban Ye.

The actual process as carried out in Ban Ye village

Forestland allocation was carried out in Ban Ye in 1995, with the *kiểm lâm* of the district designated as the team leader in the process. Each village was assigned an allocation team consisting of the commune chair, the head of the Agricultural and Forestry Division (*ban nông lâm nghiệp*) of the commune, the village chair, and a staff from the *kiểm lâm*

as the team leader. The results of forestland allocation in the Ban Ye were presented in table 6.

Table 6 Results of forestland allocation in Ban Ye

Category of data	Number/Area
Total number of household recipients	35
Households with allocated land (under <i>giao</i>)	1
Households with contracted land (under <i>khoán</i>) ^a	2
Households with both allocated and contracted land	32
Total forestland given to the households (ha), of which:	529.7
Land under <i>giao</i>	228.9
• Barren land	197.3
• Other land	49.6
Land under <i>khoán</i>	363.8
• Forest type II ^b	293.5
• <i>Nua</i> bamboo forest	70.3
Land allocated to the village (ha)	35.8

Source: *Kiểm lâm* of the district

^aI distinguish the differences between *giao* and *khoán* in chapter 4.

^bForest type II refers to regenerated forest where small forest trees with a diameter of 8 to 25 centimeters (cm) exist (Decision 682/QDKT of Ministry of Forestry, 1976).

Most of the land allocated was barren (86.2 percent). Land on which forest trees stood was merely contracted to the households. This observation reaffirms my argument in chapter 4 that the state tends to allocate low-value forestlands to the households and keep the high-value ones under its control. In Ban Ye, the land allocated to households accounts for almost 69 percent of the total land given to households in the village. In addition, the village received 35.8 ha of forestland, including a household palm garden, a cemetery, a bamboo forest around the village, and a grazing area for common use. All the land given to households in Ban Ye was classified as production forest. After the allocation in 1997 the District PC issued Land Use Certificates to the households, granting use rights over the land for fifty years.

As pointed out in chapter 4, there are a number of differences between allocated land and contracting land, but the local authorities in the district and members of the land allocation team did not know the differences. None of them clearly knew the differences between production forest and protection forest. This was because at the time of forestland allocation in 1995, recalls the chair of the *kiểm lâm* of the district, there was not yet formal classification of the forest within the district. The formal classification was made only in 1999, when the provincial authorities approved the master land use plan (*quy hoạch sử dụng đất*) of the district. Thus, prior to this, district authorities and members of the land allocation team, lacking the legal framework, followed their own methods of allocating and contracting land to households.

In actual practice, the land allocation process took a different route than as prescribed by the formal procedure. First, land use planning of the commune was not conducted prior to the allocation, thus, it was impossible for the district authorities and members of the land allocation team to know what was really happening on the ground. Second, there was no map of the local land use pattern and land use planning available at the time of allocation. Thus, the team used an administrative map (*bản đồ hành chính*) which was not a sound basis for the allocation.³⁶ The team leader shares, “*We did not have any other maps so we had to use that map.*” Third, on-site allocation had many shortcomings. What the team members as well as some villagers did was to go to the top of a high mountain near the village and allocate forestland within the village from that distance. A villager describes the on-site allocation process as something like this:

“*What is that mountain called?*” asked the *kiểm lâm*, pointing to the mountain from afar.

“*It is Hang Pha,*” replied the village chairman.

The *kiểm lâm* then wrote the name of the mountain on a sketch map and then continued, “*Who would like to receive the land there?*”

“*Me,*” said Bo On, an old villager.

“*Good,*” remarked the *kiểm lâm*, “*You will get the land from the top, down to the big tree on the left and the clump of green trees on the right, near the big stone.*”

“*Which tree? The higher one or lower one?*” asked Bo On.

³⁶This administrative map was prepared based on Instruction 364/CT of the President of Ministerial Council, dated 6 November 1991. When I looked into the map, there were only two types of information included: the boundaries of the households’ paddy fields and the administrative boundaries of the Ban Yend the surrounding villages. The map did not include any information on the forest.

“The higher one,” said the *kiểm lâm*, “and on the right side, do you see the stone?”

“Not really, yet I see the clump of green trees,” replied Bo On.

The *kiểm lâm* then turned to the map, estimating the area and drawing the shape of the plot on the map, while both the chairs of the commune and the village looked on.

“Your plot is 5 ha,” The *kiểm lâm* told Bo On.

“Yeah,” answered Bo On.

The allocation process went on and on and it took them only a day to complete the allocation for all households. The *kiểm lâm* then brought all the information with him to the district.

As boundary demarcation was made from a far, with trees, stones, or any visible objects as indicators, the sizes of the plots allocated were merely estimated by the *kiểm lâm*. Just like many other villagers, I wonder how precise are the boundaries and sizes of the plots.³⁷

The land allocation team also skipped many steps due to curtailing of the process. For instance, the villagers did not make their letters of request prior to allocation; it was the *kiểm lâm* that made the letters and the minutes of on-site allocation after the completion of allocation.³⁸ Lacking these documents, members of the allocation team were unable to identify the local land use pattern and to integrate this into the implementation process. In fact, most of the land which the local authorities and the *kiểm lâm* considered as barren was actually swidden and grazing land.

³⁷In Ta Village, which is located near Ban Ye, the villagers found out that the area and location of the plots indicated in their LUCs were entirely different from those on the ground. Thus, they refused to accept their LUCs and returned all of these to the district authorities.

³⁸When I spoke with the chair of the *kiểm lâm* of the district, he confessed that there were two important documents missing in each original land allocation file: households’ letter of request, and the minute of on-site allocation. These documents were made by *kiểm lâm* after the actual allocation. I checked this information with the head of Agriculture and Forestry Division of the commune, a member of allocation team, he told me that he did not join the allocation in the Ban Ye he was away at that time. Yet in the allocation file kept in the office of *kiểm lâm* at the district, I found his signature on the minutes of the on-site allocation. Thus his signature was faked by the *kiểm lâm*. The files are so messy that though local authorities of the district requested *kiểm lâm* to hand over the files to Department of Agriculture and Land Administration (*phòng nông nghiệp và địa chính*) of the district, the Department does not want to receive the files. The head of the Department told me that there have been many meetings organized between *kiểm lâm* and the Department but nothing has been changed.

Changing legal forest regulations

Legal forest regulations in Tan Da District were entirely changed in 1999 after the local authorities of the province approved the Forestry Master Plan of the district (*Quy hoạch tổng thể lâm nghiệp cấp huyện*) for the year 2010.³⁹ Under this Plan, virtually all forests in the district are reclassified as protection forest, located entirely within the Da Watershed, which holds the Hoa Binh hydropower plant.⁴⁰ Barren land, which accounts for 50 percent of the total forestland in 1999, will be transformed entirely into a protection forest through forest planting and protection activities. In addition, the natural forest will be increased from 37 percent in 1999 to 65 percent in 2010. The total forest area will double by 2010, with protection forest comprising 90 percent.

As a result of this change in policy, the forestlands given to the local households turned from production into protection areas. In principle, the villagers are obliged to protect the forest to maintain ecological balance for the watershed. In 2001, government control over forestland in the province became more stringent, when it was declared as highly critical protection forest (*rừng đặc biệt xung yếu*) and thus subject to a high level of protection.⁴¹ Human activities regarded as detrimental to the forest were no longer allowed.

5.1.3 Effects of the Forest Devolution Policy on Forest Use

The devolution policy and resources use at local level

During my fieldwork, I realized that there was indeed a wide gap between what was promulgated in the forest devolution policy and what actually happened on the ground. The policy has had minimal effects on the dynamics of forest resource use in the village. All households still use the forestland and forest resources in their own ways. Very often I would hear them say, “Forests are commons” (*“rừng là của chung”*). I never heard anyone say, “my household’s forest” (*“rừng của nhà tôi”*) or “his household’s forest” (*“rừng của nhà ông ấy”*), or any remark that denotes private ownership. When I asked the villagers, “Where is your household’s forest?” they would reply, “I don’t know” (*“không*

³⁹The approval was made according to the Decision 1505/QĐ-UB of the People’s Committee of the province on 30th December 1999.

⁴⁰The Hoa Binh hydropower plant is the largest plant in Vietnam which supplies 60 percent of the total electricity of the whole country.

⁴¹The government’s Decision 08/2001/QĐ-TTg was made on 11 January 2001 specifying the regulations on the management of special use forest, protection forest, and natural production forest.

biết được”). Thus, the notion of forestland and forest resources as private property does not prevail in the village despite the devolution policy. This is perhaps the reason why villagers were not concerned about the preciseness of their land demarcation or area of landholdings during the allocation process.

Although state regulations prohibit swidden cultivation in the forest, swidden fields can still be found in the forest surrounding the village. When I arrived there in 2000, all forty-five households maintained their swiddening practice on approximately 50 ha forestland. When I revisited the village in early 2005, the situation was still relatively the same: 34 households who I surveyed had 37 ha of swidden land. Some even opened new swidden fields in the forest to grow rice, maize, and cassava, even the devolution policy has already identified the legal holders of the land.

In a similar pattern, logging is considered illegal by the state⁴², almost all households engage in it for commercial purposes. As I have mentioned earlier, illegal logging started in the village in the early 1990s when Tu Ly enterprise withdrew from the area and handed over forest management power to the *kiếm lâm*. My key informants claim that this peaked in terms of volume of timber extraction in the late 1990s. Of the thirty-four households I interviewed in early 2005, only one was not involved in timber logging for the reason that the head was heavily engaged in bamboo shoot trading and thus had no time for logging. When cutting trees, the villagers are not concerned about the legal holders of the land and fell trees wherever they find it convenient. Apparently, the households’ access to timber is not determined by government policy but by other mechanisms which I discuss in chapter 7.

Devolution policy, power distribution, and actors’ notions on the forest

In principle, the devolution is supposed to substantially change management power over the forest on the ground. Prior to the devolution Tu Ly enterprise was the organization managing the forest around the village. Since it mainly focused on timber extraction the enterprise was not concerned with the villagers used the forestland and forest resources. In the early 1990s, when the forestry sector was restructured, management was

⁴²I am aware of the scholarly debate around the terms “legality” and “illegality.” In this book, I use the term illegality in a loose sense, referring to activities of actors that are prohibited by the state (e.g., swidden cultivation, logging, timber trading). I do not attach any value to the term here.

transferred to the *kiếm lâm*, causing Tu Ly enterprise to stop its logging operations and to pull out from the forest. Based on the law, the main function of the *kiếm lâm* is to protect the forest. However, prior to the devolution, they encountered many difficulties in carrying this out, as they could not tell who used what forest resources and on what basis. As they put it, “*rừng vô chủ*” (the forest belonged to nobody). When forest conflicts emerged, they had a hard time mediating, since the legal framework for conflict resolution was not clear. Local people, however, benefited from the “*forest belongs to nobody*” situation. They were free to open swidden fields in the forest. Some even established swidden fields in Cuu Commune, Phu Tho Province (see figure 3). Thus, the boundaries of their swidden fields were fluid and blurred. Villagers recall that neither the *kiếm lâm* nor the local authorities did anything to mitigate their agricultural practices in the forest. Moreover, given the notion of the forest as an “open access resource,” the households were able to log the timber leftover by the enterprise. It could be said then that the local authorities, particularly the *kiếm lâm*, had *de jure* control over the forest in the village while the villagers had *de facto* access to the forest.

The forest devolution policy changed the balance of power between the villagers and the *kiếm lâm*, since the FLA is a territorialized tool that helps the state control the resources, the people, and space. By drawing rigid boundaries on the allocated land, the state binds each household to a particular piece of land. It also determines what activities are allowed and not allowed within these boundaries. The role of the *kiếm lâm* in controlling the forest has become more significant. Simply put, the FLA put an end to the “*forest belongs to nobody*” situation, reducing the power of the villagers and augmenting the power of the *kiếm lâm*. The devolution policy and the subsequent decrees issued by government consider swidden cultivation and timber logging as illegal. As state agents helping the state articulate its notion of the forest, the local authorities and the *kiếm lâm* have restricted the villagers’ access to swidden land and timber.

The state is keen on improving forest conditions for purposes of watershed protection. It has strongly translated this notion into forestry policies. As I have mentioned earlier, the state allocates barren land or land with poor vegetation to households for forest planting combined with crop production, and then keeps the land with high-value forest

(ecologically and economically) under its control, or contracts such land to the households for forest protection.

In Ban Ye, land was initially allocated and contracted to households for forest planting as well as food crop production. However, realizing the importance of the forest for watershed protection, the state and the local authorities reclassified it from production to protection forest. Human activities, such as swidden cultivation and logging were prohibited in the forest, and violators were subject to punishment. Dao people, however, see the forest as a common resource. They depend on it in terms of both material (livelihood) and nonmaterial (spiritual practices). What the state considers as barren land is, in fact, used by the local people for swiddening and grazing their animals. While the state views the timber and non timber forest products as needing protection, the Dao regard these as their most important sources of cash income. The state believes forest conservation must be applied to all areas of the forest to maintain the ecological function of the watershed, but to the villagers, conservation means preserving certain areas of the forest within the village for maintaining the water source of the community and creating a peaceful and undisturbed place for burying their dead and for praying to the gods. These contrasting notions of the villagers and the state have led to conflicts between the two. I explore these conflicts in detail in chapter 8.

5.2 Forest Devolution Policy in Than Con Village

5.2.1 Forest Management prior to the Devolution

During the period of socialism, the land above 25 degrees was classified as forestland and thus managed by Tam Cuu forest enterprise, an organization under the provincial Department of Forestry. Land below 25 degrees was classified as “other uses” (e.g., agricultural, residential) and thus managed by the People’s Committee of Van Tho Commune. In practice, however, the enterprise also managed several lands below 25 degrees. The chair of the commune PC, who has been in office for almost twenty years, claims, “*The enterprise was very powerful in managing the forest, we did not have any rights at all over the forest. We only managed paddy land.*” During the collective period, Than Con cooperative practiced swiddening collectively in the forest, since paddy land was not sufficient. The former chair of the cooperative (*chủ nhiệm hợp tác xã*)

remembers that, every year, he had to write a letter to the enterprise to seek permission to undertake swiddening in the forest. The enterprise allowed the cooperative to clear any portion of the forest where there was no timber. In a sense control over swiddening at that time was loose. “*The enterprise never went down to the village to check swiddening,*” explained one informant. In addition to the collective swidden fields, the households maintained their individual swidden fields inside the forest, which were even larger than the total area held by the cooperative.

Forest protection was not given attention, since Tam Cuu forest enterprise was mainly concerned with timber logging. The villagers recall that, from 1980-1981, the enterprise constructed a forestry road inside *Luõì Hái* forest (see figure 4 for *Luõì Hái* forest). In 1984, it began to extract timber up until 1991. During this period, Tam Cuu hired five logging teams (*đội sơn trang*) from the lowland provinces. Totaling around fifty, the loggers stayed in *Luõì Hái* forest for many years. Bac Phuc, the former vice chair of Than Con cooperative, pointing to *Luõì Hái* forest, shares, “*Dozens of trucks fully loaded with Sen and Tau [iron wood] came out of the forest each day.*” When the enterprise stopped logging in 1992 and the logging teams pulled out of the area, the forest was abandoned, with all the good timber virtually gone. Like those in Ban Ye, the people in Than Con gleaned timber and sold it to private traders who came to the village. Control over timber logging and transportation of wood from *Luõì Hái* was loose.

In 1988, Tam Cuu forest enterprise merged with Xuan Dai forest enterprise, an organization of the provincial Forestry Department. On 20 November 1991, the Ministerial Council (currently the government) issued Decree 388-HDBT on the restructuring of state-owned enterprises that no longer effectively operated under the market economy. One year later, the Ministry of Forestry requested all SFEs to surrender forestlands and forest resources that they could no longer manage to the local authorities. Xuan Dai forest enterprise turned over 73 percent of its forestland to twelve communes in the district. Van Tho Commune, where Than Con belongs, received a total of 966.1 ha.

Than Cong Cooperative disbanded in 1988, leaving its collective swidden land free for the villagers to occupy. In 1994, Xuan Dai forest enterprise contracted about ten households to undertake styraç tree planting.

5.2.2 Implementation of forestland allocation

When forestland allocation was implemented in Than Con in April 1996, the *kiếm lâm* of the district was appointed to oversee the process. The land allocation team was established, which included a staff of the *kiếm lâm*, the chair of the village, the chair of the commune, a cadastral officer of the commune, and a technician from a cartography company to handle the technical aspects, such as measurement, demarcation of boundaries and preparation of sketch maps.

The land allocation team relied on two old maps: One was made from aerial photos taken in October 1983 while the other was an administrative map prepared in 1980.⁴³ These maps were too old to reflect what was really happening on the ground at the time of allocation. In addition, similar to what happened in Ban Ye, the land use planning of the commune was not done prior to allocation.

It is important to note here that during the allocation, most of the villagers did not know about the schedule of allocation. A day before the actual land allocation, the village chair was invited to a meeting at the commune center. Only then did he know that the allocation would be implemented in the village the next day. Returning the village in the evening, the chair did not relay the information to the villagers. The following morning, the land allocation team arrived in the village with the people unaware of what was happening. When I asked some villagers if they knew about the allocation, they had various replies:

I did not know about the allocation. I was working on my paddy land and my child called me to go home to get land.

It was about 10:00 A.M., I just finished ploughing my paddy field and I luckily met with the allocation team when I was on the way home.

I did not know about that. I was in my friend's place in another village.

I was sitting inside the house then I saw a group of people standing on the road talking about something. Out of curiosity, I went out of the house and learned that they were allocating land.

This was the experience of many households. As the heads were not home, the allocation team just asked any member of the household, usually the older ones and the children,

⁴³The commune administrative map was made according to Directive 299/TTg issued by the Ministerial Council on 11 October 1980.

who did not work the field and were at home to receive the land. Consequently, many households were not satisfied with the land they had received. Of 29 households, 26 were able to receive production forestland totaling 225.5 ha, or 7.5 ha on average. The land was predominantly barren, with only some areas having bushes and small trees. They received their LUCs in 1997.

The remaining three households, plus four that had obtained only small plots, requested the commune officials to provide them with land. They received a favorable response to their request. In 1998, the commune cadastral official came to the village to allocate production forestland to these households totaling 29.5 ha. The three new recipient households got their LUCs from the district PC in 1999. For the second-time recipients, the cadastral officer simply added the new area to their existing LUCs.

Like in Ban Ye, the shortcoming of the allocation process in Than Con was that members of the allocation team did not go to the field to allocate land, but just stood on the village road and allocated land to households based on what they saw from the road and on the maps. The sizes of holdings distributed were thus roughly estimated and demarcation was based on water rifts, trees, stones, or any visible objects.

Since the FLA was implemented hastily, the allocation team failed to integrate local land use patterns into the allocation process, including the boundaries of the existing swidden fields of the households. According to the villagers, the allocation resulted in a switching of swidden fields among households, for instance, the swidden field of household A on which there existed trees planted by the household was allocated to household B, whose swidden field in turn was granted to household C.

Moreover, there was a lack of preparation for FLA implementation. The *kiếm lâm*, for instance, was not able to have the necessary documents ready prior to land allocation. The files, which were to serve as legal basis for on-site allocation and conflict resolution, were made only after the allocation, and copies of these were handed to the households at the end of 2003, seven years after the allocation. By this time, several cases of land conflicts had already surfaced among the actors.

When reviewing the allocation files, I also noticed a form of fraud. For instance, the households' letter of request, which was supposed to have been made prior to the

allocation, was written on the same day that the land was allocated to the households. The decision of the district PC chair was issued one year after the actual allocation. The on-site allocation minutes were done about a year and a half after the allocation. The sketch map indicating the location, size, and demarcation of plots was also completed about four months after the allocation.

Although 321 ha of forest in *Lưõì Hái* were located within the boundaries of Than Con (see figure 4), the commune PC and the *kiếm lâm* did not distribute the land equally to the households in the village, as they secretly gave substantial holdings to five households in Than Con and eleven households in several other villages in 1999. The allocation was made only on paper. The local authorities did not inform the households about the allocation and, while LUCs were issued, these were all kept at the office of the commune PC. This quasi-allocation has created fuzziness in the property relations within *Lưõì Hái* forest and brought about conflicts among various actors. I describe in detail the fuzziness and conflicts in chapter 8.

Effects of the FLA on the distribution of land among villagers

The way in which the FLA was implemented in Than Con has resulted in a skewed distribution of forestland among the households. When I visited the area in 2004, the FLA had already been implemented for more than eight years, yet the local people kept talking about the unfairness of land distribution, some people got more land than others, or acquired land in better locations (that is, close to the village road, land slope not very steep, versus fragmented land in inconvenient locations). The longer I stayed in the village, the more it became clear to me that the factors which determined how much land a household received consisted of both luck and access to political power.

As I have mentioned earlier, almost all households in the village were not aware of the schedule of land allocation. The twenty-six household recipients in 1996 were lucky to be in the village at the time of allocation. Some were even luckier than the others, as the heads were home when the land allocation team came and were able to specify what they wanted. In ten households, the heads came home late, when the allocation was nearing completion. So they either received small plots (around one to two hectares) in areas near the village, or acquired relatively larger plots in areas near *Lưõì Hái* mountain, which had

a high slope and were far from the village road. Anh An, one of my key informants, recalls:

I was not home that morning. I arrived in the afternoon, about 2:00 P.M., and the allocation team had already left. I went to Ong Thon [the village chairman] and asked for my land but he said that there was no land left. I then went directly to the commune chair. A week later, the cadastral officer of the commune came to the village and gave me land in Luõì Hái. There were several other households like me in the village.

The villagers say that, compared to larger plots (around four to five hectares), small plots, located on high slopes are not as suitable for tree planting and crop production. Moreover, conflicts over boundaries are likely to arise with small plots, since these usually have more complex boundaries.

In the village, three households who had received land that was larger than the ceiling area set by local authorities had access to political power.⁴⁴ One is the household of the village chair, who I call Anh Thon. He was only the person who knew about the schedule of land allocation, being a member of the allocation team. His household acquired three plots of land, totaling 15.9 ha. One plot is situated at the back of his house, near the village road. The other is on a low mountain in front of his house, right at the center of the village. The third plot, covering 9.7 ha, was placed under the name of his son-in-law, who was a member of the household at the time of allocation. This is adjacent to the second plot and very close to the village road. Although aware of the legal regulation stipulating that each household was not allowed to receive more than 10 ha of land and was entitled to only one LUC, Anh Thon secretly worked with other members of the allocation team so that his household could obtain large holdings in prime locations. The third plot was supposed to be allocated to the household of Bac Phuc. When Bac Phuc and I walked into the forest, he showed me the third plot of Anh Thon and told me, “*It used to be my household’s swidden land. They [the land allocation team] agreed to give me this land on the day of allocation. But I do not understand why the plot turned out to be under the name of Anh Thon’s son-in-law.*”

⁴⁴I learned from the commune and district authorities that the amount of land to be granted to each household should not exceed 10 ha.

The second household belongs to the vice chair of the village (*phó thôn*), who I call Anh Lyn. The household received three LUCs. Although he did not know about the schedule of allocation, Anh Lyn was lucky to be home at the time of the team's visit and received 21 ha of land in all. The first plot (3.4 ha) was placed under the name of his nephew, who was then a member of his household, the second plot (10 ha) under the name of his father, and the third plot (7.6 ha) under his name. All three plots are located near his house and the village road. Anh Lyn admits that he knows *kiếm lâm* and other members of the allocation team, so he asked them to give him more land.

The third household belongs to the chair of the farmer group (*chủ tịch hội nông dân*) in the village, who I call Anh Quan. The household was granted three plots of land comprising 21 ha, with three separate LUCs. These are situated near his house. The first plot was placed under the name of Chi Da, the wife of Anh Quan (also the sister of the Anh Thon), the second plot under Anh Quan's name, and the third plot under the name of his brother, Anh Thu. Chi Da recalls, "*They [the members of allocation team] initially gave us the first plot. Then Anh Quan told them we needed more land, as we thought there would be no land left after the allocation. They said we had to have other LUCs. So we got one under my name, one under Anh Quan's, and one under our brother.*"

Thus, except for households that had access to political power and were at home on the day of land allocation, the households in the village received one LUC each. In the section below, I explore the ways in which the local households have made use of the land to derive material benefits from it.⁴⁵

Effects of the FLA on the distribution of cash income derived from the land

Findings from the household survey indicate that selling timber and firewood accounts for the largest income source of the household (32 percent), followed by selling cassava (30 percent). Unlike the people in Ban Ye who disregard the FLA and exploit timber anywhere in the forest, those in Than Con merely extract wood and firewood from the land allocated to them. Households with large landholdings and good standing trees tend to generate a higher income from selling timber and firewood than those with smaller

⁴⁵I use two indicators for measuring material benefits here. One is cash income derived from the land (through the marketing of either food crops, timber, or firewood harvested from the land). The other is the area which the household planted softwood trees after it had received land.

holdings. Thus, there appears to be a significantly positive correlation between household income derived from timber and firewood and the area of forestland allocated to the household (see annex 4.a). In 2004, the household of Anh Quan earned 37 million VND (around US\$2,470) from timber and firewood; Anh Thon's brought in 18.3 million VND (US\$1,220), and Anh Lyn's got 10.5 million VND (US\$700).⁴⁶ Aside from having access to political power and being at home at the time of allocation, these three households chose the land with styrax trees of the Xuan Dai forest enterprise, so it was not surprising that they gained a higher income from timber. Based on the results of my statistical analysis, the income derived from timber and firewood significantly contributes to household wealth (see annex 4.a). Four households do not generate income from timber and firewood because the land they received does not have trees but mainly bushes. One was not in the village at the time of allocation in 1996 and acquired its land in 1998. The other three obtained small plots.

Cassava, the second income source, is grown for use as animal feed and for cash. To reduce labor investment in harvesting the crop and carrying the produce from the farm to the house, it is ideal that the plots are near the residence. Some villagers were able to get plots near their residence for growing cassava. Others that obtained plots farther away say they require more labor for harvesting and transporting cassava roots.⁴⁷ Often, they have to hire laborers from other villagers. Those with plots on high slopes likewise have difficulty in planting, harvesting, and transporting cassava roots. Generally, these households are the ones that received their land late during FLA implementation.

In recent years, softwood, particularly acacia, has become a promising income source in the village. On the way from the district center to the village, or for about 20 km, I saw ever-green acacia forests on both sides of the road. I noted the same thing when I traveled to several communes in the district. Acacia forest is everywhere. As the district is located within the material zone of Bai Bang Paper Company, the largest paper- and pulp-making company in Vietnam, it is very easy for villagers to market their acacia wood.

⁴⁶One kilogram of rice costs around 3,200 VND (US\$0.20).

⁴⁷It is very difficult for the villagers to carry cassava roots home from the farm, especially since these were very heavy.

Motivated by the market incentive from acacia, and having learned that Anh Lyn, the vice chair of the village, was able to purchase a Honda motorbike using the income derived from wood, the households were encouraged to establish or expand their acacia plantation. Many use their cash income from tea, cassava, livestock production, timber, and firewood to invest in acacia planting. A common practice has been to intercrop acacia with cassava. At present, each household holds an average of 4.4 ha of acacia plantation. After six or seven years of planting, the villagers can earn about 30 to 40 million VND (\$1,500-2,667 US) from one hectare of acacia plantation. Households with large plots of land in good locations are able to expand their acacia plantation more than those with smaller plots in unfavorable locations. This does not necessarily mean, however, that the former households have larger acacia plantations. My statistical analysis shows no significant correlation between area of landholdings and area of planted forest (see annex 4.b). Factors such as labor and capital determine how much area of acacia plantation a household can maintain. I explore these more in chapter 7.

Before I discuss the differences in power among different actors and their visions, I explain how the forest development program was implemented and identify the factors that shape the distribution of material benefits, power, and vision of the forest among the different actors.

5.2.3 Implementation of Program 327 and Program 661

As mentioned earlier, Program 327 and Program 661 were intended to increase forest cover through forest planting and protection activities and, at the same time, to improve local livelihoods through these activities. Earlier in this chapter, I mentioned that, during socialism, the forest around Than Con was managed by Tam Cuu forest enterprise. In the mid-1990s, under Program 327, the enterprise initiated forest protection and planting activities in the village. About 102 ha of forest in *Luõì Hái* was designated for protection. In August 1994, the forest protection contract was signed secretly between the enterprise and the village chairman, Anh Thon, with the commune PC as witness. As stated in the contract, the enterprise would be responsible for demarcating boundaries, providing technical guidance, and maintaining a regular check of program implementation. As the contractor, Anh Thon would protect the designated forest area for a period of ten years,

and for this he would receive, in principle, a protection fee of 40,000 VND (about US\$3.00) per hectare per year. In practice, however, the enterprise kept 15,000 VND (US\$1.20) per hectare as “designing fee.” The commune PC further deducted 2,000 VND (US\$0.20) per hectare as kickback (*lại quả*). All households in the village did not know about the contract. Anh Thon kept the entire protection fee for himself.

Program 327 was changed to Program 661 in 1999. To implement the latter in Phu Tho Province, the management office was set up in the province with its branches down to the district level. In January 1999, the project management office (*ban quản lý dự án*) was created in the district where Than Con belongs. From 1999 to 2004, a total of 11,702 ha of natural forest was designated for protection each year in the district. It may be noted here that most of this area (90 percent) was earmarked for protection under Program 327. In Than Con, 100 ha of the forest in *Luõĩ Hái* which was declared protected under Program 327 was also placed under forest protection with the implementation of Program 661.⁴⁸ The forest protection contract under Program 327 was terminated. No liquidation of the protection contract was made. In 1999, Tam Cuu forest enterprise merged with Xuan Dai forest enterprise and became an organization of Bai Bang Paper Company.

In addition to the 100 ha of forest transferred from Program 327 to Program 661, the project office placed another 221 ha of forest in *Luõĩ Hái* under protection. Forest protection contracts were secretly signed between the project office and four households in Than Con. These came into effect in 1999 and remained enforced up to April 2004. In the following section, I examine how the village chairman manipulated the program.

Forest protection and manipulation of village chairman

In Than Con, the forest protection activities under Program 661 were entirely controlled by Anh Thon, like in Program 327. The forest protection contracts were secretly signed between the project office and four households in the village, including the household of Anh Thon. The other three villagers were chosen by Anh Tho for inclusion in the program, since he had a close relationship with them. The first was his father-in-law, who was head of the village veterans’ group (*hội cựu chiến binh*). The second was his brother,

⁴⁸This was actually 102 ha under Program 327, but the project office of Program 661 at the district level rounded it off to 100 ha.

also the vice chair of the village. The third was a villager who had a close contact with Anh Thon. Although these individuals were the signatories to their respective contracts, Anh Thon was the one who kept the contracts. He established a forest protection team consisting of eleven members, with him as team leader. The team included the three signatories, his two sons-in-law, his first son, the head of the farmer group (*chi hội nông dân*), the head of the youth group (*hội thanh niên*), and one villager who had a close relationship with him. Anh Thon did not go to the forest in *LưỖi Hái* but sent his team members carry out the forest protection activities.

In a number of ways, the creation of the forest protection team had strengthened Anh Thon's access and control over the forest resources in *LưỖi Hái*. First, he was able to mobilize a group of people who were totally loyal to him to guard the forest. Consequently, access to the forest was extremely tight. Anh Hi, a villager, told me, "*They [the protection team] banned everything in the forest. They did not even allow us to collect firewood. One time I went to LưỖi Hái to collect some dried wood, but they saw me and confiscated it all.*" In reviewing the archival documents kept by Anh Thon, I learned that, in 1998, when he was in charge of protecting 102 ha of forest in *LưỖi Hái* under Program 327, he apprehended one poacher, although "*many people in the village, including me and others in Vo, Cu, and Minh Communes, went to LưỖi Hái for logging, yet he [Anh Thon] was not able to kick them out,*" claims Anh Ho, one of my Dao friends in the village. With the strict patrolling done by the protection team, a total of twelve wood poachers were apprehended right in 1999. Consequently, logging activities in the forest were reduced. In other words, by manipulating the contracts and establishing a tight patronage mechanism, Anh Thon was able to prevent the villagers from accessing the forest, successfully removing their claims to the resource. In the records I obtained from Anh Thon, it is indicated that only four poachers were caught in 2000, three in 2001, and another three in 2003. When I was in the village in 2004, Anh Thon kept telling me proudly several interesting stories of how he, as the team leader, supervised members of the protection team in apprehending poachers.

Second, with effective forest protection by his team, Anh Thon earned a good reputation in the eyes of commune authorities. The commune chair remarked "*Ong Tho does a very good job protecting the forest [in LưỖi Hái].*" Consequently, Anh Thon enjoyed full

support from the local authorities and the Program. When I spoke with the commune chair and project manager, I learned that, in principle, the forest protection contracts should be signed between the project office and the village chair (as representative of the village), and the leaders of the veterans' group, farmer group, and youth group. Although both the commune chair and project manager were aware of the manipulation of contracts by Anh Thon, they ignored it, since the forest in *Lưõi Hái* was well protected, plus they were able to get some benefit from the contracts. This allowed Anh Thon to capture virtually all the gains from the forest protection program.

Distribution of forest protection fee

As stipulated in the forest protection contract, the contractors would be paid a protection fee of 50,000 VND (around US\$3.30) per hectare per year. From this amount, the project office deducted 15,000 VND (US\$1.00) as “designing fee.”⁴⁹ The commune PC also deducted 4,000 VND (US\$0.27) for reasons that I did not know. Thus, the contractor was left with only 31,000 VND (US\$2.00).

The commune chair and the project office staff told me that, in principle, those who signed the protection contracts with the project office were entitled to 30 percent of the protection fee; the remaining 70 percent would be spent on public works, such as improvement of the village road and school or irrigation system. In practice, however, Anh Thon kept the protection fee (that is, minus the deductions made by the commune and the project office) for 100 ha under his own contract even if some team members claim they had to patrol all areas designated for protection. What Anh Thon did was to join together the protection fees for the three contracts (covering 221 ha) and then divide the total amount among the eleven members of the forest protection team based on the labor days they had rendered. As the team leader, Anh Thon also received a large share in the total amount of protection fee. He also kept the fines from poachers. Generally, local people in Than Con, except the members of the forest protection team, were not entitled to receiving protection fees.

⁴⁹When I asked the project office staff what the “designing fee” was, they told me it covered payments for several activities, such as preparation of sketch map, technical guidance and regular checking of the forest. Some of my key informants told me that the staff kept much of this designing fee for their personal use.

It is apparent that the forest protection program excluded the villagers from access to forest resources while allowing the village chair to use his political power to capture the majority of the benefits. The program was entirely influenced by local power relations. Even the program manager and the commune authorities gained much from the program, given the manner in which it was implemented in the village. Although they were aware that benefit distribution was skewed in favor of the village elite, they ignored this. In the following section, I explore the notions of different actors toward the forest.

Differences in notions of forest resources among actors

When I spoke with the different actors in the field, I realized they had different notions of the forest. The FLA and forest development program are the mechanisms through which these notions are reflected. In this section, I explore the notions of five main groups of actors: the *kiếm lâm*, the project office of the forest development program, the commune PC, the village chair or the local elite, and the villagers.

In general, what I found regarding the *kiếm lâm* in Mieu Son District is that it has quite similar notions of the forest with the *kiếm lâm* in Bac Minh District, Hoa Binh Province, which I have discussed earlier. Since it has been mandated by law to protect the forest, the *kiếm lâm* views the forest as intended for nature conservation and environmental protection. In Than Con, although the forestland outside *LưỖi Hái* has been allocated to the households for food crop cultivation (mainly cassava) and tree planting (acacia), the *kiếm lâm* tries to prevent the villagers from making productive use of the land. It is afraid that such conversion might cause forest degradation and other unnecessary consequences, such as forest fire. The *kiếm lâm* is even more strict regarding the use of the forest within *LưỖi Hái* for production. The vice chair of the district *kiếm lâm* told me at the end of 2004 the district *kiếm lâm* requested the provincial authorities to change the classification of the forest in *LưỖi Hái* from production to protection forest. When I left the area in 2004, this proposal was still being considered by the authorities.

The project office, being in charge of the forest development program, seeks to protect the forest for environmental preservation. Thus, it bans local livelihood activities, such as cultivation, logging, and collecting nontimber products, in the forest, seeing these as detrimental to the resource. To translate the idea of forest conservation on the ground, the

project entered into forest protection contracts with a select number of villagers, hindering the rest of the local people from accessing the forest.

The commune PC has two main notions of the forest: as source of local livelihood and as needing protection. It encourages the households to make productive use of the forestland allocated to them, that is, through crop production and tree planting. I did not see much their views of conservation or protection reflected on the land. The commune chair told me, “*Our people are still very poor. Paddy land is not sufficient, thus, people need to live on forestland.*” When I asked him why he had asked the local people to seek permission to clear vegetation on the land, he claimed, “*That was the idea of the kiếm lâm, not mine.*”⁵⁰ It is in the forest in *Luôi Hải* that the local authorities emphasize forest protection, in adherence to the Law on Forest Protection and Development. The commune chair says the natural forest should not be allocated to the households, since they are not likely to protect the trees and instead even cut these for income.

The village chairman, Anh Thon, sees the forestland and forest as a means for accumulating wealth. I did not note any conservation view reflected on the forest from Anh Thon even if he played an active role in forest protection within the framework of Program 661.⁵¹ Acquiring large landholdings in convenient locations and with a good tree stand was how he translated his “capitalist notion” of the forest into practice. The forest protection program was too lucrative that so he set up a mechanism to ensure that most of the program benefits would go to him. Using his savings from various income sources in the forest, Anh Thon was able to build a new house and purchase a fancy Chinese motorbike for himself and a good-quality colored television set for his eldest son in 2003.

The villagers regard the forestland and forest resources as a major source of income, since their paddy land is not sufficient and off-farm jobs are entirely absent. Villagers grow cassava on the forestland allocated to them for cash income. They have also established acacia plantations as a source of income in the future. Unlike some local

⁵⁰I also observed the imbalance of power relations between the commune authorities and the district *kiếm lâm*, with the latter having superiority over the former. This could be noted in their interaction or conversations with one another.

⁵¹When the forest protection contracts ended in 2004, Anh Thon was directly involved in illegal logging in Luoi Hai. I discuss this in detail in chapter 8.

officials who have received several plots of large landholdings which require more labor than they can handle, the villagers are hesitant to acquire as much plots despite knowing its advantages in terms of income generation. They explain: “*They [members of the allocation team] told us that we have to work the land otherwise the land would be withdrawn. In addition, at that time, we were afraid that if we got more land, we would pay more taxes. We would have opted to get more had we known there would be no tax.*”

The villagers’ notion of environmental protection, as I have observed, leans to land conservation. This is different from the *kiếm lâm*’s notion of environmental protection, which focuses on tree conservation. For the villagers, land should be used in a way that maintains soil fertility to ensure the long-term productivity of crops and trees and stable cash income. Thus, they opted to plant acacia, since this could enrich soil fertility. When I was in the village in 2004, some villagers started applying organic fertilizer which they believed could soften the land and increase its capacity to retain water. To mitigate soil erosion, they also employ alley cropping when planting food crops and trees. For the *kiếm lâm*, maintaining and protecting the trees are the only ways to fulfill the goal of tree conservation. It considers clearing the vegetation on land for any purpose as detrimental to the trees. In the next section, I shift my account to Ho So village. I explore how the forest devolution policy was implemented and examine its effects on property relations in the village.

5.3 Forest Devolution Policy in Ho So village

5.3.1 Forest Management prior to the Devolution

As I mentioned in chapter 4, Ho So is located in the buffer zone of the Park. Historically, the Park was a hill station of French colonial rulers. It was changed to Ba Vi forbidden forest in 1977, causing the resettlement of the Dao people who lived above the 400-meter (m) contour. Some did not want to follow the resettlement and migrated to other areas. In 1991, the government decided to expand the forbidden forest. At that time, management of this forest rested with the local authorities of Hanoi PC of the City, including Ba Tay District. At the end of 1991, the government decided to change Ba Vi forbidden forest into the Park, transferring as well management control from the Hanoi local authorities to the MOF (currently MARD). Ba Tay District became under the jurisdiction of Ha Tay

Province. Many Dao households were affected by this, as the government took away their cultivation land to expand the forbidden forest. Simultaneously, the state criminalized swidden cultivation in the forest. Villagers who lived above the 100-m contour were resettled once again. A total of eighty-seven households in the former village have moved to the current village. Generally, the villagers have been restricted from accessing the forest.

In 1989, before the expansion of Ba Vi forbidden forest and when Ba Tay District was still part of Hanoi City, the PAM program was implemented in the district⁵². Each household in Ba Tay Commune received one to two hectares of forestland, usually within the 100- to 400-m contour. As clearly stated in the Decision of the PC of Hanoi City, the recipients could keep the land for thirty years (1990-2020). They could also exchange, transfer, or pass their produce from the land to a third party. Further, they were entitled to 80 percent of the trees at the time of harvest (measured according to market value when sold). To guarantee the households' legitimate claims to the land, the PC of Ba Tay District issued LUCs in June 1990 to the PC of the commune for distribution to the households. The commune PC, however, did not distribute LUCs. I explain the reason for this in detail in chapter 8. After the expansion of forbidden forest in 1991, the PAM land of all households was entirely within the boundaries of Ba Vi forbidden forest and, later, the Park. It is important to note here that there was neither any liquidation of the land nor agreement made between the PC of Hanoi City and the PC of Ba Tay District, and the Park authority on the one hand and local villagers on the other hand with regard to the households' PAM land.

Despite the expansion of the Ba Vi forbidden forest and the establishment of the Park, control over the local use of forest resources was still quite loose. The villagers reveal, “*The kiểm lâm of the Park rarely went to the forest to undertake patrolling*” Consequently, access to swidden land in the forest was still relatively open.

5.3.2 Implementation of Forestland Contracting

The Park is officially divided into three zones according to its ecological function. The strictly protected zone accounts for 2,140 ha. Stretching from a contour of 400 m and

⁵² I discuss the PAM program in Section 4.2.2 in chapter 4

above, this zone is preserved to maintain and protect the existing forest resources. The ecological rehabilitation zone comprises 4,646 ha, covering the 100- to 400-m contour. Its main function is to regenerate and increase forest and genetic resources. The buffer zone constitutes 14,144 ha located below the 100-m contour. It is intended to mitigate human intervention in the first and second zones. At present, the strictly protected and ecological rehabilitation zones are managed by the Park authority, also called management board (MB) while the buffer zone is managed by the households and local authorities. The Park borders seven communes within the buffer zone.

The forestland contracting was initially implemented by the Park authority in 1992, even before the promulgation of the 1993 Land Law and the subsequent decrees (Decrees 01 and 02). One of the staff members from the Technical Department of the Park proudly told me, *“We went far ahead of the policy. In fact, what we had done served as basis for policy formulation.”* Of the seven communes in the buffer zone, three were selected for pilot implementation of the contractual in 1992. Within a year, fifty-six households received 794.6 ha of land inside the Park. Many households in the communes actually did not want to acquire the land, since this involved various restrictions. The Park officials thus had to persuade them, particularly the local officials, to receive the land.

Re-valorization of forestland inside the Park and the land contracting

In the first half of the 1990s, forestland within the Park was not a commodity product. The villagers regarded the forest as a place for swidden cultivation and a source of non-timber products (mainly medicinal plants and firewood). In the second half of the 1990s, the value of the land within the Park changed substantially, becoming a base for capital accumulation. Two reasons were attributed to this change: market liberalization and the increasing global and national concern for nature conservation.

The second half of the 1990s was marked by an economic boom in the country. Ha Tay Province, where the Park is located became a site of a number of national development programs and projects.⁵³ The market value of the land in the province in general, and the

⁵³From 1988 to 1999, thirty-two foreign direct investment (FDI) projects were granted licenses to operate in Ha Tay. The total amount of capital registered from these projects was US\$1.5 million, making Ha Tay the third highest FDI-generating province in the north of Vietnam (Statistical Year Book 1999). Based on the government's future plan, a series of urban areas would be constructed in Ha Tay Province (Decision

forestland inside the Park in particular, accelerated. The land price, recall my key informants, skyrocketed by more than 600 percent from 1992 to the end of the 1990s. Consequently, the land became commoditized, generating a lot of income for the landholders.

Also during the period, international agencies and the Vietnamese government began to pay attention to nature conservation in the country. At the end of the 1990s, there were about thirty international nongovernment organizations (INGOs) and fifteen bilateral and multilateral agencies involved in nature conservation in the country (UNDP 1999 in Zingerli 2005). Strongly influenced by international agencies, the government placed strong emphasis on biodiversity conservation and ecotourism. In 1994, it passed the Law on Environment Protection, and approved the Action Plan for Biodiversity Conservation in 1995.⁵⁴ Forest protection was high on the government's agenda. The environmental value of the forest inside the Park increased, with the expansion of the area of special use forest, from less than 0.9 million ha in 1986 to about 1.9 million ha in 2000 (Vietnam National Parks and Protected Areas Sub-Association 2001). A substantial budget from both government and international agencies was earmarked for forest protection and forest planting. Within the Park, the authority in collaboration with various national and International organizations, implemented thirteen large projects inside the Park and the buffer zone to improve the existing forest resources (The Park, n.d.). A large area of the forest was designated for forest protection and tree planting.

Recipients of the land in the Park can use the land to accumulate capital in three ways. One is through participating in forest protection and generation programs. Forest development programs started to take off in the mid-1990s. In early 1994, under Program

372/QD-TTg). In 1998, the government launched the Hoa Lac High Tech zone project in the Mieu Mon urban area of Ha Tay. Some 1,650 ha of land in Thach That District, about 15 km away from the BVNP, was taken for this project. In the same period, government constructed the Lang-Hoa Lac National Highway, which connects the southwestern part of Hanoi to the high tech Zone, making it easy to travel from Hanoi to various localities of Ha Tay Province. In 1995, government approved the request for expansion of Hanoi National University, which involved 1,000 ha of land in Thanh That District (Document 3209-KH-CT). Further, in 1997, it approved the feasibility study of the project on Cultural and Tourism Villages of Ethnic Minority Groups in Vietnam, covering about 900 ha of land in several communes in the buffer zone of the Park (Decision 667/TTg). In the future, the government would build another international airport in Mieu Mon (Decision 108-1998-TTg).

⁵⁴Government approved the Action Plan for Biodiversity Conservation on 22 December 1995 based on Decision 845/TTg.

327, contracts for forest planting and protection were signed between the Park authority and a number of actors. In 1999, Program 327 was changed to Program 661, with a substantial budget poured into the implementation of forest planting and protection projects. Another way is through the operation of ecotourism projects, especially given that about forty-five thousand tourists come to the Park every year. The third is through land transaction. Land recipients can sell the land and gain a good amount of income. In following section, I explore how the market has influenced the way in which the Park authority contracted the land within the Park to actors.

Distribution of land inside the Park among actors

Authority of the Park pursued the contracting of land inside the Park to different actors from 1995 to 1999. Considering the opportunity to accumulate capital from the land, many actors grabbed land within the Park although they were not entitled to receive any. According to Decree 01, local people living around the forest should be prioritized in land distribution. However, the Park authority did not adhere to this policy and instead contracted land to actors who did not live around the village. Table 7 presents the results of the contracting of land in the Park.

Government organizations. Although not a priority in land distribution, two organizations from Hanoi and one from Ha Tay received more than 500 ha of land to establish an experimental base for research. They do not do anything on the land, however. Some of my key informants who are working in the Park suspect that the land was actually received by individuals within these organizations and they kept the land for speculation.

Individuals outside the buffer zone. Although not entitled to the land, thirty-two individuals, most of whom live in Hanoi and Ha Tay, acquired a total of 1,314 ha. All of them have close connections with Park authority. Some work at MARD in Hanoi, others lecture at Hanoi Agricultural University. A number are local bosses, such as the secretary of the party of the district (*bí thư huyện ủy*) and chair of the district (*chủ tịch huyện*). This group obtained land to accumulate capital. Many have secretly sold their land and generated a large profit. I found that, for example, that among the twelve recipients from Ha Tay, ten have sold their land to tourist companies. While I do not have data on land

transactions involving land recipients from Hanoi, I am quite sure that several of them have transferred their land to others.

Table 7. Results of the land contracting from 1995 to 1999

Land recipients	Number of recipients	Area received (ha)
Households in four communes in the buffer zone ⁵⁵	53	2,070
Government organizations from Hanoi	2	418
Individuals from Hanoi	15	558
Individuals from Ha Tay Province living outside the buffer zone	17	756
Tourist companies	3	135
Research center within the Park	1	89
Park officials	6	198

Source: Ba Vi National Park

Tourist companies. Three private tourist companies received a total area of 135 ha of land in the Park for their ecotourism projects. There were even cases in which the Park authority took the land it contracted to households in three communes in 1992 and gave it to tourist companies.

Park officials. At least six officials acquired approximately 200 ha of land from the Park. But there may be more of them, since some of the officials reportedly received land which is under the name of other individuals, usually villagers. They use the land for capital accumulation either by participating in forest development programs, entering into land transactions, or operating ecotourism projects. As far as I know, two of them have already sold their land to tourist companies and earned a large sum from the sale.

Households in the buffer zone. A total of fifty-three households in the buffer zone obtained more than 2,000 ha of land, or 39 ha on the average. All of them have members who are local cadres and thus had access to political power at the time of allocation.

In general, there were two main mechanisms through which individuals and organizations were able to receive land from the Park authority. One was connection with Park authorities. Most recipients of land had close connections with Park authorities. Some, as

⁵⁵ There are seven communes in the buffer zone in total. Yet three already received the land in early 1990s.

I have mentioned earlier, work at the Ministry where the Park belongs. Others work at the university where the Park authorities had gone for their studies. A number are local bosses in the province and district where the Park authorities are politically subsumed, or are local bosses of the villagers in the buffer zone.

Another mechanism was capacity to pay kickbacks to Park authorities. Some of those who live in the buffer zone told me that they had to pay the Park authorities around 200,000 VND (around US\$15) in order to get one hectare of land in the Park. Although I do not have data, I would assume that many individuals who live outside the buffer zone and are not officially entitled to the land had to pay a much higher kickbacks.

In general, it can be said that the contracting of land inside the Park was highly political and strongly influenced by power relations. In the section below, I examine how the contracting of land took place in Ho So village.

Distribution of land in the village

The contracting of land to households in Ba Tay Commune and Ho So village was carried out in 1996. No one in the commune knew about this activity, except the local cadres who worked secretly with officials from the Park. Consequently, they received land. A total of fourteen individuals in the commune received 535.5 ha, mostly located in the ecological rehabilitation zone, with a 100- to 400-m contour (83 percent). In the forest management contracts signed between the Park authority and the households (hereafter, land contractors), it is stated that land contractors have to plant forest trees in the barren land, and protect the land with standing forest trees. The contracts came to effect in 1996 and would remain so for fifty years. These recipients include the commune chair, the village chair, secretaries of political parties (*bí thư xã*), head of the veterans' group (*hội cựu chiến binh*), security men (*công an xã*), and an accountant (*kế toán*). Two are close relatives of the chair of Nhat village (the former village of Ho So).⁵⁶ On the average, each

⁵⁶These two received land in 1997, a year later than other land contractors. At the time of allocation, the Park authority received some forestland near Nhat Village and gave this to people in another commune. The chair of Nhat Village then mobilized the villagers to contest this allocation. Sixty households wrote a letter to the Park authority, requesting land. In response, the Park authority took back the land previously given to outsiders. This land, however, was not distributed to the households but instead kept by two close relatives of the village chair

of them got 38.3 ha. The rest of the households in the commune, totaling 280, were excluded from acquiring land.

Six of the fourteen land contractors are from Ho So village. They obtained a total area of 266.9 ha: 28.9 ha to the secretary of the commune political party; 57.8 ha to the commune chair; 49.4 ha to the commune vice chair; 70.4 ha to the village chair; 9.3 ha to the secretary of the village political party (*bí thư chi bộ xóm*); and 51.1 ha to the accountant of the commune. The remaining eighty-eight households in Ho So at that time were excluded from receiving land.

The recipients claim that they had to pay kickback to Park authorities, ranging from 150,000 VND to 200,000 VND (around US\$12-US\$15) per hectare. Sometimes, the *lai qua* even reached 250,000 VND to 300,000 VND. The contracting of land to people was thus profitable for Park authorities, in the same way that acquiring land was profitable for the recipients. This opportunity was too beneficial for the contractors to share with other villagers. In the next section, I explain the mechanisms adopted by land contractors to derive benefits from the land.

Forestland as a base of capital accumulation

When I worked in Ho So, I noted that the land contractors used the forestland to accumulate capital in three ways. First, they give land to villagers who need cultivation plots in exchange for the villagers' labor for planting forest trees, including indigenous trees with a long cycle (e.g., *Lát, Muồng, Mỡ, Sấu*) and softwood trees, mainly acacia. The indigenous trees belong to the Park, while the acacia trees belong to the land contractors. This way, the land contractors receive planting fees from the Park authority even though they do not render labor for planting. Some of them give a small portion of the fee to the villagers who plant the trees, but others do not.

Prior to 2003, the planting fee amounted to 1.7 million VND (around US\$110 US) per hectare, subject to various deductions by the Park authorities for various costs, such as seedlings, designing, and technical supervision. Thus, the amount that reaches the land contractors is only 800,000 VND (US\$53) per hectare, and the villagers, 200,000 million VND (US\$13). Often, the land contractors cheat villagers by not paying them anything and saying that the Park authority did not pay them owing to the bad quality of the

plantation. My friend who is a technical staff of the Park reveals, however, that the Park authority always pays the fee regardless of the quality of the plantation because the contractors bribe the Park officials to approve the quality of the plantation. In some cases, explains my key informant; the Park officials give their approval even if only 30 percent of the trees survived after planting. I remember what a *kiếm lâm* of the Park, told me when we went to the forest together, “*If all the trees planted here [on the land] were alive, there would be ten layers of forest.*”⁵⁷

Second, land contractors ask the villagers to plant acacia even if this type of tree is not the priority of Park authority. They are able to find ways to work with the Park authority. Usually, they collude with each other to harvest the trees once these reach their maturity. According to the Law on Forest Protection and Development, cutting trees from special-use forest needs a special permit from the MARD. The land contractors then rely on some Park officials to secure such permit from the MARD. In return, they have to pay the latter for “transaction costs” (*chi phí giao dịch*). When I was in the field in 2004, a land contractor was about to harvest three ha of acacia trees planted in 1997. He gave a Park official 12 million VND (US\$800) to facilitate the process of getting cutting permit, but this official still asked for more payment in order for him to work with the MARD. It is important to note here that only the land contractors can access the trees once these reach their maturity. The villagers can no longer enter the land once the acacia trees close their canopy, usually two years after planting.

Third, some land contractors lease the land to outsiders for the same arrangement as that with the villagers, that is, the outsider can use the land for growing cassava but has to plant forest trees.⁵⁸ They do not pay these outsiders planting fees, but even ask them to pay a renting fee, about 5 million VND (US\$330) per hectare, for using the land for two years, before the acacia trees close their canopy. Through this transaction, land contractors earn much income that is why they prefer to rent out land to outsiders. The

⁵⁷I also use this quote to explain the conflict which is the subject of chapter 8.

⁵⁸ The outsiders are from Hong Village, Quang Commune. They are Kinh who settled in the area in the 1960s. When they came to the area, they initially worked in a sericulture cooperative and thus did not rely on land for their livelihood. When the cooperative was dissolved in the 1980s, the villagers shifted to cultivation, particular swiddening, for income. With the shortage of cultivable land, they resorted to renting land from people in other villages. Many of them even go to other provinces, such as Hoa Binh and Phu Tho, to rent land.

villagers, however, resist this, driving the outsiders out from the land. I elaborate on this point in chapter 8.

In 2003, Park authorities further contracted 46.7 ha of land within the Park to five households in Ho So. Historically, before the expansion of the forbidden forest, this land was located below the 400-m contour and was managed by the PC of Ha Tay Province. Later, the PC gave this land to a Taiwanese company for tea cultivation. In the mid-1990s, the company went bankrupt and returned the land to the PC, which in turn gave the land to the PC of Ba Tay District for management. The district PC kept the land and searched for investors for several years, but was unsuccessful. In 2002, it decided to hand over the land to the management board of the Park. It may be noted here that, from the mid-1990s to 2002, before the land was handed over to the Park authority, access to the area was open. The villagers were free to open new fields and exploit the forest therein. When I spoke with the Park authorities, they said that, at that time, the land was not under their control, thus, they could not ban the villagers from using the land or harvesting forest products. The district PC was too far away to manage the land, while the commune PC was not assigned to manage the land.

Initially, about 46.7 ha of land was secretly contracted to the commune vice chair who I call Anh Bin. He is one the biggest land contractor in Ho So. He claims he had to pay a huge amount of kickback to some Park officials in order to receive land. He remarks further, “*They [Park authority] are very greedy.*” The duration of the contract, however, was only four years. The vice head of the *kiếm lâm* of the Park confirms, “*Within four years, this land will be covered by our trees and we will take our land back by then.*” After receiving the land, Anh Bin leased it to outsiders. However, as many households had swidden fields on the land which they acquired during the “open-access” period, they resisted and demanded their portion. Seeing the strong reaction of the villagers, Park authorities asked Anh Bin to share the land with them. Anh Bin chose three villagers who had a close relationship with him and gave them part of his land. “*Anh Bin came to me and asked if I wanted the land,*” recalls Anh Din, one of the new contractors.⁵⁹ Eventually, Park authority entered into land management contracts with five individuals,

⁵⁹I call those who received land from the Park in 2003 new land contractors.

including Anh Bin. One of them, Anh Li (commune accountant in 2003, and currently commune vice chair) was not among the individuals selected by Anh Bin, but he knew about the contracting of land, since Park officials came to the commune to discuss this with the Anh Bin. He then asked the Park officials to give him land as well.

The villagers' demand for land to cultivate made Park authorities request the new contractors to share their land. The distribution of land to villagers was made somewhat publicly this time. Those who wanted land were required to register with the village chair, who, with the new land contractors, then set a date for distributing the land to the registrars. On the average, each registered household received about 0.3 ha to 0.5 ha of land from the new contractors. Some villagers who arrived late in the field on the day of distribution were unable to get land. Many also did not get the area they wanted, particularly those occupied by their swidden plots. Some did not use the land appropriately, so it was taken back by the new contractors. In general, the new contractors kept large proportions of land with them, distributing only smaller areas to other villagers. Table 8 shows the results of the contracting of land in 2003.

When the villagers received land from the new contractors, they did not enter into formal contracts with the latter, so the transaction was based merely on verbal agreement. This put the villagers in a disadvantaged position. In order to access the land for cultivation, the villagers are triply exploited. The tree planting and protection fees they are supposed to receive are subject to deduction by Park officials (10-20 percent), the contractors (40-50 percent), and the vice chair, Anh Bin (10 percent), through whom other contractors were able to acquire land from the Park authority. The villagers thus are left with about 300,000 VND to 500,000 VND (\$20-33 US) for every hectare, as compared to 1.7 million VND (US\$113) as stipulated in the contract.⁶⁰ Often, they do not receive any protection fee from the contractors. Further, although the Park authority provides the contractors with fertilizer for the trees planted on the land, the contractors neither use this nor distribute this to the villagers; they keep it for their own use. One of the villagers

⁶⁰Since 2003, forest plantation and protection fees have increased substantially, from 1.7 million VND (US\$113) to 2.3 million VND (US\$153) per hectare of new forest planted to 300,000 VND (US\$20) to 700,000 VND (US\$47), on the first year of protection (one year after planting); and from 300,000 VND (US\$20) to 500,000 VND (US\$33) on the second year. Also, the protection period has been extended, from two years to three years.

claims, “*Din* [one of the land contractors] *keeps all the fertilizer with him. He uses it for his own groundnut fields.*”

Table 8. Results of the land contracting in 2003

Land recipients	Total areas received from the MB (ha)	Area given to other households (ha)	Total number of households
Contractor one ⁶¹	25.7	16.9	14
Contractor two	8	2	5
Contractor three	3	0.7	6
Contractor four	5	3.8	6
Contractor five ⁶²	5	4.5	11
Total	46.7	27.9	42

Source: Household survey (2004).

Influences of land contracting on local power relations

Staying in the field for an extended period of time allowed me to examine the influences of contracting of land on the distribution of power among different actors. In this section, I pay particular attention to three main groups of actors: Park authorities, land contractors, or local elite, and local people. In general, I found that the contracting of land has strongly influenced the balance of power among them.

Since the government has given the Park authority the power to control the Park, Park officials have executive power to implement the contracting of land. The re-valorization of the land inside the Park as a result of market liberalization and the increasing global and national concern for nature conservation has turned such power into an economic opportunity for Park officials. Park authorities have used their authority to determine how much land in the Park should be contracted, and to whom, as a political and economic tool to strengthen their political power and accumulate capital. By contracting land to actors from the MARD or the local authorities of Ha Tay Province and Ba Tay District, on whom they are politically contingent, the Park authorities have been able to tighten their personal relationships with these actors and consequently strengthen their political

⁶¹This is Anh Bin, commune vice chair. Although he is not a new contractor, I still use the term “new” here for simplicity.

⁶²This is Anh Li, who knew about the contracting of land.

power. By giving land to actors who are not the priority of government in land distribution, and are thus not eligible to receive land, they have been able to earn a significant amount of capital through the payment of kickbacks from these individuals. In the same manner, by giving land to local cadres who live in the buffer zone, they have made local elite dependent on them economically, and have generated cash income for their own gain. I had the chance to observe how some *kiếm lâm* of the Park paid tree planting fees to a land contractor. Two *kiếm lâm* directly subtracted a certain amount from the fee of the contractor and said, “*This is yours.*” The land contractor counted the money and complained, “*You take a lot, Fat, give me some more.*” One of the *kiếm lâm*, whose nickname is Fat, replied, “*No, you are greedy.*” He continued, “*That is a lot already. We need to maintain our long-term relationship.*” Then he showed the contractor a paper and asked him to sign on it. I was totally sure that the land contractor had to sign the paper which indicated the total amount of money he was supposed to receive but not the actual amount. However, being dependent on the *kiếm lâm* and wanting to maintain his long-term relationship with them, the contractor accepted the money.

As the land serves as a base for capital accumulation, some land contractors face the threat of their land being taken back by Park authorities. Those who have weak political connections may lose their land to “stronger” actors. In Ho So, Park authorities took back all the land (70.4 ha) of the former village chair, who I call Anh Phi, in 2002. One *kiếm lâm* of the Park came to Anh Phi and borrowed the management contract from him, and never returned it. It turned out later that the land of Anh Phi was given to Anh Bin (the brother of Anh Phi), who I have mentioned earlier. Anh Phi complained that, “*They [kiếm lâm] are very cheeky. I still keep the borrowing paper with me and will sue them later.*”⁶³ Moreover, in early 2004, one *kiếm lâm* forced the wife of a former secretary of the political party to return most of the land (20 ha of 28.9 ha) her husband received when the latter was still in office at the time of land contracting (he died in 1999). This land was contracted to a tourist company. In both cases, although the land contractors had legitimate claims to the land, their access to land was seriously undermined by Park

⁶³Although he has borrowing papers from the *kiếm lâm*, Anh Phi has not sued the Park authorities because he is about to harvest 3 ha of acacia, and thus depends on the Park authorities for permission. He will take action after he harvests the acacia.

officials. To this extent, giving land to contractors does not mean the Park authority have lost control over the land.

To a large degree, the contracting of land to the local elite has strongly influenced social relations in the village, particularly the patron-client relationship between the local elite who captured all the land and the local villagers who are dependent on the land for their livelihood. This has provided them with an opportunity to acquire access to the land of other villagers. I observed in Ho So that the land contractors give land only to those who get along well with them. Anh Than, a villager, shares, “*Nowadays, we have to be nice to land contractors, otherwise they will not give us land.*” Further, land has become an instrument for the land contractors to exercise their power over villagers and to use the villagers’ labor for their own gain. As I have mentioned earlier, to acquire land for cultivation, villagers have to render labor for planting and protecting trees for the land contractors. The collusion between the Park officials and the local elite and the elite’s manipulation of the contracts imply an emerging agrarian class in the village. On the one hand, land is concentrated in the hands of the local elite. On the other hand, the villagers do not have land so they agree to work for land contractors in order to maintain their access to land. The relationship between land contractors and villagers is exploitative and based on a patron-client relationship. I explore more this in chapter 8.

Distribution of notions among different actors

My analysis above reveals a significant discrepancy in the notions different actors give to the forest. Classified as a special-use forest, the forest within the Park is managed mainly for “nature conservation, protection of ecosystem and flora and fauna gene resources, and historical, cultural, and environmental sites” (article 31, Law on Forest Protection and Development). Apparently, the state places emphasis on nature conservation and not much on local livelihoods. This is articulated in the state’s issuance of legal regulations specifying the activities that are allowed and not allowed inside the Park, and the creation of the Park authority to be in charge of Park management. At the local level, the state’s notion of nature conservation is manifested in such activities as zoning, patrolling, selection of plants to be grown on the land, and prohibitions. By classifying the land within the Park into different zones and drafting legal regulations for managing these

zones accordingly, the state is able to control the fauna and flora species (control of species and space). By patrolling, the state is able to control the local peoples' activities inside the Park (control of people and labor). In addition, by selecting the tree species to be planted on the land, the state is able to control these species. I remember one *kiếm lâm* of the Park telling me, “*We do not allow livelihood activities within the Park territory. Taking care of local livelihoods is not our job.*”

Although Park authority is the state's constituency that is supposed responsible to apply the state's notion on nature conservation, some officials of the Park do not share the same notion with the state. This reflects the plurality of state agencies. These actors see and inside the forest as a political and economic tool which they can use to reinforce their political power and accumulate wealth. In trying to manipulate the process of land contracting to different actors, they have negatively affected the efforts toward nature conservation inside the Park. I explain this implication in detail in chapter 8.

Like Park officials, land contractors or the local elite consider the forest as a base for wealth accumulation. When I was in the field, I rarely heard this group talking about nature conservation or something like “*the forest should be protected.*” What interest them most are tree planting and protection fee. They strategically work with Park officials to monopolize access to land and participation in the forest development program. By doing this, they are able to mobilize the local people to work for them to fulfill their interests in tree planting and protection.

As I have mentioned earlier, the Dao people in Ho So derive their livelihood largely from the forest classified as national park by the state and thus made subject to nature conservation. They need land for cultivation and as a source of nontimber products for cash income.⁶⁴ The forest also serves as a grazing area for livestock. To this extent, the land and forest resources are directly linked to their livelihood activities. To put it differently, they view the forest from a moral perspective, that is, forest is a base of local livelihoods. Nature conservation which means controlling people, space, and species does not sound good to them. As a result, they resist this notion. In chapter 8, I examine this

⁶⁴Sowerwine (2004) found that the Dao in Ba Tay Commune, including those in Ho So, depend on medicinal plants collected from the forest for cash income.

resistance in more detail. In the following section, I compare the similarities and differences in the effects of the forest devolution policy on my three study villages.

5.4 The Devolution in Three Villages in Comparison

5.4.1 Similarities

There are a lot of similarities among the three villages in the way the devolution policy was implemented and its effects on the distribution of material benefits from the forestland and forest resources among the different actors, the balance of power among them, and their notions reflected on the forest. First, the implementation of the devolution policy in all three cases had a number of shortcomings. The allocation team did not have enough legal or legitimate documents (e.g., updated maps, report on the conditions of the forestland and forest resources at the time of allocation) to serve as its basis for distributing land. Further, local participation was often lacking.

Second, except in Ban Ye, the devolution policy itself and the way it was implemented at the local level have created opportunities for the local elite to capture most of the material benefits from the forest (e.g., land, tree planting and protecting fees). Very often, the local people were largely excluded from the process and their former claims to the resources were severely undermined.

Third, the devolution policy has increased the presence of the state at the local level, reinforcing the power of local authorities, particularly the *kiếm lâm*, in controlling the forest. In Than Con and Ho So, the local elite have been able to monopolize access to the forest. Policy implementation was strongly influenced by power relations. Unexpectedly, although it happens quite often, the devolution policy did not empower the local people and instead took the power to access the forest from the local people, in favor of the local elite.

Fourth, there have been notable differences in the notions of forest held by different actors. While the state views the forest as a resource that should be preserved for environmental protection, the local people see it as a source of livelihood. These notions do not go hand in hand with each other. In fact, what I observed on the ground was much more than an environmental protection-local livelihood dichotomy. Other actors, such as

the *kiếm lâm* and the local elite, regard the forest as a political and economic tool through which they can strengthen their power and capitalize their wealth.

Finally, throughout my analysis, the local state, or the commune and district PC, is largely absent. To some extent, the local state is still “hands off” when it comes to forest management at the local level, despite the emphasis of the devolution policy on its importance in managing the forest. In Ban Ye, the local state allows the local villagers to use the forest according to their own ways (see also chapter 6 for a discussion on this point). In Than Con, the local state is more interested in deriving benefits from the forest, rather than protecting it. The PC in the commune where Than Con village belongs believes that forest protection should be the role of the *kiếm lâm*. In Ho So, the local state is totally absent from forest protection. The vice chair of the PC of Ba Tay District where Ho So belongs, in fact, told one of my key informants, a *kiếm lâm* from the Park, “*The forest is yours and not ours.*” Similarly, the chair of Ba Tay Commune said to me, “*The forest belongs to the Park authority. We have no say in managing it.*” Such absence of the local state in managing the forest bears a strong resemblance to the previous style of management (that is, before *doi moi*), in which the local state stayed on the side lines, leaving the management role to state forest enterprises. I thus find a huge gap between the role of the local state in forest management as expected by the central state and the de facto role of the local state on the ground.

5.4.2 Differences

I likewise observed some differences in the implementation of the devolution policy and its effects among the three villages. The first refers to the difference between the emphasis of the state on forest protection and, consequently, the differences in the legal regulations applied with regard to managing the forest. In Ban Ye, the emphasis is on watershed protection, with the forest around Ban Ye classified as protection forest. In Than Con, the emphasis is on environmental protection, with the forest around the village classified as production forest. In Ho So, the emphasis is on nature conservation. These differences have resulted in varying ways of implementing the devolution policy (e.g., contracting of land, forest planting and protection program). Thus, the forests in the three sites are valued differently by the state. The differences in emphases have also caused the

differences in the magnitude of state control over the use of forestland and forest resources in the villages.

The second relates to the effects of the policy on the distribution of material benefits among the three villages. While policy implementation strongly influenced the distribution of forestland and forest resources in Than Con and Ho So, it had minimal effects on the local dynamics of forest resource use in Ban Ye. I believe there are at least three reasons for this difference: (a) access to forestland and forest resources in Ban Ye is still relatively open to the villagers (see my analysis in chapters 6 and 7); (b) the local people in Ban Ye still use forestland and forest resources according to their customary rules; and (c) state supervision over the use of forestland and forest resources in Ban Ye is weak.

The third, and final, difference involves the effects of the policy on the distribution of power among the different actors. While the devolution policy has served as a political and economic tool for local authorities, particularly the *kiếm lâm* (in Than Con and Ho So) and the local elite (also in Than Con and Ho So), to reinforce their political power and accumulate capital, it has not played the same role in Ban Ye. The main reason for this, I believe, is the market value of the forestland and forest resources. In Ho So, market liberalization and the increasing global and national concern for nature conservation have brought about a re-valorization of the landscape within the Park, giving the land a high market value. The land has become a base for capital accumulation. The power to decide how land should be distributed, and to whom, has been extremely important politically and economically for the Park authorities and the local elite. Corruption and patron-client relationship have emerged as consequences of local power relations during and after policy implementation. Also in Ho So, the forestland and forest protection program have served as a base for capital accumulation of the local elite. With the goals of capturing the benefits from the forestland and monopolizing access to the forest, the local elite have excluded the other villagers from the forest. In Ban Ye, the forest is not as highly commoditized.⁶⁵ When I was in the village in early 2005, forest tree planting for

⁶⁵The local people in Ho So exploit timber to sell for cash (see chapter 6). However, most of the income derived from timber is used to buy food for the household.

commercial purposes was totally absent. There was no land market. Local use of forestland and forest resources is intended virtually for generating livelihood.

Chapter 6. Access Relationships between Villagers and Outsiders

This chapter is about influences of the market on distribution of material benefit villagers and outsiders derived from the forest, power relations among them, and differences in notions they reflect on the forest. My main argument in this chapter is that markets tend to dispossess villagers by allowing outsiders to reap a large share of benefit derived from resources. In the three villages markets have vigorously emerged after the implementation of forest devolution policy. In this chapter, I first look into illegal timber logging in Ban Ye village. I then examine effects of forestland market in Than Con village and of the garden land market in Ho So village. At the end of the chapter I highlight similarities and differences of the markets and their effects on property relations in the three villages.

6.1 Timber Market in Ban Ye

As I mentioned earlier, owing to the presence of Hoa Binh hydropower plant in the province, virtually all forest (94 percent) in Bac Minh district where Ban Ye is located is classified as protection forest in a highly critical zone. Thus, forest within the district is strictly protected and logging is totally banned. However in Ban Ye, logging has been prevalent in the forest. When I came to the village in 2000, almost all households involved in logging. Each week, large trucks brought timber from the village down to the markets in Ha Tay province and Ha Noi city. My periodical visits to the village in 2001/03 and 2004/05 revealed the same situation. Currently, valuable timber such as *Sến* and *Táu* has totally vanished. Thus, villagers have to exploit low quality timber such as *Kháo* and *Sâng*. Previously round wood was not of interest of villagers is now considered a market commodity being cut to sell for cash. When I arrived in the village in a late afternoon at the end of the 2004, just before the lunar New Year (*Tết âm lịch*), I met Anh Phong with whom I had a prior close contact. Anh Phong was standing in front of the door, holding his small daughter who was sick in his arm. “*Where are the others?*” I asked Anh Phong. “*In the forest?*” replied Anh Phong. “*Logging?*” I teased. Laughing at me Anh Phong asked: “*Is there any other [than logging] worth doing there?*” According to Anh Phong, from July to September about 10 m³ of round woods and five m³ of timber were extracted each month on average. Usually, the extracted volume peaks during the

period from October to December as villagers need cash to prepare for the New Year holiday. I counted that about 28 m³ of timber and the same amount of round wood were extracted by villagers in December 2004. As price for timber is much higher than price for round wood, villagers prefer to extract timber to round wood.

6.1.1 Actors involved in the Commodity Chain on Timber

My extended stay in the village enabled me to explore a variety of actors, those directly involved in the illegal timber logging and trading, or what I call commodity chain on timber. The first group of actors consists of village woodcutters who are villagers in Ban Ye. Usually, they are strong men in the age from 15 to 60 years of age. Currently, almost all male villagers engage in illegal logging. After sawing, timber is hauled off by village woodcutters with help from water buffaloes and hidden at secret places in the village to conceal them from *kiếm lâm*. Village women also help their husbands and their sons by using buffaloes to haul off timber from forest to the village.

Village woodcutters also hire and/or cooperate with migrant woodcutters who are *Mường* from two villages in Cuu commune (see figure 3) bordering Ban Ye. Often migrant woodcutters are strong men in the age from 20 to 40 years. They cross the border to come to work for village woodcutters as hired laborers or partners. When I was in the village in 2000 I observed there always a dozen of migrant woodcutters working for village woodcutters. In a typical case a village woodcutter hired nine migrant woodcutters at the same time to work for him for almost a month. When I was in the village in 2004/05, I observed the same pattern: around ten migrant woodcutters working for village woodcutters and there were always some going around the village to find jobs. Villager woodcutters need to cooperate with migrant woodcutters because cutting and sawing timber trees requires a group of at least two persons.

Timber exploited by woodcutters is mainly sold to the trader whom I call Anh Trun. Though raised in district center and owned a big house there, Anh Trun and his wife, Chi Nga, a school teacher, built a temporary house located near the village road in Ban Ye and live there. They came to the village in the early 1990s when Chi Nga was assigned to work in the village as a school teacher. As for their start in the village, they opened a small store in front of their house to sell simple stuff such as salt, rice, sandals and

kerosene to villagers. This was the first store in the village. During that time, just as many male villagers, Anh Trun worked as a woodcutter and Chi Nga ran the store when she did not have class. Slowly, Anh Trun was able to shift from a woodcutter to a middleman. He worked for traders who lived in the district center. Anh Trun has become a timber trader since 1997/98 when he had enough cash to buy a truck. He bought timber from villagers and brought to district center to sell to saw mills. Currently, Anh Trun owns three trucks, used to carry timber. He asked his brother-in-law to join his business. Instead of selling timber to the saw mills within the district, Anh Trun recently brings timber directly to Huu Bang market in Ha Tay province in the lowland and sells to wholesalers there. Chi Nga is also heavily involved in the trading.

To bring timber from the village down to the lowland market, the timber truck has to pass to a series of checkpoints requiring the complicity of many local state officials. At the village and commune level, there is the chairperson of the village, chairperson of the commune, security officer of the commune, and a staff of *kiểm lâm* who is assigned by *kiểm lâm* of the district to the commune. These actors have the mandate to patronize the forest, monitor and check timber transports and trade. As the truck reaches the district center, there are four checkpoints held by *kiểm lâm*, district police (*công an huyện*), police for traffic police (*cảnh sát giao thông*), and market management team (*quản lý thị trường*). Usually, each checkpoint is managed by three to four officers including the head and two to three regular officers who are on the shift.

Before the truck reaches the provincial township in Hoa Binh, it has to pass a checkpoint held by *kiểm lâm* of another district. When it reaches the provincial township, the truck has to maneuver its way through a variety of checkpoints again. At the provincial level, the checkpoint system is more complicated as it involves two layers, one held by local agencies of the province, the other by the township administration⁶⁶. The ones held by provincial agencies include police for economic (*công an kinh tế*), police for traffic, police 113⁶⁷, and *kiểm lâm*. The check points held by township administration includes

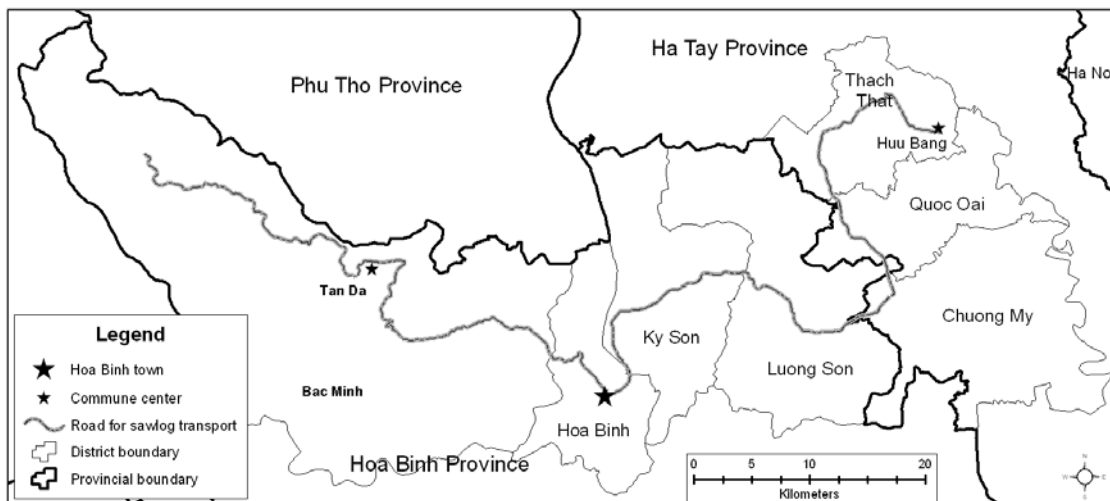
⁶⁶ Administrative system of the township is under direct control of People's Committee of the province. Its function is to deal with issues within provincial township area.

⁶⁷ Police 113 is in charged of emergent issues.

police for economic and *kiểm lâm*. Again, there are about three to four officers in each agency directly involved in road checks.

On its way to lowlands, the truck has to pass through two more districts in Hoa Binh province. In each district, the truck has to pass through a fixed checkpoint held by *kiểm lâm* of the district, and the other by police for traffic. Before it reaches the final market in the lowland, the truck has to pass through two districts of Ha Tay province in the lowland. The situation remains the same. In each district, there are checkpoints those held by *kiểm lâm* and market management team. The road of the timber transport is illustrated in the figure 6.

Figure 6. Road for timber transportation



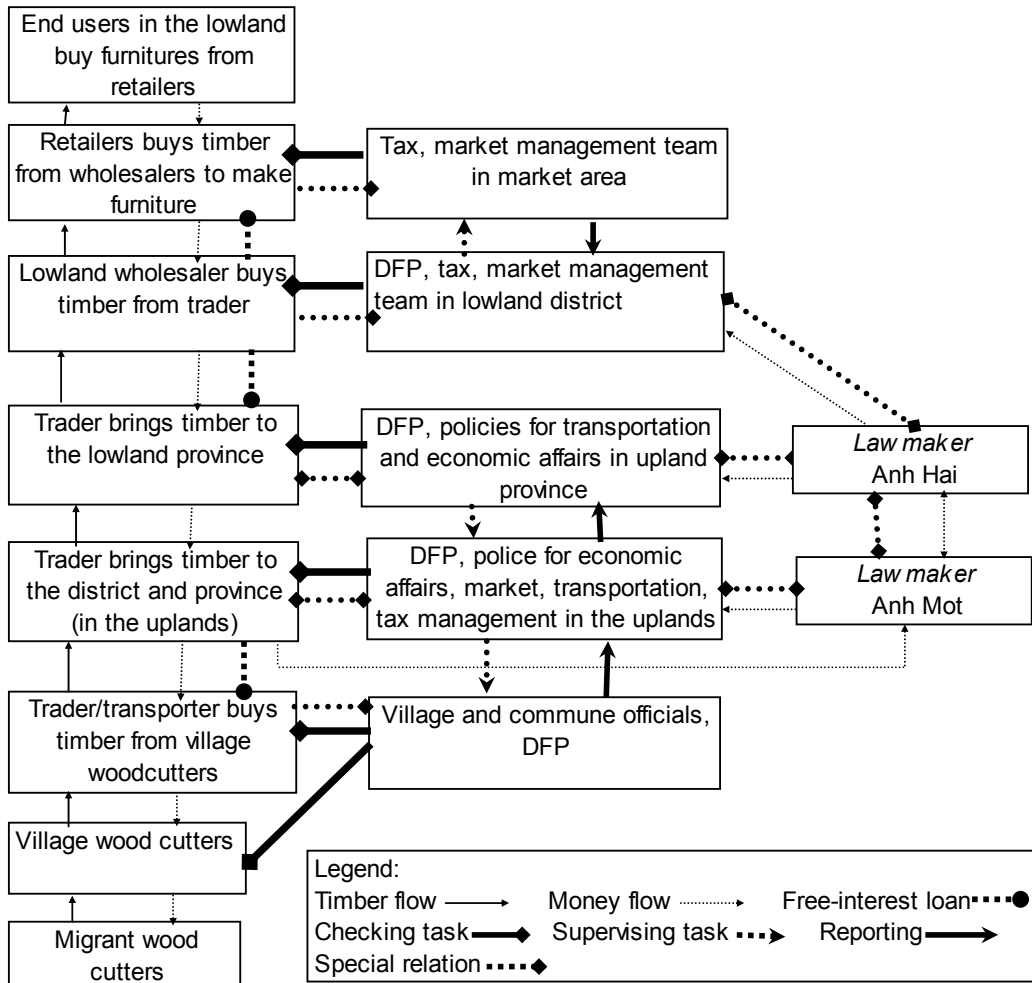
Source: Map compiled by Daniel Muller

When the truck reaches the lowland market in Huu Bang commune of Thach That district, Ha Tay province, the timber is sold to a wholesaler whom Anh Trun has had a close contact with. Huu Bang is the marketplace for timber legally and illegally brought from all regions in the country even from Laos. According to my observation, there are about 30-40 wholesalers in Huu Bang commune whose 80 percent of their timber is sold to about 500 households in five villages within Huu Bang commune. When I visited the market in early 2005, I saw hundreds of shops selling wood-based products such as wardrobes, beds and floor-boards. There are many private sawmills in the communes. In

the market, I also met some buyers from neighboring districts, some from other provinces.

I learnt from Anh Trun that in order to maneuver the truck with timber to pass through all checkpoints as I mentioned earlier, Anh Trun has to bribe a number of officials working at the checkpoints and the heads. However, Anh Trun is only able to “work” directly with officers within the territory of Bac Minh district whom he has a close contact with. To work with officers beyond the boundary of Bac Minh district, he has to hire service of a person I call Anh Mot. According to Anh Trun and villagers, the main role of Anh Mot is to “make the law” (*làm luật*). Anh Mot provides service to Anh Trun by brokering the relations between Anh Trun and various officials. Anh Mot works directly with officers those outside Bac Minh district yet in Hoa Binh province. Anh Mot bribes these officials in order to make sure that the timber truck will not be stopped at their checkpoints. Beyond Hoa Binh province, Anh Mot is not able to work with officers in the lowland and thus he has to cooperate with another person whom I call Anh Hai. Anh Hai has similar role to Anh Mot, which is to “make the law” yet in the lowland. Anh Hai bribes officials there to have safe passage for the timber truck. In the figure 7 below I illustrate various relations among social actors involved in the commodity chain on timber.

Figure 7. Relationships among the actors involved



Source: Field research 2004/2005

6.1.2 Distribution of Benefit and Social Risks among the Actors

Data from my field research show that there is a skewed distribution of material benefit different actors derived from timber logging and trading. Also, social risks are unequally spread among them. In the table 9 below, I illustrate how benefit derived from a truck logging with six m³ of *khao* timber is distributed among involved actors and how social risk is spread among them. This is a typical case. In practice, there are a lot of flexibilities for example actors overlap, or number of actors involved shrink.

Table 9: Distribution of benefits and social risks among actors

	Labor expenses	Cash expenses	Cash benefits	Social risks
Village woodcutters	120 labor-days	0.15 million VND for buffalo rental. 2.4 million for hiring woodcutters	Six million in total. 3.45 million as net income. Return to a labor day is 47,900 VND	Punishment and physical injury
Migrant woodcutters	48 labor-days	None	Return to a labor day is 50,000 VND	Punishment and physical injury
Trader/transporter	One night for transport, Three to four days for preparation	Six million for buying timber. 0.4 million for loading fee; four million for bribes in Bac Minh district; 3.5 million for lawmakers; 1.2 million for gasoline. Total expense: 14.7 million	Total cash income from timber sale is 16.8 million; net income is 2.1 million	High risk of being caught; legal prosecution
Wholesaler	Usually, it takes about three to five days to sell six m ³ of timber	16.8 million for buying six m ³ of timber. 0.05 million for bribing agencies. Total expense is 16.85 million	Total cash income from sale is 21 million; net income is 4.15 million	Checks on origin of logs by various government agencies, legal prosecution if illegal logs found
Local state officials	No labor cost involved	No economic expense involved	Seven million	Detection of corruption
“Lawmakers”	No visible labor required	2.5 million as bribes	Net income is one million	Detection of corruption

Source: Survey in 2004. One USD is equivalent to 16,000 VND.

About 120 labor days were required from village woodcutters in order to exploit six cubic meter of *kháo* timber. This amount includes labor days for finding trees, felling and cutting them into small portion and hauling off logs from forest home. In this case, village woodcutters hired migrant woodcutters to saw the wood. A total of 48 days were spent by migrant woodcutters to saw the wood. When village woodcutters have enough labor they do not have to hire migrant woodcutters. Some village woodcutters do not have buffaloes thus have to rent buffaloes from other villagers.

In the total net cash income derived from six cubic meters of *kháo* timber, village woodcutters share 17 percent and migrant woodcutter share 12 percent. Regarding risks, both village woodcutters and migrant woodcutters may be injured when the fell trees or haul off timber. They may also be fined for illegal forest exploitation by *kiếm lâm*. Some years back, a village woodcutter died because the tree he cut fell down on him.

The trader, Anh Trun, in this case also transporter did not have to spend a lot of labor yet received 10 percent in the total cash income derived from six m³ of *kháo* timber. As Anh Trun involves in illegal timber trading, he also faces significant economic risks and legal prosecution. Just before I came to the village in 2004/2005, his all three trucks were caught by the police of district for a month and he was fined 60 million VND (\$3,750 US). The wholesaler gains 21 percent in the total cash income derived from six m³ of *kháo* timber. Similar to trader, the wholesaler do not have to spend much labor in selling the timber yet also expose to government's fine as he is involved in illegal timber trading.

There were 23 local officials who do not have to spend any labor but derive 35 percent from the total income. These officials do not have to spend any money nor do they incur any risk to their physical health. However, they may be detected committing to corruption. Anh Mot and Anh Hai – two “law makers” gain five percent in the total cash income derived from six cubic meter of *kháo* timber. No labor and economic investment incur to them yet they have social risk. They may be detected of committing to corruption.

Economically, local officials and law makers are the ones who derive the most benefit from the timber. Further, there is no risk associated with their physical health. In the

section below I explore how the illegal timber logging shapes power relations among actors involved in the chain.

6.1.3 Effects of Timber Market on Power Relations

In the commodity chain on timber strongly influences power relations among the actors involved in the chain. First of all, though the *de jure* control over timber trees is rested with *kiếm lâm* of the district, villagers in general and village woodcutters in particular have *de facto* control over the trees. To derive benefit from the trees, villagers need to have enough labor, technical skills and buffaloes. As timber is illegally logged in the forest and trading of the timber is banned, village woodcutters have to depend totally on the trader -- Anh Trun to sell the timber they exploit. Without the service of Anh Trun, villagers would not be able to benefit from timber. Similar to village woodcutters, migrant woodcutters have labor and technical skills required to exploit timber, they are not able to benefit from the trees if they do not have special connections with village woodcutters. I realized that migrant woodcutters are always in a disadvantaged position when working with village woodcutters. First, it is not always easy for them to find a job in the village because not all village woodcutters need to hire labor. Second, timber market in the villages of migrant woodcutters is entirely absent thus they have to depend on the market of village woodcutters. Unlike village woodcutters who have close ties with Anh Trun, migrant woodcutters do not have this contact thus are unable to sell timber directly to trader. This makes migrant woodcutters dependent on village woodcutters for selling timber. Third, as villagers have direct control over the timber trees migrant woodcutters have to depend on village woodcutter in order to gain access to the trees. Village woodcutters use their LUCs granted by the government to fend off their claims on the land, preventing migrant woodcutters from directly accessing to timber trees on the land. All these reasons put migrant woodcutters in a disadvantaged position when entering into negotiation with village woodcutters.

Being an exclusive trader in the area creates a lot of power for Anh Trun to deal with village woodcutters and local state officials. Anh Trun, together with his wife, Chi Nga monopolizes the supply of timber in the village through various mechanisms. First is through their store. As I mentioned earlier, the couple operate a small store selling

necessary items to villagers. Owing to the shortage of cash income, villagers often buy these items on credit. Some of them are not able to pay off their debts in two or three years. Usually, villagers pay their debt in timber. This barter-type relationship⁶⁸ nails villagers down to the business of Anh Trun. Secondly, working as a teacher in the village, Chi Nga is able to develop a close relationship with all villagers including the woodcutters. Thirdly, the couple is the first one in the village who bought a color television set and villagers can watch for free. Their house and store became a gathering place for villagers which helps strengthen relationship between them and villagers. Fourthly, the couple often advances cash to village woodcutters without asking for interest rate. Similarly, debt is paid back in timber. All these activities make the relationship between the couple on the one hand and villagers/woodcutters on the other hand become patron-client relationship. Village woodcutters have to depend on Anh Trun in many aspects particularly market for timber. Consequently, the woodcutters' bargaining power is weak. Villagers do not have access to market information on timber. As a result, none of them whom I talked to have any idea about price of timber in the lowland market. Woodcutters told me that they always accepted the price offered by Anh Trun. Enclosure of price information facilitates Anh Trun to leverage price of timber in the village.

Anh Trun also has special relationships with the local state officials those work in the law enforcement agencies in Bac Minh district. The connection between Anh Trun and some local officials is so close that they have drink together in Anh Trun's house often. In fact, the parents of both Anh Trun and Chi Nga were local state officials who used to work at a state forest enterprise in the district who know many local officials very well. They thus help Anh Trun to establish good connection with these officials. Anh Trun told me that to maintain good relationship with these officials and to keep it up he often has to visit them with envelopes containing cash, or with bottles of expensive whisky and packs of cigarette. When necessary, Anh Trun gives them timber for free. Making the connection

⁶⁸ The common understanding on barter relationship is that it does not involve money value between two parties (Agrawal 1998). The barter-type relationship between villagers and Anh Trun though does not explicitly involve cash value, yet implicitly. The stuff Anh Trun sells to villagers in credit are measured in monetary term. Timber used to pay back to Anh Trun is also measured in the same way. However, no direct cash is involved in transaction.

with local officials in other districts and in the province goes beyond ability of Anh Trun. He thus has to rely on the service from Anh Mot, the “law maker” in Hoa Binh province. Anh Mot is the intermediary between Anh Trun and these local officials. Anh Mot receives money from Anh Trun as a service charge, using part of the amount to bribe local officials keeping the remainder for himself. Owing to information enclosure I was not able to meet with Anh Mot. Yet through information of Anh Trun whom I had a close contact with I know that Anh Mot is currently working at a state agency at the province level. Anh Mot in fact does not hold an important political position in the agency but has good personal connections with the local bosses. Actually, Anh Mot is backed by his father who is a boss in the province. Anh Mot is thus able to establish mutually beneficial connections with local officials. He even establishes his own “market territories” within the boundaries of the province to monopolize the control over trades and transports of illegal timber. It is not uncommon that Anh Mot would guarantee safe passage for a dozen trucks fully loaded with illegal timber passing through all checkpoints in the province without being stopped at any of the checkpoints. Without hiring the service from Anh Mot, trucks loaded with illegal timber would be reported to local officials and thus subject to confiscation and fines. The exclusive control over access to local officials provides Anh Mot a good opportunity to derive a lot of benefit from the chain. Anh Mot, however, only has connection with officials within the province. Thus, he has to combine with Anh Hai, another “law maker” in the lowland. Anh Hai is in charged of providing safe passages for the trucks within the boundaries of Ha Tay province.

The wholesaler has different sources of power compared to other actors. His main source of power comes from the exclusive control over distribution network of timber in in Huu Bang market plus possessions of physical assets such as store, sawmill and strong financial capital. Since the wholesaler controls the distribution network, the trader - Anh Trun has to depend on the wholesaler to market the product. In addition, Anh Trun is only one among a dozen of traders who sell timber to the wholesaler. Thus, Anh Trun has a weaker bargaining power than the wholesaler does. Usually, Anh Trun is not able to get money from the wholesaler immediately after selling timber but waits until the next sale. Anh Trun can shift to other wholesalers but this does not guarantee that he would gain

higher bargaining power and thus derives higher price for timber. This is because all wholesalers in the village collude with each other to keep the price down.

Finally, local officials derive their power from their political positions assigned by the state. By the law, timber logging, trading and transporting is all illegal. Woodcutters, traders and transporters are all considered law breakers and are thus subject to fines and punishment. The power of officials is articulated by threat of fines and punishment manifested through the system of checkpoints. The power derived from political positions provides officials with the opportunity to derive benefit from timber through corruption. Law breakers particularly traders and transporters need to bribe these officials for having them ignored the violation cases. Law enforcement power becomes a tool for local officials to accumulate wealth.

6.1.4 Effects of Timber Market on Notions of Different Actors

Data I obtained from the fieldwork clearly illustrates that actors involved in the chain have different notions of the forest. Basically, villagers consider the forest an important source of livelihood. In Ban Ye, income from timber accounts for about 60 percent total household income. As I mentioned earlier, about 80 percent of the households in the village lack food for about four months in a year. Timber logging then provides them a source of living. Many villagers kept saying this to me “*without ...and timber logging all villagers would starve.*” Hence, villagers continue to cut trees in the forest regardless of the legal regulations prohibiting them from doing so. From their point of view, timber logging is not illegal but a way to maintain their livelihoods.

For Anh Trun, timber is a source of capital accumulation. Though he clearly knows that timber trading is illegal and thus subject to fine and punishment, cash income derived from this source is too attractive for Anh Trun to give up the business. Anh Trun develops a variety of strategies to control woodcutters and maneuver local officials to maintain and protect his business. He establishes various mechanisms to nail woodcutters down to his business, allowing him to monopolize the supply of timber in the village and leverage the price. He bribes local officials and collude with them to have them turned their blind eye to his business. Similar to Anh Trun, law makers whom Anh Trun hires the service see timber a source of wealth accumulation. Knowing that illegal timber

trading is highly profitable, law makers try to get a big share in the benefit amount. Using their power to gain access to local officials and establishing “market territories” to monopolize the trade and transport of illegal logs are mechanism used by law makers to derive benefit from timber.

Local officials represent the state at the local level. They are assigned by the state to enforce the law at local level. As I mentioned in chapter 5, from state’s point of view, trees in the protected forest in highly critical zone must be entirely protected. Thus, logging and trading are totally banned by the state. Disobedience of the law is subject to fine and punishment. In principle, local state officials are the ones who translate the state’s ideas on forest in general and on timber trees in particularly into practice by enforcing the law. What happen on the ground however is totally different. Local officials see timber trees a source of income outside their state’s salary. To materialize this idea, many of them abuse their vested power by forcing traders/transporters to share part of their income derived from their business to them. The system of checkpoints, threat of fine and punishment are instrumental tools used by them to get the share from the trader/transporter. To this extent, though the local officials represent the state at local level, they do not translate the state’s idea but their own ideas on the forest into practice though market mechanism. In the section below I shift my account to Than Con by examining effects of forest land market on property relations.

6.2 Market for Forestland in Than Con

6.2.1 Historical Background

As mentioned in chapter 4, state-based forestry shifted to household-based system in the early 1990s. At the end of 1991, the government issued the Decree 388 which provides a guideline for restructuring of state-owned enterprises⁶⁹. To concrete this Decree, the MOF issued Directive 12 in 1992⁷⁰. Under this Directive, SFEs located in densely populated areas had to be shifted from forest management organizations to service supply ones operated according to market principle. Following this Directive, large area of forest land previously managed by SFEs was handed over to local households. The relationship

⁶⁹ The Decree 388 was issued by Ministerial Council (currently Prime Minister) on 20th November 1991.

⁷⁰ The Directive 12 was issued by Ministry of Forestry on 19th August 1992.

between SFEs and local households is based on supply-demand principle. Local households could buy services such as seedlings, technical guidance, and fertilizers from SFEs. They can sell these trees to SFEs when harvest. The SFEs those were not able to survive in new situation had to be entirely dismantled. The government's Decision 187 issued in 1999 earmarked the removal of government's subsidy to SFEs⁷¹. Under the Decision 187, two types of SFEs are allowed to exist: those existed to manage natural forest which has not been allocated to households and those existed to grow softwood trees to supply to paper-based industry.

Prior to the issuance of Directive 12, the entire forest in Mieu Thanh commune where Than Con village belong was managed by Xuan Dai and Tam Cuu forest enterprises - two organizations within Department of Forestry of the province. Under the restructuring, these enterprises lost their management power over the forest. In 1999, these enterprises merged into one and were called Xuan Dai forest enterprise, an organization of Bai Bang Paper Company. Located in material zone of the company, Xuan Dai enterprise became an important organization supplying raw material mainly acacia and styrax for the company to produce paper.

Under Directive 12, 11,819 ha of forest land or 66 percent of the land previously controlled by Xuan Dai and Tam Cuu forest enterprises was transferred to seven communes of Mieu Thanh district from 1991 to 1999. However, the enterprises merely transferred land they could not use and kept the area they could use to plant trees. Of the land transferred to the communes, 29 percent was protection forest land; the remaining was production forest land located two remote communes. Thus, transferring land in the protection forest and the land which is less economically viable to the communes helps the enterprises to transfer obligations to commune authorities and local people and retain productive land for its own use.

During the 1990s, paper and pulp-based industry boomed in Vietnam (Lang 1999). In the country, the supply of softwood does not meet the demand of paper and pulp industry and this leads to the close down of a number of paper mills (ibid.). In this situation, Bai Bang Paper Company decided to increase its production capacity by three times. Moreover, it

⁷¹ The Decision 187 was issued by the Prime Minister on 16th September 1999.

plans to increase its capacity to five times by the end of 2007 (Bai Bang Paper Company, no date)⁷². The expansion of the company exacerbates the shortage of raw material in the country in general and in Phu Tho province where Bai Bang Paper Company is located in particular.

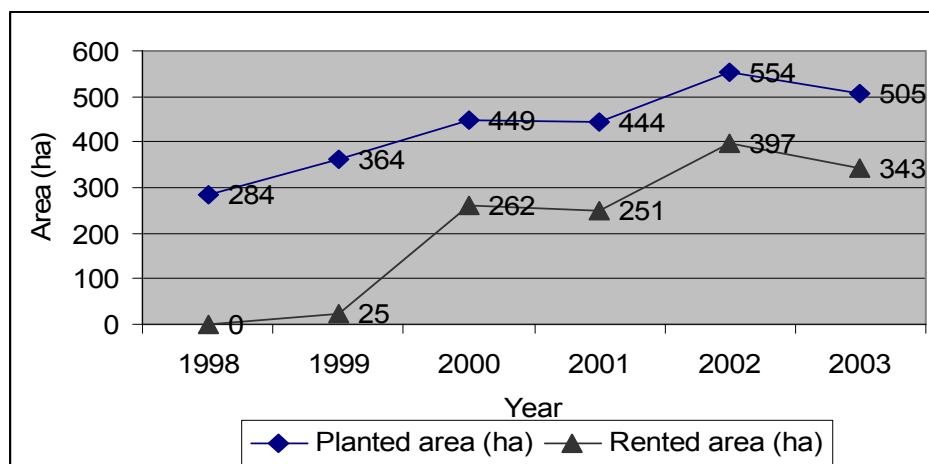
6.2.2 The Emergence of Forestland Market in the District

When I first visited the office of Xuan Dai enterprise located in the district center on a hot summer afternoon in late 2004, I was very impressed with people there and the way the enterprise operated. The office was a nice four-story building surrounded by beautiful trees and some open space for sport activities. This kind of setting made me think about an efficient profit-based organization in a major city. When I entered, no one was in the office. After waiting for about an hour, I met the head of the administrative division who had just returned from the field. He told me that it was the peak time of the enterprise to gather softwood for its mother company and thus almost all staffs were in the field. He then lent me annual reports of the enterprise. Data from the reports strongly impressed me: The enterprise had 148 staffs of which 107 were workers working in 13 teams (*đội sản xuất*) located in 13 communes in the district. Of these teams, 11 were responsible for production of softwood trees, one for nursery, and one for tree harvesting and buying. These figures reveal that the enterprise is big and it exclusively focuses on producing raw material for paper making industry.

In response to the increasing demand on raw material from Bai Bang Paper Company, Xuan Dai enterprise has to produce 4,000 tons of softwood per year. This means that about 300-350 ha of softwood trees have to be exploited by the enterprise each year. According to the vice chairman of the enterprise from 2007 and onwards, at least 500 ha of softwood trees need to be exploited by the enterprise per year to feed the Company. As a result, the enterprise has tried to increase tree plantation area (see Figure 8).

⁷² Source: www.vica.vnn.vn/uni/hop_tac/engl/baibang/introduction.htm

Figure 8. Changes in forest planted areas and the land rented area of the enterprise



Source: Xuan Dai enterprise

Though the enterprise still has the land that can be used to plant trees, much of this land, however, is under conflicts with local villagers and commune authorities. Thus, it is impossible for the enterprise to plant the trees on this land. Recently, Xuan Dai enterprise has started to rent forest land from local households in the district to plant trees. The area it rented has increased substantially over time (see figure 8). From 1999 to 2004, the enterprise rented an amount of 1,629 ha of forestland from households in 11 communes of which 15.5 ha were from six households in Than Con.

6.2.3 Distribution of Benefit between Enterprise and Villagers

When renting land from local people, Xuan Dai enterprise pays them 200,000 VND (\$13 US) for one ha for a period of eight years – the time corresponding to a cycle of the trees from planting to harvesting. According to the vice director of the enterprise, the total investment for planting one ha of acacia is around 1.8 million VND (\$120 US) which includes rental fee, labor cost and cost for fertilizers. If the enterprise has to borrow a loan from a bank to invest in tree planting, it has to pay an additional of 570,000 VND (\$38 US) as the interest rate for eight years⁷³. The total investment for one ha in this case

⁷³ The vice director of the enterprise told me that the enterprise always receives loans with favorable conditions from the government. The duration of the loan is eight years and the interest rate is 0.33 percent annually. Local people, however, are only entitled to the loan with much lesser favorable conditions: the duration of loan is usually two years and the interest rate is around 0.7-0.8 percent per year.

is 2.37 million VND (\$158 US). When the trees reach maturity, each ha (of acacia) usually produces about 50 cubic meters of wood, or about 8.5 million VND (\$567 US) if sold at the current market price. Thus, the net income the enterprise derive from each ha within an eight-year period is \$ 409 US, or \$51 US per ha per year. If the enterprise uses its own money to invest in tree planting, the net income is higher, at \$56 US per ha per year. Thus, the total amount of net income the enterprise derived from 1,629 ha it rented is more than \$83,000 US per year if it uses the loan from a bank, or more than \$91,000 US per year if it uses its own money. This is a huge amount of profit.

Regarding local households who lease the land to the enterprise, the amount of 200,000 VND (\$13 US) per ha as a rental fee for eight years is very small. Thus, local people suffer from a substantial loss. How the rental fee is determined? Is it established based on a negotiation with equal bargaining power between the enterprise and local households? In the section below I explore the power relations between villagers and the enterprise.

6.2.4 Distribution of Power between Enterprise and Villagers

When I asked the vice chairman of the enterprise why the rental fee is 200,000 VND per ha and why not 100,000 or 1,000,000 VND he only said this to me “*It is enough... much better for them [villagers] than if they leave the land fallow.*” When I asked villagers the same question all of them told me that that is the price determined by the enterprise; “*we simply accept the price offered by the enterprise.*” It is apparent to me that there is an unequal bargaining power between the two.

As I mentioned earlier, the FLA was implemented in Mieu Thanh district in 1996 aiming to provide local households with broader tenure rights over a longer period of time. The state expects that securing tenure rights for villagers would motivate them to invest in the land. I observed in Than Con that there are many households who are struggling to earn a day-to-day living. Obviously, they are not able to invest in tree planting. Of the households who leased the land to the enterprise, all of them are young. They lack labor power. They have small paddy land and limited cash income and high. They have high dependency rate. Shortage of labor and income makes them unable to invest in tree planting. Land market facilitated them to gain quick cash. As they lack market information they are in a weak position when entering into business with the enterprise.

Having many strengths such as market information and capital, the enterprise entirely shape the market, making it favorable of the enterprise.

The enterprise develops various strategies when renting land from villagers. To reduce harvesting and transporting costs, the enterprise only rents the land where the slope is low and located in a good location, usually close to main road. It selects the land where the soil is fertile. To avoid risk which may arise from renting land of local people, the enterprise tried to get the support from local authorities by binding them to their business. First, the enterprise signed land rental contracts with villagers under the testimony of the chairmen of the village and the commune. If villagers fail to fulfill duties specified in the contracts, the enterprise would appeal local authorities at the village and commune to fine villagers. I would also like to highlight here that many villagers in Than Con are not able to read the Vietnamese language well thus it is impossible for them to understand technical languages used in the contract. This always places local people in disadvantaged side. Second, when renting land from villagers the enterprise always keeps their LUCs. By doing this, the enterprise is able to protect its claims on the land, preventing other people from entering the land. Renting land from villagers assists the enterprise to substantially reduce investment cost because it can mobilize the cheap labor from local people. Usually, after renting land the enterprise hired the villagers who it rented the land to work for it.

The allocation of forest land to villagers can be seen as a form of land privatization. Wealth accumulation, however, does not arise from the land for those who have constraints to exercise the bundle of rights because they are not able to transfer these rights into material benefit. Even worse, the allocation of land to villagers under market liberalization opens up opportunities for outsiders to come to the village to capture the land. In this case, the FLA provides conditions for the market to dispossess villagers particularly the poor to the land

6.2.5 Land Market and Different Notions on the Forest

Forest land in particular is viewed differently by different actors. For the enterprise, forest land is a base of capital accumulation. Land could generate income by planting trees. This notion is very much reflected in the legal regulations such as the 1993 Land

Law and the Decree 02 which say that land should be taken back from land recipients if they do not bring the land into use. Stemming from this notion, the enterprise sees many households in Than Con wasting the land as they have not used the land though some years were passed after the state gave them the land.

In a holistic context, the 1993 Land Law and subsequent decrees provide land recipients a broad set of tenure rights including the right of alienation by which it loosens the state control over the land. Changes in legal regulations provide the enterprise an opportunity to gain access to productive land from villagers particularly the disadvantaged ones. At the local level, the imperfect land market formed in the context of unbalance power relations and shortage of asymmetric market information makes the enterprise an influential actor manipulating the market. Consequently, it is able to derive a lot of benefit from the land.

Local households particularly the poor see forest land a source of livelihoods and an immediate cash income. Land is where villagers can harvest trees and collect firewood and plant softwood trees for which they can derive a cash income. Lacking sufficient labor and income, poor villagers cannot derive a benefit from the land. The land market then appears attractive for these households to gain some immediate cash income. My talks to the people who rented out the land to the enterprise reveal that they badly need cash and thus forced to rent out the land. Since land market did not exist prior to the allocation, villagers do not have any ideas about the land market. Consequently, they accepted the conditions suggested by the enterprise.

Commune authorities particularly the chairman of the commune views the land market as an opportunity for local people to learn about planting techniques from the enterprises. When talking to the chairman in 2002 and 2004 I found that he did not use the term market (*thị trường*) to refer to land transaction taken place in the village. Instead, he used the term join-venture (*liên doanh*). According to him, it is a join venture because both sides contribute to the join-venture and benefit from it. Villagers contribute the land and learn good techniques for tree planting in return. *“Our people do not know how to plant trees for commercial purpose. They will learn it from the enterprise when working with it”* said the chairman. Following the chairman, the enterprise contributes its capital (for

example, renting land and paying labor cost) and techniques and derives economic benefit when the trees are harvested. “*It [the joint venture] is much better than if the land is left unproductively*” emphasized the chairman. This explains why commune authorities often back up the enterprise renting land from local people. In the section below, I explain how the market for garden land in Ho So village emerge and examine its effects on distribution of benefit, power, and notions among different actors.

6.3 Market for Garden Land in Ho So

6.3.1 Historical Background of Land Market

After *Đổi Mới*, the economy in the country particularly in the cities such as Hanoi and Ho Chi Minh boomed. The Human Development Report 2001 shows that national GDP grew at around 10 percent at the end of the 1990s (National Center for Social Sciences and Humanities, NCSSH 2001). The high rate of economic development accelerated urbanization process in the city. The number of people living in the cities increased from 19.4 percent of the total population in the country in 1989 to 23.5 percent in 1999 (ibid.). The economic boom and rapid urbanization process has led to the increasing demand on land for housing and development projects. Price of land in general and housing land in particular skyrocketed in the mid 1990s and in the early 2000s. Land market has emerged in many suburb areas near cities. On the one hand, local households near big cities have converted their home garden and agricultural land to housing land to sell for cash (Kerkvliet 2001). On the other hand, the government also takes a lot of land in the provinces near the cities for development projects⁷⁴. Economic liberalization and urbanization processes have taken place in Ha Tay province where Ho So, where my third study village, is located. The province is located within an arms reach to Hanoi city and close proximity to airport and seaport. It has good infrastructure and cheap labor force. As a result, Ha Tay becomes an attractive place for investors. It is among the provinces in the country which receive the highest foreign direct investment (General Statistic Office 2002). As I mentioned in chapter 5, owing to its competitive advantages the province has been selected by the government as the place for a number of national targeted programs such as construction of series urban areas, national high tech zone,

⁷⁴ Source: Vietnamnet 8 September 2006, Lao Động 29 August 2006,

national university, or international airport in the future. In addition, owing to its beautiful landscape, Ha Tay also becomes an attractive destination for tourists. During the 1990s, tourism mushroomed in various localities within the province. I also mentioned in the chapter 5 that ecotourism has vigorously emerged inside the Park.

In the country, economic development goes along with environment problems. The Human Development Report 2001 shocks many people particularly those live in cities by pointing out that “Air population levels regularly exceed two to five times accepted standards. Pollutants from industries ... are often two to three times higher than permitted... Both domestic and industrial solid wastes are being dumped in unprotected sites causing serious pollution” (NCSSH 2001: 67). Environmental problems in the city serving as push factors and beautiful landscape and environmental friendly behavior in rural area are playing a role of pull factors have motivated many urbanites to search for land in rural area for better place to live. Since the mid 1990s many urbanites have started buying land in rural areas particularly in the provinces near the cities. In this context, Ha Tay province has become a selection for many urbanites. In the province, land market has emerged in various districts including Ba Tay where Ho So belongs since the mid 1990s. Many households have sold their land to people from Hanoi. When I visited various communes in Ba Tay and in other districts, I often saw beautiful home and land plots located in good places such as close to roads in flat areas. Villagers told me that that plots are occupied by urbanites from Hanoi or provincial township of Ha Tay province. High demand on land accelerated the land price in the province, at about 600 percent from early 1990s to mid 1990s. In Ba Tay district, villagers in four communes in the buffer zone of the Park started to sell their land to people from Hanoi in mid 1990s.

Since the second half of the 1990s, households in various villages close to Ho So have started to sell the land to people from Hanoi. When I was in the field in 2004 I sometimes traveled with an experienced intermediary of the land market who I call Anh Don. I learnt from Anh Don that all beautiful plots fencing around by barbed wire or brick walls located at the both sides of the village main road were owned by people from Hanoi, some of which were high ranking government officials. Some beautiful villas have been constructed, equipped by very high-tech facilities such as satellite receivers and modern amenities such as swimming pools. Anh Don told me that most of the buyers have not yet

moved permanently to the area as all of them are still working in Hanoi. They just spend their weekends in their villas. In the section below I focus my attention on the land market in Ho So village, showing how the emergence of land market in the province has informed the land market in the village.

6.3.2 Emergence of Land Market in the Village

When I first visited the village in the first half of 2003 there was no land market in the village. When I revisited the village in the second half of 2004, about 70-80 percent of households in the village had sold their garden land to other people. At the time I left the village at the end of 2004, villagers' new houses with urban-like design were mushrooming. Currently, if one goes to the village, one's eye is caught up by urban-like houses with Chinese flowered enameled tiles on the floor and cemented flat roof, blue or yellow painted wall. There are some two stories houses in the village. When one enters these houses, one's eye could easily be caught by fancy consumptive goods such as Samsung or Goldstar color TVs placing in the middle of the houses, Chinese antique-like cupboards and sofa, and Chinese-made motorbikes. When I was in the village I observed that quite often, the village road was congested with construction materials like sand, brick, tiles, and wooden stuff. The sounds made from newly bought motorbikes, vehicles loading construction materials, bulldozers, karaoke were vibrating day and night. There are several factors brought about the formation of land market in the village. First, as mentioned earlier, land market already emerged in several villages near Ho So which are easily accessible in the second half of the 1990s. The emergence of land market in close villages to Ho So serves as a motivation for the formation of land market in the village. Secondly, in early 2003 there was a tourist company which came to Minh Hong village close to Ho So and bought a lot of land from there in order to establish an ecotourism project. The arrival of this project has created an expectation for many people that the area including Ho So will be well developed in the near future. Third, as mentioned earlier there are many high ranking government officials who brought the land near Ho So and constructed modern villas there. The presence of these officials in the area makes many people believe that sooner or later there area will well develop in the future. Fourth, since the new chairman of Hanoi People's Committee came to power in 2003, there has been a story that Hanoi city will expand substantially in geographic term in the future and

Ba Tay district where Ho So belongs will be returned to Hanoi as it was prior to 1991. The combination of these factors has facilitated the process formation of land market in Ho So. As a result, many people rush into Ho So to buy land. Garden land previously planted to vegetable, tea, cassava and medicinal plants were sold for cash. By the end of 2004, about \$427,000 US were siphoned into the village through land market. On average, each household derives more than \$4,000 US from selling land or about 23 times higher than their annual income.

Unlike in many areas where price of land is determined according to the price per one square meter, price of land in Ho So is determined according to the price per one *sào* (360 m²). The price of land is determined according to location of the plot, legal status of the land and time of selling. The plots located near the main road which are easily accessible are sold with much higher price than the plots located far from the road. The plots located in flat area promise higher price and easier to sell than the plots located in slope areas. The plots with certain legal status (e.g. the households already received the land titles for the land) are much easier to sell with higher price than the plots with unclear legal status. The price of the land depends very much on time of selling. When the market initially started, price of the land was very low. One *sào* of the land with clear legal status located in near the village road was sold at about five million VND (\$300 US). By the end of 2004, one *sào* of the land in similar location was sold at about 25-30 million VND.

Of the people who sold land, half of them sold their entire land holdings including their home plots thus having no land or home left. As a result, they had to buy other pieces of land for housing. Usually after selling the land, these households asked their relatives or friends to sell them some land so that they often received the land with lower price than the market price. Half of them sold most of their land to other people and retained small portions of land for their housing.

The second consists of land buyers who are urbanites. Most of them are from Hanoi, the capital city; some from provincial township of Ha Tay province and various district centers within the province. Usually, they buy large plots of land, often around 15 to 30 *sào* each. Their main purpose of buying land is for recreational purpose. Some of them

bought several plots in the village. Up to now, almost all of them have not move in the village yet still live in towns. They only visit their plots during weekends. After buying land, they often abandoned crops planted on the land.

When buying land, urbanites have to rely on intermediaries who constitute third group of actor in the market. The main role of intermediaries is to connect buyers and sellers. They look for villagers who would like to sell their land and urbanites who would like to buy the land and then bring them into negotiation. Intermediaries are villagers who I call village intermediaries and outsiders whom I call experienced intermediary. As I observed, there were four village intermediaries of which three were the ones who sold all the land to urbanites. Compared to other villagers, village intermediaries have broad connections with people outside the village. The experienced intermediary was the one who was responsible for looking for potential buyers from outside the village. He worked in collaboration with a village intermediary.

Local officials at the village, commune and district level form the fourth group of actors who are involved in the land market. In principle, land transaction would not be considered legal without the permission from local authorities and transaction activities related to land administration such as boundary demarcation, certification of legal status of the land, land titling require permission from local authorities. This, land transaction directly involves local officials. In the section below I explore how the land market has affected distribution of space and income among the involved actors.

6.3.3 Distribution of Benefits Among Actors

Land market has profoundly changed the pattern of land use and land distribution in the village. First, the value of land has changed from productive to consumptive value. Land previously used to grow vegetables, tea, and food crops is now idled, waiting for housing construction. The village landscape has changed substantially, too. All the land in good location and close to the village main road is now owned by urbanites. When I visited the village I saw at the both sides of the village main road hundreds of concrete poles, about 1.5 meter high, firmly fixed on the ground, one stands after another. Poles are connected by barbed wires to prevent trespassers and cattle from encroachment. What beyond the poles are usually small abandoned houses of previous owners. The houses are surrounded

by abandoned tea plantation, fruit trees or breast-high straw grasses and wild weeds. When I asked villagers about new owners of the land, they told me something like these “*This plot belongs to ... from Doi Can street [in Hanoi]*”; “*That plot on the left belongs to ... from Department of Veterinary [also in Hanoi]*”; “*Behind that plot is the big one belonging to ... a journalist from Hanoi...*” In general, urbanites are now owning all large plots in easily accessible areas. Villagers are reallocated in much less convenient location, occupying small plots of land. In the village, there exists virtually no garden land available for cultivation.

The significant incentive of the land market made some local people converted other types land to housing land despite that this practice is often not allowed by the law. After selling all the land, some hired bulldozer and excavator to fill up paddy fields and fish ponds, turning them into housing land. Usually, each plot of this land is very small, only around 100-200m², just enough to construct a small house, a kitchen, a pig cage and some space for courtyard in front of the house. Many turned the land previously planted to tea and medicinal plants to housing land.

As regards to income distribution, land market provided households an opportunity to derive a huge income from the land. However, not all villagers in the village benefited from the market the same way. There are households whose plots are small and/or located in unfavorable locations, thus they are unable to sell the land. They are excluded from the land market. I explore this point in more detail in the next chapter.

Intermediaries benefit from land market. Usually, for each successful case intermediaries receive about five percent of the total amount of cash the buyer pays for the land from the buyer and another 0.5-1 percent from the seller. A village intermediary told me that he gained about \$8,000 US from the land market. The experienced intermediary told me that he gained somewhere between \$12,000 to \$13,000 US from the market in total. This man also provided help to his clients by working on paper work needed for land transaction and land titling for which he gained a lot of money.

Local officials those involved in land transaction are also benefited from the market. As mentioned earlier, land transaction needs the permission from local authorities. To foster the transaction process, urbanites often gave some special tips in the form of cash to local

authorities at district, commune, and village level who directly involved in process of the transaction. Usually, the tip for each official ranges from 200,000 VND (around \$13 US) to five million VND (\$330 US) depending on how much support the urbanites as land buyers would expect to receive from this official. Thus, land market becomes opportunities for these officials to gain quite a lot of income outside the government's salaries. My host in the village told me *"If you want to foster the process of acquiring new land title, just give Ong Than [the commune land cadastral official] three to five million, and you have your documents submitted to the district. If you have no money, you have to wait. My application gets stuck in the commune though I submitted three months ago already."*

The land market has not only changed spatial distribution of land in the village, but also resulted in unequal distribution of income and strongly influenced power relations among the actors involved. In the section below, I explore how the market has influenced power relations among the actors.

6.3.4 Distribution of Power among the Actors

The land market in the village is characterized by unequal power distribution among actors. First of all, villagers particularly who sell land early have no experience when they joined the market and thus they had a very weak bargaining power. For them, land market is something they have very little idea about. As a result, they received low price for their land. An excerpt from my note obtained from my talk to Anh Thon, a villager who sold his land early illustrates how the land transaction was carried out between him as the seller and an urbanite as the buyer:

I did not know about it [the land market] Ong Bin [a village intermediary] brought a man to my house during lunch time and said that this man is from Hanoi and interested in buying our land...This man said to me that would be happy to pay five million VND (\$260 US) per sào. I was kind of shock as we could have 120 million from out 24 sào plot if I sell. We have never had five million as savings, let alone a hundred million. I then said to him that I need to ask my wife and would answer him the next day. In the evening, Ong Bin came over and told me that five million per sào is already very good price and it is not easy to find someone who would be willing to pay that price. I then sell the land to Hanoi man the next day.

My talks to some other villagers who sold the land earlier reveal the same story: villagers did not know anything about the land market and simply followed previous sellers and/or advice from intermediaries when selling the land.

By contrast to villagers, urbanites are those who have a lot of expertise in land market. Talking to some of them I learnt that they have a lot of information regarding the price of land in different areas in the province, type of land and the legal requirements needed for land transactions. They also know the government's future plan for development of the area. This information helps them to select the land in good location. Having a lot of experience and information, these urbanites enter into negotiation with villagers with very strong bargaining power. Consequently, they are able monopolize the market.

Villagers started to gain more bargaining power when the market was more competitive by having more buyers joining the market. Market information thus became more accessible for villagers. As a result, the price of land increased and better reflected the market price. Anh Hi, a villager who originally had a plot of 11 *sào* but sold eight *sào* to an urbanite at the end of 2003 for 60 million VND (\$4,000 US). In the mid of 2004, he sold another *sào* from the same plot for 30 million VND (\$2,000 US).

When buying land from villagers, urbanites often colluded with intermediaries. As intermediaries received their service charge from buyers a lot more than from sellers, they always acted in favor of buyers. The story told earlier by Anh Thon indicates that intermediaries have a strong influence on the sellers' decision. The village intermediaries are the ones who have many connections with outside world. Of the four village intermediaries the first one is vice chairman of the commune who I call Anh Bin. The second is the head of cultural and Information Division of the commune. The third is the person in charge of the post office in the commune. The fourth is a trader.

Anh Don, the experienced intermediary has six to seven years working in the land market. He has helped a dozen buyers from Ha Tay and Hanoi buying land in various areas in Ha Tay provinces particularly in Ba Tay district. He is also a *kiếm lâm* of the Park. When I was in the field, Anh Don brought me to see several plots of urbanites from Hanoi which he helped buying. Anh Don also helps buyers to acquire the land titles. He assured me that other people cannot acquire the titles as fast as he does. Through his

friend, I learnt that Anh Don received a lot of support from his family when working with local officials. His father used to be the vice secretary of the party of the district; his uncle is currently vice chairman of the district PC. When I accompanied Anh Don to the district PC, I observed the way he talked with the head of the Department of Agriculture and Rural Development, the head of the Department of Land Administration. It was apparent to me that they were very close.

It is quite common that intermediaries collude with buyers to cheat sellers. Anh Don proudly told me the story how he and Anh Bin (the village intermediary) collaborate with a buyer to purchase a plot of land from Anh Ha, a villager. The buyer who wanted to purchase some land in the village knew that Anh Ha wanted to sell his eight-*sào*-plot. He then came directly to Anh Ha and asked for it. Anh Ha asked for 170 million VND (\$10,900 US) for the plot. The price was too high for the buyer. He then went to see Anh Don and agreed to pay a “service charge” of 15 million VND provided that the price of the plot would not go beyond 120 million VND. Anh Don then secretly worked with Anh Bin on strategies to deal with Anh Ha. Some days later, Anh Don came to meet Anh Ha and told him that he would like to buy the plot with a price of 100 million VND. As the price was much too low, Anh Ha did not agree. Some days after that, Anh Bin came to Anh Ha and said a friend of him was looking for a plot of land in the village and asked if Anh Ha would like to sell his plot for at 110 million VND. Persuaded by Anh Bin and afraid of losing opportunity to sell the land, Anh Ha agreed to sell his plot to Anh Bin. He did not know that the buyer, Anh Bin and Anh Don colluded with each other to buy his land. Anh Don was successful and received 15 million VND from the buyer. He gave five million VND in the amount to Anh Bin and kept the rest for him. He then helped the buyer to complete paper work and acquired new land title for which he received another 10 million VND from the buyer.

Land market strengthens the power of local authorities in a number of ways and created opportunities for them to derive a lot of benefit. As mentioned earlier, land transaction would not be made without permission from local authorities. To be able to sell the land, villagers need testimony from local authorities certifying that there exists no conflict over the plot, and the owner complies with the state policy and plan when using the land. Further, all technical work such as boundary demarcation and size measurement has to be

completed by commune cadastral official. As villagers are not familiar with paper work needed for land transaction, they have to rely either on Anh Don or commune cadastral official to help them fulfill the paper work. This creates an opportunity for local authorities particularly the land cadastral official to gain quite a lot of benefit through bribe.

6.3.5 Meanings of Land for Different Actors

The land market has changed the role of land from production to consumption. Previously, production of crops/trees planted on the land constituted the value of land. After the emergence of the land market, production of crops/trees no longer produces the value of land. Urbanites have different interests and agendas in using the land from villagers. Unlike villagers, all urbanites are not interested in production value of the land but creational value. The new value of land and village landscape has been created by economic development of the country, landscape value of the Park, and consumerism of urbanites.

For villagers in Ho So village, the land market is a mechanism helping them extract economic benefit from the land through production of crops/trees. The land market increases economic value of land for them substantially. They are no longer interested in deriving economic benefit from the land by way of crop/tree production, but through the land sale. As a result, many of them rush to sell the land for cash. After selling land, they use money from the sale to invest in productive and consumptive goods.

Unlike villagers who are interested in economic value of the land, urban buyers are interested in recreational value of the landscape. They are now (becoming) direct consumers of landscape value. Land market serves as a mechanism for them as non-villagers to derive the recreational value of the landscape from the hand of the villagers. For intermediaries, changes in value of land create an opportunity for benefit derivation. They are the ones who act in between villagers and urbanites and land market facilitates them to extract economic value from the land.

Local authorities have complex notions of the land market. Many of them told me that the land market is unfavorable for local people as it makes local people lose their means of production in the hand of urbanites who have different interest in using the land.

Following them, in the village like Ho So where agricultural land is very limited, losing the land would mean that losing livelihoods, insecurity, and poverty. Though knowing that land market is bad for many people particularly the poor, local authorities could not do any thing to protect the poor from the market. As the commune chairman put, “*Land Law provides local people with many rights. They are the ones to decide what to do with the land, not us.*” To this extent, the land market strengthens the power of local authorities in activities related to land transaction, but it weakens their control over the land. In the section below I highlight key similarities and differences regarding markets and their effects on property relations in the three villages.

6.4 Comparison of the Markets among the Three Villages

In the above sections, I have looked into formations of markets and their influences on distributions of material benefit, power and notions among different actors who involved in the markets. In table 10 below, I highlight some similarities and differences concerning these markets, the reasons attributed to their formation, and their effects on the property relations.

In general, there are a number of similarities with regards to the markets in the three villages. First of all, markets in these villages have been formed by various mechanisms occurring at the national level. These mechanisms are closely linked to the development of the lowland. Commodity market on timber in Ban Ye has been formed by the state’s logging ban and implementation of FLA. Under rapid economic development of the country particularly in lowland area, demand on timber for housing construction has substantially increased. In this context, the state’s logging ban has created a shortage of timber in the market which in turn accelerated timber price in the lowland market. As a result, though risky “illegal” timber trading promises a huge benefit for those involved. The high demand on timber in the lowland penetrates the uplands, serving as motivation for upland villagers who the state under the FLA granted right to the land to cut the trees to derive some benefits.

Table 10. Markets in three villages in comparison

Characteristics	Commodity chain on timber in Ban Ye	Land market in Than Con	Land market in Ho So
Commodity product	Timber	Forest land	Garden land
Reasons attributed to the market formation	<ul style="list-style-type: none"> Logging ban and FLA which increases demands on timber in the lowland and on value of trees in the uplands 	<ul style="list-style-type: none"> Restructuring of forestry sector; FLA and the boom of paper and pulp industries which increases productive value of the forestland 	<ul style="list-style-type: none"> Economic liberalization, urbanization, and increasing concern on environmental value of landscape and quality of life which adds a new value to the land
Marketplace and nature of the market	<ul style="list-style-type: none"> Market starts in the uplands and ends in the lowland. Market is asymmetrically operated Market is not legally recognized 	<ul style="list-style-type: none"> Market in the village and operated according to supply-demand principle Market is highly asymmetric Legalize by the state 	<ul style="list-style-type: none"> Market in the village and operated according to supply-demand principle Market is highly asymmetric Legalize by the state
Main actors involved in the market	<ul style="list-style-type: none"> Villagers and migrant cut timber trees and sell to trader/transporter. This trader with the help from brokers and officials bring timber to lowland market to sell to wholesalers. The wholesalers sell to detailers and final users 	<ul style="list-style-type: none"> With the backup from local officials, state forest enterprise rent forestland from villagers to plant trees 	<ul style="list-style-type: none"> Urbanites came to village to buy garden land from villagers. The transaction is often made with the involvement of intermediaries and local authorities
Distribution of benefit among actors involved	<ul style="list-style-type: none"> Skewed, favoring traders, wholesalers, brokers, and officials 	<ul style="list-style-type: none"> Skewed, favoring the forest enterprise 	<ul style="list-style-type: none"> Skewed, favoring urbanites and intermediaries
Key factors determining benefit retention	<ul style="list-style-type: none"> Access to market Access to political power Access to capita 	<ul style="list-style-type: none"> Access to capital Access to information 	<ul style="list-style-type: none"> Access to information Experiences in the market Access to capital
Nature of power relations among actors involved	<ul style="list-style-type: none"> Unbalanced. Villagers have no bargaining power though directly control timber trees. Traders, officials, intermediaries, officials have strong power thus being able to capture virtually all benefit from the market 	<ul style="list-style-type: none"> Unbalanced. Villagers have weak bargaining power though they have right to control the land. SFE has strong power to influence and monopolize the market 	<ul style="list-style-type: none"> Unbalanced. Villagers have weak bargaining power though have right to control the land. With help from intermediaries, urbanites monopolize the market
Differences of notions of commodity products among actors involved	<ul style="list-style-type: none"> Local livelihoods reflected by villagers, wealth accumulation reflected by outsiders (moral economy versus wealth accumulation) 	<ul style="list-style-type: none"> Livelihoods reflected by villagers, wealth accumulation by SFE, opportunities for future by local authorities 	<ul style="list-style-type: none"> Livelihoods reflected by villagers, wealth accumulation by intermediaries and local authorities. Recreational value by urbanites.
Value of commodity product and direct consumers	<ul style="list-style-type: none"> No shift in value but increases existing economic value after the implementation of the policies. Lowlanders are direct consumers. 	<ul style="list-style-type: none"> No shift in value but increases economic value after implementation of the policies. SFE is direct consumer of the land 	<ul style="list-style-type: none"> Shift in meaning of land from production to consumption. Urbanites are direct consumers of the new value.

Similarly, market for forestland in Than Con has been formed under the context of the state forestry reform particularly the restructuring of the SFEs and the implementation of the FLA. This reform coupled by a rapid development process of paper and pulp industries serves as a foundation for the formation of forestland market in Than Con. Forestland allocated to villagers becomes commodity product in the market. Market for garden land in Ho So village has been formed by various mechanisms including economic liberalization in the country, rapid urbanization process in the lowlands particularly in cities, and increasing public concern on environmental value of landscape and quality of life. In this context, garden land of the villagers becomes commodity product. Land market becomes a mechanism for urbanites from the lowlands to derive the value of the landscape.

Secondly, the markets whether legalized or illegalized by the state are embedded in power relations. In all three villages markets are highly asymmetrically operated. Usually, villagers have no bargaining power those they are the ones who have control right over the commodity products. In contrast, though do not have control right to the products outsiders are the ones who have strong assets such as capital and control to market access. They are thus able to monopolize the markets and capture virtually all benefits from the markets.

The imbalance of power relations and unequal distribution of benefits villagers and outsiders derived from the markets reflect their different notions of commodity products. Usually, villagers join the market with an aim to derive some benefit to stabilize and improve their future livelihoods. Outsiders, be they timber traders, the SFE, or urban land speculators join the market with their primary concern is to accumulate wealth and/or consume the landscape value. Commodity markets are space for them to manifest their notions.

In all three villages, commodity markets have either increased productive value of the commodity products or shifted their value from production to consumption. In Ban Ye, timber trees have gained their economic value increasingly owing to the lowland demands on timber accelerated by economic development and the state policies. Productive value of forestland granted to villagers has increased substantially due to the

state forestry reform and rapid development of paper and pulp making industries. In Ho So, land has shifted from a basis of production to recreational value. This shift has been produced by various mechanisms such as economic liberalization, urbanization, and public concern about recreational value of the landscape.

There are several key differences in terms of market formations and their effects on property relations in the three villages. Though informed by various mechanisms occurring at the national level, markets in the three villages have been formed differently, involving different groups of actors.

Market for timber starts from the upland village and ends in the lowlands. This market not only involves a numbers of actors in the uplands where trees are extracted and in the lowlands where timber is sold, but also various actors along the chain where timber passes. Further, the market is not legally recognized by the state. Thus, the issues of benefit distribution, power relations, and notions are very complex. Market for forestland is taken place in the village according to market principle though still highly asymmetric. It involves smaller groups of actors than the market for timber. Thus, the issues of benefit derivation, power, and notions are less complex. Though market for garden land involves smaller groups of actors than the market for timber, high market value of commodity product (garden land) complicates market relations.

Markets in the three villages mean differently for villagers. In Ban Ye, for many villagers income derived from timber makes a significant contribution to household income. It helps villagers to make up their food shortage. In the village, virtually all households involves in the market. This reflects high level of dependency of villagers on the market. In Than Con, forestland market only involves poor villagers who badly need cash. Thus, villagers in Than Con in general are less dependent on the market than villagers in Ban Ye. For many villagers in Than Con, the market does appear to be an opportunity; instead it is a threat. It may dispossess villagers to the land. In Ho So, the market has strongly influenced local households. The market provides many villagers with the opportunity to adopt modernity; while at the same time it assists in stabilizing local livelihoods. The market in the village not only strongly influences local livelihoods but also results in strong effects on village landscapes.

Chapter 7. Access Relationships among Villagers

This chapter examines effects of markets and household assets on property relations in the three villages. I emphasize that within a village markets and household assets tend to favor villagers those have strong labor, capital and connection to political power by allowing them to capture substantial benefits from the resources; at the same time, the markets marginalizes the disadvantaged. I examine how household claims and labor have shaped the access to swidden land (and terrace) of villagers in Ban Ye, their power relations and their notions of the forest. Further, I analyze how the timber market has influenced distribution of income, power and notions of the forest among villagers in the village. Next, I explore the effects of forestland market and other mechanisms on distribution of material benefits villagers in Than Con village derived from the forestland, of power relations among them, and their notions of the forest. In what follow I analyze the effects of the market for garden land in Ho So village on distribution of material benefits, power relations, and notions of the forest among villagers in this village. At the end of the chapter, I highlight key similarities and differences of the effects of market and household assets on property relations in the three villages.

7.1 Access to Swidden Land and Timber Trees in Ban Ye

7.1.1 Access to Swidden Land Distribution of Power and Notions

Access to swidden land in the village

As mentioned in chapters 5 and 6 though villagers in Ban Ye are not allowed to practice swidden in the forest all of them still maintain swidden plots. When I was in the village in 2004, I visited all four areas where villagers practiced swidden cultivation. The first area is called *Suoi Men* (Men stream) by villagers, about two hours away from the village by foot. This area has low slope thus convenient for swiddening. Currently all forestland in this area has been used for swiddening by 14 households. Swidden plots are found everywhere, from the foot to the top of the mountain. The second swidden area is *Suoi Gang* (Gang stream), about a three-hour-walk away from the village by foot. The route from *Suoi Gang* is very zigzag with steep rocky ascent, cutting across several streams. This area is impassible during rainy days. The land in *Suoi Gang* is quite steep. Thus, many villagers do not want to work the land there for swiddening. In fact, the number of

households practice swiddening in *Suoi Gang* has reduced over time. Currently, there are only three households maintaining their swidden fields in this area. Therefore, in *Suoi Gang* there still some land available for swiddening. The third swidden area is *Suoi Yen* (Yen stream). It is close to the village, only about an hour away by foot. Currently, the area is small and fully worked by four households in the village. The last swidden area is *Suoi Song* (Song stream), only about a 30-minute-walk distance from the village. Currently, there are ten households having swidden plots in *Suoi Song*.

In Ban Ye there are two main mechanisms determining household's access to swidden land. The first is the household's claim on the land established once the household opened the field. This claim is household-based and exclusionary, maintained during cultivation as well as fallowed period. This claim can be passed from one generation to the next. It can also be lent from one household to another. Once the claim is established, other households are not allowed to work the land. In the village, it is quite common that parents pass some of their swidden land to their sons/daughters when the latter get married and need land for cultivation.

The second mechanism determining household access to swidden land is household labor. In the forest where no one has claimed the land, villagers can open new plots for swiddening. However, opening a new plot is labor intensive as it requires a lot of labor for cutting, clearing and burning. Thus, households with small labor force cannot afford to have new plots. Data from my household survey reveal that the more labor power the household has the larger swidden area the household has. The correlation between the two variables is positively significant (see annex 5.a)

Newly-established households often lack labor and thus experience difficulties in accessing swidden land. Currently, access to land in *Suoi Men* and *Suoi Yen* (the areas convenient for swidden practices) is no longer open as the areas are already fully worked by other households. Though access to the land in *Suoi Gang* is still open, long distance from the village to the area and high slope and rocky land in the area are difficulties preventing them from working the land. Since *Suoi Song* is close to the village road where *kiem lam* traverses quite often, many villagers are afraid of opening new plots there. In general, access to swidden land is quite restricted especially for young

households. Of all 11 young households which I interviewed in 2004 and 2005, only one of them had new plots⁷⁵. Two of them are now working on their parents' land and share crop products with them. Another five are working their own plots granted by the parents. The remaining households have to borrow some land from relatives and friends. On average, the swidden area of a young household only accounts for 23 percent of the average area of a household in the village.

As mentioned in chapter 5, the implementation of the FLA in the village is not able to create a private notion on the land in Ban Ye. Ten years more or less after the FLA implementation passed, many villagers still express that "*Land belongs to the village.*" Almost all villagers who I talked to did not remember how much land they received under the FLA or where. In the village, villagers still adhere to their own way of using the land and forest resources. In the forest where no one has claimed the land, villagers can open new fields. Anh Kim, the village vice chair, was one of few villagers who remember the location (but not the size) of the land he received under the FLA. He told me, "*Cuon and Lyn [two villagers] open new fields on the land granted to me... they did not ask me before they did it. But this is fine to me as the land is not mine but the village's.*" In 2004 there were six households who opened new fields in *Suoi Song*. When I talked to them, they all told me "*Land belongs to the village.*" Apparently, the implementation of the FLA is not able to create a notion of private property on the land in the village.

Conversion from swidden land to terraces

Commonly, swidden cultivation is perceived as shifting fields with fluid boundaries. However, this notion does not hold true in Ban Ye any longer. In the village, swidden land has been individualized. When I went to the village first time in 2000 there were only some swidden plots with fencing. Villagers told me that they need to construct a fence around the plots to protect crops from cattle. When I revisited the village in 2004, I observed that almost all plots had fences. Usually, fences were made from tree stems neatly tied to each other. Thus, fluid boundaries of swidden fields made from standing trees, water rift or stones were replaced by rigid boundaries made from concrete wooden fences. Some households build a trench around their fields. Villagers no longer call the

⁷⁵ These households are the ones who established from 1996 to 2004, or after the implementation of FLA.

land inside the boundaries *nuong* (swidden land), but *trai* (farming land). Bo Min, my host, for example, has a *trai* in *Suoi Men* with an amount of 4,000 m². He acquired this plot in the 1970s. Within *trai*, the household started construct terrace to plant wet rice in 1996. Currently, the total area of terrace within *trai* is 1,200 m². This terrace allows double crops of wet rice per year, helping the households to reduce food shortage substantially. Still within *trai*, the household uses 2,500m² for planting corn and cassava. The remaining area is to plant fruit trees and softwood trees. Bo Minh built a small wood house inside his *trai*. When I went inside I saw a simple bed, an old blanket, and cooking utensil. Bundles of swidden rice were hanging over the ceiling of the house. “*This is our second house* [the first one is in the village]. *We stay here during planting and harvesting seasons*” said Bo Min. I looked around and saw two piglets eating cultivated water dropwort (*rau muống*) near the house and some chickens scratching at garbage for food. “*We will convert this land* [he pointed at the area for corn and cassava] *into terraces in the future*” he told me. After visiting *trai* of Bo Min, I went to see other *trai* in the village swidden areas. I observed a same thing: villagers fenced their swidden fields and practiced a variety of farming activities such as tree planting, crop planting, livestock, and poultry production within the boundaries. By doing these, villagers are able to stabilize their claims on the land. The shift of swidden boundaries from fluid to concrete reflects a process of individualization of swidden land in the village. This process brings about changes in land use practices and social relations among villagers with regard to their access to the land.

In addition to preventing cattle from damaging swidden crops, there are at least three main mechanisms which motivate villagers to individualize their swidden land. The first is land scarcity. As mentioned earlier, access to land in the village has been constrained in recent years. Turning swidden plots into *trai* is a good strategy helping households to stabilize their claims on the land. This consequently prevents people from entering the land. Secondly, wet rice has played an increasingly important role in providing stable food for villagers. In the village, wet rice production has gradually shifted from extensive mode of production to intensive one. Villagers have adopted more hybrid seeds and applied more chemical fertilizers in the production. As a result, rice yield has increased substantially over the years. Thus, constructing terrace within *trai* to cultivate wet rice

helps household stabilize their livelihoods. Finally, while wet rice production becomes increasing important, swidden cultivation appears unproductive. Many villagers complained about the increasing labor investment for weeding, the declining soil fertility, and decreasing productivity of swidden crops. Thus, many villagers want to convert their swidden land to terrace.

Construction of terrace, however, is labor intensive. Thus, households with small labor power are not able to acquire a large area of terrace. Data from my household survey indicate that the correlation between household labor power and the area of household terrace is statistically significant (see annex 5.b). In addition, the larger area of *trại* the household has, the bigger the area of terrace household has. The statistical test also shows a positive relationship between the two variables (see annex 5.c). In contrast, there is no correlation between the area of forestland households received under the FLA and their area of terrace (see annex 5.d)⁷⁶. This means that the FLA does not play any role in shaping household access to the terrace.

Distribution of power and notions among villagers

The individualization of swidden land in general and conversion from swidden land to terrace in particular reconfigures power structures in the village. First, it substantially reinforces the household-based exclusionary claims to the land; at the same time it reduces the power of the village elder (*già làng*). There are a variety of activities adopted by households to strengthen their claims on the land like fending around swidden plots, diversifying activities within the plots by planting trees, constructing terraces, and raising livestock and animals. These activities strongly reflect private notion on the swidden land. Regarding the power of the village elder, traditionally, the activities like selection of swidden area for the village, timing for crop planting and harvesting, praying god for rain appealing were decided by the village elder based on consultation of household heads. To select the area for swiddening, for example, the village elder organized a meeting inviting all household heads to participate and discuss. The heads were allowed to voice their opinions and the village elder made the final decision about the location. Once decided,

⁷⁶ Because virtually all households do not remember how much forestland they received under FLA, I had to get the data from the office of *kiem lam* at the district.

villagers were not allowed to work the land outside designated boundaries. Villagers who disobeyed were subject to fines both in cash and goods. Following the current plot demarcation of boundaries it is up to individual households to decide how the land should be used in what way and for which crops. The village elder told me, “*Traji is the household land ... I have nothing to say on this land... People are more and more interested in wet rice.*”

Secondly, the individualization of land strictly redefines household access. Traditionally, swidden boundaries were relatively fluid. Though household’s right to the plot was maintained even during the fallow period, however, this right was relatively weak. If the owner left the land fallow for a long period (usually about six years or more) other households could use the land without the objection of the owner. Access to the land was determined by both household’s right to the plot plus proper use of the land. Currently, this notion does not hold true any longer. Once fenced, no one can enter the land without permission from the owner, even if the land within the plot is left fallow for a long period. The change in nature of boundaries has made young households who have labor constraints difficult to access to land. Quite often, they are excluded from the land. A head of a young household complained to me, “*All the land in the forest is occupied*”. In the section below I shift my account to practices of logging in the village.

7.1.2 Logging and Patterns of Distribution

Distribution of timber income among households

In general, income derived from logging is disproportionately distributed among villagers in Ban Ye. There are two main mechanisms shaping household access to timber: household labor and its water buffaloes. Table 11 illustrates the result of the statistical test (see annexes 5.e, 5.f, 5.g, and 5.h for detail of the tests)

Table 11. Correlation between household timber income and household assets

Household income	Main laborer	Water buffalo	Political power	Forestland holdings (under FLA)
Pearson correlation	0.454(**)	0.538(**)	0.04	0.162

Note: ** significance at 0.01 level

As the table shows, the households with more laborers derive higher income from timber than the households with limited numbers of laborers. Data from the survey show that the labor-rich households (four to five primary laborers) derive higher timber income than the households with three main laborers, and much higher than the labor-poor households (one to two primary laborers). The one way ANOVA test indicates a statistically significant difference in timber income among these groups (see annex 5.i). Similarly, the households who have a greater number of water buffaloes (buffalo-rich households) derive a higher timber income than the households with a smaller number of buffaloes, or no buffalo at all (buffalo-poor households). The survey indicates buffalo-rich households have almost double the income derived from timber than buffalo-poor households (from none to two buffaloes).

The implementation of the FLA has not affected the way villagers' access timber trees. My statistical test does not find a significant correlation between forestland holdings households received under FLA and households' timber income. The survey data demonstrates that households with moderate holdings derive a higher timber income than the households with large forestland holdings. The one way ANOVA test finds a significant difference in annual timber income of households with large land holdings, moderate holdings, and small holdings (see annex 5.j). My study in the village reveals reasons for this.

As mentioned in chapter 6, logging requires strong labor. Labor-poor households have difficulties in gaining access to timber trees. To be able to derive a benefit from the trees, they have to hire migrant woodcutters or collaborate with other villagers. Failure to do so would exclude them from accessing to timber trees. In the village, household of Anh An is a case in point. Within a year, Anh An is only able to derive only 740,000 VND (less than \$50 US) from timber logging when he works as a hired laborer for other villagers. On average, he receives about 10,000 – 15,000 VND per working day (less than a dollar). Shortage in labor is the main reason preventing him from gaining access to timber. Currently, in order to maintain day-to-day livings, Anh An and his wife have to spend most of their time working on swidden land and collecting bamboo shoot. Their two sons are too small to help them. Anh An told me sadly “*We [labor-poor households] do not have enough labor. We have to spend a lot of time today to find food for tomorrow. We*

have no labor to work on the logging...Logging does not produce cash immediately. You have to wait a week even several weeks before money arrives⁷⁷. We will starve if we have to wait for such a long time.” In the village, there are several households like Anh An’s which are virtually excluded from timber benefits.

By contrast, labor-rich households have enough labor to work on logging and consequently derive a good income from timber. The household of Bo Min, my host, is a typical case of labor-rich and also buffalo-rich household. Annually, the household is able to derive about 9.6 million VND (\$640 US) from timber. There are eight members in the household of which five are main laborers and two are supplementary. Of the five main laborers, three are male including Bo Min and his two sons. Within the household, labor is arranged in a way that allows these sons to have most of their time for the logging. Two female laborers are the wife of Bo Min and the daughter-in-law those mainly in charge of farming activities. The two supplement laborers are responsible mainly for house work. Having enough labor, the household does not have to hire labor from outsiders nor collaborate with other villagers for the logging.

In addition to labor, owning water buffaloes is important for households to gain access to timber. Since villagers cut timber trees in deep forest, it is impossible for them to bring timber home without a help from buffaloes. In the village, the buffalo-rich households are able to derive a higher income from timber than the buffalo-poor households. The household of Bo Min, for example, has three buffaloes mainly used for hauling timber. By contrast, household of Anh An does not own a buffalo. In the village, households having no buffalo have to hire a buffalo from others or cooperate with those who have buffaloes. In the village like Ban Ye, buffalo is an important asset. Currently, a strong buffalo is worth around 7-8 million VND (\$450 -550 US), about 20 percent higher than average annual income of a household. Thus, many households particularly the young do not afford a buffalo. Some young households borrow a buffalo from their parents for

⁷⁷ Usually, it takes considerable time to derive an income from timber. Tree felling, sawing, timber hauling takes time (see chapter 6). Also, since timber market is illegally operated, it is not always easy for the trader to transport timber to the market. Difficulties in transporting bring about delays for village woodcutters to sell timber to trader. Usually, the process from cutting trees in the forest and selling it to trader to derive an income takes about two to three weeks. Sometimes it takes seven to eight weeks. Though village woodcutters explore timber around the year, they often have to keep timber at secret places and sell to the trader when convenient.

logging. Sometimes, they rent a buffalo from other villagers for which they have to pay 25,000 VND (\$1.7 US) per day. Several young households which do not have a buffalo or labor rent both buffaloes and migrant woodcutters to work for them on logging. It turns out for some of them that the income derived from timber is not enough to cover expenses. Consequently, they fall into debt.

Similar to what happens with swiddening, the FLA does not influence logging practice in the village. Villagers in Ban Ye can cut timber trees anywhere that is convenient in the forest. Thus, receiving large forestland holdings does not provide the household with better access to timber trees than receiving small holdings. I observed in the village that villagers do not use the term “*my forest*” but “*the village’s forest*.” In this context, the FLA is not able to establish new claims on the forest. Villagers rely on other sources to fend off their claims on the forest.

Timber market and distribution of power and notions among villagers

Timber market has influenced the power structure in the village in a number of ways. First, it has strengthened the collective power of the whole village in maintaining access to timber trees for their survival. Though all people in the village including officials know that logging is illegal, they ignore the law and engage in this practice. Nobody in the village denounce the illegality of logging of the villagers. Officials at the village and commune level look away. In this context, the consensus among all villagers and local officials on logging strengthens collective power for the whole village by which it rules out the state law tightening villagers’ access to the trees.

Though logging has strengthened the collective power of villagers to disregard the state policy banning timber logging in the forest, it has loosened the village control over the forest at the local level. The timber market has motivated villagers particularly the young to cut timber trees in the sacred forest in recent years. In 2000, I visited the village’s sacred forest where villagers called *ao éch* (frog pond). At that time, I saw some big trees which I could not be found in other areas of the forest. Villagers believed that cutting the trees in *ao éch* meant disrespect to the forest gods and doing so would bring about bad

luck for the whole village⁷⁸. In 2004 I revisited *ao éch*. I observed that virtually all large trees already vanished. Many small trees (about 50-60 cm in diameter) were already chopped down and were scattering on the ground waiting to be hauled off. I asked Anh Bin, a village woodcutter who allowed me to accompany to *ao éch*, “Aren’t you afraid of being punished by the god?” “There is no god here” answered Anh Bin. I pointed him to a very large tree (the largest in *ao éch*) which had a plastic board hanger over the stem with a writing “the forest is gold, all people have to protect it” written by *kiếm lâm* sometime in the mid 1990s. I teased Anh Bin “Why don’t you cut down that big tree? I think it must be a very good timber tree isn’t it?” “It is black Trám; very good timber” he answered, and then added “In fact, two years ago when seven of us were cutting this tree, Ong Thon [the village elder] and Ong Chan [the village chairman] came over and asked us to stop the cutting. They said the tree has god in it. We left and then came back to cut the tree. Someone in the village then called *kiếm lâm* in and thus we had to give up.”

The timber market has strongly motivated villagers to cut down the trees in the forest. Anh An who I mentioned earlier told me that when he asked some woodcutters to stop cutting trees in *ao éch*, some of them told him “The trees are not yours, why are you protecting them?”

The timber market also provides an opportunity for the head of farmer association and security officer who resides in the village to extract benefit from timber. Working at the administrative system of the commune, these officials have some connections with the *kiếm lâm* of the district. They then inform the trader that they would denounce the transportation with *kiếm lâm* if the trader does not give them some money. Thus, whenever the trader drives his truck to the village to load timber, these officials show up and ask for money. For each time, they receive 50,000 VND (\$3.2 US) from the trader and the same amount from woodcutters who have timber to sell.

Timber market has brought about social differentiation in the village. It widens the gap between the labor and buffalo-rich households and the labor and buffalo-poor households. Explaining to me, Bo Hen, the head of a labor and buffalo-poor household

⁷⁸ Villagers told me a story that in the past there was a villager who chopped down a tree in *ao éch*. Some months after that he had a serious accident who almost cost his life.

emphasized, “*Their [the labor and buffalo-rich households] livelihoods improve rapidly. We poor are very disadvantaged... They go to forest [for timber logging] for a week and gain enough money to buy rice for their households for two weeks. For the next two weeks, they work on the logging to accumulate wealth.*”

For most households in the village, timber means livelihood. Anh Ho, the head of a young household told me: “*I was about to give up [logging], but found it difficult in gaining enough cash to buy food. I also found that I was very disadvantaged if I give up because all villagers are still doing. Trees are of the village... Thus I keep doing it.*” Anh Tua, the head of another young household expressed, “*Timber trees are available now but all will be gone in the future. I am now trying to save some money from this source. After I save enough, I will give up [logging] and use this saving to invest in livestock production.*”

For some households in the village like my host, timber means livelihood as well as a mechanism of wealth accumulation. I know that with the money derived from timber, my host is able to construct a large new wooden house for his first son in 2003, to cement the yard in front of the house, and has enough savings to be used to construct another house for his second son. He told me that he can afford to buy a motorbike but he does not want to do so⁷⁹. In the section below, I examine distributional effects of land market on property relations in Than Con village.

7.2 Markets and Pattern of Distribution in Than Con

Unlike in Ban Ye where the FLA has not been able to create a notion of private property on the forest, it has constituted a strong notion on private property in Than Con. Currently, without consent from the owners, other villagers cannot encroach on the land to cut the trees, collect NTFPs, or work the land. In the village, households derive an income from the forest by harvesting timber trees on the land allocated to them under the FLA; they also collect NTFPs particularly firewood from the land to sell for cash. Thus, the larger landholdings the households receive under the FLA, the higher income they derived from their land. Data from my household survey show a positive correlation

⁷⁹ My focus group discussion with villagers reveals that villagers use some main criteria for categorizing households according to the village wealth status. Those criteria include housing status, number of cattle, areas of wet rice land, and motorbike.

between household landholdings and income they derive from timber trees and firewood collected from their land (see annex 4.c). As mentioned in chapter 5, softwood trees (main acacia) promises a good source of household future income. Thus, many households have used cash income derived from cassava, livestock to invest in softwood trees plantation since the end of the 1990s. Data I obtained from the survey also demonstrates a positive correlation between household cash income derive from cassava and household's tree area (see annex 4.d), and between cash income derived from livestock and the tree area (see annex 4.e). However, assuming that the larger holdings the households have, the larger areas of planted trees they would afford would be misleading. Data from my survey show no statistical correlation between these two variables (see annex 4.f). My in-depth interviews with villagers concerning the land market explain this pattern.

7.2.1 Markets for Forestland and Young Trees in the Village

In the village, the household of Anh Thu (husband) and Chi Tin (wife) also rented forestland from villagers to plant softwood trees. This couple also worked the land under share cropping with other villagers, or bought young trees from them. By the end of 2004, the total forestland the couple rented was 10.1 ha from three households in the village. The couple calls this land *đất đấu thầu* (bidding land); the term refers to a process of bargaining between them and the villagers who leased the land to them. Anh Thu told me at the end of 2004 he was planning to rent another seven ha of forestland from another household in the village. In addition to *đất đấu thầu*, the couple worked on 11.6 ha under sharecropping arrangement with two households in the village. They call this land *đất liên doanh* (join-venture land), referring to a type of collaboration between two sides. Currently, all *đất đấu thầu* and *đất liên doanh* are covered by acacia and cassava. In addition to *đất đấu thầu* and *đất liên doanh*, the couple also bought a lot of young trees from four households in the village. The couple is now waiting the trees to reach maturity.

The household of Anh Thu and Chi Tin demonstrates how market institutions assists entrepreneurial villagers to accumulate wealth from the land regardless of property rights to it. When the FLA was implemented in the village, the couple had not married. At that

time, Anh Thu stayed with his brother and did not think that the land was important. Thus, he only received a small piece of land totaling 3.5 ha. In 1999 they were married. Chi Tin is a lowland Kinh woman who the villagers believed to have knowledge on “how to make a productive use of the land”. The couple then bought eight *sào* (2,880m²) of land from a villager, of which one *sào* is paddy land and another three *sào* are a fish pond; the remaining area is garden land. They started to plant tea, wax-trees, and acacia on the garden and forestland. In 2001 they separated from Anh Thu’s brother and established their own household. This was the time Xuan Dai forest enterprise started to rent the land from villagers. Strongly motivated by the incentive of the land market, the couple decided to follow the enterprise, renting land from villagers. They used cash income derived from tea and resin of wax-trees to rent land from villagers and invested in acacia trees and cassava planting. In the beginning, they rented 1.1 ha of forestland from Anh Vi household for 200,000 VND (\$13 US) per ha for a 10-year-period. They then hired labor to plant 1,200 acacia seedlings on this plot. In 2002, they rented another two ha from Anh Tho, another villager, and then planted 2,400 acacia seedlings on the new plot. In 2004, they rented another seven ha from another household. When I left the village in October 2004, they were about to hire labor to plant more acacia.

When renting land, the couple drafted the contracts and asked the households to sign. I saw in the contract Anh Thu showed me the testimony of both village chairman and commune chairman. *“I need to sign contract to avoid the risk as people may ask me to return the land before the due course”* Anh Thu told me. Looking at the contract, I learnt that though it was not as complete as the one of the enterprise which I had a chance to see; it included all important information such as rights and obligations of each side, the duration of rent, and enforcement mechanism. Holding the contract in his hand Anh Thu emphasized *“I learn this from the enterprise.”*

Regarding *đất liên doanh*, the arrangement is made in the way that the couple does not have the land but money to buy the seedlings and the households as counterparts do not have money but the land to plant the trees. Labor costs for land preparation and tree planting and fertilizer costs are equally divided between two sides. Both sides agreed that benefit derived from trees at the time of harvest will be equally shared. The couple first

came into the join-venture in 2000. By the end of 2004, the couple worked on four plots, totaling 11.6 ha on which they had 9,200 acacia trees under the sharecropping.

Besides *đất đầu trâu* and *đất liên doanh*, the couple bought 1,030 young trees mainly acacia trees (86 percent) from four households in the village from 2001 to 2004. The contracts were verbally made between two sides, specifying that the couple had to return the land to the households once the trees are harvested. In the section below, I examine the distribution of cash income between the couple on the one hand and villagers who went into business with them on the other hand (will) derive from the land and tree markets.

7.2.2 Markets and Distribution of Benefit

Though the trees on *đất đầu trâu* and *đất liên doanh* and the young trees the couple bought are not ready for harvest, they promise a huge income for the couple in the future. When I visited Anh Thu in 2002, he showed me a note in which he noted down all costs he spent on acacia planting. From the note, I learnt that the total cost they spent on planting 1.1 ha of acacia on *đất đầu trâu* was 620,000 VND (around \$40 US)⁸⁰. On this plot, they intercropped cassava with acacia for which they had to pay another 550,000 VND (\$37 US) as labor cost for cassava planting and weeding⁸¹. When they harvested cassava at the end of the year, they gained 5.6 million VND (\$370 US). “*We gain more than enough to pay for the land renting and labor cost*” said Anh Thu. “*In five or six years, we will have about 50 m³ of wood from acacia from this plot for which we will have at least 8.5 million Dong [around \$560 US]*” He told me happily. Renting land from villagers promises a good income for the couple.

Regarding the households who leased the land to the couple, usually they are ranked at the lowest rung of the village wealth category⁸². In general, they are newly established households; they lack labor, capital and cultivated land. Most of them have four to five months of rice shortage within a year. They often have small tea areas thus do not have a

⁸⁰ This includes 280,000 VND as the cost for seedlings, 220,000 as cost for renting land, 250,000 as labor cost for clearing the land, 70,000 as labor cost for burning, and 50,000 as labor cost for digging holes.

⁸¹ This amount consists of 80,000 VND as labor cost for planting, 470,000 as labor cost for three times of weeding.

⁸² In 2002 I conducted a focus group discussion in the village. The result shows that there are five groups of households in the village: better-off, above the average, average, poor, and extremely poor. Villagers used some main criteria for categorization of the households are housing status, number of cattle, areas of planted trees, area of tea, area of wet rice land, and motorbike.

good income from this source. Before leasing the land to the couple in 2002, the household of Anh Vi (one of them this group) had leased 5.5 ha of forestland to Xuan Dai forest enterprise. Anh Vi, the head, told me that the money received from leasing 1.1 ha to the couple was barely enough for his household of five members to buy rice for two months. “*We don’t have money to plant trees; it is better to rent out the land so that we can have some seedlings left on the land after they [the SFE and the couple] harvest the trees*” said Anh Vi. In 2004, Anh Vi leased another seven ha of land he inherited from his father to the couple for the same reason. Similarly to the household of Anh Vi, the household of Anh Tho, needed cash urgently when the wife, Chi Con, was hospitalized. Consequently, Anh Tho decided to lease the land to the couple to gain some quick cash.

Đất liên doanh also promises a good source of income in the future for the couple. For each ha the couple invests about 465,000 VND (\$30 US)⁸³. According to the couple’s estimation, they would gain about 7.5 million VND (\$500 US) from each ha when they harvest the trees⁸⁴. Unlike *đất đầu thầu* where the couple could plant cassava and thus derive an additional source of income from the land, it is the land owners who plant cassava on the land and have access to this source. Anh Thu told me that he prefers working *đất đầu thầu* to working *đất liên doanh* as he could gain more benefit from the former (through cassava planting) and have more autonomy when working the land. As a result, the couple only works on *đất liên doanh* with their close friends who they trust. Anh An, a villager, told me that in 2003 he asked the couple to collaborate with him to work his three ha of land but the couple refused.

Buying young trees from villagers provides a potential income source for the couple. Usually, they buy each young tree at 3,500 VND (\$0.2 US). Once the trees reach maturity, each of the trees can be sold at about 19,000 VND (\$1.2 US).

In general, the market for forestland and young trees are mechanisms assisting the couple to accumulate capital. Anh Thu told me “*Our business is going well nowadays. We invest all money derived from tea, fish and other sources in tree planting. As we have tried, livestock production does not generate a good income. It also requires a lot of labor. Our*

⁸³ These include all cost for seedlings and 50 percent of labor costs.

⁸⁴ On average, each ha of acacia produces about 50 m³ of wood, or about 15 million VND if sold at the current market price.

rice fields and fish pond would have never gone even we do not work them. Thus, we now only concentrate on tree planting.” Currently the couple no longer work their paddy land but lease the land to other villagers. In the section below I examine power relations between the couple and the villagers who join business activities with them. I also explore how the markets help articulate their notions on the forest.

7.2.3 Markets and Distribution of Power and Notions

When going into business, either in the forms of *đất đầu thầu*, *đất liên doanh*, or buying young trees, the couple always has more power than their counterparts. This provides the couple a lot of advantages to bargain with villagers. Regarding *đất đầu thầu*, the villagers who lease the land to the couple do not have any say on the price of rent. The couple simply follows that price set by Xuan Dai forest enterprise. However, they ask villagers to give them land for ten years, and not eight years as the enterprise did. The couple was able to ask for a longer period of time because they often advance cash to villagers before they work the land. In addition, they lend cash to these households free of charge when needed. By doing this, the couple is able to tie the villagers to their business. Thus, the negotiation is always in favor of the couple. After renting the land from the villagers, the couple hired them to work the land. To this extent, the villagers’ role shifted from land owners to hired laborers. Thus, the market has shifted the role of the villagers, dispossessing them of land.

The couple also has more power than the villagers when they work on *đất liên doanh*. They decide with whom they would like to cooperate, not the villagers. This reduces the bargaining power of the villagers. I talked to Anh Tuon and Anh Ho who work with the couple on *đất liên doanh*, they both told me that they were lucky having the opportunity to work with the couple. In their view, the couple helps them to make productive use of the land in the name of friendship otherwise they would not be able to derive any benefit from the land.

Finally, regarding the four households which sold young trees to the couple, they all urgently needed cash and were forced to sell the trees. They did not have any other choice but to sell it to the couple, the only people in the village who buy young trees. Price of the trees was merely determined by the couple. When I asked Anh Thu how the price was

fixed at 3,500 VND per young tree, he told me that he simply multiplied the price of a seedling (which is about 200 VND) to 15-20 times. “*That is already a pretty good price for them* [the ones who sold the trees]” he said.

Working *đất đầu trâu, đất liên doanh*, and buying young trees from villagers strongly reflect the entrepreneurial notion of the couple. Though their trees they planted or bought have not reached maturity, they promise a good source of income for the couple. From the couple’s point of view, investing in tree planting is an effective mechanism of wealth accumulation. In the village, the couple represents newly emerging local elite who do not have property rights to the land but use capital to derive benefits from the land. Access to land achieved by means of capital is facilitated by market institution. The process of wealth accumulation is taking place on the condition that the Land Law and the FLA granted villagers a broad bundle of tenure rights including right of alienation.⁸⁵ Apparently, the couple’s entrepreneurial notion is manifested into practice in the forms of *đất đầu trâu, đất liên doanh*, or buying young trees from villagers. In the section below I examine market for garden land in Ho So village and interrogate its effects on property relations on the ground.

7.3 Land Market and Distribution Pattern in Ho So Village

7.3.1 Income Distribution among Villagers

After selling land, villagers in Ho So used the income to invest in consumption and production goods. Data from my household survey indicated that about half of the households who sold the land used part of their income from the sale to buy land for housing. On average, each of them bought about one to two *sào*, much smaller than the area they sold to outsiders. After buying the land, they constructed new houses imitating housing styles of people in the lowlands and in cities. More than half of them bought color TV sets with brand names like Toshiba, Samsung, or Goldstar. One third of them bought the antique-like cupboards and sofas. Around two thirds of them bought Chinese-made motorbikes. In the village, these amenities demonstrate modernity. Currently, if one

⁸⁵ The 1993 Land Law does not allow land recipients to alienate (*bán*) the land, but to transfer (*chuyển đổi*) the land to the third party. In practice, when people transfer the land to others, they do not use the term *chuyển đổi* but *bán*. The term *bán* better reflects reality as the process of *bán* is governed according to market principle, independently from the government. Price of land often is determined according to the market price.

enters a newly-built house, one's eye is caught by a big color TV set placed on the top of a new cupboard in the center of the house. Below the cupboard is a leather (imitation) or antique-imitated sofa and a glass table. Usually, a motorbike is placed next to the cupboard. This setting makes one think about an ordinary house in the lowlands.

Some households used money from the sale to buy paddy land and cattle particularly cows. My survey data indicates that 21 percent of the households who sold the land bought paddy land, and 26 percent bought cows. As mentioned earlier, about \$427,000 US was siphoned into the village through the land market. About 30 percent of this total was spent on buying land for housing, 18 percent on housing construction, seven percent on motorbike, three percent on cattle, one percent on TV sets, and another one on paddy land. The remaining of the amount is used for other stuff such as electric fans, water pumping machines and as household savings.

The household survey, however, is not able to reveal different ways households in the village responded to the land market. My in-depth interviews with villagers help distinguish four main groups of villagers.

Consumptively-oriented households

I call households in this group consumption oriented. This term refers to the households who sold the land and used the income to invest in consumptive goods such as housing construction, motorbikes, and TV sets. The household of Anh Hi and Chi Ho who I mentioned in chapter 6 is one of them. I recall my visit to their house in a hot summer afternoon in August 2004. When I came in, Anh Hi, the head, just came back from tending to a calf. His wife, Chi Ho, was not home. She went to the village nearby to work as hired laborer. Sitting on the sofa, wearing only shorts, Anh Hi was holding his three-year old child in his arms. When I arrived, Anh Hi stood up and put on his T-shirt with the *Star-War* image on. He then turned on the new *Oasis* amplifier⁸⁶ and Samsung color TV set to entertain me with some pop music performed by some Vietnamese singers living abroad. We then talked over the music and cups of tea. Anh Hi married Chi Ho 2002 when he was 24 years old. By this time the cooperative was already dissolved, thus they did not receive any land from the cooperative. When they established their own

⁸⁶ This is a Chinese brand name. The amplifier is made somewhere in China. It is cheap but low quality

household, the mother of Anh Hi gave them two *sào* of paddy land and another 11 *sào* of land for housing and home garden. The paddy land was too small to provide enough rice to the household in the year round. On the home garden, there existed a tea plantation from which the couple could derive about 0.5 million VND (\$30 US) per year. The garden is flat, located near the village main road. When the land market initially emerged in the village, the couple were approached by urban buyers to ask for land. Strongly attracted by a large amount of money offered by the buyer from Hanoi, the couple sold eight *sào* of their garden land for 60 million VND (\$3,600 US). They gave half of the money to Anh Hi's mother. In early 2004, they demolished their old house and used the money from the sale to construct a new house worth 50 million VND (around \$3,200 US). Lacking money, the couple sold one *sào* of land from the remaining plot for 30 million VND (\$1,900 US). Then they spent 8.5 million VND on a Chinese motorbike, another 2.7 million on a Samsung color TV set. They also bought a new set of antique-like cupboard and an imitation leather sofa. Again, money from the sale vanished. Anh Hi insisted his mother to give him some money. The mother then gave them two million VND (\$130 US), just enough for them to buy a small cow. Currently, the couple has to borrow 6,000 m² of swidden land from the mother, but this land is about to be taken away by commune authorities⁸⁷. Talking to him, I learnt that Anh Hi worried a lot if the land is taken away. He looked over the window, pointed me the tea plantation on the land they already sold and said: *"They [the new owner] don't allow me to work the land any more though they have not done any thing on land. They abandoned our tea plantation. We lost our income from this source."* My short visit to the village in early 2007 reveals that Anh Hi already sold his small cow and the household now felt into debt. Recently, the couple has to go to other villages to work as hired laborers. However, income from this source is very small. Anh Hi told me in 2004: *"life is getting more and more difficult and expensive. Everything such as electricity and kindergarten is measured in cash and is increasing."*

In the village there are some households like Anh Hi's. Usually, they are those who sold land earlier and did not invest it in productive goods, but primarily consumptive goods.

⁸⁷ This plot was lent to father of Anh Hi when the father was a commune cadre in the mid-1990s. When I was in the village in 2004, the plot was about to be taken back. Officials told me that this plot will be used as housing land for newly-established households in the village.

They are often ranked at the lowest level of the village wealth category. They used to have poor housing status and have small labor force and limited cultivated land. They often have small numbers of cattle or have none at all. After selling the land, some of them even sold their paddy land located in the former village (Nhat) their parents gave them because the field is “*too far to walk*” in their own words. Some returned their swidden land to land contractors (*chủ đất*), or reduced the area and lived on money from the sale. By the end of 2004, most of the households in this group already spent all the money derived from the sale of their land. Some (like Anh Hi) had to borrow money from others and consequently fell into debt. My trip to the village in early 2007 revealed that at least six of them had fallen into debt and had no idea how to return the money. Thus, the land market exposes these households to modernity, manifested by modern housing and amenities, it exposes them to the risk of losing their means of livelihood, forcing them fall into the poverty trap.

Productively-oriented households

The second group consists of the households who are productively oriented. They are those who sold their land and used money to invest it in productive goods particularly paddy land and cows and also consumptive goods. The household of Chi Bin and Anh Trun is one of them. The land market serves as an opportunity for the household to shift from a rice shortage household to a rice sufficiency. Before selling 22 *sào* of garden land in late 2003, the household did not have enough rice to eat. Though the couple sold the land earlier and thus received low price (at 5.1 million VND, or \$340 US per *sào*) they know how to use money productively. Of the total 114 million VND (\$7,400 US) derived from the sale, they spent 32 percent on buying 4.5 *sào* of garden land with a tea plantation from another household. They spent another five percent on buying two *sào* of paddy land from a household in the nearby village. Currently, the total paddy land of the household is four *sào*, large enough to produce sufficient rice for the household of six members in year round. Considering cows a source of saving, they used 12 percent of the income from the sale to buy four small cows. Though their paddy land expanded, they did not give up working their swidden land. Income derived from swidden crops (about 5.8 million VND, or \$380 US, per year) is enough for them to pay for agricultural inputs, children’s schooling fee and household daily expenses. Currently, all members of the

household are living in a simple house worth 30 million VND (\$1,900 US) constructed in 2004. After spending 6.2 million VND (\$400 US) in buying a Chinese motorbike, the household still has more than 20 million VND as savings. Chi Bin happily told me, “*I put all the savings in the bank. I will use it for my children’s education.*”

In the village, about one fourth of households who sold the land belong to this group. They are ranked as middle households according to the village’s wealth category. The heads of households are between 35 and 50 years of age. Usually, the households in this group do not have much labor constraint. Almost all of them have paddy land from the cooperative. Therefore, their average paddy land is much larger than that of the households in group one⁸⁸. Some of them constructed their own terraces; some bought paddy land from other villagers even before the emergence of the land market. Compared to households in the first group, they have larger swidden areas. In general, households in this group know how to balance their investment between productive and consumptive goods better than the households in the first group. Thus, land market helps the households in this group stabilize their livelihoods.

Market-denying households

In the village, there are some households which have land in convenient locations but do not want to sell. As these households say no to the land market I call them market-denying households. In the village, all of them are ranked as better off. The heads are of between 45 and 50 years of age. All of them have stable sources of income derived from various sources like livestock production, fish production, tea plantation, winter crops, trading, and government salaries. Usually, they have large areas of paddy land which produces more than enough rice their household use. They do not sell the surplus but use it to feed their animals. All of them own good houses accommodated with modern amenities such as color TV sets, and motorbikes.

The household of Anh Din and Chi Huon is one of these. The couple constructed a two-story house worth 60 million VND (around \$4,000 US) in 2000. This house was the most beautiful in the village at that time. Currently, the house is surrounded by 20 *sào* of land

⁸⁸ When the cooperative dismantled in the late 1980s, paddy land was distributed to households according to the number of household members. As a result, large households received more land than small households did.

planted with fruit trees like longan and litchi, tea, soybean, and peanut, and vegetables. In addition, the couple has three *sào* of a fish pond and five *sào* of paddy land they bought in the early 1990s. Before getting married with Chi Huon, Anh Din used to be an officer working in a provision division when he served in the army for two years. This job provided him with trading skills which he has made use of it when he returned home from the army. Regarding trading, Anh Din buys cassava and canna from villagers and brings these produce to a lowland market to sell for cash. Profit derived from the business has enabled him to buy paddy land, hire labor to construct the fish pond, and construct a beautiful house. Currently, the couple derives more than 23 million VND (\$1,500 US) per year from various sources. They become the money lenders in the village. Savings from various sources afford the couple to buy luxury consumptive goods including a Toshiba color TV set and an Angel (the Taiwanese-made) motorbike, and a modern set of cupboard and sofa. During my talk I teased him “*Why don’t you sell your home garden to get a billion?* [as he earlier told me that someone had asked him for the land for a billion VND]” he suddenly looked very serious and said “*You are there, me here, let’s wait to see what happen to them [the ones who sell the land] in the future after money have vanished. I assure you they will have many difficulties. I will never sell my land.*” Apparently, for the households like Anh Din’s, land market does not help improving local livelihood. Instead, it is the mechanism dispossessing them of the land, exposing them to the risks of losing land to the hand of outsiders.

Marginalized households

This group includes the households who do not have an opportunity to access the land market as they are not able to sell their land. I refer to this group of households as marginalized. There are three main reasons making them unable to sell land. Firstly, some of them have small plots, often less than three *sào* each. These plots with small sizes are not of the interest to the urban buyers. Secondly, some of them have large plots but located in not easily accessible locations, usually deep in the village. Thirdly, some of them have good land located in convenient location, but they have not yet received legal titles for the land, either because of the informal land transaction or there exist conflicts over the land.

In the village households which have small plots usually are younger families, established after the break down of the cooperative. They do not have cooperative paddy land. When established, their parents gave them some land. Usually, this land used to be idle but then freely acquired and worked by their parents. The area for each plot is small, often around one to three *sào*. As freely acquired, the land does not have legal title.

The households which have the land located in inconvenient locations are the ones who settled in the village late. As mentioned in chapter 5, the resettlement of the households in Ho So took place from 1991 to 1994. Those who moved to the village earlier often acquired large plots in convenient locations. In contrast, those who moved later had no choice but received smaller plots in less convenient areas. The household of Anh Than, for example, has a plot of nine *sào* acquired in 1994. But no one has asked him for the land as because his plot is located deep inside the village.

Informal land transactions in the village attributes to the exclusion of the involved households from the market. In the village, these transactions took place among villagers, usually when parents bought plots of land from other villagers to give the land to their children. All informal transactions took place prior to the emergence of the land market. Under the informal transaction, land was transferred from sellers to buyers with verbal contract (*hợp đồng miệng*), and something with hand-written papers (*giấy viết tay*). Local authorities were often not informed about the transactions. As a result, the land under informal transactions often did not have legal documents. The absence of these documents makes it difficult for the land owners to sell the land to urbanites. When I was in the village in 2004, there are around a dozen of households who were not able to sell the land because of lacking of legal titles.

7.3.2 Distribution of Power and Notions among Villagers

Influences of land market on social relations

The land market has created a huge income gap between those who have access to the market and those who do not. Also, it has changed various local institutions in the village particularly those concerned labor arrangement and community work. Currently, labor exchange is only made among the households with familial ties or close friendships. Anh Tua, the head of the Youth Union of the village told me; “*It is very difficult for me to*

mobilize villagers to work nowadays. Some don't want to work. They prefer to pay 15,000 VND [around \$ 1 US] for a day rather than contribute their labor to community work.”

Since 2004, gambling has emerged in the village. When I was there in 2004 I often observed various forms of conflict among household members such as between fathers and sons, husbands and wives. A security man of the commune who lives in the village near Ho So noted this to me; *“Ho So is now chaotic. Money derived from land market brings about a lot of social evils and conflicts. Our village is lucky [because there is no land market in his village]”*. In my visit to Ho So in 2007 I learnt that many villagers spent a lot of money on gambling. The son of my host, for example, spent one fourth of money from the sale on gambling and this has ignited many on-going conflicts among family members.

Meanings of Land market for Villagers

The land market means different things for different households. For consumptively-oriented households, the land market serves as a mechanism for helping them move away from the so-called “backward” life and adopt a modern one. These households understand modernity from what they see on TV and/or heard from radio or Kinh people who they interact with. For them, modernity means good housing equipped with modern amenities. The land market becomes an opportunity for them to adopt modernity and show it off to other people. Thus, after selling the land, they are more interested in investing in consumptive goods and less concerned about their future livelihoods.

Land market means something different for productively oriented households. It is not only a means for them to adopt a modern life, but also an opportunity to sustain their future livelihoods. The difference between the households in the first and second groups is that the latter concern about their future livelihoods. They use a certain amount of income derived from the sale to buy another plots of land for housing, trying to select the land on which there exist tea plantations so that they could derive some income from this source. They use part of the income to buy paddy land and cows. They use a certain amount of money to invest in housing. Some buy motorbikes; others do not. By doing this, their livelihoods have been improved and stabilized.

The households who deny the land market see the market a potential danger to local livelihoods. As all of them already have modern life and stable sources of livelihoods, they do not need the land market to improve their lives. For them, the land market is a mechanism dispossessing villagers to the land and exposing them to the risk. Thus, though land market promises a good income source, none of them wants to sell the land. In the section below I compare effects of the markets in the three villages.

7.4 Markets in the Three Villages in Comparison

The markets in the three villages have been informed by a process of changes at the macro level. In general there are two crucial mechanisms constituting the markets in the three villages. The first is a rapid development process of the country since the renovation policy. This process has strongly promoted the flow of goods and services in the uplands. This process has tightened the upland-lowland linkages. The second mechanism is the loosening of the state control over the land, manifested by the 1993 Land Law. The Law has added new value to the land, making the land not only a means of production but also a commodity product.

There are a number of similarities and differences in terms of effects of markets and other mechanisms on property relations in the three study villages. Regarding similarities, I observe that in each village the market and other mechanisms tend to constitute two main distinguished groups of actors - the winners and losers. These groups differ greatly from each other in many aspects particularly their access to market opportunities, balance of power, and notions they reflect on the forest. As regards access to market opportunities, winners are the ones who derive a good cash income from timber trees, either from natural forest (Ban Ye) or from planted forest (Than Con), and from the land (Than Con and Ho So). In contrast, the losers are often excluded from the benefit stream. Regarding the power balance, the winners are usually the ones who have stronger bargaining power than the losers. With regards to their notions on the forest and the markets, the winners and losers have different understandings. Usually, winners consider the forest a mechanism for improving their future livelihoods and at the same time a way of accumulating wealth. In contrast, most of the losers see the forest and the markets ways of strengthening their livelihoods, rather than a way for capital accumulation.

There are several mechanisms producing winners and losers in each village. In Ban Ye, the winners are the households who have strong labor power, thus they are able to acquire large areas of swidden land (and consequently the terraces), and derive a good income from timber trees. The losers are the ones who have limited labor power, capital, and buffalo. In Than Con, it is financial capital which enables the household to rent the land and to buy young trees from other villagers. The losers are the one who have capital constraints. In Ho So, the losers are the ones who have labor and income constraints.

In all three villages, I find a blurred linkage between property rights established by legal regulations and material benefit households derived from resources. In Ban Ye, the winners acquiring large areas of swidden land and the terraces do not need property rights to gain access to land. Neither do they need such a right to facilitate their access to timber trees in the forest. In Than Con, the winner does not need a right but financial capital to buy up the land and young trees from villagers. In Ho So, right to the land can be easily transferred through market transaction from right owners to other actors who have capital to buy up the right.

There are a number of differences in terms of effects of the markets and other mechanisms on property relations in the study villages. First of all, households in the three villages adopt different mechanisms to derive benefits from forests. In Ban Ye it is labor power that plays a crucial role in facilitating households to gain access to land and trees. Capital is also important in mobilizing labor and buffalos for benefit derivation. However, without capital, households in the village are still able to derive a certain amount of benefit from the forest. In Than Con, financial capital plays a more crucial role than labor in gaining access. Households can buy up land, trees, or mobilize labor from others provided that they have enough money. In Ho So, a combination of household's labor power, income, and experiences shape household's access to the land.

Finally, there exist different notions the winners and losers in the three villages give to the forest. In Ban Ye, it is more concerned with individualisms versus moral claims. In fact, the boundary between individualism and moral claim among households in the village is fluid. The winners with individualistic notion capture large areas of land and derive good benefits from timber trees, by which they compromise benefits of other

villagers who have moral claim on the forest use. In Than Con the winners have a clear notion of wealth accumulation. According the winners, wealth accumulation can only be made from the land. In Ho So, the winners consider land as a way of adopting modernity and at the same time sustaining their livelihoods. The losers, however, are not concerned with livelihoods, considering land as a way of exposing them to a modern life.

Chapter 8. Forest Conflicts and Property Making

This chapter examines the relationship between distributions of material benefits, power and the notions of different actors of the forest conflicts in the three villages. My main argument in this chapter is that under certain conditions the unequal distribution of material benefits, different actors derived from the forest, imbalanced power relations, while simultaneously there are differences in their notions of forest constitute various forms of conflict. Furthermore, these conflicts are part of property making in the forest. In this chapter, I first explore conflicts over swidden and timber logging in Ban Ye. Next, I examine forest conflicts over forest protection program in Than Con. In what follows I investigate conflicts over forestland and the land market in Ho So. I then synthesize forest conflicts in the three villages. The linkage between forest conflicts and property making is examined at the end of the chapter.

8.1 Forest Conflicts in Ban Ye

As mentioned earlier in chapters 5, 6, and 7, in Ban Ye access to swidden land (and terraces) has been largely determined by household's prior claims on the land and household labor power. The households who have prior claims on the land and large labor power often have large areas of swidden land (and consequently terraces). By contrast, those do not have prior claims on the land and/or small labor power, especially the newly-established households, have small swidden areas. Within the village, there exists unequal distribution of swidden areas and terraces among the households. As regards timber logging, in the village access to timber trees is determined by household labor power and water buffaloes. The larger labor power and bigger number of water buffaloes the household has, the higher income the household would derive from timber. Those who have small labor power and few (or no) water buffaloes either have small income amount derived from timber or are excluded from benefit stream. The commodity chain on timber involves a large number of actors. In addition to woodcutters, including villagers and migrants, timber chain involves a large number of actors like traders and local officials. Along the chain, benefits derived from timber are unequally distributed among these actors. Usually, woodcutters are the ones who benefit the least; traders and local officials are the ones benefit the most. The timber chain also reflects imbalance power relations among the involved actors. Woodcutters are totally dependent on the

trader according to a patron-client basis to derive an income from timber. To maintain the business, traders need the backing from local officials who hold the power to enforce the law. Furthermore, different actors have different notions of timber trees. For villagers, timber trees are important for their livelihoods. For traders and local officials, trees are a source of wealth accumulation. In the section below, I examine the linkage between the distribution issue, power, and notion on the one hand and forest conflicts on the other hand.

8.1.1 Conflicts over Swidden Cultivation

Swidden practice as a contested process

As mentioned earlier, prior to the FLA, villagers in Ban Ye practiced swidden cultivation in the four areas of the forest. They carefully used the areas so that they could have the land for cultivation as well as the land for grazing. After the FLA, all the swidden land in the forest was classified as forestland. Consequently, the use of this land is subject to the state planning. Swidden cultivation is immediately considered as illegal by the state. However, since swidden cultivation is still very important for villagers (see chapter 5), villagers ignored the policy and kept working their swidden land in the forest. As a result, conflicts between *kiếm lâm* of the district and villagers emerged. In 1996, after the implementation of the FLA, *kiếm lâm* fined 17 households in Ban Ye for practicing swidden in the forest.⁸⁹ *Kiếm lâm* also went to the fields to oversee swidden practices and sometimes removed swidden crops of villagers. The stringent control over swidden cultivation made villagers abandoned their fields in the forest in Ban Ye and moved to the forest in Cuu commune (see figure 3) to practice swiddening. However, they were caught by commune authorities of Cuu and a heavy fine was imposed on them. In total, 25 households (out of 35 households in total in the village) including the village chair were fined for clearing 25.2 ha of forest in Cuu commune in 1997⁹⁰. Some villagers paid the fine; most did not. My host in Ban Ye told me, “*We don’t have enough to eat, how come we have money to pay the fine.*” To halt the villagers’ swiddening, *kiếm lâm* of the district where Cuu commune belongs and commune authorities of Cuu camped in the forest for

⁸⁹ The fine amounted to 800,000 VND (around \$60 US). In 1996, one dollar could buy 6-7 kg of rice.

⁹⁰ The fine amounted to 1.3 million VND (around \$100 US).

several weeks. They also sought the collaboration from *kiếm lâm* of Bac Minh district and local authorities of Tan Da commune where Ban Ye belongs. Eventually, villagers in Ban Ye were not able to work the land in Cuu for swiddening any longer.

The stringent control over swidden cultivation ignited open conflict. In 1998, about 20 villagers headed by the village chair went to the office of *kiếm lâm* in the district center to protest against *kiếm lâm*. Villagers camped in the office for two days until they met the head of *kiếm lâm*.

From contestation to negotiation

The villagers' protest against *kiếm lâm* to gain access to swidden land opened up a space of negotiation. After discussing with each other, *kiếm lâm* agreed villagers would be allowed to practice swidden cultivation in the area designated by *kiếm lâm* provided that before working the land villagers had to write a letter of request, asking for permission from *kiếm lâm*. According to this agreement, every year, based on the letter of request from villagers, *kiếm lâm* went to the village to designate the area for swiddening. Usually, *kiếm lâm* selected the area where there existed no or very little vegetation for swiddening. Ironically, this area often overlapped with the village's grazing area and thus villagers could not practice swidden. Eventually, villagers did not care about the area designated by *kiếm lâm* and kept working the land in the area where they found suitable. Recently, villagers have no longer sought the permission from *kiếm lâm* for swiddening. Many of them have tried to establish and stabilize their claims on the plots. *Trai* is an effective mechanism facilitating the process of turning household's access to land to property.

In recent years, though having known that swidden cultivation is still prevalent in the forest near the village, local authorities in general and *kiếm lâm* of the district in particular have simply looked away. A report by the Department of Agriculture and Land Administration of the district shows that in 2003 the total swidden area of 11 villages in Tan Da commune including Ban Ye was 40 ha. However, data from my household survey indicates that the actual swidden area of the households in Ban Ye already amounted to about 60 ha. When I asked about the data in the report, the head of the Department told me "*Of course we know that the figure [in the report] is not precise, but we cannot tell the truth as swidden cultivation is still considered an illegal practice. You*

go there [to Ban Ye] you know how difficult it is for villagers without swiddening.” When I visited the head of *kiếm lâm* of the district, he showed me the forest cover map of the district. Pointing at the location of Ban Ye on the map I asked “Are villagers practicing swidden in the forest here?” “Yes, of course” answered him. “I thought swidden cultivation in the forest was prohibited there a long time ago?” I continued. “Yes, but they [villagers] need to survive” replied him. After talking to many other local officials of district and commune, I realized that local authorities know clearly about what is happening on the ground regarding swidden practices, but they simply look away to accommodate local interests. To do this, district authorities have to conceal the swiddening on the ground from their boss at the province by submitting the reports with imprecise data or evidence showing that swidden cultivation is still under their control⁹¹.

Thus, to gain legitimate claims on swidden land from local authorities, villagers in Ban Ye have experienced a lot of conflicts with *kiếm lâm*. Conflicts are manifested in various forms, ranging from quiet to open. By practicing swidden cultivation in the forest, villagers completely ignore the state policy prohibiting swidden practice. They also ignore the fine imposed on them. Conflicts are not only manifested by peaceful means, but involved concrete action of many villagers. Villagers’ protest against *kiếm lâm* demonstrates the collective power of the whole village. Eventually, this source of power has played an important role in facilitating the process of legitimizing villagers’ claim on the land.

To a large extent, the conflicts between *kiếm lâm* and villagers over swiddening reflect conflicting notions and visions of the forest between the state and local people. The state strongly emphasizes the environmental protection particularly the Hoa Binh watershed area where the Hoa Binh hydro-power plant is situated. To translate this notion into practice, the state claims all the forest within the watershed territory the protection forest in highly critical zone and then establishes a stringent control over the forest. Unlike the state which merely focuses on ecological function of the forest, local villagers pay more

⁹¹ In 2001, *kiếm lâm* in collaboration with the Department of Culture and Information (*Phòng Văn hóa Thông tin*) of the district drafted a paper called village regulation (*hương ước làng bản*). This regulation includes a section on forest protection which says that all villagers will follow the Forest Protection Law and agree to protect the forest near the village; and that all of them will completely stop swidden cultivation (and timber logging). *Kiếm lâm* then asked all households to sign the paper. Though all of them signed up, they did not follow what is said in the paper.

attention on a broader function of the forest. They classify the forest according to their belief and livelihood systems. Villagers assign each type of the forest with a specific name carrying a particular spiritual connotation. Cemetery forest (*rừng ma*), for example, means the area where villagers bury the death. They also classify the forest according to how it contributes to their livelihoods. Bamboo forest (*rừng tre nứa*), is the place where they collect bamboo shoots. Timber forests (*rừng gỗ*) is the place where they collect wood. Villagers also have a clear distinction between forest area where they can collect forest products (timber and NTFPs) and swidden area where they practice swidden cultivation. The locally classified systems of forest are greatly different from the scientific classification of the state, and this discrepancy constitutes forest conflicts between the two. On the one hand the state tries to keep local people out of the forest in order to maintain ecological value of the watershed; on the other hand villagers try to gain access to forestland and forest resources for their livelihoods. As a result, conflicts emerge between the two.

As mentioned earlier, conflicts between *kiếm lâm* and villagers in Ban Ye are manifested by peaceful means, expressed in language, ignoring the policy, or what Scott (1995) calls everyday forms of resistance. But sometimes these conflicts heat up, manifested in open forms. Villagers in Ban Ye protesting against *kiếm lâm* of the district express their strong discontent with the state plan on land use. Villagers' protest occurs when *kiếm lâm* threatens villagers' livelihoods by abolishing swidden practices. My host in the village told me, "*Without swidden crops (and timber) all villagers in this village would starve*". Thus, the stringent state control exercised by *kiếm lâm* of the district over swidden practices at the local level contradicts subsistence ethics of villagers. The state's threatening of the livelihoods creates collective power for the whole villagers to go against the state land use plan. Thus, villagers pursue open conflicts to the state if their livelihoods are threatened and when they are able to mobilize a collective power among them.

Interestingly, no conflict between villagers and local authorities at village and commune over swiddening has been observed. The absence of conflict of the two is attributed by various factors. Usually, the local officials at village and commune often share the same ethnic identity with villagers. They are always bounded by various social ties such as

kinship and clan. Further, as I observed in the fields, similar to villagers many of these local officials and/or their close relatives and friends are also heavily dependent on swiddening thus directly engaging in this practice. Therefore, unlike *kiếm lâm* of the district who have different ethnic identity (almost all of them are Kinh people) and thus are not socially bound to villagers, local officials at the village and commune and villagers have many things in common. Thus, these officials often look away from swiddening in order to accommodate villagers' interest.

8.1.2 Timber Logging in the Village

Similar to swiddening, timber logging is considered as illegal by the state, it is practiced by almost all households in Ban Ye. Surprisingly, no conflict over timber between local authorities particularly *kiếm lâm* and villagers was observed at the local level. My host in the village told me, “*They [kiếm lâm] never go to the forest to patrol the forest. They are only interested in dealing with traders, not with us poor villagers.*” The absence of conflict over timber logging is attributed to various factors particular collusion, corruption practices, and weak enforcement of the state law on the ground.

As mentioned in chapter 6, timber chains involve a large number of local officials. At the village level, local officials benefit from timber in a number of ways. Like many villagers, local officials are directly involved in logging. Many of them work as woodcutters. As officials, they ask the trader to pay a certain amount of fee (*lệ phí*) when the latter brings timber out of the village.⁹² Part of this fee is used to cover some expenses like motorbike taxi (*xe ôm*) and meals for the village officials when they have to go to commune or district for meetings. Further, part of the fee is used to buy foods to treat commune officials when they visit the village. The rest is used as additional subsidies (*phụ cấp*) for village officials⁹³. In practice, *lệ phí* derived from timber is the main source of village revenue, helping the officials to cover some public expenses. At the same time, it serves as an incentive for them to complete their duties. To maintain this source of

⁹² According to the village chairman, traders/transporters should pay fee because they use the village's road when transport timber.

⁹³ Village officials do not have a salary from the government but receive a small amount of money as subsidies. Village chair, for example, receives 80,000 VND (\$5 US) per month, whereas the vice chair receives half of the amount. Thus, in Ban Ye, village officials consider timber revenue raised from *lệ phí* very important for them.

revenue, village officials prefer ignoring the timber logging in the village, colluding with the trader to supervising the logging.

Following a similar pattern, a large number of officials working in various local agencies from commune to provincial level collude with traders/transporters in order to receive a large share from timber (see more in chapter 6). The timber chain is a typical case of what is called transparent corruption. It is transparent as many people know about, making it a social norm (Misha 2006). Committed to corruption, local authorities look away from timber logging and trading and do not enforce the law. The collusion and transparent corruption are attributed to the absence of conflicts over timber logging and trading. They motivate villagers to cut the trees in the forest as there is no state control over logging at the local level. They also serve as a strong impetus for traders to participate in the market because collusion and corruption provide traders a safeguard for their business. Therefore, the state's notion on environment protection is largely contested and eventually not translated into practice. In the section below I shift my account to the forest conflicts in Than Con village.

8.2 Forest Conflicts in Than Con

As mentioned in chapter 5 the implementation of the FLA in Than Cong has resulted in an unequal distribution of forestland holdings among the households in the village. In a similar pattern, benefits derived from forest development program have been unequally distributed among them. In the village, political power is the key mechanism determining households' access to forestland and forest development programs. In this situation villager chair is the one who benefit the most. The unequal distribution of benefits derived from the forest between village chair on the one hand and local villagers on the other hand reflects the imbalance power relations between the two and differences in notions they reflect on the forest.

In chapters 6 and 7 I highlighted that the implementation of the FLA in the village has facilitated the emergence of land markets in the village. The markets have constituted the winners who have strong bargaining power and losers who are marginalized. The land market facilitates the SFE to access to the land allocated to villagers, helping it derives a lot of benefit from the land. Similarly, the market provides entrepreneurial villagers

opportunities to derive benefits from the land through *đất đấu thầu*, *đất liên doanh*, and markets for trees. Engaging in these markets, villagers are often found in loosing side. In the section below I examine the conflicts between village chair and villagers, and among actors those involved in the market.

8.2.1 Village Chair and Villagers

As the village chair manipulated all forest protection contracts and control forest access, he was able to capture virtually all benefit from the forest. In response, villagers fought back. They tried to gain access to the forest protection program of the state by requesting the village chair to include them into the forest protection team. Some asked for the dismantling of the protection team so that forest could be protected by all villagers. The village chair, however, did not agree with villagers. In response, villagers sent petitions to the commune chairman, denouncing the manipulation of the village chair. However, as the village and commune chairs are close and economically bound, villagers' requests were not made. Villagers made use of public space such as village meetings to express their wishes. In addition, they used languages as weapons to resist to the village chairman. They used bad nick names such as *chập* (screwy), or *hâm* (crazy) to describe the chairman. They used the term *ăn bẩn* (making profit in a bad way) to refer to his predatory behavior. They made up jokes out of the chairman, linking him with something ridiculous and foolish. In general, conflicts between the village chairman and villagers are manifested at peaceful level.

In the village, conflicts between villagers and the chair are manifested at a peaceful level; they do not escalate to the level of open forms. There are two main reasons attributed to this. First, as I observed in Than Con, the village chair and villagers are socially and culturally bound. Thus, it is difficult for villagers to pursue explicit confrontations with the chair. Here I give two examples to illustrate how difficult it is for villagers to go for an open conflict with the village chair. The first concerns Anh Doan, one of my informants in the village. When talking to me about the village chair, Anh Doan remarked; "*He is really a bad guy. He eats all money [from forest protection program] of the villagers. We [the villagers] should overthrow him from the position...*" Yet, as I observed, Anh Doan still came to the house of the chair to attend the party organized by

the chair for the death anniversary of his farther. They were very nice to each other when they meet. This is because Anh Doan is younger brother of the chair. The second is about Bac Phu. During the implementation of the FLA, the plot of land on which Bac Phu planted tea was allocated to him. It turned out when he received the LUC for his land (two years after the allocation) that his plot of land was transferred to the village chair. Bac Phu believed that after the allocation, the village chair secretly worked with the land cadastral official and took the land from him. Bac Phu asked the chair to return the plot to him but the chair refused, arguing that the land was allocated to him as shown on the map in his LUC. As he told me, though wanted Bac Phu was not able to openly fight the village chair because these two households are connected by marriage. Bac Phu's son is married with the village chair's daughter.

Many villagers try to avoid open conflicts with the village chair because they are afraid that if they do so they would motivate the chair to take revenge on them for which they would be excluded from the government support. This is the second reason attributed to the absence of open conflicts between villagers and the village chair. In recent years, the poor upland communities have received a lot of government support such as credit with favorable conditions, free seedlings and fertilizers, subsidies for transportation cost, among others. At the village level, the implementation of these programs is strongly influenced by the village chairs. The bank for the poor, for example, provides credit for households only if these households are included in the list submitted by the village chairs. Free seedlings would be distributed to the households selected by the chairs. In Than Con, some households who have problems with the village chair are often excluded from the programs. When I was in the field, I talked to An Ti, a villager in Than Con. I learnt from him that his household has been excluded from the government credit program for the poor for many years, though the loan is available every year, and though he wanted to have it. I learnt from the result of my focus group discussion with villagers that An Ti's household is really poor one and thus he is eligible to the loan. The main reason for not being able to access to the loan, according to Anh Ti, is that the village chair does not like him thus does not certify that his household is a poor one. When I asked the village chair why An Ti was not able to get the loan, the chair said this, "*He is very cheeky; thus I don't allow him to borrow the loan.*" The history about their problem

is not clear, however, the village chair plays an important role connecting villagers and the (local) government. Though eligible, villagers may not be able to access to government support as this support is often tailored by the village chair. Owing to this, many villagers in Than Con do not want to have direct confrontation with the chair.

The contestation between the villagers and the chairman stems from the notion of fairness. Villagers see the chairman benefiting from the forest protection program, while they receive nothing. Following the sentiment of the villagers, the chairman accumulating wealth for his household and relatives is unacceptable. The unfairness ignites villagers' tension toward the chairman, challenging the legitimacy of him.

Conflicts over forest in *Luõì Hái* go beyond those between villagers and the chairman, involving other actors such as villagers from other villages, commune PC and *kiểm lâm* of the district. In the section below I explore this complexity in more detail.

8.2.2 Complexity of Forest Relations in Luõì Hái

Fuzzy forest relations

As mentioned earlier, local authorities did not allocate the land in *Luõì Hái* to households during the implementation of the FLA in 1996. I also mentioned that under Program 327 (implemented in the village from 1994 to 1999) 102 ha of forest in *Luõì Hái* were designated for forest protection purpose. Under the Program 661 (implemented from 1999 to 2004) 321 ha of forest in *Luõì Hái* were designed for the same purpose. Though the forest area in *Luõì Hái* were designated for forest protection program, in 1999 the district authorities secretly allocated most of the land here to 16 households in the commune, of which six were from Than Con village. This allocation, however, only happened on the paper. None of these households was informed about the allocation. The district authorities then issued 16 LUCs corresponding to 16 “land recipients”. These LUCs were not distribute to the recipients but kept at the commune PC.

As mentioned earlier, Program 327 was halted in the village in 1999 without the process of liquidation. Recently, under the pressure for land for tree planting, Xuan Dai forest enterprise has claimed the 102 ha of land previously designated for forest protection program under the Program 327 back from the commune authority. The enterprise argues

that this land is still under its management. However, the commune authority refuses to return the land, saying that the land has been already allocated to individual households.

Forest relations in *Luõì Hái* have become increasingly fuzzy since the completion of Program 661 in April 2004. Once completed, the Project management office liquidated all protection contracts with four households, those it signed the protection contracts. According to the liquidation, 321 ha of forest in *Luõì Hái* will be returned to the four households and these households would be entitled to derive benefits from their corresponding areas determined by the Decree 178/CP⁹⁴, or the so-called benefit sharing policy (*chính sách chia xẻ lợi ích*). Following this policy, when forest trees on the land reach maturity, the households are entitled to 1.5-2 percent of the total value derived from the area they protected for each year of protection (article 18). For six years of protection (1999-2004), each of them would be entitled to 9-12 percent of the total value of the trees they would harvest from the trees on the land.

From fuzziness to the forest conflicts

In the province, the benefit sharing policy is yet to be implemented. The director of the Department of Forest Development of the province told me that the policy is, “*too difficult to implement*”. Following the director, to implement the policy it would require a comprehensive assessment of existing value of the forest (including both timber and NTFPs). In the province, there is no money and expertise to do this job. Thus, though entitled, the four households were totally excluded from benefit stream.

In the village, once the forest protection program was completed, the forest protection team was dissolved. There appears to be an institutional vacuum over the forest in *Luõì Hái*. Forest in *Luõì Hái* became *vô chủ* (free for all). When I was in the village at the end of 2004 many villagers used the term *vô chủ* to refer forest situation in *Luõì Hái*. The institutional vacuum motivated villagers in Than Con including the village chair and in another three villages nearby to rush into the forest for timber. According to my host in Than Con, from April to October 2004, about 25 m³ of timber were extracted from the forest in *Luõì Hái* by villagers in Than Con. He also believed that a much larger quantity was extracted by villagers from the three villages nearby.

⁹⁴ The Decree 178/CP was issued by the government on 12 November 2001.

The institutional vacuum on the ground also constituted conflicts between commune PC and *kiếm lâm* of the district. Although both of them knew about *vô chủ* situation in *LưỖi Hái*, they ignored. Talking to me, the chairman of the commune PC emphasized that it is impossible for commune authorities to protect the forest. Following him, in the commune there is only staff paid by the government to be in charge of all issues related to agriculture and forestry. The chairman believed that the duty to protect the trees is of *kiếm lâm*. He put, “*They [kiếm lâm] were born to do it [protect the forest], not us*”. However, the head of *kiếm lâm* of the district told me that forest protection task at local level should rest with commune authorities as promulgated by the state policy, and that *kiếm lâm* is only there to provide advice for commune authorities on how to protect the forest. The discrepancy between commune authorities and *kiếm lâm* creates room for villagers to go to the forest for timber. Eventually, neither commune authorities nor *kiếm lâm* made any effort to prevent exploitation, transportation and trading of the timber. In fact, some *kiếm lâm* received bribe from traders and ignore the violation. In table 12 I synthesize the fuzzy property relations and forest conflicts over the forest in *LưỖi Hái*.

Table 12. Fuzzy property relations and forest conflicts in *Lười Hái*

Actors at local level	De jure rights and duties	Justification of claims	De facto benefit	Some conflicts observed
<ul style="list-style-type: none"> Commune authorities 	<ul style="list-style-type: none"> Control over 321 ha of forestland and forest resources Duties to protect the forest 	<ul style="list-style-type: none"> The Law on Forest Protection and Development The Land Law 	<ul style="list-style-type: none"> Benefit from forest protection programs (by deduction of forest protection fee) 	<ul style="list-style-type: none"> Conflicts with <i>kiếm lâm</i> on duties to protect the forest Conflict with Xuan Dai enterprise on the control over the land.
<ul style="list-style-type: none"> <i>Kiểm lâm</i> of the district 	<ul style="list-style-type: none"> Control over forest products (trees, NTFPs) of 321 ha Control over transportation and trading of forest products Duties to protect the forest 	<ul style="list-style-type: none"> The Law on Forest Protection and Development The Land Law 	<ul style="list-style-type: none"> Benefits derived from the direct control of transportation and trading through bribe 	<ul style="list-style-type: none"> Conflicts with commune authorities on duties to protect the forest
<ul style="list-style-type: none"> Xuan Dai forest enterprise 	<ul style="list-style-type: none"> Control over 102 ha of forestland Duties to protect the forest 	<ul style="list-style-type: none"> Forest protection contract has not been liquidated thus the enterprise still retains its right to control 	<ul style="list-style-type: none"> Excluded from the forest 	<ul style="list-style-type: none"> Conflicts with commune authorities on control over 102 ha of land
<ul style="list-style-type: none"> 11 households outside Than Con who were allocated the land on the paper 	<ul style="list-style-type: none"> Rights over 168.1 ha of land Duties to protect the forest on the land 	<ul style="list-style-type: none"> The Land Law Forestland allocation policy (Decree 02/CP) 	<ul style="list-style-type: none"> Excluded from the forest 	<ul style="list-style-type: none"> Conflicts with commune authorities on the land they have titles
<ul style="list-style-type: none"> 5 households in Than Con who were allocated the land on the paper 	<ul style="list-style-type: none"> Rights over 87.6 ha of land Duties to protect the forest on the land 	<ul style="list-style-type: none"> The Land Law Decree 02/CP 	<ul style="list-style-type: none"> Excluded from the forest 	<ul style="list-style-type: none"> Conflicts with commune authorities on the land they have titles
<ul style="list-style-type: none"> 4 households in Than Con who signed the protection contracts with the Program 661 (all belong to the five households above) 	<ul style="list-style-type: none"> Rights to benefits from forest products over 321 ha determined by benefit sharing policy 	<ul style="list-style-type: none"> The Land Law Decree 178/CP on benefit sharing 	<ul style="list-style-type: none"> Excluded from the forest 	<ul style="list-style-type: none"> Conflicts with commune authorities and <i>kiếm lâm</i> of the district over forest products they are entitled to
<ul style="list-style-type: none"> A number of villagers in Than Con 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Moral claims over the forest products Institutional vacuum 	<ul style="list-style-type: none"> Benefit derived from timber and NTFPs 	<ul style="list-style-type: none"> Conflicts with the state as they involved in the timber logging
<ul style="list-style-type: none"> Villagers in the three villages near Than Con 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Institutional vacuum Moral claim⁹⁵ 	<ul style="list-style-type: none"> Benefits derived from timber and NTFPs 	<ul style="list-style-type: none"> Conflicts with the state because they involved in timber logging

⁹⁵ It is possible that villagers in the three villages also derive their claims on moral basis. Unfortunately, I was not able to obtain data from them.

The “free for all” situation of the forest in *Luõì Hái* reaches local authorities of the province and even central government. In October 2004, in *Phu Tho* newspaper⁹⁶ there appeared an article with the heading *Lâm Tặc Phá Rừng* (forest thieves destroy the forest). A week later, another article with virtually the same content appeared on the *Weekly News in Hanoi*⁹⁷. Both articles include a picture of a villager hauling timber from *Luõì Hái* to the village with help of a buffalo. The articles blamed villagers in Than Con for destroying the forest, and local authorities including *kiếm lâm* for not enforcing the law. Following the release of these articles local authorities responded immediately. Within the province, an inspection team headed by the Director of Department of Forest Development of the province was established. Members of the team were the head of *kiếm lâm* of the district, the chairman and a number of officials of the commune. The team came to the village several times to check if what were said in the articles were true. However, prior to the arrival of the, *kiếm lâm* always sent its staff to the village to ask villagers clean up anything related to the logging. As the team members could not find evidence of timber logging in the village, the team members concluded that the articles were overstated. The team leader told me: “*What they [the authors of the articles] say is not true. You see, forest here is much better than in other areas.*” I am sure that he would have said differently if he went further in the forest, instead of standing on the village road to look for evidence.

Eventually, both commune authorities and *kiếm lâm* of the district received heavy criticism from their bosses. At the local level, control over logging and trading was retained. Before I left the village at the end 2004, *kiếm lâm* of the district hired my host as a forest guard to protect forest in *Luõì Hái*. But my host told me honestly “*It [the forest in Luõì Hái] is too big for me to guard. It borders three villages. How should I know what people there are doing with the forest?*”

Property relations in the forest in *Luõì Hái* are fuzzy. By the time I left the village, it was still not clear how the fuzziness and conflicts among various actors would be resolved. In

⁹⁶ The *Phu Tho Newspaper* belongs to the province. It is the most popular, and well distributed among local authorities in the province.

⁹⁷ The *Weekly News* is well distributed among government agencies in Hanoi. Unfortunately, I did not have access to this article thus I did not know the title of the article. A staff of *kiếm lâm* from the district told me that he read the article and found similar content to the one published by *Phu Tho newspaper*.

the section below, I analyze the relationship between the land market and absence of conflicts related to the market in the village.

8.2.3 Land Market and Absence of Conflict

As mentioned earlier, land markets bring about unequal distribution of material benefits that different actors derived from the land. They also reflect an imbalance power relations among the involved actors and differences in their notions of the forest. However, these inequalities, imbalances, and differences do not constitute forest conflicts among these actors.

Why does the inequality of benefit distribution, differences in power relations and notions of forest brought by forest development programs have constituted forest conflicts but those brought by the land markets have not produced forest conflicts? The main reason is that to a large extent villagers voluntarily engaged in the land market. Neither the SFE nor the entrepreneurial couple forced them to lease the land. Engaging in the land markets is their own decision. Further, there are a small number of households in the village engaging in the market thus there is no collective power among villagers. The combination of the two factors – the villagers' own decision, and absence of collective power, prevents the conflicts between the leasers and leasees in the village. In the section below I analyze forest conflicts in Ho So village.

8.3 Forest Conflicts in Ho So

In earlier chapters, I mentioned that under the PAM program implemented in the late 1980s each household in Ho So received one to two ha of forestland mostly in the area from the contour 100 to 400 m for agro-forestry production purposes. Households were entitled to use the land for a 30 year period. To legalize the household's claim to the land, the district authorities issued the LUCs to be granted to household recipients. However, after the expansion of Ba Vi forbidden forest and later the Park, all PAM land of the households was located entirely within the Park. The Park authority no longer recognized household's claim to the PAM land, arguing that all the land within the Park is under its control.

Regarding the forest devolution program, I illustrated in chapter 5 that only land contractors who have political power are able to receive land inside the Park. In Ho So village, six households with political power received 266.9 ha. The remaining 88 households in the village were excluded from the land. Forest management contracts were signed between the six households and the Park authority. The contracts came to effect in 1996 and would remain so for 50 years.

The market for garden land in the village has resulted unequal distribution of material benefit different actors derived from the land. The market reflects imbalance of power relations between these actors and their differences notions of the land. The land market tends to favor land buyers – the urban land buyers and speculators – who have strong bargaining power, whereas it dispossesses marginalized villagers. Within the village, households respond to the land market differently, corresponding to their livelihood strategies, assets, and power. In the section below I examine different types of forest conflicts related to PAM land, forestland, and land market in the village.

8.3.1 Conflicts over the PAM Land

Conflict manifestation

Though villagers had legal claim on PAM land, the Park authority did not recognized this. The Park authority employed various strategies to remove villagers' claim to the land. Firstly, it requested commune authorities not to distribute LUCs to households. It told commune authorities that the decision on establishment of the Park was newer than the decision on the allocation of PAM land, thus the latter was no longer valid, and as for that giving the LUCs to villagers would be illegal. Following the guideline from the park authority, commune authorities did not give LUCs to local people. The former chairman of the commune told me in 2004 that, "*All LUCs were kept in my office. They are already rotten now.*" Eventually, villagers lost their legal titles for the land.

Secondly, the Park authority tried to establish its new claim on the villagers' PAM land. It contracted this land to new land contractors and then issued and granted new LUCs to these contractors, allowing the contractors to keep the land for 50 years. In addition, it tried stabilize newly established claim on the land by planting trees on the land. Right after the villagers harvested their trees on the PAM land, the Park authority worked with

the land contractors, requesting them to plant its new trees on the land. Establishing new claims on the land and stabilizing these claims help the Park authority take over control right from villagers. For the areas where villagers already planted swidden crops and new trees, the Park authority sent out staff to remove crops and trees on the land.

Finally, the Park authority continuously sent documents to commune authority seeking their collaboration to prohibit villagers from working the land inside the Park. A *kiểm lâm* of the Park told me, “*We [the Park authority] control everything inside the Park, they [the commune authorities] control everything outside the boundaries including villagers. Thus, villagers have to obey them.*”

These strategies employed by the Park authority to remove villagers’ claims on the PAM land and to take over the control of the land were encountered by villagers. Villagers adopted various strategies to resist to the Park authority to gain their access to the land inside the Park. In the view of villagers, the Park authority and commune authorities not distributing the LUCs to them is irrational (*vô lý*), unacceptable (*không chấp nhận được*), and violating the law (*vi phạm luật*). Some told me that they will sue the Park and commune authorities. Villagers resisted the way the Park authority took their land and contracted it to the new contractors by ignoring the land contractors and kept working the land.

In the village two land contractors had to return part of their land to the Park authority as they were not able to prevent villagers from working the land. Villagers adopted various measures to maintain space for swidden crops by secretly uprooting the trees of the Park authority/land contractors, breaking off the peaks, freeing cattle on the land where the trees were planted, and cutting the trees. Villagers also secretly planted bamboo on the land considering it as an important way to gain and maintain their access to the land in the future. According to villagers, there are a number of advantages planting bamboo on the land. As long cycle plant (about 20 years), bamboo helps maintain their claim on the land for a long period of time. Further, planting bamboo on the land guarantees an income source for villagers from bamboo shoot despite free animal grazing. Villagers harvest bamboo shoot when it is about to emerge from the ground thus there would be no problem for villagers collecting bamboo shoot despite the free grazing problem.

Sometimes villagers quarrel, scold, and fight with *kiếm lâm* who destroy their trees and swidden crops. In general, strict legal restriction on forest access established by the Park authority is not able to remove villagers' claim on the land. Instead it motivates various types of everyday and open conflicts. Villagers have developed their "culture of resistance" to respond to "culture of control" of the Park authority in order to gain and maintain their access to the forest.

Underlying causes of the conflicts

The state's stringent control over forest access reflects its strong emphasis on nature conservation. As mentioned earlier, the Park is divided into two main zones according to perceived ecological function. The strictly protected zone (*phân khu bảo vệ nghiêm ngặt*) sketching from the contour 400m upward is the area which must be strictly protected to conserve existing resources. Human activities such as swidden cultivation, hunting and animal grazing considered detrimental to the forest thus are completely banned within this area. Within this zone, agro-forestry production is not allowed; the Park authority only allows the plantation of indigenous trees such as *Thông* and *Sa mộc*. The second zone is ecological rehabilitation zone (*phân khu phục hồi sinh thái*), sketching from the contour 100-400m. This zone is maintained to rehabilitate and develop gene pools of indigenous plants and resources. To improve forest condition inside the Park, the Park authority also introduces a variety of indigenous trees such as *Sấu*, *Trám*, and *Mỡ*. It does not believe that softwood trees with short life cycle would bring about the sustainability of the forest. The state divides the Park into two ecological zones reflects its primary concern of nature conservation and little concern regarding local livelihoods. When reviewing the Park mission and vision, I learnt that the state in general and the Park authority in particular holds a strong belief that protection of the forest helps maintain water source for local people living around the forest and protect the environment for lowland people. From the Park authority's viewpoint, the Park needs to be protected because it provides fresh air for Hanoi. It also expects that the Park would serve as a center for scientists to study fauna and flora in tropics and sub-tropics, and the place for students to study the environment. The effective protection of the Park would make the Park a destination for international conferences those related to biodiversity conservation, natural resources and environment. The state's strong notion on nature conservation has

been translated into practice by a variety of conservation projects implemented within the Park⁹⁸. In addition to conservation, the Park authority has promoted ecotourism strongly, considering it as an important source of revenue. Since the second half of the 1990s, the MARD has granted a number of permissions to tourist companies for the establishment of ecotourism projects inside the Park.

For villagers, forest inside the Park is extremely important for local livelihoods. Villagers need the land for the production of crops and trees from which they can derive an income source. They are also dependent on NTFPs particularly medicinal plants collected from the Park for their income (Sowerwine 2004, Vu Dieu Huong 2003). As mentioned earlier, the expansion of Ba Vi forbidden forest took away 898 ha of forestland of Ba Tay commune much of which was swidden land of villagers in Ho So⁹⁹. In the village, paddy land per capita is too small to produce enough food for villagers. As a result, many households are still heavily dependent on forestland and forest products for their livelihoods. To earn a living, villagers have to work the land inside the Park and collect NTFPs. Because of these activities, they come into conflicts with the Park authority in particular and the state in general.

The conflicts between villagers and the Park authority over access and control to the forestland and forest resources are manifested in both quiet and open forms. Villagers employ quiet weapons such as ignoring and sabotaging when they feel their access to land and forest resources is tightened by the Park authority. By ignoring the Park authority and sabotaging the trees of the Park authority, they are able to gain their access to land for swidden cultivation and tree planting. However, if their access to the land is completely denied by the Park authority, or in other words, if their livelihoods are seriously threatened, they would go for open forms of conflict. As villagers told me, quarrels often emerged between them and *kiếm lâm* of the Park when the latter sees villagers working the land. Open fights between them and *kiếm lâm* often occur when villagers see *kiếm lâm* destroying their crops and trees on the land. This is similar to what happened in the village near Ho So in the early 2000s that villagers took two *kiếm lâm*

⁹⁸ From 1996 to 2001, for example, 13 conservation projects were implemented within the Park (Ba Vi National Park, no date).

⁹⁹ The government's Decision 17 issued in 1991 on expansion of Ba Vi forbidden forest and later national Park clearly stated that this amount of land had to be taken from the commune to form the forbidden forest.

hostage in their village for several days because they saw the two destroyed their cassava planted on the land inside the Park. Thus, whether villagers go for quiet and peaceful or open forms of conflicts with the Park authority depends on the level of the control over access to the forestland and forest resources of the Park authority. The more stringent control over access to the land imposed on villagers, the more likely that villagers would go for open forms of conflict. In the section below I analyze conflicts over forestland between villagers and local elites.

8.3.2 Land Contractors and Villagers

Conflict manifestation

The manipulation of access to the forestland inside the Park of the land contractors creates a variety of conflicts between them and villagers. To gain access to the land, villagers employ various types of weapons to fight the land contractors. The most commonly used weapon is language. Villagers use the words those carry negative connotation to refer to the land contractors. They call land contractors *lũ chùng nó* (gang), *bọn đêú* (caddish group), or *bọn tham lam* (greedy group). They accuse the land contractors of exploiting them. One of the villagers told me “*They [the land contractors] are making money out of villagers’ sweat and labor. They are really caddish.*” In addition to the language, villagers use public spaces such as meetings to express their ideas. During the meeting, they request the land contractors to distribute land to them. They send petitions to various state agencies such as the DARD of the province, the MARD, and the Park authority, requesting these agencies to dissolve the elite capture in the village. However, villagers have not received positive responses for their request. The reason, as the head of *kiếm lâm* of the Park told me; “*We do not have enough staff and money to manage a large number of land contractors.*”¹⁰⁰ Eventually, villagers are not able to overthrow the land contractors.

Many conflicts occur between villagers and land contractors over the forestland are manifested in concrete action. Villagers boycott outsiders who rent the land from the land contractors for cultivation. They secretly uproot cassava of the outsiders. They burn down

¹⁰⁰ If the land is distributed to all local households, the number of land contractors would increase substantially. However, I am not convinced by his explanation because as far as I understood managing the land contractors does not take significant labor or money.

the shelters of the outsiders and drive them out of the land. Eventually, the outsiders are not able to work the land and have to return the land to the land contractors.

To maintain space for swidden crops and their own trees (such as bamboo), villagers deliberately sabotage the trees of the land contractors. Similar to the ways they employ to resist to the Park authority to gain and maintain their access to PAM land, villagers break the tree peaks, cut the stems, or free their cattle on the land planted with trees. These pose a lot of problems for the land contractors.

The land contractors, however, are not passive. They employ various weapons to fend off villagers claims on the land. They argue that they are the ones whose claims on the land are legitimated as they received the LUCs from the Park authority. They go to the field telling villagers not working their land; they make use of public space telling villagers that all the land belongs to them, and villagers' working the land would be considered violation of the state law. They threaten villagers that those working their land would be subject to punishment. The land contractors often appeal for support from the Park authority. They often invite *kiểm lâm* to accompany them to forest to oversee their trees. When they catch villagers sabotaging their trees, they often avoid direct confrontation with villagers, but instead let *kiểm lâm* deal with villagers directly. Usually, *kiểm lâm* has the executive power to impose a strong fine on the violators, but not the land contractors¹⁰¹. Thus, leaning on the support of *kiểm lâm* is an effective mechanism helping the land contractors to avoid direct confrontation with villagers and at the same time to prevent villagers from working the land.

To a large extent, the elite capture has produced new classes in the village. In the village, villagers call land contractors *chủ đất* (landlord) and call themselves *người làm thuê* (hired laborers). By using these terms, villagers clearly rank village population into two agrarian classes. The dominant class comprises the land contractors those have connections to political power using their power to monopolize access to the land. The

¹⁰¹ Two examples can be used to illustrate this here. First, in the early 2000 when a land contractor in the village caught villagers illegally cut down acacia on his land, he did not ask villagers to stop, but went directly to *kiểm lâm* to ask for support. *kiểm lâm* then came in and fine at villager two million VND per a cart of round wood. This cash is much higher than the real value of the wood. Second, in 2004 another land contractor caught five cows grazing on his land, he handed these cows to *kiểm lâm*. Each cow owner then was fined 200,000 VND – much larger than the real value of the trees destroyed by the cows.

subordinate group comprises the villagers who need the land for cultivation thus having no choice but tie up to the land contractors to gain access to the land. The relationship between the land contractors and villagers are exploitative and conflictive, reflecting different ways of valuing forestland between two sides.

Underlying causes of the conflicts

The contestation between land contractors and villagers over the forest reflects the different notion of forest between the two. On the one hand, the land contractors consider forestland inside the Park as a source of wealth accumulation. On the other hand, villagers consider the forestland a source of their livelihoods. As mentioned earlier, having the land within the Park can help land recipients generate income in a number of ways. They can lease the land to outsiders for substantial income. They can use the land as a tool to mobilize others to plant trees so that they would derive a benefit from the trees at the time of harvest. At the same time they would be able to monopolize access to forest planting program of the state and consequently capture virtually all forest planting fees. Thus, land inside the Park becomes a base of wealth accumulation. Knowing well, local cadres try to use their power to control access to the land. They secretly work with the Park officials, paying the latter kickback and capture all the land.

For villagers, the land contractors' grabbing land and making villagers dependent on them is not morally accepted. Following the position villagers, land contractors and villagers were relatively equal in terms of economic status when they moved to Ho So village in 1991 – 1994. When they moved in, each of them received about one ha of land for housing and home garden. They all had small paddy land distributed by the cooperative. None of them had an off-farm income. The difference in their political asset differentiates their opportunities to derive benefits from the forest. In the village, access to the forestland inside the Park is biased toward the ones who hold political power. For villagers, the land contractors accumulate wealth by controlling access to the land and exploiting their labor and effort and this is not fair at all. As a result, they resist the land contractors gaining and maintaining access to the land. Eventually, both the forest and local villagers are on the losing side. Forests become a social space of contestation between villagers and land contractors. What constitutes this form of contestation is

environmental degradation. A quote by a *kiếm lâm* reflects this well; “*If all the trees planted on this land survive, there would be 10 layers of forest on the land already*”. This *kiếm lâm* said this when we were standing in the area at contour about 400-500 m where there was almost no forest tree but cassava.

Similar to what I observed in Than Con village, conflicts between villagers and land contractors or local elite in Ho So are manifested in peaceful forms. So far, no direct confrontation between villagers and the land contractors has been observed. The absence of open conflict between the two is attributed to two main reasons both of which are as similar as what I have found in Than Con. First, villagers and the land contractors are socially bound to one another by various networks such as kinship and clan. They share the same ethnic identity and have many things in common. Thus, they try to avoid direct confrontation to each other. When I was in the village, I observed that my host did not like the land contractors. Talking to me about them, my host often used the words such as greedy and caddish. He strongly believed that the elite capture was really bad for many villagers and thus should be dismantled. Yet very often, I saw them visiting each other. I then learnt that they are close relatives.

As mentioned earlier, the land contractors always try to avoid direct confrontation with villagers. They stay behind the scene and leave the Park authority dealing with the villagers who threaten their benefits from the forest. Catching villagers’ buffaloes damaging their trees, for example, the land contractors did not directly ask the villagers for compensation of the trees. Instead, they called in *kiếm lâm* of the Park to confiscate the buffaloes. Land contractors often protect their trees planted on the land under the name of the Park authority. For example, they use a number of notice-boards issued by the Park authority concerning the state regulations for protecting the special use forest to put on the land where their trees exist. Pointing at one noticed-board, Anh Bin, one of the land contractors in Ho So told me when I was accompanying him going to the forest, “*I need to use this [the noticed-board] to keep villagers stay away from my land. If they sabotage my trees it means they sabotage the trees of the Park authority. I would then leave kiếm lâm to deal with them.*” In addition to using notice-boards, the land contractors also make use of public mass media of the commune to warn villagers of possible punishment if villagers make something detrimental to the Park (mainly to their trees

planted on the land). They ask women who are responsible for public mass media system of the commune using the commune speaker to read out the regulations on the protection of special use forest.

The second reason attributed to the absence of open conflicts between villagers and land contractors is that all the land contractors are local cadres and villagers are dependent on them to gain access to government support programs. Similar to Than Con village, all government support programs, such as credit for the poor, trainings on extension techniques, free seedlings and fertilizers implemented in Ho So are managed by local cadres. Access to these programs is strongly determined by them. Thus, confronting land contractors may also mean that villagers are excluded from the programs. As a result, despite their strong discontent with land contractors, villagers try to avoid direct confrontation to the land contractors, going for everyday forms of resistant expressed in terms of languages, secret sabotage, and ignoring to gain access to the land. In the section below, I shift my account to the conflicts related to the land market in the village.

8.3.3 Land Market and Associated Conflicts

Villagers versus urbanites

Though most of the urbanites who bought the land in Ho So have not moved in the village, some forms of conflict between them and villagers have appeared. Many villagers whom I talked to told me that the urbanites have a strange way of living: they do not want to talk to villagers, neither do they greet them when they meet. Following the villagers, the urbanites always disassociate themselves from villagers. In the village like Ho So where villagers are socially connected, such a strange way of living of the urbanites is considered unacceptable. Some villagers accuse the urbanites of having contemptuous attitude toward villagers and looking down on them. Villagers call urbanites *người thành phố* (city people) and call themselves *nông dân* (peasants) by which they classify the village population into two different social status groups. Some quarrels between city people and villagers have been observed.

Chi Li, a village woman, told me about her argument with Anh Hu, an urbanite, who just constructed a big wooden house in the village. Assigned as the person to collect money from villagers for upgrading the village road, Chi Li came to Anh Hu's house asking him

for his contribution. Anh Hu then told Chi Li arrogantly; *“Shit! I don’t contribute any money to any one. I have just moved in. I don’t contribute. It is you people using the road. I don’t use it much”*. Feeling disgusted Chi Li responded: *“You city people are that impolite? I thought well educated people don’t use dirty languages. But now I know I’m wrong.”* This story was then spread around the village. At the end of 2004, someone burned down a wooden house of an urbanite who left the house empty on the newly-bought plot. Some days after the incident, the owner came to the village bringing with him two policemen from the district to search for the culprit. They questioned several households who they suspected to be involved. These households felt really intimidated. Anh Chu, one of them, told me with his angry voice; *“I didn’t do anything. I don’t know the saboteur, but they considered me as the one. I feel very irritated. They are outsiders but very imperious. As new comers they should be nice to us. But they are not.”*

It is too premature to develop a comprehensive understanding on patterns and types of conflicts between villagers and urbanites, the examples mentioned above illustrate some aspects of an emerging pattern of social relations between the villagers and the urbanites. Talking to some urbanites, I find that they show no interest in building friendships with villagers. Some urbanites still hold a stereotype about ethnic minority people including villagers in Ho So. They think themselves much more civilized (*văn minh*) than the villagers. Some use language with negative connotation when referring to the villagers. They perceive villagers as *bẩn* (dirty), *không vệ sinh* (unhygienic), and *lạc hậu* (backward). In the village, after finding out the former owner of the house *khong ve sinh*, an urbanite who bought the land from the former owner asked former owner to leave the house and abandoned it. Talking to urbanites, I find that they are only interested in recreational value of the local landscape, particularly the mountain, the forest, and fresh air, but not villagers. Some even told me that they could not imagine having ethnic minority people (*người dân tộc*) as their neighbors. To a large extent, conflicts between urbanites and villagers center around an imbalance of power and their perceptions on landscape value. The arrival of the urbanites that have different interest and agenda in using the landscape to villagers reconfigures the village social structure and constitutes a number of conflicts between the two. How will the urbanites who have different interest and agenda from the local villagers integrate socially and culturally into the village

community in the future? Vice versa, how will the villagers integrate to the urbanites in the future? What will be the forms of human landscape in the village? These questions need to be explored further to understand the effects of the market on property relations in the village.

Villagers and local authorities

The land market in the village produces different types of conflicts between villagers and local authorities. As mentioned in chapter 6, the plots with clear legal status are easy to sell for a good price. In the village, there are some households whose land does not have clear legal status thus they are not able to sell. To access greater market opportunity, these households rush for land title. However, the procedure of getting land title is very complicated and time consuming. Not being able to receive the titles quick, villagers blame local authorities at commune particularly the land cadastral official of the commune (*cán bộ địa chính xã*) for not having enough capacity to work. Also, they also accuse this official of not submitting their documents to district authorities in order to force them paying bribe¹⁰². Land titles then become a hot topic in every meeting at the village and commune.

The urbanites and local authorities

The land market produces some conflicts between urbanites and local authorities. As mentioned earlier, when the local people moved to the new village of Ho So in the early 1990s, Ba Vi forest enterprise gave them land as well as the other resources therein, including 1,600 young pine trees. These trees can be found in the land of thirteen households that received their titles from district authorities in 2000. Based on the Land Law, households that receive land are also entitled to the trees planted in that land. However, as the cooperative was granted the control right over the trees, it believes that it has the right to the trees, and not the households. Given the flourishing land market, the difference between land tenure and tree tenure has become major issue in the village, resulting in conflicts between urbanites, as new owners of the land, and the cooperative, as claimant to the trees in that land. By the end of 2004, 6 of 13 households whose the

¹⁰² Some villagers told me that to foster the process of acquiring land titles, each household should give the land cadastral official five million VND.

land existed the pine trees had sold their lands to the urbanites. Being the new rightful owners, the urbanites are entitled to the trees in those plots. In my conversations with some of them, I noted that they are knowledgeable in Land Law and are certain that they are the holders of the right to the trees, and not the cooperative. When the cooperative cadres approached them about the issue of the trees, they argued angrily that the land was theirs, and so were the trees in that land. Some of them even threatened the cooperative cadres by saying that, should they touch the trees, they would sue the cadres or report them to the Ministry of Agriculture and Rural Development. The cooperative cadres have appealed to the commune and district authorities to help them address this issue, but the local authorities do not know how to deal with it. The commune chair admits; *“We don’t know what to do. The trees should have been liquidated before the households received the land titles, but they [the enterprise, cooperative, and households] did not do it. We don’t know which ones should be entitled to the trees.”* By the time I left the village (at the end of 2004), it was still not clear how this matter would be resolved.

Intra-household conflicts

The Land market has also produced a variety of conflicts among members of the households. The household of Anh Ti is a case in point. This household of six members, including Anh Ti’s father, used to have a productive plot of land under the name of the father. Strongly influenced by the market, Anh Ti forced his father to sell almost all the plot to an urbanite for 60 million VND (\$3,900 US). After selling, Anh Ti did not give the money to his father. He spent seven million VND on buying a Chinese motorbike and another 3 million VND on a small cow. He also used a lot of money to build a new house. Thinking that he was also eligible to the land, Anh Ti’s young brother asked him for a share from the sale but Anh Ti refused. They then had a fight. Since then, they have not spoken to each other. One day after drinking, Anh Ti crashed his motorbike into his father-in-law. He had to pay 15 million VND for hospital cost of his father-in-law. Running out of money, Anh Ti sold out this motorbike and the cow. At present, the construction of his house is still not finished. When I visited him, Anh Ti told me he did not know how to complete the housing project. Shouting at him while crying, his wife kept scolding him. I learned from my host in the village that Anh Ti forced his father being the chair of Women’s Union of the commune, that Anh Ti had repeatedly forced

his father to request my host, the chair of Women Union of the commune, to guarantee the loan they were applying for so that they could complete their house. But my host did not agree as she knows for sure that Anh Ti will not be able to return the money in due course.

There have also been cases of conflict between husband and wife as a result of the husband's constant gambling after receiving the payment for their land. When I revisited the village in January 2007, I talked to some households who spent a large amount of money derived from the sale on gambling. Household of Anh Ha is a case in point. Anh Ha received 120 million VND (around \$8,000 US) from the land sale. He then spent about one third of this amount on gambling. When I came to see his newly-built house, the house was empty. The main door and two windows were temporarily made out of bamboo. I learnt from some villagers that the gambling forced Anh Ha to sell his newly-bought motorbike and cow. The security man of the commune, who lives in the village near Ho So, remarks; "*The land market has brought about many social evils and conflicts in the village. We are lucky as we do not have access to the market.*" In this context, the land market appears to be a threat rather than an opportunity for the local community.

The conflicts brought by the land market in Ho So are different from those in Ban Ye and Than Con villages. They are not as much about conflicts in access to and control over land and resources, but more over the village intra-politic and debate about landscape vision, manifested at peaceful levels. In the section below I synthesize conflicts in the three villages and analyze linkages between these and property making.

8.4 Forest Conflicts and Property Making in the Villages

In the above sections I have analyzed different types of forest conflicts in the study villages and the underlying causes of these conflicts. I synthesize these in table 13.

As shown in table 13, conflicts occur between villagers and local elites over the forestland and forest protection program. The underlying causes are unequal distribution of benefits derived from the forest between the two. In the villages, access to political power serves as a key mechanism facilitating benefit derivation. Villagers do not have access to political power thus are excluded from benefit stream. By contrast, local elites who have access to political power are able to capture most of benefit derived from the

forest. For villagers, what the local elites have done regarding forestland and forest protection program is not fair. In response, they fight back. Conflicts between the two are manifested in various forms. At time they are peaceful, expressed in the forms of ignoring, sabotaging, making jokes or using words with negative connotations. At other times they are expressed in the forms of petition or criticism in public spaces. As mentioned earlier, there are two main reasons preventing open conflicts between the two: the social embeddedness between villagers and local elites, and the influential of the local elites.

Table 13. Conflict analysis

	Actors	Resources at stake	Key mechanisms of benefit derivation	Conflicts	Types of conflict	Why conflicts or no conflict?
Villagers	Villagers	- Swidden land - Terrace	- Access to labor - Prior claims	No	-	- Internal mechanisms (household capacity; villagers' decision) - Socially accepted
Villagers	Villagers	- Timber trees	- Access to labor and buffaloes	No	-	- Internal mechanisms - Socially accepted
Villagers	Local elite	- Forestland - Forest protection program	- Access to power	Yes	Peaceful	- Unequal distribution of benefit
Villagers	Local state agencies	- Swidden land - Forestland	-	Yes	Peaceful and open	- Differences in notion of the forest
Villagers	Trader	- Timber trees	- Access to power and capital	No	-	- Trader monopolize the market - "Illegal" market
Villagers / Traders	Local state agencies	- Timber trees	- Access to power	No	-	- Collusion and corruption
Villagers	Urbanites	- Garden land	- Access to power and capital	Yes	Peaceful	- Village intra-politic - Different landscape visions
Villagers	Villagers SFEs	- Forestland	- Strong capital	No	-	- Internal mechanisms
Urbanites	Local state agencies	- Pine trees	-	Yes	Peaceful	- Overlapping control rights

Conflicts also emerge between villagers and local state agencies over access and control of forestland and forest resources. To a large extent, conflicts between the two are

primarily centered on differences in the notion of the forest. Very often, state agencies emphasize ecological function of the forest whereas villagers stress local livelihood. To translate this into practice, the state issues policies and establishes enforcement mechanisms to protect the forest. The state's stringent control over forest access threatens local livelihoods. In response, villagers fight back, using various weapons to gain and maintain their access to the forest. They ignore the state policies, sabotage the state's plan, and protest to maintain and gain access to the forest for their livelihoods.

Conflicts between local state agencies and local villagers are manifested at both peaceful and open levels. In the villages, the tighter the control of the state over access to forest imposed on villagers, the more likely that the villagers would opt for open conflicts. Villagers would pursue peaceful opposition to the state agencies if they are able to find ways to gain access to the forest. Yet once their access to the forest is strictly denied, or their subsistence ethic is seriously violated, they would pursue open conflicts. However, open conflicts would only emerge when the involved parties, such as local state agencies and villagers, are not socially bound, and if there emerges collective power among villagers.

The villagers in Ban Ye and Ho So pursue open conflicts with *kiếm lâm* of the district and *kiếm lâm* of the Nation Park, repeatedly, to gain their access to swidden land. This is due to the fact that *kiếm lâm* seriously threatens villagers' livelihoods. Furthermore, there is no social connection between *kiếm lâm* and villagers. Virtually all *kiếm lâm* are the Kinh. Many of them come from the lowlands. Villagers and *kiếm lâm* do not have the same ethnic identity. They do not share the same background and greatly differ from each other. Between them, there is no restriction preventing them from expressing themselves to each other. Thus, villagers are likely to go for open conflicts with *kiếm lâm* once their livelihoods are seriously threatened.

As shown in this study, property relations on the forest are not only shaped by statutory laws, yet a combination of various mechanisms such as local power relations, market institutions, customary rules, and socialist property system. In this context, conflicts surrounding the forest are part of the property making. Conflicts are social space of contestation among the involved actors. Conflicts are also an arena of negotiation. They

create opportunities for more effective resource governance on the ground. Conflicts between villagers in Ban Ye and *kiếm lâm* of the district reflect a dialogical process between the two which in turn creates opportunities for villagers to gain their legitimate claims for their swidden land (and also terrace) from *kiếm lâm*. Similarly, villagers in Than Con come into conflict with local elite over forestland and forest development program in order to gain their access to the land and program. Fuzzy property relations in *Luối Hái* reflect a process of contestation and negotiation over access and control to the forest. This illustrates the on-going process of property making on the ground. In Ho So, villagers employed various “weapons” to resist to the local elite and the Park authority who control the forest access in order to gain their access to the land. The on-going conflicts between villagers on the one hand and local elite and the Park authority on the other hand are part of property making on the ground.

As shown in the chapter, there are cases where no conflicts have been observed despite the unequal distribution of material benefits different actors derived from the forest, imbalance power relations among them, and differences in notions they reflect on the forest. Access to swidden land and terraces in Ban Ye are determined by household labor and their prior claims to the land. Differences in labor and the claims differentiate household access to the land. Usually in the village, the newly established households either have little land or are excluded from the land, whereas labor-rich households often have large areas of swidden land and terrace. However, no conflict over swidden land and terraces has been observed among households in the village. What differentiates household access to the land in this context is household capacity, or what I call internal mechanisms. The difference in access to the land is socially accepted by villagers. Access opportunities are differentiated among households not because of the mechanisms coming from outsider (such as the power granted by the state, state domination and suppression), but from the households themselves. As a result, no conflict has emerged among the households. Similarly, household access to timber is determined by household labor and water buffaloes. In the village, labor- and buffalo-poor households have restricted or no access to timber trees and consequently are benefited the least or excluded from the benefit stream; whereas labor- and buffalo-rich households often benefit quite a lot from the trees. Between these groups, there exist imbalance power

relations among them and their difference in notion of the forest. But no conflicts over timber trees have been observed among them. Again, in the village, what differentiates household access to timber trees are internal mechanisms such as household labors and buffaloes. The difference in access to the trees among households is also socially accepted by villagers.

Differences in household capacity or internal mechanisms do not help explain the absence of conflict over timber between villagers as woodcutters and the timber trader. As mentioned earlier, material benefit and power are disproportionately distributed between villagers and the trader. There also exist different notions the two reflect on the forest. Yet there has been no conflict between them. There are several reasons attributed to the absence of conflict. Firstly, the trader is the one who monopolizes access to timber market. Thus, villagers have no choice but tie themselves to the trader in order to gain access to the market. Secondly, as logging and timber trade are considered illegal by the state and not having a trader with solid connections to local officials to be responsible for the trade villagers, they would not be able to derive a benefit from the timber. Thus, villagers have no alternative but to become dependent on the trader. Thirdly, villagers themselves do not know how to sell the timber, but instead depend on the trader to market and sell the timber. Finally, joining the market is the villagers' own decision. They can withdraw from the market any time they want. The combination of market monopolization of the trader, the nature of the market, information shortage and villagers' own decision does not provide the condition for conflicts to emerge between traders and villagers despite the unequal distribution of benefit and power among them, and their different notions of the forest.

Similarly, there is no conflict related to the timber market among villagers, traders and local state agencies particularly *kiếm lâm* despite the disproportionate benefit distribution, imbalance power relations, and differences in notion of the forest among them. This is because the very nature of the timber (black) market and corruption practices of local officials. These actors secretly engage in this black market in order to derive a benefit from the timber via bribe. Instead of enforcing forest protection law, local officials prefer to look away from timber logging and trading to maintain their share from the benefit.

Thus, the very nature of the market and corruption practices of the local officials particularly *kiếm lâm* provides no condition for the conflicts to emerge.

Quite similarly, producing an unequal distribution of benefit, power, and differences in notion among the involved actors, the land market in Than Con does not constitute conflict among the involved actors. This is also because villagers decided to join the market on their own. They were not forced by any one else. Beside, the land market involves a small number of villagers (only the poor) thus it is not able to form collective power in the village. Thus, despite of unequal distribution of benefit, power, and difference in notion, villagers own choice joining the market does not give rise to the conflict.

8.5 Summary the Chapter

This chapter analyzed the linkages between distribution of material benefits different actors derived from the forest, power relations among them, and notions they reflects on the forest on the one hand, and resulting conflicts. This chapter highlighted that under the certain conditions of unequal distributions of benefits and power, and differences in notions over the forest of various actors induces various forms of conflicts. In Ban Ye, there exist conflicts over swidden land between villagers and *kiếm lâm* mainly attributed by different notions on the forest between the two. Conflicts over swidden land are manifested in both quiet and open forms. In Than Con, various types of conflicts over forestland and forest protection programs between villagers and local elite have been observed. The underlying cause of the conflicts between the two is unequal distribution of benefits the two derived from the forest. Conflicts in the village are mainly found in peaceful forms, expressed in terms of language and petition. Similarly in Ho So, conflicts between the villagers one the one hand and local elite and the Park authority on the other hand have analyzed. Conflicts between the two are mainly expressed in peaceful forms. These conflicts are attributed to the unfairness of benefit distribution and differences in notion they reflect on the forest. Throughout the chapter I have highlighted that conflicts are part of the property making process on the ground. Conflicts provide an opportunity for local villagers to gain their legitimate claims to the land and forest from the state. This chapter analyzed the conditions in which conflicts do not emerge despite the inequality in

benefit distribution, imbalance power relations, and difference in notions of the forest. I believe there are various reasons attributed to the absence of conflict such as household capacity, monopolization of access market and corruption practices.

Chapter 9. Conclusion:

Incomplete Forest Devolution, Forest Conflicts, and Property Making

9.1 Summary of the Book

This book sought to understand how property has been made in the Vietnamese uplands. One may assume that property has been shaped mainly by the state's regulations. However, as found in this study, property in the uplands has been made and remade by various mechanisms such as the market institutions, customary rules, household institutions, and the state regulations are only one of them. Conflicts are also a way to make property on the ground. In Vietnam, the state has implemented forest devolution policy aiming to transfer the forest previously managed by the state to local people. The state has substantially broadened the scope of use rights as well as duration of these rights over the forest given to the people. However, Dao villagers in my study villages react to the devolution both in terms of its content and the way it has been implemented at the local level. Specifically, villagers resist the local state agencies those implemented the devolution policy and local cadres who capture virtually all benefits derived from the forest, using both everyday and open forms of control in order to gain their legitimate claims over the forest.

My study on the relationship between forest conflicts and property making is inspired by two main theoretical approaches. The political ecology studies on the forest in Southeast Asian countries emphasize various forms of conflicts between the states and local people around the state forestry. The studies on property relations in post-socialist countries highlight property embeddedness and fuzziness. At the analytical level, this study relies on the property and access frameworks. The property framework helps to understand the complex process of property making on the ground, whereas the access framework helps explore mechanisms employed by different actors to derive benefits from resources.

I am interested in exploring the factors that shape forest conflicts in the uplands of Vietnam. Conflicts between the state and local people may come about as conflicting interests between the two, as emphasized by the political ecology studies. Yet conflicts may also come because of other reasons. I argue in this book that under certain conditions such as the state involvement, violation of subsistent ethic, and collective power,

conflicts among various actors would emerge as a result of an unequal distribution of material benefits these actors derived from the forest, the imbalance power relations among them, and the differences in notions and visions they reflected on the forest.

I am also interested in examining various forms of conflicts. Conflicts may occur in quiet and peaceful forms, expressed in terms of languages, sabotaging, looking away, or ignoring. Conflicts may manifest at open forms, expressed in terms of concrete actions such as fights and protest. In this study, I am interested in exploring the ways forest conflicts are manifested and why. Further, I examine the relationship between these conflicts and property making on the ground.

From the 1950s to 1980s forest in the uplands was managed by the state. State forestry excluded local people from the forest management. In the 1990s, the state decided to implement the forest devolution policy under which local people were given land rights to use the land for a long time period. However, as shown in the policy text, the state makes these rights conditional and contingent on its management plans which encompass a wide range of activities, such as classifying, surveying, zoning, and registering. To this extent, the policy is territorial in the sense of Vandergeest and Peluso (1995), aiming to control local people and resources (*ibid.*). The implementation of the policy in fact increases the presence at the local level. In addition, the devolution policy is incomplete and very selective. The state only transfers the management power on the forests considered as low timber- and ecological-value, classifying as production forest to local people. It does not transfer the management power on the forest considered as high timber- and ecological-value classifying as special-use forests and protection forests to local people.

The allocation and contracting of use rights to local people often come with strong management obligations prescribed by the state, which in effect actually imposed severe restrictions to exercise these rights. At the local level, implementation is entirely embedded in local power relations and market forces. Very often, the implementation of the policy has resulted in a highly skewed distribution of benefits (landholdings, cash income derived from timber and state's forest protection program). Holding political power, local elite are able to capture virtually all benefits from the forest. This has

resulted in patron-client relationships. Added to this, forest protection agencies, being in charge of overseeing forest use at the local level, have used their power and authority for their own personal gains.

The market liberalization in the country has tightened the upland-lowland linkages. In the uplands, markets have vigorously emerged. Markets have created, increased, or largely changed value of the resources such as timber and forestland, making these resources the commodity products for the lowland consumers. Market transactions take place in a way that favors the outsiders who have strong capital, skills, and superior market information. As a result, outsiders shape the market. While markets serve as a mechanism facilitating income derivation from commodity products for villagers, they make the villagers more dependent on outsiders. Usually, the rights to land and resources granted to the villagers under the devolution policy do not guarantee benefits to the villagers. Instead, these rights may dispossess them from the resources. Market transactions also reflect imbalance power relations among the actors involved and their different notions and visions on the forest.

Within a village, markets have disproportionately affected village households. The markets tend to favor the villagers who have access to political power, capital, and labor, allowing them to capture most of the benefits from the forest, while exclude the rest of the villagers from the forest. The markets on the one hand serve as opportunities for some households to stabilize their livelihoods and accumulate wealth, they on the other hand marginalize the disadvantaged. The differences in household labor, capital, buffalo, and access to political power shape the ways the households respond to market opportunities.

Under the certain conditions, the unequal distribution of material benefits different actors derived from the forest, imbalance in power relations, and differences in notions and visions they reflect on the forest have resulted in various forms of conflict at the local level. Usually, perceiving that they do not have a fair share in the benefits from the forest their livelihoods are threatened, villagers resisted the local elite in every day forms in order to gain and maintain their access to forestland and forest resources. Conflicts between the two often manifest in peaceful forms. Conflicts also emerge between

villagers and local state agencies, attributing to the contradiction between local livelihoods emphasized by villagers and environmental protection highlighted by the state. Sometimes, conflicts between the two go beyond the level of peaceful and quiet forms, reaching to the open forms expressed in terms of fights and protests. I have shown in this book that conflicts are important in making property on the ground. Conflicts serve as a social space for the villagers to negotiate with state agencies and gain their legitimate claims over the forest from these agencies.

There are cases where no conflict has been observed despite the unequal distribution of benefit, imbalance of power relations, and differences in notions and visions of the forest. The absence of conflict is attributed to various factors such as internal mechanisms, market monopolization, and collusion and corruption practices. In the section below I discuss the main findings and highlight some implications

9.2 Discussion of Findings and Implications

Incomplete devolution and its outcomes

It is commonly believed that transferring management power over the resources to actors and institutions at the lower levels will lead to the increased efficiency and equity of resource allocation at the local level (Agrawal 1999, Ribot 1999). The Vietnamese state followed suit, transferring management power over the forest to local villagers under the implementation of the forest devolution policy. However, the devolution policy is incomplete. The state only transfers management power on the low timber- and ecological-value forest and retains the power on the timber-rich and ecologically important forest. Thus, the devolution policy is political and economic calculation of the state. This is what Agrawal finds in other countries (1999).

At the practical level, despite the implementation of the devolution policy, state control over the forest allocated to villagers is still strong by which it sidelines the rights given to villagers. The state employs three main strategies to maintain its control over this forest. First is the state law. Through the law, the state makes the exercise of the rights granted to villagers contingent on its management plans and requirements. If, for example, the household's use of the land does not conform to the law the land shall be subject to withdrawal. Second is through local state agencies implementing their own regulations.

These regulations do not necessarily follow central state regulations. Local state's reclassification of the forest by shifting it from production forest to protection one is an example of this strategy. Making the harvest of forest products subject to complicated paper work involving bureaucratic procedures is another example. Third is through limiting the power of the local people to derive benefits from the forest. What the local state agencies do is to choose the actors that can serve their interests to allocate and contract forestland and forest resources.

The implementation of the devolution policy at the local level has been largely shaped by local power relations. Seeing forestland and forest protection programs a source of wealth and power accumulation, local elite try to obtain all benefits from these resources. At the local level, political power is main mechanism facilitating access. The implementation of the policy often goes hand-in-hand with corruption, collusion, and power centralization of the local elite. The implementation of the policy constitutes various forms of conflicts among different actors. The failure of the devolution policy is attributed not only to the central state trying to retain its control over the forest, but also the way the local state agencies in collaboration with the local elites implemented the policy at the local level.

The devolution policy, market forces, and property making

Market liberalization in the country at the end of the 1980s opened opportunities for upland people to integrate into a wider economy of the country. In this context, forest devolution policy aiming at granting villagers more individual rights, including exclusion rights to land creates an important condition for the markets to emerge in the uplands. This study demonstrates that as the devolution is pursued, markets strongly affect the local dynamics of resource use, the social relations among actors and the local landscapes. The combination of the devolution policy and market strongly shapes the way property is made on the ground. The forest devolution policy coupled with the state logging ban and the increasing demand for timber for construction in the lowlands have increased the economic value for timber trees which in turn strongly motivate upland villagers to cut down the trees in the forest. The local people, despite holding property rights over trees, rendering labor, and being exposed to high risks receive the least benefit from logging. Having capital and access to political power, lowland traders and local

officials benefit the most. The timber market has disproportionately benefited local households. Within a village, household labor and water buffalo ownership are key mechanisms determining household access to timber trees.

The market has profoundly increased the production value of the land. Land previously used as a mean of production for the subsistence of local community is now used as basis for capital accumulation through plantation of softwood trees for paper and pulp industries. The devolution policy granted villagers with land and the exclusion right to the land provides outsiders who do not hold property rights to the land a good opportunity to grab the land from villagers particularly the poor who need cash badly. The market has changed villagers' relations to land substantially, shifting from land owners to hired laborers. The market has constituted a patron-client relationship in the village. The market has revalorized the land. It provides urban land buyers who are interested in landscape value and not productive value of the land to come to village to buy up land from villagers. Land previously used as a mean of production is now consumed by the urbanites for recreational purposes. The market has favored urbanites that have greater bargaining power than the villagers. Again, patron-client relationship is observed in the village after the emergence of the market. Within the village boundaries, income and risks associated with the markets are unequally distributed among villagers. The markets serve as opportunities for some villagers to stabilize their livelihoods and accumulate wealth; they dispossess other villagers to the resources.

Markets in the villages have been influenced by significant economic and political forces taking place at the national and international level. My findings bears a strong resemblance to those by Hefner (1990), Li (1999, 2002), and Sikor and Pham (2005). Sikor and Pham (ibid.) emphasizing other mechanisms governing the resource access, commodity markets shape the distribution of surplus influence social relations and landscapes, and affect disproportionately the distribution of income and risks among the actors involved. As found in this study, markets have tightened the upland-lowland linkages. Commodity products like timber, forestland, and garden land are consumed by the lowland consumers. While the markets serve as an integrating factor, linking the uplands to the lowlands, they are fragmenting factor, bringing about a number of conflicts among villagers, new comers, and local authorities. Markets have resulted in

social differentiation within the villages. Quite often, the state fails to adequately control the markets. The state failure in controlling the markets can be found in other countries in Southeast Asia, yet what sets Vietnam apart from these countries is the interaction between the state and market. On the one hand, it is a strong Vietnamese state trying to control forests for its own objective; on the other hand it is the markets strongly informed by significant economic and political forces that challenge the legitimacy of the state control, motivating villagers to engage in the practices considered as illegal by the state. The markets pave the way for villagers to access the forest controlled by the state and create opportunities for outsiders to reap a large share of benefit from the forest. The case of the timber market clearly illustrates this point. Furthermore, the working of the devolution and market institution at the local area sets Vietnam apart from other countries in the region. The market may turn the devolution policy upside down. Under the implementation of the devolution policy, large areas of forestland previously managed by state agencies (such as state forest enterprises) were granted to villagers. But the market provides these agencies a good opportunity to take the land back from the villagers. The case of the forestland market demonstrates this point well. In general, markets are a strong mechanism shaping property landscape on the ground.

Forest Conflicts and Property Making

Throughout the book, I have argued that conflicts among villagers and between villagers and outsiders, including local state agencies and the urbanites, are brought about by the unequal distribution of material benefits these actors derive from the forest, the imbalance power relations among them, and differences in notions and visions they reflect on the forest. However, these inequality and differences only lead to the conflicts and become property issues under the certain conditions. As shown in this study, the inequality and differences brought about by the timber and forestland markets do not produce conflict and thus do not become property issue. Yet the inequality and differences produced by the devolution policy constitute various forms of conflicts and consequently become property issue. In addition, it makes a huge difference in terms of underlying causes and actors involved if people opt out for everyday forms and open forms of conflict. I have argued in this book that the equal distribution, imbalance power relations, and different notions of the forest would not constitute the conflict if these

inequality and differences are resulted by the internal mechanisms. Despite the inequality and differences, villagers do not come into conflicts with each other and with the state forest enterprise, and timber trader because they perceive that the inequality and differences are brought about by the differences in their household assets particularly labor power, capital and buffaloes. The market reflects inequality and differences but do not constitute conflicts because it is the villagers who decide to join the markets.

The inequality and differences would lead to conflict and thus become property issue if they are brought about by external mechanisms and if these mechanisms violate the subsistent ethic of the village community. The external mechanisms can be state power given to local cadres to administer the village affairs and the state power given to local state agencies to enforce the law. Holding political power, local cadres have increased opportunities to capture substantial benefit at the expenses of local villagers. Holding the power to enforce the law, local state agencies are in the position of controlling access to the resources. For the villagers, the elite capture and the domination of the state agencies are not accepted. They also feel that their livelihoods are threatened. Consequently, they resist the local elites and state agencies in order to gain their access to the resources.

The villager resistance would stop at the everyday forms if the linkages between them and their counterparts are strong and if their counterparts are influential in villagers' daily life. But if the linkages are weak and if their counterparts are not influential in their life, villagers would collectively and openly react to their counterparts. As shown in this book, if their livelihoods are threatened owing to the elite capture, villagers would resist to the local elite in peaceful forms and not open forms because the two are socially and culturally bound. They both share the same ethnic identity and historical background. My finding goes in the same direction with those by Sikor (2004) when he finds that local cadres tend to accommodate local interests because of their strong linkages informed by their ethnic identity and horizontal linkages. Going beyond this, my argument illustrates that villagers opt out for the peaceful forms of resistance to the local elite because the latter, positioning themselves at the intersection between the state and villagers, are so influential in the villagers' daily life. In the uplands, all government support programs such as those on credit, extension trainings, and free seedlings, among others targeted villagers and the village poor in particular are often administered by the local cadres at

the village and commune level. Thus, these local cadres play an important role in determining villagers' access to these programs. Villagers would not opt out for open forms of resistance to the local elite because they are afraid that doing so would exclude them from the government support programs.

As argued, villagers collectively and openly resist to their counterparts if the linkages between them and their counterparts are weak and if the latter have a weak influential in the villagers' daily life. Villagers fight against the Park authority and protest against the Forest Protection Department in order to gain and maintain their access to land because they have a weak social and cultural tie. All officials of the Park and of the Forest Protection Department are Kinh raised and trained in the lowlands. They have different cultural backgrounds such as ethnic identity and language from villagers. The weak social and cultural linkages between the two allow them to act more openly. In addition, these officials are not the ones who administer the government supports at the village level. Thus, villagers are likely to react to local state agencies in open forms.

Sikor (2004) states that "Vietnamese villages react to state intervention collectively because they have been treated as "local corporate bodies" by the government... The longer villages have been exposed to ... government intervention, and the more contemporary state interventions treat villages as corporate bodies, the more likely are rural people to react to state action as village collectives." Dao villagers in the study villages reacted collectively to the local state agencies because they are treated as "local corporate bodies."

As this study demonstrated, there are many mechanisms that make and remake property on the ground. I have argued that conflicts are an important element in making property on the ground. This finding sets my study apart from other studies on the forest politics in Southeast Asia. Conflicts open space of negotiation for the actors involved, facilitating villagers to gain their legitimate claims to the forest. Villagers resisted the state policy prohibiting local practices considered illegal by the state in both peaceful and open forms. Eventually, the local authority looks away to accommodate local interest. My findings go in the same direction with those by Sikor (2004) and Kerkvliet (2005). Villagers resisted

local elites particularly the latter's monopoly of access to the forest in order to gain their access to the forest and to get their claims legitimated.

Political ecology studies on forests in Southeast Asia have concentrated conflict between local people and the (local) state (c.f. Peluso 1992, Vandergeest and Peluso 1995, Hirsch and Warren 1998, McCarthy 2000). By examining conflicts in the three villages, I have highlighted that, between villagers and the (local) state; conflicts arise from their varying notions of the forest. I have also illustrated that the local elite and the patrons benefit most from this conflicting situation. To this extent, my findings contribute empirically to support the results of political ecology studies on forests in Southeast Asia. Theoretically, I have found that the conflict landscapes are more complicated than those highlighted by the political ecology studies on the Southeast Asia forest. Conflicts take place not only between villagers and the (local) states around state forestry, as highlighted by these political ecology studies, but also among villagers around the devolved forestlands and forest resources and between them and outsiders who come from the lowlands. The differences in ways conflicts manifest are attributed to different underlying causes, actors involved, and types of resources.

The studies on property relations of post-socialist countries have emphasized property embeddedness and fuzziness (c.f. Verdery 1999, 2003, Sturgeon and Sikor 2004). This study finds strong support from these. Going beyond this, my study has integrated the effects of these embeddedness and fuzziness. Various forms of property conflicts resulted from the embeddedness and fuzziness are important to make and remake the property on the ground.

Implications for Vietnam

Regarding policy implication, while the state's devolution policy is incomplete, limiting the rights of the local people, it is still important to the local people. Constraints to access, as I have found, are not caused by this policy per se, but by the way the local cadres implemented the policy on the ground to serve their own interests. Thus, I suggest that to understand forest conflicts and property making on the ground, we should move beyond the state-center perspective, examining the role of local cadres in the policy

implementation in particular and village politics in general. This is an important point as highlighted by Kerkvliet and Marr (2004).

The markets facilitate villagers to derive benefits from the land and forest resources. At the same time markets expose villagers to various types of risk. I believe that the state can play an important role in making markets less distorted by providing information and giving the villagers legal advice on land and other transactions. Coalition among different interest groups, including the state, may be needed in order to reduce risks and increase the benefits to the local people.

My study challenges the notion still held by many Vietnamese that the uplands are inhabited by backward and superstitious ethnic minority people. Findings from this study have shown that people in the uplands have been as creative as those in the lowlands. They respond differently to market opportunities, making them interwoven in the commodity markets. This pattern was also observed in the northern part of Vietnam by Sikor and Pham (2005). My study has shown that the uplands are being appropriated by the lowland people for both production and recreational purposes. This implies that the uplands are no longer remote areas and inhabited solely by ethnic minority people but are integrated with the lowlands through close linkages between them, as seen in their activities in and use of the forest. I thus suggest that to understand the uplands we have to situate them in a broader context, looking into their historical and contemporary relations to the lowlands.

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Annex 1. Bivariate Correlation

The Pearson's correlation coefficient is measured as follow¹⁰³.
$$r = \frac{\sum_{i=1}^n (X_i - \bar{X})(Y_i - \bar{Y})}{(n-1)S_x S_y}$$

Where: X and Y are two variables, r is Pearson's correlation coefficient, \bar{X} is mean of all X value (i from 1 to n), \bar{Y} is mean of all Y value (i from 1 to n), S_x and S_y are standard deviations of variable X and Y respectively, equal to square root of the mean

value of the squared deviations.
$$S_x = \sqrt{\frac{\sum (X_i - \bar{X})^2}{n-1}} \quad \text{and} \quad S_y = \sqrt{\frac{\sum (Y_i - \bar{Y})^2}{n-1}}$$

Pearson's correlation coefficient ranges from positive 1 referring to the perfect positive correlation between two variables to negative 1, referring to the perfect negative correlation.

One of the prerequisites for having Pearson's correlation coefficient measure is the relationship between two variables must be linear. Thus, before testing the correlations, I inspect scatter plot to check if the relationship is linear or not. If it is not linear, Pearson's correlation coefficient is not appropriate statistic test. Further, I am fully aware that the correlation between variable X and Y does not imply a causal connection between the two, and if the sample size is very small, then the correlation between two variables could be deflated. If the scatter plot shows the relationship between X and Y is non-linear, and both variables have ordered categories, I then used Kendall's tau-b or Spearman to measure the correlation between two rank orders.

Since the sample is originated from the population, the characteristics number of the sample may not include unknown parameters of the population. Sachs (1984) calls the interval around the characteristic number confidence interval. By changing size of confidence interval, the parameters of the population can be adjusted. If we would like to have a statement that is right in 95 percent (or 90 percent) and probably wrong in five percent (or 10 percent) of all cases, we can say that the sample characteristic number contains parameter of population with confidence probability or confidence coefficient S of 95 percent (or 90 percent). In other words, the assumption that the sample includes parameters of the population fails in five percent in all case (ibid.). In this study, Pearson's correlation coefficient (or Kendall's tau-b or Spearman) statistical test (operated by SPSS) is operated in a way that probability does not exceed a given small value α , or level of significance, which $0.05 \leq \alpha \leq 0.1$. This means that if we have testing hypothesis, there are two erroneous decisions are possible. First, which is called error of Type I occurs when the unwarranted rejection of the null hypothesis when the null hypothesis is true. Second, called error of Type II, occurs when null hypothesis is retained when it is wrong (ibid.)

¹⁰³ Source: www.cmh.edu/stats/definitions/correction.htm.

Annex 2. T-test for independent samples

Sachs (1984)¹⁰⁴ suggests different prerequisites for having t-test is that the data must be independent, or sample must be randomly selected; the characteristic must be measurable in units of a metric scale; populations must be (at least nearly) normally distributed; and the variances must be equal between two groups (ibid.:130). For the too small and not too different sample sizes, t value in case of unknown but equal variances of two groups is measured as follow (ibid.:69).

$$t = \frac{(\bar{x}_1 - \bar{x}_2)}{\sqrt{\left[\frac{(n_1 + n_2)}{n_1 n_2} \right] \left[\frac{Q_1 + Q_2}{n_1 + n_2 - 2} \right]}} \quad \text{formula a}$$

Where $Q = \sum x^2 - \frac{(\sum x)^2}{n} = (n-1)s^2$, and $s = \sqrt{\frac{\sum (x - \bar{x})^2}{n-1}}$ n_1 is size of sample 1, n_2 is size of sample 2. In the case of equal sample sizes ($n_1 = n_2 = n$), t value is measured as

follow (ibid.) $t = \frac{[\bar{x}_1 - \bar{x}_2]}{\sqrt{\frac{Q_1 + Q_2}{n(n-1)}}} = \frac{[\bar{x}_1 - \bar{x}_2]}{\sqrt{\frac{S_1^2 + S_2^2}{n}}}$ formula b

When process the data, SPSS first runs the Levene's test, or F test, to test the hypothesis of equality of variances between two groups. In SPSS, it is recommended that the Levene's test is used first before the t-test to make sure that we are following the assumption specified by the test. F value at 0.1 or 0.05 level of significance helps us to reject or retain null hypothesis (if the two groups are of equal variance or not), which in turn enable us to select t value calculated either in the formula a or b.

As total population in my study villages is small, I am fully aware of problem of small sample size drawn from the population as it would be difficult to detect assumption violations. In addition, if none of the test assumptions are violated, a t test with small sample size may not have sufficient power to detect a significant difference between two samples, even if the means are in fact different. In this research, I had the problem of small sample size. As mentioned earlier, my subgroup of households consisting of those who had access to political power was so small. To deal with this problem, when possible I tried to include all households who had access to political power. In addition to that, I very lean my quantitative analysis on qualitative one. I strongly believe doing these I could solve the problem of small sample size¹⁰⁵.

¹⁰⁴ Sachs, Lothar. Applied Statistics: a Handbook of Techniques. Second Edition. Springer-Verlag New York Inc. 1984.

¹⁰⁵ Sachs (1984) actually suggests that for the small sample size ($n \leq 20$), then the Lord test can replace the t test. Yet I find not much difference between the two, thus I decided to stay with t test and use my qualitative analysis to support the quantitative one.

Annex 3. One way- ANOVA

Analysis of Variance (ANOVA) is the last statistical analysis I used to analyze quantitative data (see Annex 1 for the detail of the analysis). This test can produce a one-way analysis of variance for one quantitative dependent variable by a single independent variable. This test is used to compare means of three or more variables. The F value is measured as follow (Sachs 1984: 503).

$$F = \frac{MS_{between}}{MS_{within}} = \frac{\frac{1}{k-1} \sum_i n_i (\bar{x}_i - \bar{x})^2}{\frac{1}{n-k} \sum_{ij} (x_{ij} - \bar{x}_i)^2}$$

Where MS is mean of square, k is number of samples (groups), n is sample size, x_{ij} is the j^{th} value in the i^{th} sample, \bar{x}_i is sample means \bar{x}_i , and \bar{x} is overall mean. For the sample groups of equal size ($n_i = n_0$) F value is computed as follows (ibid.).

$$F = \frac{\left[k \sum_i x_i^2 - x^2 \right] / (k-1)}{\left[n_0 \sum_{i,j} x_{ij}^2 - \sum_i x_i^2 \right] / n_0 - 1}$$

There are several assumptions made for the use of one-way ANOVA. First, the dependent variable is normally distributed. To check pattern of distribution, I run Q-Q plot to check distribution pattern. Second assumption is that all groups have approximately equal variance on the dependent variable. I used Levene's test for homogeneity of variance. Fortunately, one-way ANOVA test does not require large sample size. Thus, my small sample size does not appear to be a problem here.

Annex 4. Statistical Test in Than Con Village

4.a Correlation between household income derived from timber and firewood and household wealth

		Income (VND) in a year HH gains from selling timber and firewood.	HH wealth status
Income (VND) in a year HH gains from selling timber and firewood.	Pearson Correlation	1	-,456(*)
	Sig. (2-tailed)	.	,029
	N	23	23
HH wealth status	Pearson Correlation	-,456(*)	1
	Sig. (2-tailed)	,029	.
	N	23	23

* Correlation is significant at the 0.05 level (2-tailed).

4.b. Correlation between household forestland holdings and area for planted trees

		Forest land area (ha) that the HH received time 2 (1998)	The forest tree area (ha) the HH planted on forest land after FLA
Forest land area (ha) that the HH received time 2 (1998)	Pearson Correlation	1	-,386
	Sig. (2-tailed)	.	,393
	N	7	7
The forest tree area (ha) the HH planted on forest land after FLA	Pearson Correlation	-,386	1
	Sig. (2-tailed)	,393	.
	N	7	23

4.c Correlation between household income derived from timber/firewood and forestland holdings

		Total area HH received in two allocation	Income (VND) in a year HH gains from selling timber and firewood.
Total area HH received in two allocation	Pearson Correlation	1	,651(**)
	Sig. (2-tailed)	.	,001
	N	23	23
Income (VND) in a year HH gains from selling timber and firewood.	Pearson Correlation	,651(**)	1
	Sig. (2-tailed)	,001	.
	N	23	23

** Correlation is significant at the 0.01 level (2-tailed).

4.d Correlation between household softwood trees and its income derived from cassava

		HH softwood tree area	Household annual income derived from cassava
The forest tree area (ha) the HH planted on forest land after FLA	Pearson Correlation	1	,606(**)
	Sig. (2-tailed)	.	,002
	N	23	23
income (VND) HH gains from selling cassava in a year	Pearson Correlation	,606(**)	1
	Sig. (2-tailed)	,002	.
	N	23	23

** Correlation is significant at the 0.01 level (2-tailed).

4.e Correlation between household softwood trees area and its income derived from livestock

		HH softwood trees area	Annual income HH derived from livestock
The forest tree area (ha) the HH planted on forest land after FLA	Pearson Correlation Sig. (2-tailed) N	1 . 23	,557(**) ,006 23
income (VND) in a year HH gains from livestock raising	Pearson Correlation Sig. (2-tailed) N	,557(**) ,006 23	1 . 23

** Correlation is significant at the 0.01 level (2-tailed).

4.f Correlation between household forestland holdings and household softwood tree areas.

		Household forestland holdings	Household softwood tree area
Forest land area (ha) that the HH received time 2 (1998)	Pearson Correlation Sig. (2-tailed) N	1 . 7	-,386 ,393 7
The forest tree area (ha) the HH planted on forest land after FLA	Pearson Correlation Sig. (2-tailed) N	-,386 ,393 7	1 . 23

Annex 5. Statistic Test in Ban Ye village

5.a Correlation between household labor and household swidden area

		Total swidden land area of the household	Household total labor
Total swidden land area of the household	Pearson Correlation Sig. (2-tailed) N	1 . 34	,368(*) ,032 34
Household total labor	Pearson Correlation Sig. (2-tailed) N	,368(*) ,032 34	1 . 34

* Correlation is significant at the 0.05 level (2-tailed).

5.b Correlation between household total labor and household terrace area

		Area of terrace of the household	Household total labor
Area of terrace of the household	Pearson Correlation	1	,517(**)
	Sig. (2-tailed)	.	,002
	N	34	34
Household total labor	Pearson Correlation	,517(**)	1
	Sig. (2-tailed)	,002	.
	N	34	34

** Correlation is significant at the 0.01 level (2-tailed).

5.c Correlation between household swidden area and household terrace area

		Household terrace area	Household swidden area
Household terrace area	Pearson Correlation	1	,372(*)
	Sig. (2-tailed)	.	,031
	N	34	34
Household swidden area	Pearson Correlation	,372(*)	1
	Sig. (2-tailed)	,031	.
	N	34	34

* Correlation is significant at the 0.05 level (2-tailed).

5.d Correlation between household forestland holding received under FLA and its area of terrace

		Household terrace area	Household forestland holdings
Household terrace area	Pearson Correlation	1	,255
	Sig. (2-tailed)	.	,145
	N	34	34
Household forestland holding	Pearson Correlation	,255	1
	Sig. (2-tailed)	,145	.
	N	34	34

5.e Correlation between household timber income and household main labor

		Household timber income	Household main labor
Household timber income	Pearson Correlation	1	,454(**)
	Sig. (2-tailed)	.	,007
	N	34	34
Household main labor	Pearson Correlation	,454(**)	1
	Sig. (2-tailed)	,007	.
	N	34	34

** Correlation is significant at the 0.01 level (2-tailed).

5.f Correlation between household timber income and its number of buffaloes

		Household timber income	Household water buffaloes
Household timber income	Pearson Correlation	1	,548(**)
	Sig. (2-tailed)	.	,001
	N	34	34
Household water buffaloes	Pearson Correlation	,548(**)	1
	Sig. (2-tailed)	,001	.
	N	34	34

** Correlation is significant at the 0.01 level (2-tailed).

5.g Correlation between household access to political power and household timber income

		Timber recoded	Politic recoded
Timber recoded	Pearson Correlation	1	,114
	Sig. (2-tailed)	.	,520
	N	34	34
Politic recoded	Pearson Correlation	,114	1
	Sig. (2-tailed)	,520	.
	N	34	34

5. h Correlation between household timber income and its forestland holding

		Timber recoded	forest land area recoded
Timber recoded	Pearson Correlation	1	,162
	Sig. (2-tailed)	.	,359
	N	34	34
forest land area recoded	Pearson Correlation	,162	1
	Sig. (2-tailed)	,359	.
	N	34	34

5.i Difference in timber income among labor-rich households (4-5 main laborers each), households with three main laborers, and labor-poor households (1-2 main laborers each)

	Sum of Squares	Df	Mean Square	F	Sig.
Between Groups	38,137	2	19,068	5,970	,006
Within Groups	99,013	31	3,194		
Total	137,150	33			

5.j The difference in timber income among the groups with large forestland holdings, moderate forestland holdings, and small landholdings.

	Sum of Squares	Df	Mean Square	F	Sig.
Between Groups	35,352	3	11,784	3,473	,028
Within Groups	101,797	30	3,393		
Total	137,150	33			