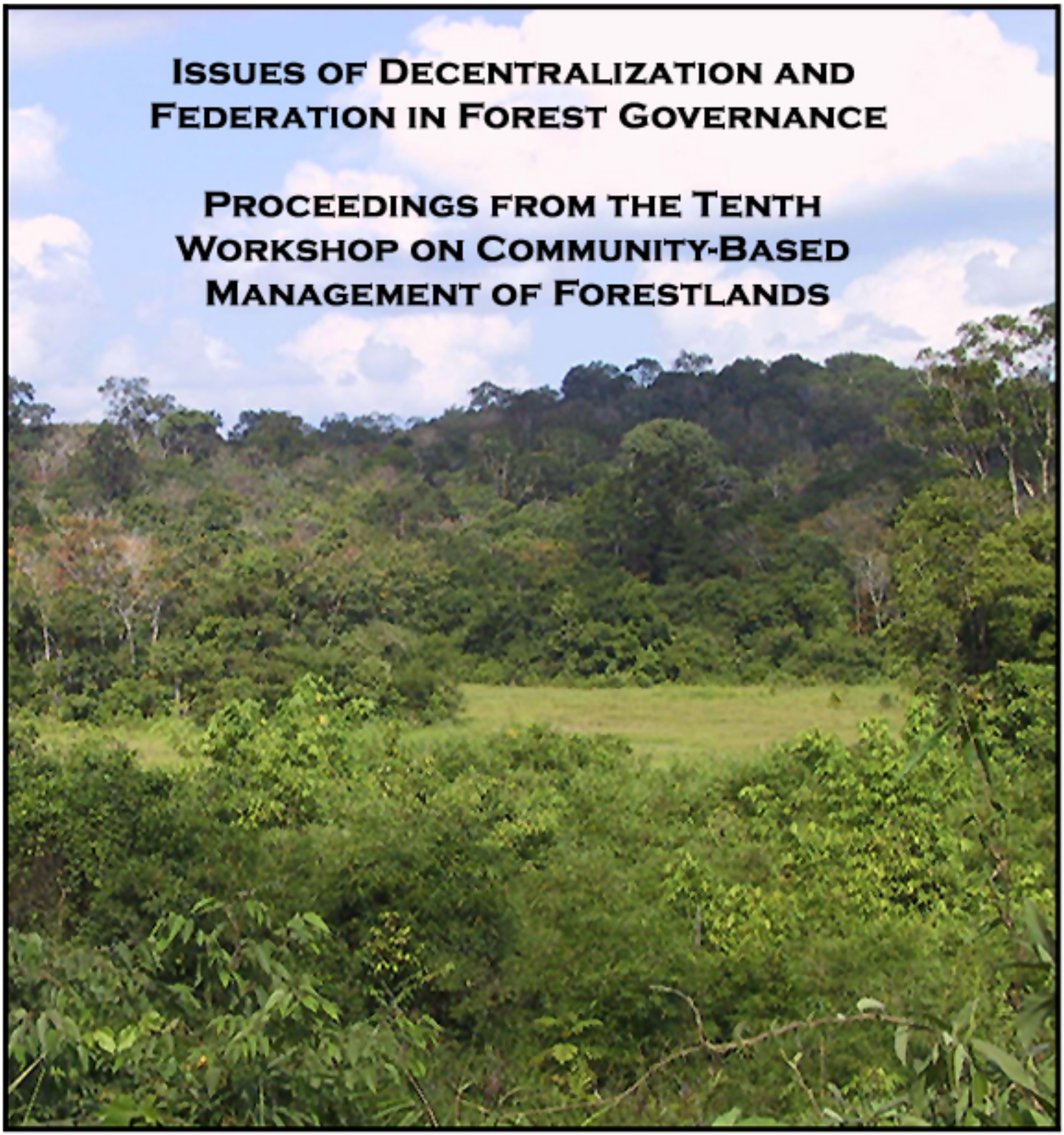
Issues of Decentralization and Federation in Forest Governance

Proceedings from the Tenth Workshop on Community-Based Management of Forestlands



Edited by Krisnawati Suryanata, Jefferson Fox and Stephen Brennan

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Introduction

Decentralization and networks of community-based forest groups (forest federations) are often viewed as a means of promoting good forest governance that is more responsive and adaptive to local needs, especially those of the poor and underprivileged. Deteriorating forest conditions in many parts of Asia have compelled development planners and government officials to adopt these strategies. Documenting the lessons learned from such action research was a key objective of the writing workshop Decentralization and Federation to Promote Good Forest Governance, held in Chiang Mai, Thailand, between 30 June and 25 July 2003. The workshop brought together ten participants from six countries in Asia, namely China, Indonesia, the Lao PDR, Nepal, the Philippines, and Vietnam.

The workshop was the tenth in a series organized by the East-West Center on Community Management of Forestlands, and the second co-hosted by the Regional Community Forestry Training Center (RECOFTC). Since 1986, the Ford Foundation and the East-West Center have attempted to document the changes taking place in the management of forests in Asia as national governments collaborate with local communities in designing win-win land management scenarios. These brief sabbaticals have engaged key actors in reflection and debate over new policies and practices, provided an opportunity for forestry practitioners to assess and anticipate these changes within their countries, and to compare their experience with other national efforts. The workshops also provide an important venue for busy practitioners to take time to document their experience for wider analysis and sharing.

The papers in this collection examine issues that are related to forest decentralization. Although decentralization holds the promise of administrative efficiency and more equitable distribution of benefits (Cheema and Rondinelli 1983), many decentralization efforts have neither empowered local communities nor improved forest management. The problems are separate yet inter-related. Agrawal and Ribot (1999) argue that political democracy is a pre-condition for effective environmental management. For decentralization to achieve many of its lauded benefits, powers need to be transferred to lower level actors who are both elected and downwardly accountable. Ribot (2003) further cautions against allocating environmental management powers to non-democratic institutions such as traditional and non-representative authorities. Such actions could threaten local equity and play a counter-productive role in environmental management. As a general strategy, he advocates democratizing local government before pursuing other activities associated with decentralization such as capacity building or management planning.

Yet others have also argued that in many cases, even less democratic forms of decentralization (such as administrative deconcentration and coercive devolution) could be beneficial to the environment (Lowry 2002). When resource degradation and depletion is the cumulative result of the activities of numerous users, a decentralized management approach

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based on a detailed understanding of local conditions is a necessary strategy, even if a country's political context does not render democratic decentralization viable in the short run. Lowry further argues that because natural resource management can generate revenue, its decentralization can indeed be a fulcrum for democratic change. Decentralization could help to make local governments more independent and to build their legitimacy – a critical element to their governing capacity.

The distinction between decentralization as the means of political democratization and decentralization as a management strategy is important when considering the experiences of post-socialist states China, Vietnam and Laos. In these countries, decentralization approaches are sponsored by the State, motivated by the ineffectiveness of centralized management policies and environmental degradation. In these countries, privatization in the form of transferring land rights to individual households features prominently in the program. While privatization in itself is not a form of decentralization, it is carried out within a framework of decentralization policy. In these cases, however, the ultimate objective of adopting decentralization is better forest management, not to overthrow or even to reform current governments. Decentralization is not meant as a way to devolve full power to the local units, but rather as a form of administrative deconcentration or delegation of authority. The primary concern is how to make local governing units more effective in implementing the environmental policy; to overcome what Lowry (2002) refers to as the implementation gap. Some of these gaps are related to the issues of local empowerment and downward accountability outlined by Ribot and Agrawal (1999); yet others are more practical in nature, requiring a careful policy planning and implementation (Lowry 2002).

Decentralization and Forest Governance

The relevance of Ribot's emphasis on political democratization before transferring power to local authorities is evident when examining the implementation of forest decentralization in Indonesia, where power transfer to district authorities has backfired, resulting in an even accelerated pace of deforestation (Thorburn 2002). **Tony Djogo** examines forest decentralization in Jambi province, Indonesia, where massive forest degradation has followed the implementation of decentralization policies. Djogo identified two reasons for the counter-productive impacts of decentralization in Jambi. First, he examined how the transfer of power to the district governments has resulted in shifting priorities with regard to the management of natural resources. Decentralization in Indonesia is part of a broader political reform that occurred following the fall of the authoritarian Soeharto regime in 1998. Regional autonomy legislation largely bypasses provinces and gives districts the rights to generate and retain revenues from their local resources. This has led to a rush by district governments to convert their forest resources into cash. Any critical evaluations of the district governments are quickly silenced by the rhetoric of reform that claims to reverse the historical injustice of surplus extraction by the central government. Moreover, the transfer of power to exploit forest resources is not accompanied with any obligation to conserve or manage these resources. The political reform has left resource agencies that do not deal with revenue-generation, such as the National Park Agency, the Natural Resource Conservation Agency, or the Watershed Management Agency, in the hand of central government. Representatives of these agencies at the district level are effectively devoid of power to enforce any environmental standards.

Second, he presents an analysis of the accountability structure (or lack thereof) of the district governments who are now entrusted with the new authority. District government leaders, including legislative members, are no longer upwardly accountable following the decentralization reform, yet the mechanisms to build local accountability are still absent. As a result, private corporations have been able to co-opt the decentralized power, and corruption has been rampant. Efforts to improve accountability mechanisms have met strong resistance from the current leaders who obviously would not want to undermine their privileged positions in spite of the declining health of the forests. This reiterates the argument urging for democratization to take place before the full transfer of power (Ribot 2003).

Xu Xiuli analyzes China's Crop Conversion Program (CCP) – one of the six great programs in forestry that was launched in response to the widespread land degradation perceived to have caused the 1998 flooding of the Yangtze River. The main goal of the program is to reduce soil erosion by using subsidies and incentives paid to farmers who convert their sloping croplands into forested or grassland areas. The implementation of this program, however, has encountered numerous problems. In her paper Xu focuses her analysis on the County Forest Bureau (CFB), the local implementing unit in translating the goals of this national program into effective action.

Using the implementation gap framework of analysis developed by Lowry (2002), Xu argues that problems in the program design lie at the roots of the problem. While CCP's structure of financial incentives, monitoring and evaluation systems succeeds to compel local units such as CFB to implement CCP, it fails to induce the local units' commitment to its environmental goals. In addition, CFB's capacity in reconciling environmental goals with the priorities of various stakeholders to match the environmental goals is limited due to their limited decision-making power and insufficient human and financial support.

The inability of local governments to effectively respond to local concerns has resulted in low participation rates in the state-sponsored reforestation programs. **Zhu Hai-Jiao** compares the participation of farmers in two erosion control programs in Yunnan Province, China. She argues that while farmers generally support the goals of the state-sponsored Upland Conversion Program (UCP), concerns over their livelihoods prevent them from taking an active part. By contrast, a much smaller Community Technology and Development Association (CTDA) has been able to gather support for their erosion control initiatives. Zhu attributes the difference to the credibility (or lack thereof) of local governing units as a key determinant in their capacity to implement environmental management decisions. Allowing local units to have enough discretionary power to respond to local concerns is therefore a precondition to improving their capacity.

In Vietnam, **Tran Huu Nghi** focuses attention on the State's implementing units through his analysis of the Forest Land Allocation (FLA) program. He argues that decentralization involves as much change in the relationships between government units as between the state and the people. Decentralization affects not only the distribution of power and authority, but also work routines and tasks. It also requires change to long-held beliefs about previously centralized forest management. Tran also highlights the fact that most forestry agencies are generally trained in hard sciences and are not experienced in requisite people skills required by decentralization, such as how to organize village meetings. While the central government is ready to devolve the management of forestlands, many actors at the provincial, district and commune levels are not as prepared.

Also examining the FLA in Vietnam, **To Xuan Phuc** reiterates the critical importance of effective power in determining the outcome of decentralization. Vietnam's economic reform

includes granting titles to forestlands that were formerly controlled by the State Forest Enterprise. A land title is an endowment that must be converted into effective power through economic and political processes; applying Sen's concepts of endowment and entitlement, he argues that the FLA does not transfer sufficient power to allow land managers to manage their lands effectively. Village officials have been able to accumulate large land tracts of higher quality, for example, while the poor have difficulty in holding on to their allotted lands. As a result, FLA has resulted in a process of differentiation with its implications on forest management. From this case study, To Xuan Phuc reminds us that the effectiveness of a decentralization program that is based on privatization cannot be independent of the dynamics of the markets.

Decentralization of forest management in the Lao People's Democratic Republic to date shows limited impact due to problems in both design and implementation of the policy. As in Vietnam, decentralization is built upon a program that grants land titles to individual households. By increasing tenure security for the farmers, the program is expected to facilitate the transition from slash and burn agriculture into intensive, sedentary farming. **Daovorn Thongphanh** analyzes the implementation of Land and Forestland Allocation from the farmers' perspective, arguing that not all can obtain a secure livelihood by participation. The extent to which farmers do achieve success is dependant on the quality of their allotted lands and their ability to take advantage of markets. In addition, the capacities of local government institutions that oversee the program implementation are still weak and contribute to the poor planning that further exacerbates the problems faced by these farmers, all of which undermines the broader goal of environmental management. As one example, the policy requires farmers to make substantial investments of time and money into their allotted lands within three years, forcing new titleholders to seek other sources of quick income that ironically include encroaching into protected forests. **Vayaphat Thattamanivong** describes the problems faced by the district and provincial governments in the implementation of a national policy such as the Land Use Planning and Land Allocation (LUP/LA). The current program design bears little relevance to the general livelihood needs of most farmers, resulting in low participation in LUP/LA activities. This concern, however, has not been sufficiently addressed by the implementing agencies.

Federation in Forest Governance

The past two decades have also witnessed a proliferation of community-based forest management projects that are engaged in conversations about resource governance at the national and international levels through a growing number of federations. In some cases, coalitions of actors are creating new pathways for demanding accountability and transparency, lobbying politicians and government officials, and providing input into policy formulations. These groups are using networks and federations to increase awareness, share productive materials, disseminate knowledge, mediate conflicts, and strengthen the role of forest users in resource management regimes. This in turn has strengthened those processes that are essential for democratic decentralization to continue.

As is the case of decentralization efforts, sustaining federations that support good forest governance is not without challenges. **Kaji Shresta** explains the problems encountered within the organization of Nepal's community forest program. Despite the undisputed success of organizing more than 12,500 forest user groups and halting forest degradation in the hills of Nepal, FECOFUN (Federation of Community Forest Users of Nepal) faces many challenges that

include: uneven distribution of benefits among different groups whose livelihoods depend on the forests; little awareness among users regarding their rights; continuing struggle for control between user groups, local governments, and the Department of Forestry; and difficulty of involving the marginalized groups such as women and the poor.

Active participation of local actors may not be a prerequisite for launching a decentralization program, but to effectively benefit the constituents, local groups must actively pursue opportunities that become available through the creation of decentralization reforms (Agrawal and Ostrom 2001). Hence to help ensure decentralization's sustainability, the mission of FECOFUN must include ensuring the participation and representation of the very poor and marginalized groups within the different levels of FECOFUN and community FUGs. **Hima Uprety** discusses FECOFUN's recent initiatives promoting the participation of poor women, a group that is well represented in the membership as required by the FECOFUN constitution, yet one that has very few leadership roles. In Uprety's view, the political participation of women has not moved beyond tokenism or the placation level in Arsntein's (1969) Ladder of Citizen Participation. Women may participate in many activities or in the decision-making process, but their voices are not heard to the degree as those of the male elite. To overcome this problem, FECOFUN has developed workshops and training sessions with the objectives of building awareness about issues of social exclusion of women, the poor and marginalized groups; as well as addressing other issues such as leadership and teaching technical skills that can help the marginalized groups to improve their livelihoods. While FECOFUN's efforts have lowered the organizational barrier, however, more challenging economic and cultural barriers that prevent full participation still remain.

The critical role of federation in ensuring the continuation of democratic decentralization is reaffirmed in the case presented by **Lourdes Amos**. Forest decentralization in the Philippines was enacted in the context of the Indigenous Peoples' Rights Act (IPRA, 1997) that recognizes, protects, and promotes the rights of the Indigenous Peoples. Amos shows how the indigenous peoples of the Philippines formed national coalitions and federations to strengthen advocacy, leading to the formulation and adoption of the implementing guidelines of IPRA. The main objectives were to secure rights of ownership over ancestral domains by recognizing rights to access, and to advance cultural development through a multi-dimensional holistic approach.

Amos uses the cultural integrity framework that balances the varying economic interests of local people with cultural development and environmental justice. Refuting Ribot's reproach on advancing decentralization through customary authorities (Ribot 2003), she argues that in the context of ancestral domain history, strengthening local control through customary processes is necessary for establishing the accountability of decentralized power and authority. Asserting the prior rights of the Agta-Dumagat indigenous people can enable the framing of a common management strategy among stakeholders – one that includes providision of tenure security for both migrants and indigenous people; protects the environment; and advances cultural development. In this case, the persistence of the Agta-Dumagat Coalition, TAGPUAN, Inc., has influenced the growing support of the framework as a common planning tool.

Concluding Remarks

The papers in this collection show several trajectories of forest governance that have resulted from decentralization. We derive several points from these analyses.

1. Establish democratic institutions before transferring power to the local level. Failure to do so may result in worse destruction of forest resources.
2. To achieve the goals of forest governance, addressing practical implementation gaps in decentralization is as important as establishing accountability.
3. Insufficient power transfers inhibit participation. The papers affirm the arguments that despite the stated commitments to decentralization, in most instances the central government has not transferred sufficient powers to local authorities. As a result, local implementing units are not able to effectively respond to local needs for program adjustment, which reduces local governments' legitimacy and discourage participation by local farmers.
4. It is more difficult to secure the commitment of local governing units to environmental goals, even when they are committed to the program for financial and political reasons.
5. For most agencies responsible for forest management, decentralization requires a dramatic epistemological shift and institutional reform. Decentralization involves as much change between government units as between government and people. Improving cooperation and developing the requisite incentive structures are essential before decentralization can achieve the stated goals of forest governance.
6. Decentralization may open up opportunities for local people, but their capacity to take advantage of new rights granted to them may be limited by cultural and economic structures.
7. Networks and federations of forest users groups can strengthen processes that are essential for democratic decentralization to continue. These include increasing awareness, sharing productive materials, disseminating knowledge, mediating conflicts, and strengthening the role of forest users in resource management regimes.

More generally these papers demonstrate that it is important to place case study analyses on decentralization and federation into the broader historical political economic context. For example, in both Indonesia and the Philippines, decentralization follows grassroots revolutions that overthrew authoritarian central governments. As a result, political infrastructures that are essential for developing accountable local governments were absent in both countries. In the Philippines, this movement occurred when most of the forest resources had already been depleted, and power realignment after the devolution involves mainly local interest groups. In Indonesia, decentralization was initiated at the height of its timber boom, subjecting the nascent devolution process and its agents to intensive power grabbing, including from external groups interested in exploiting the forest resources. In contrast, in Nepal, forest decentralization and the movement to build forest federation began when few outside interest groups had any role or interest in this process. Today, however, the program includes the forested lands in the lowlands (terai) and high elevations and as a result, many more interest groups are keen in establishing access to these relatively more valuable resources. But unlike Indonesia and the Philippines, Nepal has the advantage of having much of the political infrastructure to assure accountability already in place.

These papers demonstrate again that innovative approaches to problem solving and to designing and implementing effective mechanisms for community-based resource management remain urgently needed. These innovations will only come through collaborative ventures between scientists and practitioners, and between engaged participants and decision makers at local, district, provincial, and national levels. Only through on-going and continuous innovation and engagement can community groups and government agencies hope to develop the capacity to effectively manage our natural resources.

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Decentralization without Accountability:
Power and Authority over Local Forest Governance in Indonesia[4]

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Abstract

The decentralization of forest resource management authority to local governments has resulted in a situation in which district governments are neither accountable upward to the central government nor downward to the local people. The decentralization of authority without appropriate devolution processes or control mechanisms has resulted in the decentralization of opportunistic behavior that is in direct opposition to the development of good local forest governance. The delegation of authority has in fact resulted in the decentralization of power to the private sector. This paper examines some of the counterproductive impacts of decentralization, and explores possible mechanisms to prevent or minimize negative behaviors in order to support better accountability in local forest governance.

Introduction

After more than thirty years of ruling Indonesia, the centralized and authoritarian New Order regime ended in 1998 with the spread of economic crises and political turmoil. The chaotic situation resulted in the resignation of President Soeharto and the emergence of a reformed government. The process of reform (*reformasi*) began with a call for democratic government and improvements in the political and economic situation. The demand for democratic government that grew from a disgruntled population upset with the corrupt New Order regime resulted in a new cabinet and a civilian government. The powerful voices and pressures of the people, however, could not be easily accommodated without a clear and strong legal and regulatory foundation upon which to build the new government.

Among the broader critiques of the politics of the New Order was a call for a complete reformulation of the division of authority and power between central and regional governments. The central government, with support of various elements of the public, began to develop concepts and strategies for regional autonomy (*Otonomi daerah*) and fundamental policies, rules and regulations. In 1999, less than a year after the fall of Soeharto, Law No 22/1999, Regarding Regional Government, and Law No. 25/1999, Regarding Inter-Governmental Fiscal Balance, were promulgated. A few months later the government passed the Basic Forestry Law No. 41/1999. In 2000, the Indonesian Parliament passed the essential laws known as Parliament Act

[4] This paper is based on a case study carried out in Jambi, Sumatera by the Responsive Policy Research and Development Project of Forest Resource Governance Program at CIFOR (Center for International Forestry Research Organization), Bogor, Indonesia from 2001 – 2002. Djogo worked with CIFOR from late 2000 to mid-2003, and has now joined Konphalindo. The responsibility for opinions expressed rests solely with the authors, and publication does not constitute endorsement by CIFOR, KONPHALINDO or WARSI.

No. IX/2000, outlining the position of local governments in the decentralization process. Together these laws granted substantial power to district governments, but they also created new and complicated problems for decentralized government.

The forestry sector is perhaps one of the most complicated areas of governance with possibilities for notorious consequences and negative impacts. Valuable forest resources are at the root of conflicts over power and authority between political and business interests. Indonesians perceived decentralization as an instrument for improving the social, political, and economic situation of the nation. In the forestry sector, there were growing expectations that with the decentralization process district governments would implement better forest resource management regimes, the benefits of which would accrue to local people.

Decentralization is not a panacea; many studies have documented the failures of decentralization in achieving its stated objectives (Rondinelli and Cheema 1983, World Bank 1997, Ribot 2002, FKKM 2003). To be truly successful, decentralization needs certain conditions to exist (Litvack, et al. 1998). Democratic decentralization can be a promising means of institutionalizing and scaling up popular participation which can make community-based natural resource management more effective and accountable to local people. However, decentralization can also lead to conflict, particularly when it involves the transfer of ownership and use of valuable natural resources (Ribot 2002).

In Indonesia, the implementation of decentralization has faced a number of challenges. The decentralization to local governments of the authority to manage forest resources has resulted in a situation where those now responsible are accountable neither upward to the central government nor downward to the local people. The decentralization of authority without appropriate devolution processes and control mechanisms has resulted in the concomitant decentralization of opportunistic behaviors that have hampered the development of good local forest governance. The delegation of authority has in fact resulted in the decentralization of power to the private sector backed up by the personnel of police and military institutions. In this paper we discuss some of the counterproductive impacts of decentralization, and explore possible mechanisms to prevent or minimize negative behaviors in order to support accountability in local forest governance.

Authority, Power and Accountability: The Conceptual Framework

In Indonesia, decentralization (*desentralisasi*) has generally been interpreted as regional autonomy (*otonomi daerah)*. Although decentralization and regional autonomy describe distinct phenomena, these terms are often used interchangeably (Simarmata 2000). Decentralization is the transfer of management from central to local government, while autonomy is the transfer of power from state to society (Yuwono 2001). Autonomy has also been perceived as the rights that follow the delegation of authority to district governments (Koswara, 2001). In addition there are also the concepts of de-concentration (*dekonsentrasi)* and co-administration (*tugas pembantuan)*. De-concentration is the transfer of authority from the central level to provincial governors or to local branches of central government institutions. Co-administration describes the authorization of a specific task by the central government to be done by the district or the village governments. This authorization is accompanied by financial, infrastructural, technical

and human resources support[5]. Devolution (*devolusi*) was only commonly employed in Indonesia during the transitional period between the political transformation and decentralization era. Devolution involves the creation and revitalization of elected bodies at the local level (Carney 1995), but it is also emphasizes the empowerment and delegation or rights, access, and power to local communities and informal institutions – including customary, private, and non-governmental organizations (Koswara 2001).

Agrawal and Ribot (2000) propose analyzing decentralization through three main elements: actors, power and accountability; and Agrawal and Ostrom (2001) suggest analysis requires an examination of the politics and property rights. Decentralization can be seen as a strategy of governance, prompted by external or domestic pressures, to facilitate transfers of power closer to those who are most affected by the exercise of power. Decentralization includes not only the transfer of power, but also access and use rights over forest resources. Ribot (2002) suggests using the concepts of power transfer and accountability representation in studying the decentralization process.

Decentralization can be assessed through the degrees to which it is democratic and accountable. The accountability of power-holding actors to their constituencies are important indices of democratization as this broadens popular participation (Agrawal and Ribot 2000). According to Robbins (1998), power relates to the potential or capacity possessed by individuals or institutions to influence others' behavior, while authority is comprised of regulated or legally founded functions, mandates, jurisdictions, tasks, or responsibilities of an organization or official. One criteria of good governance is accountability (ADB 1997). Accountability concerns the mechanisms through which those who are affected by decentralized power can exercise countervailing powers. Accountability mechanisms are required as instruments in shaping or controlling the process for bringing about positive outcomes, and they are a combination of electoral, financial, economic, social, environmental, internal and external accountability (World Bank 1989, Asian Development Bank 1997, Herdman 2000, Ribot 2002).

This paper analyzes the decentralization process by linking authority and power relations to the accountability of forest resource governance. Institutions or officials with authority may not be powerful enough to execute good forest resource governance. On the other hand, shadow institutions may possess great power and determine forest resource governance through the influence they exert on policy and decision making, despite their lack of formal authority.

Decentralization and Forest Governance in Jambi, Indonesia

This paper is based on a case study from Jambi Province, Indonesia carried out in the districts of Kerinci, Bungo, Batanghari, Merangin, Sarolangun and Tanjung Jabung Timur. The paper seeks to identify the underlying key issues that have influenced the decentralization process, to analyze the impacts of these processes, and to suggest ways of addressing the problems which could be incorporated into district government forestry sector policy reforms. This paper also reviews some of the impacts of decentralization at the national and provincial levels in the ways that decentralization relates to forest resource governance. The case study offers insights to key problems of power and authority in forest resource governance.

[5] Peraturan Pemerintah No. 106/2000 tentang Pengelolaan dan Pertanggungjawaban Keuangan dalam Pelaksanaan Dekonsentrasi dan Tugas Pembantuan (Central Government Regulation on Financial Management and Responsibility in the Implementation of Deconcentration and Co-Administration)

The research for this case study was conducted over two and half years and involved extensive interviews, dialogues, and consultations with various stakeholders involved with and committed to forest resource management in Jambi. In addition, much of the information incorporated in this paper is gained from authors' participation in meetings, seminars, workshops, and policy dialogues at the village, district, and provincial levels. This study is a part of the field research and policy dialogue to support forestry sector policy reform at the district level by the Center for International Forestry Research (CIFOR) and local Non-Government Organizations.

Case Background

Jambi is located on the island of Sumatera and is comprised of nine district and city governments. The province is rich in forest, fish, oil, and other natural and mineral resources, and serves as a tourist destination. The largest oil reserves are found in the district of Tanjung Jabung Timur. There are four national parks and a number of nature reserves with rich and diversified natural genetic resources.

The forestry sector in Jambi has had difficulty coping with the consequences of decentralization, especially in production forests which can easily become the source of conflict. Forest destruction is primarily due to the rampant illegal logging and illegal wood-based industries, as well as encroachment and unauthorized forestland conversion for other purposes.

Jambi has 2,179,440 hectares of forest, or nearly 43% of a total land area of 5,100,000 ha. There were 30 concession holders or *Hak Pengusahaan Hutan (HPH*) in the 1980s, but now there are only 15 who share total logging concession of 1,226,001 ha, representing 18.8% of the total area of Jambi and 43.9% of the total area of forest. There are nine Industrial Timber Concession Companies or *Hak Pengusahaan Hutan Tanaman Industri* (HPTI) which have concessions and rights to plant a total area of 269,380 ha, and 146 units of forest processing industries, nine units of plywood industry, and 137 legal sawmills. At the end of 2001, there were more than 200 illegal sawmills; by early 2003 that had increased to more than 300 illegal sawmills.

Demand for timber by all legal forest industries in Jambi through 1998 was 3.8 million cubic meters annually, while the allowable and sustainable timber supply was only 1.1 cubic meters annually. In 2001, the demand for timber from upstream wood processing industries had increased to approximately five million cubic meters, while the legal and sustainable supply was reduced to only 500,000 cubic meters per year. The rest of the supply is met through illegal logging, including encroachment in national parks and protected forests (Dinas Kehutanan Propinsi Jambi /Provincial Forestry Service 2003). Forests degradation has been very significant and has resulted in environmental consequences such as flooding, landslides, and fires. The incidence of flooding has increased while spatially floods have occurred in areas where there was no flooding before. The denuding of forests has caused erosion in turn resulting in sedimentation of many of the rivers and their tributaries. Many of the watersheds in Indonesia have been classified as critical by the Ministry of Forestry through the Watershed Management Agency (*BPDAS or Balai Pengelolaan Daerah Aliran Sungai*), and are now in need of serious attention for rehabilitation. The classification is based on several factors, including forest coverage, extent of erosion, sedimentation of forest streams and others.

Illegal activities in logging have also disrupted the timber market, resulting in significant transaction costs and prices that cannot be based on the real costs of production. Timber is freely obtained from the forest, but the companies and illegal loggers must pay bribes for securing their

illegal logging operations. District governments have imposed taxes on the transportation and selling of forest products – both legal and illegal – that often contradict central government regulations. Much of the illegal timber is not taxed, however, which means that by comparison the legally obtained products may have higher transaction costs.

Logging and wood-based processing companies have played key roles in shaping the patterns of forest resource governance in Jambi – they are, in fact, the most powerful institutions in the process. As market forces are the primary drivers of illegal activities in forest exploitation, it can be said that market forces have been destructive and are associated with deforestation and the ensuing environmental disasters, the exploitation of local communities, and the misuse of institutions' authority and power. Jambi is experiencing massive forest destruction amid complicated conflicts of power and authority.

Problems of Authority

In order to analyze the accountability of district government actors in forest resource governance, we start by looking at how district government officials perceive their mandates, roles, rights and responsibilities. The district government executive body consists of the district head (*bupati*) and the deputy head (*wakil bupati*), both of whom are elected by local legislative members (*Dewan Perwakilan Rakyat Daerah or DPRD*), and supported by services (*Dinas Teknis Pemerintah*) such as the forestry service. The *bupati* appoints the officials of the technical services (*Dinas*).

Decentralization Law No. 22/1999, On Regional Governments, and Regulation No. 25/2000, On the Authority of the District and the Provincial Government for enforcing this law, stipulate the power and authority delegated to the districts as well as the responsibilities of the districts when implementing the decentralization law. Law No. 22/1999 and Parliament Act No. III/2000 have provided the means for district and provincial governments to have substantial power. Parliament Act No. III/2000 has removed the power of central government ministries to issue Ministerial Decrees, thus opening the door for regional government regulation. District and provincial governments both interpret this as giving them power to regulate local resources.

Forestry Law No. 41/1999 focuses on the forests from the perspective of the ecosystem and natural resource management, and not on the authority and opportunity of district governments to manage and exploit the resources. Law No. 41/1999 and District Government Autonomy Law No. 22/1999 have made it clear that the conservation and rehabilitation of forests are the responsibility of the central government. This has resulted in the ambivalence of many district government officials toward forest rehabilitation and conservation. Government Regulation No. 6/1999 and Ministerial Decree No. 05.1/2000 regulate forest exploitation. District governments have not paid much attention to these regulations, except to issue small-scale logging permits – *Ijin Pemanfaatan Kayu* or IPK and *Ijin Pemanfaatan Kayu Rakyat* or IPKR – to private companies. Finally, in addition to administrative policies, fiscal decentralization policies have also made district governments more powerful.[6]

The allocated budget from the central government in the form of the General Allocation Fund (*Dana Alokasi Umum*) has often been misused for such things as the purchase of luxury

[6] With their new authority and power district government leaders are often called names such as *the little kings* or *rulers (raja-raja kecil)*, the form of the local ruler institutions that functioned as puppets of the past colonial regime. In fact these "little rulers" can do anything, even ignoring the rules and regulations issued by the central and the provincial governments.

cars, the daily consumption of the district head, travel, and an allowance for new building construction. This leaves only a small portion for development and public service.

Changes in government organizational structures and authorities, at both the provincial and district levels, have also led to increased conflicts among various actors involved in forest resource exploitation and management. For example, the Provincial Forest Service (*Kantor Wilayah Departemen Kehutanan* or *Kanwil Kehutanan*), previously the representative of the Ministry of Forestry at the provincial level, has been disbanded. *Kanwil* staff members have been relocated to provincial and district forestry services, creating competition for positions.

The authority given to the district governments has frustrated provincial governments efforts to coordinate and control them. For example, the provincial governor's efforts to stop illegal logging have been blocked by district government officials. Provincial government officials complain that district government officials do not respect them anymore, and indeed district level officials ignore many of the instructions, orders, and directives from the provincial government. It is not surprising that the provincial forestry service faces challenges when coordinating administration tasks with the district government.[7]

When the provincial government criticizes the district governments, the district governments accuse the provincial government of being against the reformation process. Some district governments have suggested that the criticism from provincial and local government officials is due to their frustration with decreased revenue from graft: in the past these governments enjoyed the rents from forest exploitation and the district governments received little, while today district governments are retaliating for past grievances by extracting resources for district or personal use. Historical inequity of access to the national budget, development opportunities, and policy development authority further complicate the relationship between these levels of government.

An evaluation by the Ministry of Home Affairs and State Ministry for State Apparatus Reform (*Menteri Negara Pendayagunaan Aparatur Negara, MENPAN*) over the three year period since implementation of regional autonomy Government Regulation No. 84/2000 suggests that too much authority and power over the structure of local government has been delegated to district governments. Unsurprisingly, district officials have restructured district governments in ways that have furthered their political and business interests. Some districts have developed organizational structures that are large and consume too much of the funding allocated by the central government through its general budget allocation (*Dana Alokasi Umum, DAU*). The rampant misuse of the *DAU* has led the central government to replace the old regulation with Regulation No. 8/2003, Guidelines for District Organizational Structure and Function. The district governments have accused the central government of using this amendment to re-centralize their authority and power.

Several organizations have mandates to represent the central government at the provincial and district levels to execute de-concentration tasks and responsibilities. These organizations include Kerinci Seblat National Park Agency (*Balai Taman Nasional Kerinci Seblat*), Natural Resource Conservation Agency (*Balai Konservasi Sumberdaya Alam*), Watershed Management Agency (*Balai Pengelolaan Daerah Aliran Sungai*), Forest Mapping Agency (*Balai Pemantapan Kawasan Hutan*), and National Land Agency (*Badan Pertanahan Nasional*). These organizations, which are administratively and technically responsible to the central government, face difficulty in commanding respect from other levels of authority.

[7] In a workshop jointly organized by CIFOR and FPHJ (*Forum Penyelamat Hutan Jambi*) in January 2002, the governor frankly disclosed his disappointment that he could not stop district government officials from issuing IPKRs.

There are also conflicts of authority and interests among these de-concentration institutions. No clear coordination exists among the National Park Agency, the Natural Resource Conservation Agency, the Watershed Management Agency, the National Land Agency and the provincial- and the district-level forest services that should be responsible for the protection and rehabilitation of conservation forests. Officials from the Natural Resource Conservation Agency cite their impotence within the official hierarchy as the reason district governments do not respond to their directives. In an interview in a village near Berbak National Park, local people explained that they own private land within the nature reserve with certificates from the National Land Agency. The nature reserve is a forest area classified as conservation forest that cannot be owned by individuals or even become communal property; it is under the jurisdiction of the state. Therefore, it can not be certificated for private property – it is contradictory, then, that from the forestry point of view it is illegal yet the National Land Agency has issued a legal certificate of land ownership.

Officials from the Natural Resource Conservation Agency also complain about being powerless when they encounter illegal logging or the transportation of illegal logs from conservation forests. Loggers are often protected by military and police personnel as well as by officials of district forestry services. Several times when Natural Resource Conservation Agency officials confiscated illegal timber, military and police officers returned the confiscated logs and never tried to bring the case to the justice. Naturally, these actions have intimidated Natural Resource Conservation Agency personnel. The position of protected forests (*Hutan lindung*)[8] has also been complicated. District forestry officials are responsible for managing these forests in collaboration with officials from the Natural Resource Conservation Agency. Natural Resource Conservation officials complain that the district forestry personnel in some districts grant permits for illegal logging in protected forests.

Most of the land in Kerinci District is classified as a National Park. District officials argue that they are not sufficiently compensated because the National Park cannot be exploited for timber, and that the central government should pay them for their loss. The management of the National Park is under the authority of the Kerinci Seblat National Park Agency and not the district government. This division of authority and responsibility has caused the district government to be ignorant of their responsibilities to protect conservation areas and to bear the costs of conservation. Central government institutions that are responsible for protecting and managing conservation areas have not been able to adjust to political changes brought about by decentralization. This is one of the pitfalls of the decentralization laws.

Land use and spatial planning by the provincial and district governments have created another problem, resulting in a mismatch between the spatial planning maps (*Peta Tata Ruang*) developed by each. There are many examples of unauthorized land conversions endorsed by district governments without approval from the provincial and central governments, in violation of policy. For example, in an interview at the provincial plantation service office in Jambi, an official complained that certain district governments have allocated permits for converting large areas of forest to plantation crops while officially permits for plantations of that size can only be issued by the central government.

The same situation has also occurred with the design and preparation of regional development plans (*Program Pembangunan Daerah* or *Propeda*) by provincial and district governments. Logically, the provincial government should develop provincial plans based upon

[8] Under government regulation No. 34/2002, protected forests, national parks, wildlife and the nature reserves are classified as conservation forest areas.

the data contained within district development plans. Unfortunately, the two levels of government do not share information or collaborate on planning. The provincial government argues that the districts should adjust their development plans to fit the outlines developed in the provincial development plan.

Forest resources have been exploited without considering the environmental consequences of human actions. Flooding and landslides are occurring more frequently. Policies passed by district governments focus solely on the territory under their jurisdiction while ignoring the role and authority of the provincial government. The coordination and consultation with the provincial government that is required by law has simply not occurred (Simarmata, 2002).

Power and Opportunism: The Roles of the Private Sector

The study in Jambi has provided evidence and insights into the relationship between power and authority, especially those which involve illegal activities or opportunism. In many districts the role of the Forestry Service has been that of an important economic engine for raising district government revenue from timber. District Forest Service officers are responsible for increasing district revenues from forest resources – *Pendapatan Asli Daerah* or *PAD* – and this is a major indicator of their performance. For example, the head of the forestry service in Kerinci was asked by the district government to raise 700,000,000 rupiah (rp, approximately US$86,000) per year from forest resources, even though most of Kerinci District is classified as national park.

In October, 2002, the local newspaper published a story stating that the Batanghari District Forest Service managed to increase revenues to rp 7.2 billion from a target of rp 4.23 billion per year. This 70 percent increase (approximately US$365,000) raised questions about the source of the revenue. It is impossible to get this income from production forests given their current degraded condition.[9]

Shadow institutions – those invisible institutions, organizations, and networks backed by private companies, gangsters, and military personnel with money and power to organize illegal logging activities – are significant players in Jambi. These institutions do not have any role in formal government institutions, but they are influential in government policy-making and implementation. Most illegal logging activities involve the misuse of power to manipulate formal authority, rules and regulations. The private sector, including forest industries, concession companies, capital owners, and exporters, play key roles in shaping the patterns of forest governance in Jambi.

Members of the district government legislative bodies (*Dewan Perwakilan Rakyat Daerah or DPRD*) elect district government heads. It is common knowledge in Jambi that these elections are controlled by money politics. For example, between 1999 and 2000 each member of the local parliaments received approximately 100 to 120 million rp ($12,000 to $15,000) from candidates for district government head (*Bupati*). It is believed that between 2002 and 2003, legislative members will ask a minimum a 150 million rp ($18,000) for their vote. Legislative members are in a strong position to name their price. In a district with 40 legislative members, a candidate would need to allocate around 4 to 6 billion rp ($488,000 to $732,000) to win. The

[9] *KSPRES, 26 Oktober 2002. PAD Dari Sektor Kehutanan, Keberhasilan atau Malapetaka*. The Batanghari District Forestry Service has been able to get additional 3 billion Rupiahs (approximately US$365,000) above the targeted plan. This dramatic increase has raised questions among academics and NGO personnel about the source of money and whether it is really the money received by the district government. It is impossible to get this amount as the forest in this district has been significantly degraded – unless exploitation were to take places in the national parks or there are other illegal sources of money.

money will not come from the candidate's personal wealth, but will instead be obtained from the private companies that have a strong connection to the candidate. Once the candidate has been elected and inaugurated as the *Bupati,* he or she will authorize small-scale logging permits (IPKR or IPKH) to the private companies that supplied the election money.

One of the largest forest companies in Jambi provides facilities for government officials if they visit the field, as well as regular payments for officials at the district, sub-district, and village government levels. Officials do not stay in local hotels because the facilities prepared by the company are more luxurious. Therefore, the company can act with impunity in breaking forest laws. This company also coordinates with the local community to conduct illegal logging in the nearby National Park (*Taman Nasional Bukit Tiga Puluh*). Access to the National Park is gained through the company's concession areas, which have no more timber to harvest. If the community members sell illegal timber taken from the national park to the company, they are safe. If community members do not sell their timber to this company, forestry officials will confiscate their chainsaws. These machines are returned to the local community when they agree to supply logs to the company. Collusion among company staff members and local military and district officials is strong.

The giant private companies collaborate with the apparatus of the military, police and justice institutions to protect their illegal activities. This conspiracy has been widely discussed but has not yet been controlled. Often, after forestry and enforcement officials confiscate timber and arrest illegal loggers, they are forced to release them under threats from military personal or local communities backed by security institutions. The Jambi provincial government has formed a joint task force comprising all enforcement officials to collaboratively prevent illegal logging. Unfortunately, this task force has not yet effectively checked the powerful shadow institutions.

It is difficult to reduce the growing and persistent clout of the private sector in collaboration with military and police officers. Information obtained from local NGOs indicates that an official enforcement commander (either police or military commander at the district or provincial level) will soon be relocated if they obstructed illegal logging activities. The giant forest companies in Jambi province have a strong connection to the military commander in Jakarta.[10]

Roles of NGOs and the Media

Non-governmental organizations (NGOs) and the media play key roles in controlling the behavior of private business as well as of government officials. NGOs have actively facilitated debates, workshops, and policy dialogues to discuss forest sector problems. As key actors in forest governance, district government officials are invited to participate in these debates; an offer they often decline. The results of these discussions as well as individual case studies have been publicized in the local and national media and on the internet. NGOs and media have brought public attention to the inappropriate actions of government officials, private businessmen, military personnel, and even other NGOs, but few cases of corruption have been brought to justice. NGOs have also participated in inspecting forest resources and tracking illegal logging activities. They encounter serious risks in this work, including intimidation from illegal loggers, private businesses, and military and government officials.

In 2001 the provincial government launched a new regional economic development policy to promote and support the expansion of oil palm plantations of up to one million ha in Jambi Province. Investors from Malaysia and Jakarta expressed great interest in this plan. WALHI

[10] Information obtained from an interview with members of FPHJ (*Forum Penyelamat Hutan Jambi*) and WARSI Networks and Consortium of NGOs in Jambi

(*Wahana Lingkungan Indonesia or Indonesian Forum for Environment*) a strong environmental NGO argued that if this policy were implemented, large areas of forestlands would be converted to oil palm cultivation. Further, it was not clear which lands were suitable for conversion. Activists suspected that private companies were more interested in extracting timber from the forests to be cleared than in developing the oil palm plantations. NGOs also suspected that private business people were the masterminds behind this policy and its implementation, and based upon the experiences of the last decade, local people would accrue no economic benefit. The oil palm plantations would bring numerous negative environmental impacts. With strong advocacy and protest from NGOs led by environmental activists in WALHI, the provincial government refrained from implementing this policy. After the governor's plan was opposed, several private companies mobilized local people to demonstrate in the provincial capital on behalf of the oil palm plantations, with some resorting to thuggish tactics of intimidation and the threat of destruction of WALHI's office.

NGOs in Jambi working under the guidance of WARSI (*Warung Informasi Konservasi*) have struggled to accommodate the rights and access of the *Orang Rimba* indigenous people, who are in a difficult position because their traditional territories have been under pressure from logging activities and the expansion of permanent agriculture.

NGOs have strongly urged the government to close those forest industries which are technically and financially not feasible. Some companies must use illegal timber from other areas as their forest concessions cannot supply timber of sufficient quality or quantity, or as their permits have expired. Because of their advocacy, NGO personnel have been intimidated by military officials, informal civil security guards from private company, or by community members whose livelihoods are dependent upon the forest company.

Some private companies have established NGOs of their own; while some have even been reported to pay bribes to NGO activists not to talk about their company's opportunistic behavior. From personal communication with personnel from WARSI and FPHJ, the authors learned that private businesses have encouraged young people to join local activist NGOs and report back to them on the NGO's plans in advance of their release. In a field inspection carried out with a group of NGOs in Jambi in 2001, we observed that government officials who accompanied us to inspect illegal logs that had been transported and stockpiled in a company's log pond were barred entry. The company was well informed about the moves of the NGOs. Some NGO personnel have been implicated in opportunistic behavior. In an interview on national television, a private businessperson stated that some NGO personnel would not complain or launch any protests if the company bribed them. Government personnel in certain districts have also been implicated in collaborating with NGO activists to conduct illegal forest exploitation (interview with NGOs activists affiliated with WARSI in Jambi).

In one of the villages we visited in Bungo District there is an Integrated Conservation and Development Project (ICDP) funded by the World Bank to protect and maintain the Kerinci Seblat National Park (TNKS). Because this project involves large amounts of money, it has attracted much interest. One person, supposedly from the Indonesian Anti-Corruption NGO (*Anti Korupsi Indonesia or AKSI* [11]), visited the village to inspect how money was being used by this project. This person reportedly blackmailed the treasurer of the local project into paying him one million rp (approximately $120) to avoid being reported to the local police for the mismanagement of project funds.

[11] It was not possible to get this person's name and address since he did not provide them or show his ID card.

Members of the media are free to expose inappropriate actions by the government, private businesses, military, and even NGOs, and are free to air their opinions and to facilitate policy discussions. However, the media are subject to the same intimidation and control tactics as others. Certain reporters consistently expose any inappropriate actions by the government or private businesses, but others are easily tempted by financial offers from private companies and powerful people form Jakarta.

The Role and Position of Forest-Dependent Communities

Under centralized government, forest-dependent people tended to be marginalized – in the current situation they are being exploited. Local communities remain largely disenfranchised, though some have been acting as the spearhead in defending illegal activities. With the decentralization process there is increasing evidence that communities increasingly pressure to claim or reclaim their rights over forest resources. These claims may be legal or illegal. Several forms of community claims to forest resources have been identified in Jambi. Some communities claim their right to access their traditional forests and to provide illegal logs to private companies and illegal sawmills. These communities will defend the logging companies or forest industries if these companies face legal action with regard to illegal forest exploitation, protesting any effort to close down forest industries on which their livelihoods have become dependent. Local communities have claimed forestlands near their settlements and have converted them into agricultural production systems. Some have occupied secondary forests and ex-concession areas for household plantations. Some communities also assert their rights to customary forests, including forestlands that have been occupied by the government or private companies. In these cases, they demand that the government recognize their traditional institutional (*Adat institution*) rights and control over forests resources.

In several field visits we observed that communities pressed their rights to forest resources whether they are acting legally or not. This has resulted in enforcement problems when the same communities that are implicated in illegal logging. For example, in April, 2003, we observed in Kerinci Seblat National Park approximately thirty to forty trucks, carrying approximately forty local people each, to demonstrate in front of army camps between Banko and Sungai Penuh. The government and army had deployed a platoon of soldiers to control illegal logging activities in the national park. With the presence of the army, local people were prevented from harvesting. They protested that the presence of the army cost them their incomes. One can question where the local community found the money to hire these large trucks – information from the field suggests private companies with large resources hired the communities to protest. However, interviews with several drivers who passed by the military camp indicated that the presence of the military camp was only a camouflage, as the military continues to support illegal logging. Any vehicle stopped or driven at low speed near the military camp were intimidated and directed away.

Community claims over traditional or customary forests have also affected private companies. In one case in Sarolangun District, a local community demanded a concession company return their 10,000 ha of customary forestlands. The returned land should be placed under the authority of the central government, which issued the permit, but the community forced the district government to issue an official letter endorsing their claim.

Forest Governance Accountability

Various stakeholders argue that stronger accountability measures are imperative in any effort to improve forest governance. Accountability is the key element in making public officials answerable for government behavior and responsive to the entity from which they derive their authority (Asian Development Bank 1997). It can be supported by developing control mechanisms and strengthening legal and regulatory systems. The rule of law should be the main foundation for establishing mechanisms of accountability. Other important mechanisms include electoral accountability, economic and financial accountability, social and environmental accountability, and punishment and reward systems (Asian Development Bank 1997, World Bank 1989, Herdman 2002, Hugo 2002, Ribot 2002).

At the local and national levels there are already some accountability mechanisms that may be improved, including: exposure of inappropriate action by officials in government, the private sector, military, or NGOs; protest and demonstration by local communities; advocacy and protests by the NGOs; codified evaluation and audits of district government annual reports (*Laporan Pertanggung-jawaban Bupati*); exposure of the wealth of government officials; litigation; administrative sanctions; customary laws; public consultation processes; and the improvement of the electoral process.

Accountability of District Governments

District government officials in Jambi are less accountable to the public or the central government than they are to the private business interests that support their elections and contribute to their official district revenues as rent from extracted forest resources. District government leaders and legislative members are often not accountable to their political parties because their positions have been determined by the support of the legislative members and by the donors of their electoral funds from the private sector; therefore there is no electoral accountability of the district legislative body either to their party or to the local people. There have been some efforts to improve elections by making the district government head elected by direct vote, but this change has not yet occurred. Control mechanisms by the local branches of the political party have not worked at all. Several efforts to recall political party members in the local legislature have been ineffective. On the contrary, legislative members who play key roles in controlling the accountability of the district governments have in fact come under the control of the district executive body. This is because the head of the executive body (*bupati*) bribes them to be elected.

Forest service officers are generally only accountable to the *bupati* who have the authority and power to appoint them. Therefore, these government officials become little more than rubber stamps, supporting any appropriate as well as inappropriate idea of the *bupati*. The head of the district forest service is often frequently replaced due to political expediency or competence. Local identity is another important issue; officials from other provinces who are not local people (*putera* or *orang daerah)* can be replaced at anytime with local people regardless of capability. This is a major disincentive for non-local people to enforce accountability measures.

Signs of Re-centralization

There is evidence that the central government has hesitated to relinquish authority for managing forest resources to district governments. Central government efforts to develop

regulations show signs of attempting to regain control and jurisdiction over forest resources. The central government issued Government Regulation No. 34/202, Concerning Forest Structuring and Development of Forest Management Plans, Utilization of Forests and Use of Forest Areas, as the first implementing regulation under Basic Forestry Law No. 41/1999. This regulation was intended to facilitate decentralization, including the introduction of some aspects of community based forest management. However, the policy for community based forest resource management will be difficult to implement since the central government imposes too many restrictions. NGOs and district governments have analyzed and interpreted this regulation as an effort to re-centralize power and authority to the central government.

The central government uses the current situation – namely, the failure of decentralized government – as the reason for recentralizing authority and power. The Ministry of the Interior also has also request inputs from all stakeholders to reform the decentralization policies. However, the reactions from district government officials have tended to be counterproductive, as they are fearful of losing their newfound power and authority. Again, they have accused the central government of attempts to recentralize authority and power.

In October, 2002, the Ministry of Forestry launched a new policy on social forestry to accommodate all forest resource management. NGOs anxiously awaited this policy as an opportunity to consolidate different approaches and perspectives in forests-for-people development. Unfortunately, the Minister of Forestry refused to address land and forest tenure issues, meaning that communities still do not have clearly defined rights to use state forestlands. In addition, the Minister cancelled several locally developed policies on community based forest management in other districts in Indonesia that were promulgated as district government regulations (*Peraturan Daerah* or *Perda*). These actions are further indicators of central government attempts to recentralize its jurisdiction and power over state forests.

Summary

Decentralization in Jambi has been implemented with limited preparation and a weak and inconsistent legal framework. Authority has been transferred to district governments without appropriate guidance or control mechanisms. District governments also have received little capacity-building support to enable them to appropriately implement decentralization policies and good forest resource governance in a democratic and participatory manner. Problems are also rooted in the past – some people are acting in retaliation against the oppression of the previous regime. Past inequities of development, welfare, power, and authority are remembered and can act as motivation for some, particularly with regard to valuable forest resources. In response, district governments have become more authoritative and powerful as characterized by the misuse of this power and authority, and are implicated in notorious opportunistic behaviors. Deforestation through illegal logging, encroachment, land conversion, and fire has been very serious. Decentralization has to this point been a disastrous process leading to the destruction of large production forests, conservation forests, and nearly all of the national parks in Jambi.

Attempts by civil society to reform district governments through NGOs and the media have largely failed. The impact of NGO inputs and ideas has been dulled by communication methods. Their criticism of the government has resulted in either district or the central level officials rejecting the ideas of academics and NGOs as interfering with their authority. District governments continue to claim that NGOs are idealistic but not realistic.

Private sector actors have played key roles in shaping forest resource governance at the district level. These actors have used their financial resources to influence the district governments' power to control and regulate valuable natural resources. Decentralization is designed to devolve the power to manage local resources to local governments, but in Jambi the reality is this power has been devolved to the private sector. The position of the local community remains difficult, and members have become the victim of the struggle between central and district governments, and between the private sector and each.

Control mechanisms regulating the accountability of district governments upward to the central government or downward to the local people have been weak or non-existent. Representatives elected to district government legislative bodies are accountable neither to local people nor to their political parties. Rather, these officials are accountable to the heads of district governments and the private businesses who bought their votes. Other accountability measures have also not worked appropriately. The decentralization of authority over valuable resources has induced the decentralization of opportunistic behavior.

Policy Options

The existence of shadow institutions that influence the management of natural resources through financial influence should be minimized. The key question is whether the government, either at the central or district level, can handle this problem. The politics of policy-making have always involved the role of these shadow institutions; hence most policies do not represent public interest and development goals. The private sector controls the market of forest products but the legislative arm of government cannot control the private sector while military institutions directly or indirectly support them. The key question could be: what kinds of accountability mechanisms need to be developed to control or prevent the opportunistic behavior of the military institutions and private sector?

In order to improve accountability at the district level, the central government must improve its accountability downward to the public. Control mechanisms or accountability measures at district, provincial and central government levels need to be improved. These measures need to be supported by appropriate rules of law and enforcement. Punishment and reward systems should be incorporated into the performance contracts of government officials – this has been widely discussed but implementation has been far short of expectations. There are still no clear signs by which the central government has demonstrated its accountability to the public, as they continue to promulgate inappropriate policies for community based forest management. This results in district governments arguing that they need not have to pay attention to the community participation in forest governance.

The other serious problem that has hampered the implementation of law enforcement has been the organizational structure and authority of forestry related government institutions and the district and provincial governments. The governor may confiscate illegal logs because of his position, but he has no authority to confiscate and process the case through the court. The forest police do have the right to guard and may confiscate the illegal logs, but they do not have the authority to initiate the litigation process. This situation is repeated across other bodies such as the National Park Agency and the Natural Resource Conservation Agency.

Public participation in assessing the performance of the government needs to be facilitated. There are signs that some of the inappropriate actions by government officials are now being documented and exposed through various media, and there are some examples of these officials

being brought to justice. This is a good sign and an important stepping-stone for imposing accountability measures and enforcing them, however there is still much more evidence of opportunism at the district and the village level. Corruption has been decentralized, institutionalized, and often classified as a way of life.

Land and resource tenure policies need to be taken into account in reforming forestry sector policies. In addition, incentives for district governments to develop good forest governance need to be identified and instituted.

Given the current chaotic situation there is a growing debate in Indonesia as to whether the control of valuable natural resources should be re-centralized. This debate is often framed as: under the centralized regime Indonesia had order but no laws; under the decentralized regime the country has laws but no order – so what is the difference? This is not an easy question to answer since both centralized and decentralized systems have strengths and flaws in terms of accountability to local people and public services. The country needs to reform both the centralized and decentralized governance systems. The key question is: how can accountability be secured when the economic development of both district governments and local people cannot be insured? Until we can answer these questions, we will not be able to successfully manage our natural resources.

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Implementation Gap:
A Critical Analysis of the County Forestry Bureau (CFB) in the Implementation of the Cropland Conversion Program (CCP)

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Abstract

With close linkages to the livelihoods of farmers, the Cropland Conversion Program (CCP) has been one of China's new forestry policies since the end of 1990s. Until now many studies have observed variability from the goal of reducing soil erosion. In this paper, we will analyze the County Forestry Bureau (CFB) – the agency with the greatest responsibilities in the implementation of CCP in terms of its commitment, coordination, accountability, and capacity – to determine what impedes the ability of CFB to translate the stated goal of the central government policy into effective actions.

Background

The environment has been degraded in China over the last few decades, which has caused a high and growing frequency of natural disasters. The central government has become increasingly concerned about deforestation as one of the causes of environmental degradation, and thus has regarded it as a serious obstacle to modernization (Zhou 2002). The heavy flooding of the Yangtze River in 1998 was the primary reason for the central government to initiate the Six Great Programs in Forestry (Zuo and Xu et al. 2001). The Cropland Conversion Program (CCP), one of the six programs, is considered to be critical by many government officials, academic scholars, and international institutions because of its close linkage to the livelihoods of farmers.

The key actors responsible for developing the CCP include the State Development Planning Commission (SDPC), the Office of the State Council's Western Development Leading Group, the Ministry of Finance (MOF), the State Forestry Administration (SFA), and the State Grain Bureau (SGB). Throughout the CCP design process, there was very limited participation from local governments or communities.

Today CCP has been extended to 24 of 32 provinces, autonomous regions and municipalities. The main goal of the Program is to reduce soil erosion by converting some wastelands and croplands on slopes over 25 degrees into forest or grassland areas. The Program provides state sponsored subsidies, including food –10 kg/year/hectare in the upper reaches of the Yangtze River, and 6.67kg/year/hectare in the upper and middle reaches of the Yellow River – to compensate farmers for converting their grain cultivation areas to forest or grassland. Farmers also receive an additional 0.16 dollar/year/hectare in cash, to enable them to meet the necessary expenditures for education and health care. Furthermore, 0.4 dollar/year/hectare is provided to cover the cost of buying saplings or grass seed to plant on the conversion land. The subsidy period ranges -- two years for conversion to grasslands; five years for conversion to commercial trees; and eight years for conversion to ecological forests.

The County Forestry Bureau (CFB), the lowest government administration in forestry, shoulders the greatest responsibility for implementing CCP. CFB acts as a direct interface between the national government and local communities (Xu 2002), with the power to interpret and implement CCP. CFB implements policies and takes actions that are appropriate within the local biophysical and socio-economic environment (Xu 2002). Typically, CFB establishes a Cropland Conversion Program Management Office responsible for the formulation of county implementation plans and specific management rules and the provision of technical support and sapling supply.

The central government essentially designed CCP in its entirety, without the participation of local government units or farmers. Although CFB directly and frequently interacts with local agencies and is therefore in a position to best understand the local reality, it does not utilize this understanding to advance the goals of CCP; on the contrary, CFB poses a major barrier to achieving them. In this paper, we will analyze what hampers CFB as a local government unit in translating the goals of CCP into effective action.

Theoretical Framework

International awareness of environmental issues has grown over the past few decades, and in the years following the first Earth Day in 1970 many environmental leaders argued that central governments should be the dominant players in environmental management. By the 1980s, however, the pendulum had begun to swing the other way. Academics, international agencies, and other specialists began to promote decentralization as a better approach for environmental management. They argued that local program design and implementation could be closely tailored to the variability of local conditions, that decentralization allowed for greater sensitivity to local preferences, and thus that decentralization could improve administrative efficiency (Lowry 2002).

Decentralization exists in a variety of forms (Cheema and Rondinelli 1983, Agrawal 1999, Lowry 2002, Ribot 2002). De-concentration involves shifting some management responsibilities from central government ministries to sub-national units of the same ministry. Delegation occurs when central government authorities transfer responsibility to semi-autonomous sub-national agencies, or authorities not wholly controlled by the central government but accountable to it in some fashion. Devolution involves the transfer of authority to local units of government with defined geographic boundaries. Devolution typically gives a local government authority substantial autonomy regarding how the devolved functions are implemented. These three types of decentralization provide a starting point for a more detailed analysis of the central-local governmental relationships that are responsible for the governance of environmental resources.

Within the complex sphere of environmental management, one of the most sobering realities is how difficult it can be to translate stated environmental goals into effective action (Lowry 2002). Lowry called this the implementation gap: the inconsistency between policy goals conceived at one level or branch of government and the translation of those goals into specific resource management activities at another level or by other agencies.

But how can the implementation gap be narrowed, or even eliminated, so national objectives can be achieved through local agency implementation? Should central government authorities rely primarily on coercion, or emphasize cooperation? Lowry (2002) argues when the number of users of the natural resource base is small, centralized management works best. However, when resource degradation and depletion is the cumulative result of the activities of exploitation

involving a large group of stakeholders, a more decentralized approach based on a detailed understanding of local conditions is likely to be more effective. He also stated that decentralized approaches work better when there is a tradition of local autonomy, or where local institutions are already in place. In settings where there is a history of local collective self-management these traditions can often be effectively revived and strengthened for contemporary management needs.

Decentralization of natural resource management entails designing and establishing new divisions of authority and responsibility among different levels of government. Lowry (2002) asserts that the practical dilemmas in the design of effective decentralized management lie in four aspects. The first aspect relates to the cooperation between the central government and local government. The second aspect is in relation to the local government's capacity to implement the policies to achieve the stated goals. The third aspect lies in the local government's accountability shaped by expectations from different stakeholders, which may vary from the stated goal of the policy designed at central level if they are without the sound mechanism to handle the competing priorities of different stakeholders. The fourth aspect lies in the commitment of the local government to carry out the policy decided by the central government to reach the stated goal.

Lowry's argument on the decentralization of natural resource management is very relevant to the Chinese context. The vast socio-economic, cultural and ethnic differences in China, coupled with the physical isolation of the central government from the local level reality, make decentralization essential for governance (Xu 2002). Furthermore, the existing strong sense of community, demonstrated by functioning farmers' groups, local language schools, and various kinship institutions, as well as the effectiveness of long-standing community rules governing resource access (Xu 2002), favours the decentralization of forest management.

Since the early 1980s, the central government has executed several environmental policies that were decentralized to the lowest administrative level for implementation (Zuo and Xu 2001). The implementation of these policies, however, has been weak (Muldavin 2000 in Dupar and Badenoch 2002). One of the primary reasons for the failure of decentralization policies in China is because they were characterized by simply transferring forest use rights and management responsibility to local communities, but without strengthening the coordination and supporting structures for sound environmental governance (Zuo and Xu 2001).

Decentralization in China

In 1978, the Household Responsibility System was implemented, triggering many economic and socio-cultural reforms throughout the country. This system was viewed by both the central government and many domestic analysts as an example of decentralized policy (Dupar and Badenoch 2002). It greatly reconfigured the relationship between the central and local governments in the management of natural resources.

Within the sphere of the natural resource management, the central government has carried out several decentralized policies since the early 1980s. The Individualization of Forestland Use Rights (1982) and Wasteland Auctions (1994) allocated forestry land use rights to individual households. According to these policies the responsibility for forest management was shifted from the central government to local villages and privatized to individuals (Zuo 1995, Zhang 2000). The central government further increased the power of township authorities to manage natural resources in 1994 by transferring the management of government stations – the stations

of forestry, agricultural extension, irrigation management, and water and soil conservation – to the township level. In order to strengthen the basis for participatory decision-making at the grassroots level, the Village Organic Law, issued in 1998, provided for natural resources management responsibilities to be allocated to the Village Committees (Xu 2002). According to this law, the Committees may develop their own regulations for community natural resources management as long as they are in full compliance with the Chinese Constitution and laws, and with the regulations and policies of the county.

Throughout the aforementioned decentralization reforms, the central government has transferred the managerial responsibility of natural resources to local governments, especially the local communities, with the expectation that the condition of the resources would be improved. The conventional view, however, judged it to have failed in achieving this goal (William 1994 in Dupar and Badenoch 2002). The trends of deforestation, soil erosion, and flooding continued. After the heavy flooding of theYangtze River, a logging ban was enacted in 1998, which implied the failure of past 15 years of forest policies, characterized by decentralization to lowest level (Zuo and Xu 2001).

What is the reason for the failure of the decentralized policies? Zuo and Xu (2001) see the fault in simply transferring forest use rights and management responsibility to local communities, but without strengthening the coordination and supporting structures for sound environmental governance. The Individualization of Forestland Use Rights did not work well due to the lack of participation of local villagers, who were unclear about responsibility and benefit sharing, and uncertain of their long-term tenure. It even resulted in a wave of deforestation in some cases (Xu 2002). The transfer of control over government stations to the township level did not create effective natural resource management units. This was because the township authorities were preoccupied with the obligations and objectives of the central government, such as poverty alleviation, family planning, and tax collection, which are often unfunded or insufficiently funded. The Fiscal Responsibility System, introduced in 1994, accompanied by village autonomy in 1998, proved to be a counter-incentive to sound environmental management (Dupar and Badenoch 2002). With this reform, the majority of revenue gained from tax collection would accrue to upper levels of government, that is, the national and provincial levels, where officials are still appointed, leaving the local government with even less revenue. Village committees have neither the financial resources nor the decision-making power to influence upper level government. Meanwhile, the mandate of collecting taxes from villagers was transferred to village committees, which reduced the popularity of elected village leaders (Xu 2002).

Even after the decentralization policy was implemented in China, local populations are still relegated a carefully circumscribed set of roles and relations with natural resources, where little autonomy is created and few new benefits are actually devolved. The central government still maintains control over decision-making through the supervision of management plans. In this sense, the trend of decentralization of natural resource management in China can be better interpreted as de-concentration and delegation, where decision-making power is primarily centralized, but the responsibility of management has been transferred to local level governments and communities.

Following Lowry's argument (2002), when a large group of stakeholders are involved in natural resource management, a more decentralized approach, based on a detailed understanding of local conditions, is likely to be more effective. In China, a large group of stakeholders are involved in natural resources management, especially when the activities are strongly segregated

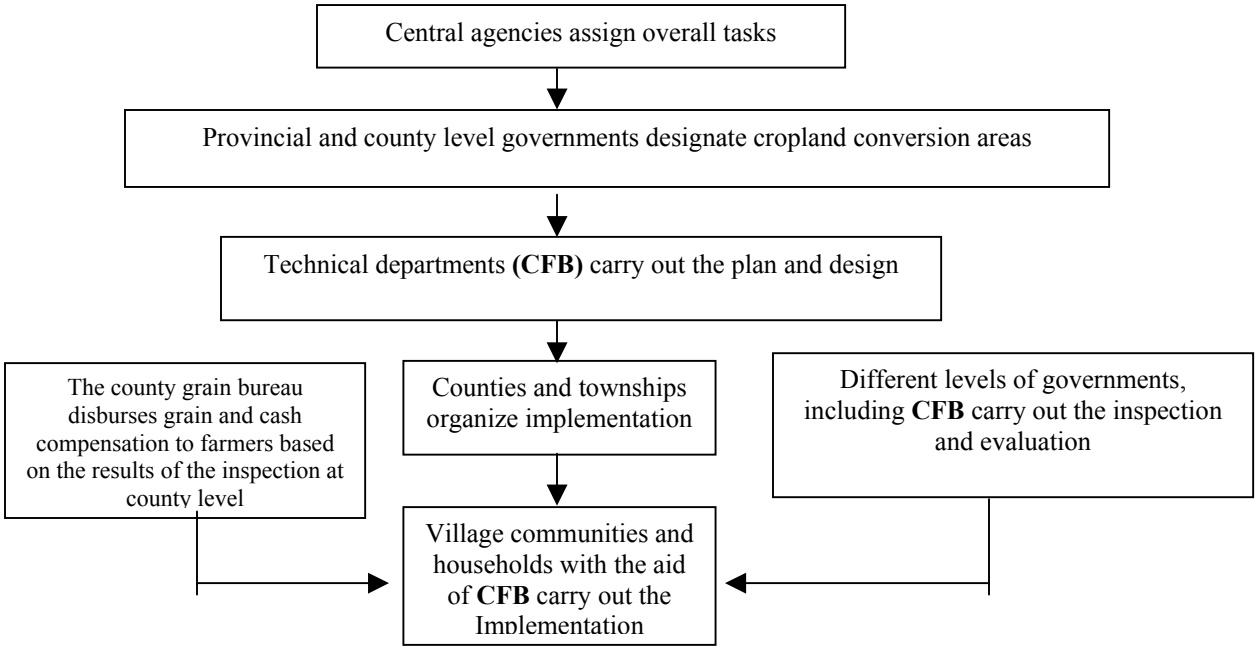
along sectoral lines, such as forestry, water, and environmental agencies (Zuo and Xu 2001 in Dupar and Badenoch 2002). However, the coercive relationship between the central government and local government in China fails to favor the local implementing units to translate the environmental goals into effective actions.

CCP was designed at the central level and then delivered to local governments with the expectation of reaching the stated goal of reducing soil erosion. However, the implementation gap has significantly hindered natural resource management efforts of CCP. Further application of Lowry's framework yields additional insights into the specific causes for this.

Cropland Conversion Program

CCP was wholly designed and planned at the central level, including the identification of the overall area and scale of the Program. Administratively, the affected provinces are to formulate provincial CCP plans and submit these to relevant central government bodies, including the State Forestry Administration (SFA), for approval. SFA examines and balances the plans of various provinces, and then formulates the National CCP Plan, which is submitted to the State Council for final approval. Once the National Plan is ratified, SFA – jointly with other central agencies such as the State Development Planning Commission – assigns tasks to the provinces according to this plan, and requires the provinces to formulate annual implementation plans accordingly. The provinces then assign program tasks to lower level governments, which in turn assign tasks to governments at even lower levels. Local level government officials, normally CFB personnel in cooperation with township government workers, conduct field surveys and delineate tasks by household. These local-level annual implementation plans are then reported level by level up to the SFA, which examines and ratifies the plans, sending them back down level by level to county level governments and forestry departments.

Figure 1: Implementation Process for CCP



CCP implementation takes place primarily at the local level with higher level authorities involved in inspections. Initially, CFB sends technical teams to the townships to organize farmers in the villages to implement CCP. Authorities from various levels conduct inspections – including village, township, county, and provincial governments (including CFB), as well as SFA – and farmers whose conversion work passes inspection receive compensation. Finally, annual work reports are prepared at every level of government together with the work plan for the next year.

A Critical Analysis of CFB in the Implementation of CCP

CCP as promulgated by the central government is one thing, but the way it eventually is carried out at the village level is often quite different (Mallee 2000). Here we will analyze the ability of CFB to translate the environmental goals of CCP into effective action, based on our own previous case studies (Zuo 2002, Xu et al. 2002) and other relevant data sources.

1. Is CFB Committed to Advancing the Goals of CCP

In the Chinese context, many upper-level government revenues become available to lower levels through a program-based system. In this system, local governments compete for funding based on their program applications. Due to the Fiscal Responsibility System, each level of government became financially independent, that is, responsible for raising and managing its own revenues. So, the lower levels of government are normally enthusiastic about programs transferred from upper level for local development. County government units, including CFB, therefore have great motivation to apply for national programs such as CCP.

There are compelling reasons for CFB officials to be interested in the CCP program, both financially and politically. First, the financial incentives: CCP funds include cash to be paid to farmers in lieu of grain compensation, cash compensation, and funds for purchasing saplings. In addition, CFB receives funds used for technical support purposes, and for program preparation. On many occasions the funds for saplings are also disbursed to CFB, which then purchases the saplings. This greatly stimulates the development of sapling nurseries within CFB. Second, the political incentives: given the great importance attached to CCP, the status of the forest agencies was greatly enhanced both in the government system and in the media. In some places, CFB‘s administrative authorities were enhanced. For example, the Dingxi Forestry Bureau in Gansu Province was upgraded from the level two bureau to the level one bureau. For the director of CFB, another incentive to implement CCP comes from the application of the Project Manager Responsibility System (PMRS) that could end a CFB officer’s career should CCP fail.

To be sure, CFB’s commitment to CCP does not necessarily correlate to a commitment to the goals of CCP. Due to the existing program-based revenue redistribution system, CFB has become financially dependent on CCP. Moreover, CFB views CCP as a political task within the PRMS, measured by a rigid control of the land conversion quotas. In both aspects the goal of reducing soil erosion is, in practice, compromised or even neglected.

What is more, the monitoring and evaluation or inspection system brings a set of counter-incentives to the effective implementation of CCP. The inspection system focuses on the numerical conversion quota rather than on the ecological goals and long-term sustainability. It focuses on results, not on the causes of these results. It pays more attention to forests than to humans. Inspection of the disbursement of grain and cash compensation is not rigorous enough and focuses only on whether the compensation is distributed in a timely manner. Finally, there is

a lack of inspection indicators for supporting systems, such as the indicators and criteria for quality of saplings and technical support services.

2. Can CFB Handle the Coordination Work for the Goal of CCP?

CCP involves a large group of stakeholders at all levels. During the implementation process, CFB has to coordinate among different stakeholders horizontally as well as vertically. Horizontal level stakeholders are those at the same administrative level as CFB, such as the county grain bureau, the county animal husbandry bureau, the county finance bureau, and the county planning commission. Vertical level stakeholders refer to those at administrative levels both higher than CFB, including county administrative governments, superiors in the forestry agencies, such as the prefecture forestry bureau, and those at lower levels, including the township government and local farmers.

Although many stakeholders are involved in CCP at the horizontal level, only CFB has dedicated much time and personnel to the implementation process. The problem rests in the vertical coordination, where the seriously circumscribed scope of the decision making authority of CFB hampers its ability to effectively mobilize local resources, greatly contributing to the implementation gap. CFB personnel make decisions only in species selection and in the management of sapling supply, which are essentially technical issues. The imbalance between the responsibilities and the power of CFB can be clearly observed in Table1.

Table 1: Power distribution at county level in the implementation of CCP

Activity	**Decision maker**	**Executor**
1. Overall Planning at County Level	County government [a]	Professional forestry design institutions, or prefectural forest design teams, **CFB**
2. Implementation Designing at County Level	County government and the prefecture forestry bureau	**CFB**, with assistance of the township government and the township forestry station, as well as the village communities.
3. Species Selection[b]	**CFB**	**CFB**
4. Sapling Supply[b]	**CFB**	**CFB**
5.Monitoring and Evaluation (Inspection)	SFA	Government and forestry bureaus at different levels, including **CFB**
6. Grain and cash delivery	County government, and the township government	The county grain bureau delivering food and cash based on the qualification issued by **CFB**
7. Tree Management	SFA	Farmers (with the inspection of **CFB**)

Notes:

a: CFB can make decisions on the technical issues in the overall planning, especially in designing CCP implementation at the county level.

b: CFB makes decision within the general guidelines provided by the central government; e.g. for species selection the ratio between ecological trees to economic trees cannot be lower than 80%.

Ineffectiveness in Coordination with County Government Priorities

The county administrative government, rather than the CFB, is the key role player in decision-making in overall planning and implementation design. This results in a tendency to incorporate their priorities into the CCP, which leads to compromising or even sacrificing the goals of reducing soil erosion. The priorities of the county administrative government include:

- Increasing funding support, mostly though higher land conversion quotas, even though CFB lacks the capability to convert large amounts of land. Some local governments have even proposed matching one mu of retired cropland with five mu of wasteland afforestation (over-planning), even though there is actually not enough wasteland available under their jurisdictions to fulfill it. This has increased the burden of local farmers as well as the CFB. Due to work overload, the CFB only roughly measures the converted land area. This induces a conflict with farmers, because the land area is closely related to compensation. All existing or potential conflicts undermine the long-term sustainability of the goal of soil erosion.
- Completing converted land quota tasks where the lands are most accessible for the lowest costs possible. This leads to converting lands that are adjacent to one another or close to the roads, even if these lands do not need to be converted. For example, in Zhuozi County, Inner Mongolia, the townships chosen for the implementation of the CCP are mostly situated along the Beijing-Baotou Railway Line, 101 National Highway, or the Dahei River. Meanwhile, lands suffering from serious soil erosion or in great need of conversion – like river banks, areas with cropland on steep slopes, or areas suffering from serious wind and sand problems – are neglected.

Ineffectiveness in the Coordination with Farmers' Priorities

The primary concern of the farmers is for his or her livelihood, especially after the eight years of subsidies end. Since the cultivation of annual crops is not permitted in the official document, the only option is to plant economic trees on the converted land. The program guidelines stipulate that the ratio between ecological trees and economic trees should not be less than 80%. However, ecological trees bring little if any cash income, the fees for tending trees is not included in the subsidies, and the farmers have no ownership of the trees. As a result, many trees are not properly nurtured, receiving instead untimely watering and inadequate fertilizer.

As CFB interacts with farmers most directly and most frequently, they are in the best position to understand farmers' concerns during implementation. However, they cannot respond to these concerns, incorporate this information to adapt program implementation design, or change the indicators used in monitoring and evaluation due to their lack of authority.

3. To Whom Should CFB be Accountable to Advance the Goal of CCP?

CFB's accountability is tangled in a web of formal and informal expectations from county government, superiors in the forest agencies, the prefectural forestry bureau, staff within CFB itself, and the communities. In addition, we need to understand the possible consequences of CFB's actions in implementing CCP to assess the accountability of CFB. Examining the structure of power relationships between CFB and the various stakeholders will shed light onto this area.

The county administrative government appoints the head of CFB, thus exerting a strong influence on CFB. Moreover, the financial support of CFB comes from county revenue, which is controlled by the administrative government. Their expectations, such as higher land conversion

quotas and implementation at the bare minimum of expense, are clearly reflected in operations. Others influencing CFB are the superiors of the forestry agencies, such as the prefectural forestry bureau, which provide financial and technical support to CFB for carrying out the CCP, and also perform evaluation and determine the distribution of programs among the CFBs in its jurisdiction. Their expectation of implementing at the lowest costs possible is also shown in the operations of CFB. CFB thus is upwardly accountable in the implementation of CCP.

Community members expect that CFB should take their long-term livelihoods into account during implementation design, but they are not very clear whether CFB can make (and enforce?) the relevant decisions. For example, in the selection of land to be converted and of species to plant, farmers expect and hope that their own choices will be considered – but these concerns are not always consistent with the county government's priorities. As a result, the criterion of efficient implementation favored by the county government generally prevails, and farmers' wishes and expertise are sacrificed. According to the survey carried out among 225 households in Tianquan County by the Sichuan Academy of Sociology, 53% of the farmers said that the lands converted were not the ones they expected. The other issue worthy of note is the sapling supply. Many farmers hope they can control the funds for purchasing saplings themselves, so that they can make choices in the market which can solve the problem of poor saplings. But CFB has been holding on to the control of the funds and decides the management of sapling supply. This indicates that when inconsistencies arise between farmers' wishes and the preference of CFB, the former are neglected. We may conclude, therefore, that the CFB is not downwardly accountable.

The central government expects that with the Forest Law CFB will be accountable to the goals of the CCP, such as reducing soil erosion. During the implementation process, however, the CFB are faced with multiple and contradictory expectations of the various stakeholders. Without strong accountability to local farmers -- who are essentially the subject in the forest tending and management -- it is difficult to achieve the stated goals of the CCP.

4. Is CFB Capable of Meeting the Goals of CCP?

Lowry (2002) cautions that inadequate implementation resources can subvert well-designed policies. This is evident with CCP, as one of the problems of implementation is insufficient funding. In Shanxi Province, for example, the county government was required to shift funds from another program to supplement the implementation of CCP. In addition, county governments have been unable to offer matching funds for CCP, due to the low county revenue. This is exacerbated by the propensity for county administrative governments to over-plan, and by the inspection system requiring CFB carrying out the checks in all areas, with which the certificate for subsidies can be issued to farmers accordingly.

Financial insufficiency also affects implementation planning at the county level. Among the six case studies, only the Dingxi CFB in Gansu Province had the necessary qualifications to conduct their own planning. Each of the other counties, in principle, should have subcontracted the work to prefectural or municipal-level forestry planning institutes; however this would have strained the budget of CFB. For example, it cost 120,000 RMB for the overall planning in Zhuozi County in Inner Mongolia Autonomous Region. As a result, most CFBs carried out the implementation planning, even when they do not have the necessary knowledge – influencing the ability of CFB to achieve the goals of CCP.

In addition, CFB is generally understaffed. The educational background of its staffs is focused on forestry techniques. There is very little capacity within CFB to address socio-

economic issues related to CCP. Staffs lack the experience and skills to enhance local farmers' participation or to negotiate conflicts between stakeholders. Though the head of CFB receives training opportunities, most members of the workforce have limited access to the trainings.

Conclusion

Four main points can be concluded from the application of Lowry's model in this paper. In terms of commitment, CFB has strong incentive to implement CCP, but does not have a strong incentive to meet the goals of CCP – in fact, the existing monitoring and evaluation system brings a set of counter- incentives. CFB's power in decision-making is weak, and therefore it cannot effectively coordinate the goals of CCP with the priorities of county government officials or farmers. CFB is not accountable to local farmers because it faces competing priorities from county governments, the staffs within CFB, and the superiors in the forestry agencies, such as the prefectural forestry bureau. Finally, the capacity of CFB in implementing CCP is hampered by insufficient staff and financial support, as well as by the limited application of social science methods within CFB. At present, CFB cannot effectively implement CCP.

It may be premature to say that CCP will be another policy failure in forest management in China, but if the problems with CFB identified in this analysis do not receive adequate attention, the yawning implementation gap will persist and perhaps worsen.

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Upland Reforestation:
Examining Participation and Watershed Management
Jiang Jia Qing Village, Yunnan Province, China

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Abstract

This paper compares the participation of farmers in two erosion control programs in Yunnan Province, China—a state-sponsored program known as the Upland Conversion Program (UCP) and a smaller program sponsored by a private organization known as the Community Technology and Development Association (CTDA). Farmers generally support the goals of UCP but concerns over their livelihoods prevent them from taking an active part. In contrast the CTDA has been able to gather support for its erosion control initiatives. This paper concludes that this difference is due to the credibility (or lack thereof) of local governing units to implement environmental management decisions. Allowing local units sufficient discretionary power to respond to local concerns is a precondition for improving their capacity.

Introduction

In 1978, the central government of China adopted the policy referred to as the Household Responsibility System (HRS), which transferred the property institutions governing lands from collective to private ownership. This marked a transition to a more decentralized governing system. Concerns over the degradation of natural resources forced the central government to prioritize environmental protection by the end of the 1990s. Within this context, the government launched The Upland Conversion Program (UCP) in 1998. This policy requires uplands with slopes greater than 25° to be converted into forests. In Yunnan Province, the Program began in March 2000, and implementation began in Jiang Jia Qing village in 2002.

Jiang Jia Qing village is spread over a slope, leading from high mountains to a river valley. The mountainside consists mostly of loose rock and soil that has been terraced into narrow strips for cultivation, with retaining walls built of the larger rocks collected from the mountainside over successive generations. Erosion has formed four very deep gullies beside Jiang Jia Qing village. The entire village covers an area of 9.6 km² with a total population of 1,542 persons residing in 389 households. There are 85 hectares[12] of cultivated land in the village that are successively cropped with grain – corn or wheat – and tobacco; raising pigs is also an important economic activity (Yangliu Township 2002). The people of Jiang Jia Qing depend on the land for their livelihoods, and the environmental impacts of upland cultivation, such as floods and soil erosion, have profound and direct effects on their lives.

UCP was initiated by the central government and implemented by different level forestry departments and local governments. The local people were consulted but generally excluded from the decision-making steps of this program. Without the forest users' participation, however, it has been difficult for government agencies to effectively manage the forests at the

[12] 1 hectare = 15 mu, the traditional measurement of land in China

local level. As Meinzen-Dick, Raju and Gulati stated: Local users who live and work in the area are seen to have a comparative advantage over government agents in monitoring resource use and, because their livelihoods depend on the resource, are assumed to have the greatest incentives to maintain the resource base over time (2002).

This is especially true in Jiang Jia Qing, because the uplands affected by the program are the agricultural lands from which most people derive their livelihood. Food security is becoming a progressively more serious concern, and the villagers have to retain some cropland to support their households. The county government is pushing the township government to finish conversion of the uplands into forests. As a result, local people feel that their concerns for food security have not been sufficiently heeded by the government. Farmers and local government officials differ on issues such as how local people can get food after the subsidies are phased out; and which and how much land needs to be converted (Zhu 2002).

Meanwhile, through the support of Yunnan Provincial Science and Technology Commission (YSTC) and the Ford Foundation, the Rural Development Research Centre (RDRC) [13] carried out a demonstration project in Yangliu Township using participatory approaches in science and technology extension. They developed mechanisms to render technical services, and for the farmers to autonomously make decisions (Wang Wan Ying 2000). Through this program, local people began to participate in decision-making about project activities for the first time. The project promotes the participation of local people managing funds and in the management of forestlands near the gullies (CTDA 2003). The project aims to develop Community Technology and Dissemination Association (CTDA) into a self-sustaining organization that can effectively manage resources after the project is completed.

In this paper, I contrast the approach used by CTDA to that used by the government to demonstrate the importance of local people's participation in upland watershed management. I examine the actions of Jiang Jia Qing residents since the establishment of CTDA, and the performance of CTDA in the community to explore an alternative approach for the implementation of UCP in Jiang Jia Qing village.

I conducted interviews with the mayor and party secretary of Yangliu Township, employees from Yangliu Township Forestry Station, farmers from the village, managers of Jiang Jia Qing CTDA, and forest rangers. I examined the activities carried out under the upland conversion program and the Jiang Jia Qing CTDA, and I investigated people's opinions about Jiang Jia Qing CTDA. In addition, I also collected secondary data that include information on natural conditions and economic status, as well as reports and articles about the Yangliu Project site from CGDS, upland conversion implementation, and CTDA activities in Jiang Jia Qing Village. I participated in summary and planning of the Yangliu Project Spot with CGDS, attended the Jiang Jia Qing CTDA Summary and Evaluation Conference, and observed the process from the beginning.

Theoretical framework

In 1993, a group of practitioners in Yunnan met to search for ways of implementing participatory approaches within a Chinese context. Professor Lu Xing of the Rural Development Research Centre (RDRC) initiated a training workshop on participatory rural appraisal in

[13] Formerly the Centre for Governance and Development Studies (CGDS)

Kunming in December, 1993 (Lu Xing 1998). This marked the beginning of the increasing application of participatory approaches in China.

One idea cuts across all these reforms: the notion that some form of increased public participation in local environment and development decision-making will increase policy effectiveness (Mairi 2002). Participation increases policy effectiveness, which is explicitly achieved through some government reforms by developing decision-making. The government believes that encouraging participation will aid in alleviating poverty and in attaining their environmental protection goals – increased participation in their programs will have greater results.

Knox and Meinzen-Dick (2000) describe different resource management actions that need different degrees of local people's participation. At the same time, there are many factors that influence the participation of local people. Many do not participate in common resource management because they are not sure what kind and how much benefit they can get. It is likely that their highest priority is a stable income and food security. People will only join a collective action if they can afford the risks of adopting a new way of managing their lands. Knox and Meinzen-Dick (2000) further note that action such as watershed management requires a high degree of participation and tenure security.

The Upland Conversion Program

Upland Conversion in Jiang Jia Qing Village began in 2002. Sixty-eight households participated in the program to plant Huashan pine and Chinese fir, converting 37 ha of upland into ecological forest areas, of which 26.4 ha were farmland and 10.6 ha were barren hills. With the exception of about 2.7 ha of land at the entrance of the village, most of the parcels were geographically dispersed throughout the village (Upland Conversion Program Report of Yangliu 2002).

Yangliu Township Government and Forestry Station planned the upland conversion for the entire township, and specified the acreage to be converted in each village. The plans were publicized and interested farmers could join the program on a voluntary basis. In the following year, however, this was no longer an option. Lands already planned for conversion would have to be converted, either forcibly by the authorities or by a change in the ecological condition. [14] Each household would receive a subsidy of 20 CNY (Chinese Yuan) and 150 kg of grain per mu (or 10 kg/ha) of uplands converted per year, for a maximum of eight years. Many farmers, however, did not believe that the government would continue to pay the subsidy beyond the initial year.

Participating farmers have the right to choose which trees they would like to grow from those species approved by The Forestry Station. The farmers generally get young trees from the Forestry Station, but they could also purchase the saplings themselves from other sources or procure young trees from the forests. UCP requires a minimum of a 90% survival rate for the subsidy to be continued – a difficult target considering the physical condition of these lands. As a matter of fact, a flood in August 2002 damaged much of the converted uplands and lowered the survival rates to between 60 and 80%. Forest rangers have demanded that farmers replace dead trees by the upcoming rainy season.

[14] Mice and other pests infest croplands surrounded by converted uplands.

Since the implementation of UCP, farmers have become responsible for planting young trees and cutting tree branches in their contracted forestland. Planting and nurturing young trees needs intensive labor input due to the steep slopes and scarcity of water, however, and as a result some young trees have suffered from drought. At the time of inspection, farmers rushed to replace the dead trees to guarantee that they passed the survival rate necessary for renewing the subsidies.

The farmers of Jiang Jia Qing generally understand the need for UCP to improve the management of the watershed. At the same time, however, low agricultural productivity, soil fatigue, and population increases have made it necessary for them to use more acreage to grow food. As a result, they were willing to convert only barren uplands with mostly steep slopes and unfertile soils. Unfortunately, the survival rates of saplings on these lands are likely to be even lower, thus perpetuating the problems of UCP implementation.

The local government implemented UCP based on policy guidelines. Forest rangers are responsible for the entire forestland in Jiang Jia Qing, and their tasks include stopping illegal logging, preventing forest fires in the spring, and settling disputes. Forest rangers also monitor the survival rates of young trees in converted forestlands, but it is difficult to guarantee the acreages and actual locations of converted lands. In other villages there have been attempts to re-cultivate converted lands. A farmer could also cheat by substituting the contracted upland with another plot for upland conversion.

Presently, forestland management is relatively stringent. If farmers need to get timber from their contracted forestland to build houses, they must get approval from the township forestry station. Forest rangers are authorized to levy fines for burning in mountain forests or illegal logging, which allows forest rangers to be more effective in management.

Community Technology and Dissemination Association (CTDA)

CTDA was established on December 13, 2001, with 13,900 CNY of seed money. Its membership includes 139 households, or about 90% of the total households living in a natural village or hamlet within the Jiang Jia Qing village. Since its establishment, Jiang Jia Qing CTDA had been engaged mainly in capital management. In almost two years of activities, managers have consulted with the farmers to gradually rationalize and establish a fixed loan method. Capital is loaned out once every six months – in April every year, CTDA provides loans for spring cultivation to be paid back in October when the tobacco is harvested. At this time, loans are again available to assist small businesses during the slack season. Farmers need to complete an application that explains the purpose of the loan, and if approved by the manager the loans will be granted.

Presently, the association fund has increased to 16,800 CNY, with 7 managerial people, including 2 women (CTDA 2002). The loans have been used to fund raising pigs, brewing wine, starting small businesses, and the growing of vegetables, tobacco, and herbal medicines. In other words, the loans offered seed money to the farmers of Jiang Jia Qing for diversifying their livelihoods.

Jiang Jia Qing CTDA also serves as a platform for the farmers to exchange technologies, as the members could share their experiences during chatting time. During peak loan application times in April and October, farmers are keen to learn about other loan proposals. Worthwhile ideas generate much interest, and other farmers make inquiries and possibly try one or more of these new ideas themselves. In addition, CTDA also has improved the members' ability to receive external information. Some of the CTDA managers were village cadres and had

relatively more opportunities to access external information. They could then share the information with the farmers through the CTDA.

Flood Control

Presently, Jiang Jia Qing has 180 ha of forestlands, in which 127 ha had been entirely contracted to the farmers back in 1981 (Forest Statistics Report of Yangliu, nd). The HRS of 1978 allocated the forests of Jiang Jia Qing to the farmers and assigned two forest rangers to manage them. Jiang Jia Qing forest areas decreased substantially during the Great Leap Forward period (1958 – 1960). The People's Communes strove to smelt a great tonnage of iron and steel. In the process, they blindly caused the loss of large areas of mountain forests. People refer to some of the mountainous forestlands around Jiang Jia Qing as grassy mountains as they are without trees. As time went by, the population grew but village farmlands remained constant. Some farmers began to cultivate the grassy mountains to make a living. Other households, including those with enough farmlands for their subsistence, also followed suit. As Ostrom (1999) remarked: …users have a shared image of the resource and how their actions affect each other and the resource. As a result, erosion has accelerated, forming deep gullies that culminated in the 2002 flood.

Farmers living or farming areas close to the gullies have taken a variety of actions to respond to this problem. They placed rocks to shore up retaining walls beside the gullies, or planted some trees next to them. For example, Jiang Zhengce, a farmer that we interviewed, lived beside a gully. He grew bamboos on both sides of the gully to preserve water and soil, and reinforced the retaining walls beside his farmland and house. Farmers living some distances from the gullies but between them also worried about the potential landslides. They grew some fruit or Chinese prickly ash trees on the field ridges. Extensive tree planting could shade out field crops and affect their output, however, and as a result, they grew only a limited number of trees.

The problem of the gullies in Jiang Jia Qing also attracted government attention. In 1986, the slope above the Jiang Jia Qing village had a one-centimeter crack, and this was reported to the government. However, when it was reported by phone to higher authorities, the receiver of the call mistakenly understood the crack to be one meter wide, consequently causing serious concern on the part of the higher authorities. They instructed Yangliu Forestry Station to provide free young trees to the farmers to be grown on the slope. Farmers, however, were unwilling to plant the trees on the farmlands behind the village as these lands were considered the primary agricultural plots due to the proximity to their houses. Farmers worried that the trees would adversely affect the production, so they only grew some trees on the field ridges further away from their houses.

CTDA Activities in Flood Control

In October 2002, the managers of Jiang Jia Qing CTDA discussed how the second phase of CTDA should be implemented. They called for a villager's meeting, which was attended by 153 people to discuss the issues of flood control in the gullies. At the meeting, it was agreed that instead of taking other jobs during the winter slack season, everyone would contribute labor to build overflow dams and water-retaining walls, and to plant trees beside the gullies. In this meeting, the collective voice was: We rural people may not have money, but we have plenty of strength (Zhu 2003). They were all willing to join in the efforts to control flood in the gullies.

The manager of CTDA then contacted Yuan Minghui, vice mayor of Yangliu Township, and Kong Dexun, head of Yangliu Water Management Station, to ask for technical assistance. Both Yuan and Kong were members of Yangliu Township Promotion Association (TPA). Kong surveyed the gullies and helped CTDA to develop a detailed plan for flood control in the second phase of the CTDA (Zhu 2003). Once TDA approves the plan and signs the agreement, the project can move ahead. During our field visit, many farmers were already anxious to begin the work as they worried about more floods and landslides in the coming rainy season.

The preferred species for reforestation among the farmers and managers of CTDA is bamboo. Bamboo grows fast, can periodically be harvested, and is effective in controlling soil erosion. Growing bamboo also allows CTDA complete autonomy on how they manage the groves. Forest rangers, however, prefer to plant willow trees near the gullies as this is consistent with the programs of the Forestry Station. In addition, if the Forestry Station provides the saplings, it would also ensure their management control in the future.

Comparing CTDA and UCP Approaches

In Jiang Jia Qing, the extent to which local people participate in the decision-making process determines their cooperation during the implementation phase. In the case of UCP, the participation of local people was very low. When Forestry Station staff were measuring the fields, farmers were present but could not effectively participate in deciding which areas would be converted. Farmers are consulted in this process. They may disagree and try to negotiate with the forestry staffs, but ultimately the staffs have the power to decide.

Once the croplands were converted, farmers effectively lost much of their rights since they could not then cut the trees. Even if they were to plant commercial trees, they are not assured of future income because they lack market information and the technical skill to manage them. Although local people agree that the UCP can protect the environments, they are mostly concerned by the problem of maintaining their food security. They worry that it would be impossible to convert their farmlands without a continuing subsidy. They have asked the forestry staffs to address livelihood issues, but they feel they did not get a satisfactory answer. The staffs told the farmers, …this is the policy from central government, and there will be another policy after the subsidies end (Zhu, 2003). Farmers understand that after HSR implementation, they will have to support themselves; yet the local people cannot protect the environments if they lose their dinners.

In the case of CTDA fund management, local people were involved from the beginning and joined discussions on how to manage the funds. I interviewed the local people to find out whether they were satisfied with the funds management rules, and they responded: We made the rules together, so they are fair (Zhu 2003). Local people also elect CTDA managers democratically, and have access to the details of fund management. They could oust managers from office should they not do their jobs. This downward accountability and transparency provide an effective supervisory mechanism for the management.

Before CTDA was established, Professor Wang Wanying, of Yunnan University, and several key people from the project introduced a participatory approach in Jiang Jia Qing. They facilitated a public meeting, attended by 153 persons, to discuss common concerns within the community. The meeting resulted in a consensus with regard to issues that will be addressed by CTDA. In this meeting, most people expressed their ideas, and were satisfied with how decisions were made.

Flood control is a concern shared by many in the community. Understanding the amount of funds available to support the effort, the community decided to address how to control floods in the gullies. They know what they need, so they can develop a rational plan to do the program themselves. CTDA plays the facilitator role of organizing local people but not forcing any individual to take part. Participation is the development philosophy which believes that people who are affected must take a leading role in the control of their own destinies. The people must own and benefit from the development (Lu 2000). Collective action that is motivated by internal motivation requires little supervision and is thus more effective.

Livelihoods after Upland Conversion

Mobilizing farmers to convert the uplands is a challenging task for government staff. In 2002, Mr. Cui Qingli, from the Yangliu Forestry Station, was responsible for upland conversion in Jiang Jia Qing. In the first year, he publicized the program and tried to mobilize support and participation in the village, but did not fully succeed. Not only the farmers, but even the local village-level elites were doubtful about it.

One of the reasons for the villagers' skepticism originates from past experiences in which the government did not fulfill promises. Therefore, the fairness and assurance of continuity of upland conversion subsidies is the prime concern of the farmers. Subsidies of upland conversion were duly released in 2002, but the farmers still were not sure that the subsidies would continue in the next few years. One farmer expressed his worry as follows: I want to convert the upland, but I am afraid that the policy will change again. In that case, what am I going to feed my family? (Zhu 2003)

Jiang Jia Qing village has poor natural conditions and an underdeveloped economic base. Finding alternative livelihoods is difficult due to financial, information, and technical constraints. In interviews, many farmers expressed their desire to learn new plantation and breeding technologies. For example, Zhang Hongsi, a farmer in Jiang Jia Qing, wanted to grow herbal medicines. However, he did not have the necessary knowledge and skills. Other farmers preferred raising cattle to pigs, because cattle can eat fodder other than grains. However, they did not have enough money to buy calves.

Some farmers also wanted to plant commercial trees on the converted lands. They told Jiang Xingkui, the core manager of CTDA, about their wish to get some training on planting fruit trees. Jiang was acquainted with Xing Jiawei from the Yangliu OEO (a member organization of Yangliu TDPA) when he met with the Yangliu Township Development Promotion Association TDPA. Jiang had contacted the Occupational Education Office (Yangliu OEO) to get some technical help, such as to conduct free training to the farmers on pig husbandry and clothes making. After knowing the farmers' wish for planting fruit trees, Jiang discussed it with Xing who in turn promised to conduct such training. It shows that farmers never stop to seek new technical skills and methods.

Conclusion

In Jiang Jia Qing, CTDA is run based on a participatory approach. Collective action gradually occurred through funds management and flood control. The collective action of CTDA building relies on local people having collective and secure control of the funds; if there is mismanagement, the local people can retrieve the funds. During this process, local people have

come to trust in CTDA, and they are sure that CTDA can facilitate their search for new technology and livelihoods.

On the other hand, UCP was implemented in a top-down fashion in Jiang Jia Qing. It has similar goals of flood control with CTDA, but the local people do not participate in the decision-making and fear that it endangers their food security. It is difficult to mobilize local people to manage the forestlands effectively. The local government does not always pay adequate attention to the lack of secure property rights and collective action. Though the program is good, the local people have not adopted it.

Cui, who is from forest station in Jiang Jia Qing and is a member of TTDA, wants to improve upon the low effectiveness in forest management. He has heard of the successful case of self-management in Gui Zhou Province, and he recognizes the function of CTDA. He has the idea to attempt to carry out self-management in forest governance, but he does not know how to co-manage with the local people.

CTDA is concerned about local people's incentives and so is mobilizing local people to participate in its actions. The local government is not capable of solving some problems because they are restricted to the implementation level, but they should consider the incentive of local people by participation when implementing UCP. This participation in decision-making increases the effectiveness of forest management.

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Why Would Local Government Support Devolution?
A Case Study in Dak Lak Province, Central Highlands, Vietnam

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Abstract

Much of the literature on devolution in natural resource management carries the implicit notion that local governments support devolution because it improves forest management and local livelihoods. Yet some authors have observed that local governments have proven reluctant to release control over valuable forest resources. This paper will contribute to this debate by taking a closer look at the role of local government in the process of Forest Land Allocation in Dak Lak, Vietnam. The results of in-depth field research demonstrate that devolution involves as much change in the relationships between different units of the local state as between the state and villagers. Devolution affects the distribution of authority and resources between different state units at local, district, and provincial levels. It also affects the work routines and tasks of state employees, and requires them to revise significantly long-held beliefs about forest management and the relationship between forests and local people. Local state units therefore react to Forest Land Allocation in different ways. Devolution has a chance to succeed only if it receives support by a sufficiently strong alliance of state actors in favor of devolution.

Introduction

In Vietnam, the Land Law of 1993 states Land is owned by the people under the integrated management of the state, which allocates land to users for long term use. Unfortunately, forestlands managed by the State Forest Enterprises (SFE) have been rapidly degraded over the last few decades. The government has attempted to address this problem by embarking on forestry policy reform programs. During the 1990s, Vietnam reviewed its approach to the management of natural resources and began to adopt decentralization as a policy in forest management. The Forestland Allocation Program (FLA) is one important component of the devolution.

Dak Lak, the largest province of Vietnam, contains the largest remaining natural forest in the entire country. It is the traditional homeland of many ethnic minorities, such as the Ede, M'Nong, and Jrai. Until 1999, the government managed forests through the State Forest Enterprises (SFE), a system incongruent with the traditional practices of indigenous communities to manage their forests. The FLA program begun in Dak Lak in 1999 is significant because it allocated forested land to indigenous people. Prior to this time, FLA was applied only in two ways. The first was a long-term contract in which people were paid to guard the forests, but still did not accrue any use rights. The second did grant use rights on barren lands in the form of Land Use Certificates (the so-called Red Book), including the rights to use, exchange, mortgage, lease, and pass the land to their offspring. Dak Lak is significant as the first place in Vietnam where the government implemented this type of FLA, thereby creating an important case study for policy-relevant research.

FLA has set new tasks for all levels of government charged with its implementation, both local and state. It is not surprising, then, that there were problems in its early stages. Initially

there was little horizontal cooperation among the state agencies, nor was there vertical cooperation between the state agencies and local people. Additionally, stakeholders participated in the FLA process with different levels of interest and motivation, naturally leading to different levels of performance and participation.

This paper will analyze the motivation of the local government in implementing FLA and the changing relations among state agencies at the provincial and district levels. It will also examine the relationships between state agencies and local people, including the reaction of various stakeholders to FLA.

Theoretical Framework

FLA is considered a devolution process because the authority of forest management was devolved from state ownership to local people. This has been reflected by land use certificates that have been handed over to the local people with a bundle of rights: to use, to mortgage, to transfer, to inherit, and to sell. The key question of this paper is how was the program implemented, and what could be improved in future implementation.

Forest Land Allocation is a key step in the devolution of forest management in Vietnam, through which forest use rights will be devolved to people from the state agencies. Why does it matter who holds the rights to natural resources? The growing conventional view of natural resource management by government agencies is that it is expensive and ineffective. Proponents of devolution in natural resource management argue that local level control can offer better incentives for management; give necessary authorization and control over resources; reinforce collective action; and assign rights to the users. Increased recognition of the role of local people in forest management and growing dissatisfaction with state management has strengthened the call for devolution (Meinzen-Dick & Knox 1999). Due to the high values of forests and forest products, for agricultural cultivation as well as for tourism, devolution has become a very important theme in forest management (Helmrich 2001).

In order to understand the extent to which meaningful decentralization has taken place, Agrawal and Ribot (1999) suggest that we should closely examine three factors: the power of various actors; the domains in which these actors exercise their powers; and to whom and how these actors are accountable. In the context of FLA in Vietnam, a question relevant to this paper is why government actors, known for their pursuit and accumulation of power, would initiate actions to reduce their own power and place it in the hands of others (Agrawal 2001, Arnstein).

Lowry (2002) calls to our attention the sobering reality of the difficulty of translating environmental goals into effective action. He refers to this problem as the implementation gap: inconsistencies between policy goals conceived at one level or branch of government and the translation of those goals into specific resource management activities at another level or by other agencies. Looking at FLA in the Dak Lak Province of Vietnam, this paper concentrates on the incentives, capacity, and performance of state agencies in the implementation of FLA, and it explores the impediments to effective devolution of forest management.

Research Method

In 2002, I spent four months collecting primary data through outreach to key stakeholders in the FLA implementation process. At the commune level, I administered questionnaires to the People's Committee and Forestry Board Representatives. At the district level, I interviewed

personnel from the following organizations and agencies: the People's Committee, Forest Protection Units, Agriculture and Land Management Offices, Agricultural Extension Stations, and State Forest Enterprises. At the provincial level, I interviewed members of the People's Committee and officials in government line departments, including the Department of Agriculture and Rural Development (DARD), the Land Management Department, the Forest Protection Department, and the Department of Planning and Investment. Additionally, I participated in provincial workshops and roundtable discussions to get comments from other stakeholders of Forestland Allocation.

I also observed meetings, conducted household interviews and field visits, and used Participatory Rural Appraisal (PRA) techniques, which proved to be very useful in triangulating the information gathered from other sources. Additionally, secondary data was gathered from those agencies involved in FLA.

Study Site Description

The field study was conducted in the Ea Sol Commune in Ea Hleo district, Dak Lak Province, in the central highlands of Vietnam, where the government first implemented this type of Forest Land Allocation program. Ea Hleo Forest Enterprise first implemented FLA in 1998. Most of the households who received forestlands were members of the Jrai indigenous ethnic group, who have a matriarchal system of traditional land use, and who to this point had still practiced shifting cultivation.

The area of Ea Sol commune is 23,406 ha, of which sixty percent is forestry land; and the population is 7,168 (Ea Sol Communal PC 2000), of whom seventy percent are indigenous people of the Jai and Ede minority groups. Most villagers of the commune are either still poor or hungry[15] due to a lack of land for cultivation, especially paddy fields for wet rice. The total agricultural land of the commune is 4,033 hectares, of which only 28 hectares are paddy fields for wet rice cultivation. There are many households still suffering from food shortages for an average of 4 months per year (Yearly Report of Ea Sol People's Committee, 2000).

The area is primarily covered by a deciduous forest dominated by the *Dipterocarpus* species. Most of the fertile soil has been converted to state-owned rubber and coffee plantations. Heavy logging by both the SFE and local villagers have extracted precious trees and depleted much of the forests in Ea Sol Commune. Local people do not have official rights to use the forest, but they regularly access the forest to collect non-timber forest products (NTFPs), and even timber for their housing or coffins as the needs arise.

Results and Discussion

The stakeholder assessment

There are four groups of stakeholders who have been involved in the process of Forest Land Allocation:

- Local governments at the provincial, district, and commune levels
- Government agencies at the province and district levels
- Targeted groups

[15] Based on the announcement paper No. 1751/LDTBXH, a household with an income of less than 13 kg of rice (equivalent to 45,000 VND) per capita per month is classified as "hungry," and a household with less than 15 kg of rice (equivalent to 55,000VND)per capita per month is classified as "poor".

- Private sectors, non-government organizations and international projects

Figure 1 shows the institutional landscape and inter-agency relationships in the implementation of FLA. It highlights the flows of decisions, services, and resources, as well as the direction of accountability.

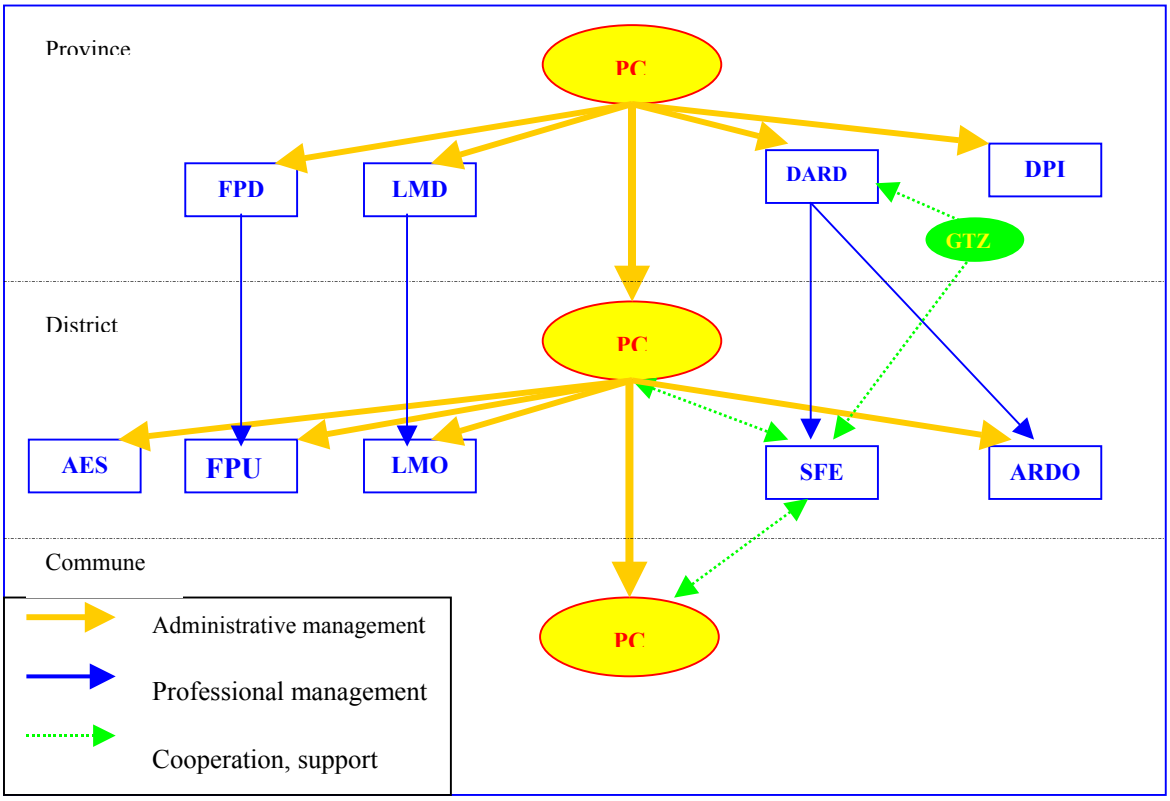

***Figure 1*: Institutional landscape of the FLA**

Local Governments

At the provincial level, the People's Committee (PC) regulates and coordinates activities among different departments. It decides on the distribution of the annual budget to state agencies across the province. In the FLA Program, the People's Committee initiates pilot projects and promulgates policy decisions based on technical advice from the line departments.

At the district level, the People's Committee coordinates activities between State Forest Enterprises and other offices such as the Agriculture and Land Management Office and the Forest Protection Unit. The district's PC officials also approve the FLA plan and sign Red Books at the end of the process. Thus, the district PC holds a key role in FLA implementation.

At the commune level, the People's Committee is the sole stakeholder that cooperates with the State Forest Enterprise to implement the FLA Program. Several staff members, such as the land management officer, women's union members, military officers and security officers belonging to commune's PC, are in charge of FLA related activities. The Forest Protection Board and the Land Management Officer are responsible not only for the FLA implementation process,

but also in the enforcement of forest protection laws as well as in conducting forestry extension services.

Government agencies

At the provincial level, The Department of Agriculture and Rural Development (DARD) is the major implementing agency for FLA. Inside DARD the Forest Development Sub-Department (FDD) is in charge of the forestry sector for the entire province. FDD is the most important provincial actor in FLA, as its officials provide technical guidance and approve technical plans and field implementation tasks of FLA for the province. For example, it has moderated FLA provincial workshops and has provided technical assistance to State Forest Enterprises implementing FLA. With support from the Sustainable Management of Resources in the Lower Mekong Basin Project and the Consultative Working Group (CWG), the Forest Development Department has helped State Forest Enterprises to develop the benefit sharing policy and submitted it to other Departments at the provincial level for comments.

Other departments that are involved in the process of FLA include The Land Management Department (LMD), which is in charge of all procedures related to issuance of Land Use Certificates (Red Book), land allocation, and land use planning. LMD is also responsible for the administrative work of land management such as transferring land use rights, changing land use purposes, and land sales. So far, LMD has only dealt with agricultural land, and thus has no experience in FLA.

The Department of Planning and Investment (DPI) assists the provincial People's Committee in distributing the annual budget and work plan to the implementing agencies.

The Forest Protection Department (FPD) at the provincial level has been minimally involved in the FLA process, only participating at workshops and meetings. After the allocation of forestland to households, user groups or communities, FPD is responsible for the enforcement of the forest protection law.

Government agencies at the district level follow administrative lines from the province and are therefore similar to those at the provincial level. They consist of State Forest Enterprises (SFE) which implements FLA in the field; the Agriculture and Land Management Office (ALMO) which is in charge of issuing land use certificates (Red Book); the Forest Protection Unit (FPU) which is in charge of all forestry activities in whole district; and the Agriculture Extension Station (AES) which plays the role of forestry extension service provider.

Targeted Groups

The Targeted Groups of FLA in Dak Lak Province include individual households, groups of households, and communities according to the criteria developed by SFE in cooperation with the communal PC. Targeted groups joined the meetings at the village level and participated in FLA fieldwork that included transect walks and land use planning.

Private sector, NGOs and International development projects

In Dak Lak province, the Sustainable management of resources in the lower Mekong basin (SMRP)[16] have been involved in the implementation of FLA by providing technical assistance to government agencies at provincial and district level. So far, there has been no involvement of private sectors in FLA – almost all forest management activities are undertaken by state agencies.

[16] Funded by BMZ/MRC and implemented by GTZ from Germany.

Stakeholder Performance in FLA Implementation

Preparation and Planning Stage

The main actor in this step is SFE, which must cooperate with other state agencies. Local governments are not directly involved in planning and preparation, but they make the final decision on budget distribution. SFE has a sufficient number of professional staff, most of whom are university graduates trained in forestry with much field experience. FLA introduced new concepts, and SFE staff undertook FLA with learning-by-doing approach, and did not know how to develop a proper operational plan. Moreover, other state agencies, especially at the district level, do not have enough staff to effectively fulfill their tasks. Interviews with stakeholders at the district and provincial levels show that FLA procedures are not clear to either state agents or local people. Some state agency personnel participated in FLA workshops or meetings when they were invited, but they rarely contributed ideas or actively submitted comments for improvement. Little cooperation occurred among these stakeholders.

Implementation Stage

In the implementation stage of FLA, local governments need to coordinate the different state agencies. The provincial government launched Instruction No. 02/2001/CT-UB on January 6, 2001, regarding measures to accelerate the implementation of FLA and the issuance of land use certificates (Red Book) for forestlands in Dak Lak. With FLA, local governments now have more power in the management of forests, including decision making, responsibility for forest protection, and enforcement of forest management laws. Local governments have partly devolved forest management authority to lower levels and to individual households or communities. This is a process that can improve cooperation in forest protection activities and lead to joint forest management. However, logging permission still has to be approved by provincial or even the central government.

Local people have received little economic benefit from forests after the implementation of FLA. They need basic assistance such as financial support, extension services, and infrastructures development support from local governments. Unfortunately, local governments lack experienced and trained personnel to effectively respond to these needs at the initiation of the FLA process. Additionally, they do not know how to get villagers involved in the process of FLA.

FLA implementation requires government agencies to redefine their roles. SFE receives a regular budget to implement FLA and therefore see FLA as an annual assignment. Much of the forests in Dak Lak are poor and degraded, bringing in only limited revenue to SFE – therefore they are eager to allocate forestland to local people and communities. By contrast, in areas with fertile basaltic soils, SFE resists allocating lands because of the potential of converting them into cash crops plantations like coffee, rubber, and pepper. However, other state agencies including the Agriculture and Land Management Office, the Forest Protection Unit, and the Agriculture Extension Station have not actively participated in the FLA process because they do not get any direct benefit from it. They participated only due to their mandates as assigned by the local governments.

FLA targeted groups include individual households, groups of households, and communities. They are involved in FLA in order to obtain their official rights to the forestland and thus the capacity to pass these rights on to their children. If recipients lacked land for cultivation, they could convert a part of the forest into agricultural land. In addition, they may

get technical assistance, access to training programs, and credit support from the local government through the state agencies in relation to FLA. FLA has assumed that targeted groups would have more incentive to invest in forest development; however the benefits derived from forest production are generally not realized in the short-term. As a result, many households in the targeted groups face capital and labor shortages. The result of the household survey shows that only 17% of interviewed households have above average incomes; by contrast, 33 % have incomes below average and 50% have average incomes.

The development project (SMRP) has provided technical assistance in the form of participatory approaches training courses for SFE staff. Additionally, SMRP has also assisted with the development of three-dimensional models for land use planning and forestland allocation; village meetings; and workshops at the provincial and district level.

Monitoring and evaluation stages of FLA

FLA involves many government agencies at the provincial, district, and commune levels, and these must coordinate their activities to ensure the suitability of its planned project for future land and forest management. However, only the Department of Agriculture and Rural Development (DARD) is assigned to carry out the monitoring and evaluation process. The provincial government has evaluated FLA in Dak Lak to disseminate the lessons learned from the pilot project for future implementation, in Dak Lak and elsewhere. At the district level, DARD cooperates with the State Forest Enterprises to conduct evaluations in the field. SMRP has helped DARD in conducting evaluations from the village level up to the provincial level through several village meetings, interviews, and workshops with relevant stakeholders and local villagers. This information is invaluable in helping state agency personnel who will be involved in future FLA implementation. The provincial People's Committee has paid especially close attention to the initial results from FLA in order to develop a cohesive forestry development strategy for long term management.

Other stakeholders were not actively involved in the monitoring and evaluation of FLA. They have opined that local people and the organization that implemented FLA should evaluate the program because it would be useful for them to improve in the future. In addition, many assume that this task is the responsibility of the agency that receives budgetary support from the provincial People's Committee for FLA. This assumption is inaccurate, however, because the State Forest Enterprises budget is only assigned for FLA implementation. In other words, in the FLA process they are only responsible until people receive Redbook designation for allocated forest plots.

FLA Stakeholder Incentives

Pressures from national and international institutions such as the Mekong River Commission, UNDP, and WWF that have demanded environmental protection have also motivated the Vietnamese government to develop a policy to overcome deforestation. FLA is assumed to be able to contribute to slowing the rates of deforestation as well as to helping alleviate poverty. Consistent with the administrative reform process, local governments also want to reduce the costs of resource management. Government agencies could create revenue-generating opportunities by providing services to user groups and undertaking rural development programs. FLA in Dak Lak also allows the State Forest Enterprises to kick the ball and abdicate their responsibility for forest protection to local people. This is especially true where the forest

area to be allocated has been degraded and cannot be harvested in the coming five or ten years (see ***Figure 2***).

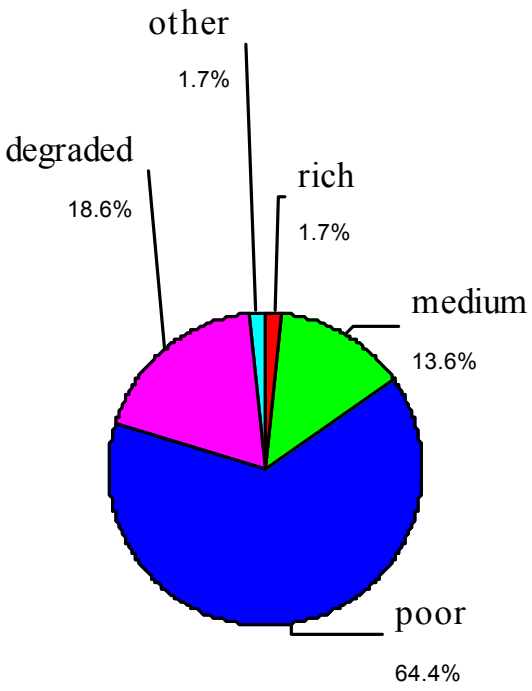

***Figure 2*: Quality of allocated forest classified by villagers**

One of the incentives for local governments to implement FLA is political gain. In fact, FLA has made Dak Lak Province famous for its devolution process of forest management. The results from this pilot project have contributed to new central government policy formation. Decree No. 178/TTg, 2001, *Concerning the Benefit Sharing of FLA*, is almost the same as the policy that was initiated in Dak Lak province in 1999. Successful local leaders are likely to gain the recognition of their superiors and perhaps be offered opportunities for advancement. FLA could be a professional liability, however, if it were to go wrong or be implemented ineffectively. For example, the Dak Song District Chair was reprimanded and held responsible for the loss of 86.6 hectares of forest destroyed from 2001-2003 (*Labor* 2003).

External driving forces have also influenced local governments to deal with deforestation and forestry sector reform. There were many visits made by central government officials to Dak Lak to discuss forest degradation. Other development projects active in this province, such as GTZ-Reformed Forestry Administrative System Project, SMRP, and a UNDP project, have offered advice to the provincial authority for reforming the state system of forest management. For the local people, FLA addresses one of their concerns: namely the increasing scarcity of forest resources and the future of their children. Local people participate in FLA hoping they could convert some part of the forest to agricultural cultivation.[17] In addition, local people

[17] Based on FLA project in Ea Sol, the FLA recipients are allowed to convert up to 2 hectares per household of forest to agricultural cultivation if they really lack of agricultural land.

expect to receive access to more support programs from local government with the implementation of FLA, such as forestry extension services and rural infrastructure development.

Changing stakeholder relationships

Forestland Allocation in Dak Lak Province has changed relationships among state agencies and between state agencies and local people. Before FLA was introduced, the State Forest Enterprises held power over forests and land control – they now have to devolve this power to the local communities. Moreover, through FLA SFE must establish closer working relationships with other government units. Decision No. 245/QD-TTg.1998[18] authorized local governments to be responsible for forest protection in their jurisdictions, and concurrently created more tasks for district- and commune-level agencies. These agencies have had an established working routine with top-down approaches. In the past they did not need to consider communities' demands in their forest use, but simply followed the state's laws and regulations. FLA has substantively changed relationships among state agencies as they are related to forest management, in that the agencies must now cooperate with each other to accomplish their mandates. FLA cannot be managed by one state agency – it needs cooperation among state agencies and between state agencies and local people.

The Vietnamese government has recently issued a new instruction that explicitly addresses forest protection. However, many of the local agencies do not have the capacity to effectively do this, and the demands of local people for greater forest management authority from the state have been increasing.

To implement FLA, the staffs of local state agencies need to develop their technical and organizational skills, such as participatory approaches in working with local people, how to organize a village meeting, how to get information from villagers, and how to motivate villagers to voice their concerns. Monitoring and evaluation skills are especially important for state agency personnel to apply to their work. In a devolution process, local institutions must also change their behavior to fulfill their new tasks. In reality, they have to take local peoples' requirements into account for FLA implementation. Previously, state agencies merely carried out the program based on higher-level government authority, but now the reverse is true after FLA implementation: they have to listen to the local peoples' demands and work with people, especially in the steps of forestland distribution, forest inventory and most importantly in participatory land use planning. This has actually significantly influenced the behavior of the state agencies through FLA implementation.

Conclusion

The case study in Dak Lak Province shows that the Forestland Allocation Program is the first step in the devolution of authority in forest management. While the process has not been successful due to obstacles encountered in the implementation process, FLA has created a condition in which state agencies exchange experiences. Additionally, there is a need for them to learn from each other and to improve their capacity.

FLA has given stakeholders positive lessons in terms of the capacity of self-evaluation. Stakeholders have become aware of their shortcomings through FLA implementation, such as the lack of experience in participatory approaches working with local people, or the inability to

[18] This Decision mentioned about the decentralization of forest management

cooperate with other organizations. FLA has forced institutional stakeholders to reexamine inter-agency relationships, as well. Consequently, a sound FLA process needs fundamental preparation of human resources as well as institutional arrangement from the local governments and state agencies.

The Forestland Allocation Program has also assisted implementing agencies to recognize the gaps and weaknesses in their technical aspects and in institutional arrangements, which in turn has helped state agencies to develop training and development strategies for their staff. The lessons learned from FLA implementation in Dak Lak contribute to policy recommendations for the central government.

In FLA, local governments have attempted to devolve property rights to the local people, and FLA has gained the attention of local people on the issue of forest management. Increasing local participation in FLA would reinforce collective action in the area of resource management, but it still faces many obstacles affecting those state agencies responsible for implementing FLA. There have been a great number of decrees, decisions, and regulations from the central government dealing with decentralization of forest management, but local governments are still going very slowly in translating these into action. Many actors in local government – at the provincial, district and commune levels – are not well prepared.

The Forestland Allocation Program has altered the work routine of state employees and power relations among local organizations. Nevertheless, FLA in Dak Lak Province has been but the first step in long process of devolution of forest management. It needs to be improved and adjusted in order to meet the needs of all stakeholders and to achieve the government's objectives of better forest management and poverty alleviation. The experiences from FLA implementation are highly appreciated by local people and central government and relevant institution personnel who are concerned with the devolution process. It can provide lessons for further implementation, not only inside Dak Lak Province but throughout the entire country of Vietnam.

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Widening the Gap:
Impacts of Forestland Allocation in a Dao Community in Northern Vietnam

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Abstract

This paper examines the impacts of forestland allocation programs on different households in a Dao village in the uplands of Vietnam. It shows that the implementation of forestland allocation has increased the livelihood security of the rich while exacerbating the poverty of the poor in at least one village, the site of the case study. By applying the concepts of endowment and entitlement, this paper illustrates how policy implementation has resulted in more pronounced economic polarization. Access to savings and connections with village officials have allowed the rich to use their allotted land productively; by contrast, limited liquid capital and poor connections with village officials have prohibited the poor from fully maximizing the benefits of their land. Compounding this, the ability of the poor to meet their livelihood needs is threatened as they are forced to sell their land. This paper also demonstrates the discrepancy between the policy text and policy outcome. The underlying policy assumption – that forestland allocation would increase forest cover and improve rural income – has not been proven true. The implementation of the policy in this case creates conditions that favor the rich while compromising the opportunities of the poor.

Introduction

Like much of Southeast Asia and the developing world over the past few decades, forest resources in Vietnam have been degraded at a high rate. Thang (1999) found that during the 1980s and early 1990s approximately 200,000 hectares (ha) of forest were lost each year. According to Nam, et al. (2000), there were five principal reasons for this: thirty years of war; government policies encouraging people to move from the lowland to the upland; shifting cultivation; overexploitation of forest resources to generate funds for post-war reconstruction; and the failure of State Forest Enterprise (SFE) management during the cooperative period from the 1960s to the 1980, when people were working collectively on the land and the government placed all forest areas under the control of SFE. Past research has indicated that the last reason is the most significant in causing forest loss. During the cooperative period the limited number of SFE personnel, a shortage of investment capital, and a lack of an appropriate operations budget resulted in the forests being governed under an open access regime, and they were thus rapidly degraded.

In response to this problem, the Vietnamese government changed its forest management regime in the 1990s. The National Assembly passed the Law of Forest Protection and Development in 1991, which clearly defined the duties and responsibilities of different stakeholders with regard to forest resource use and management. Further, in 1993 the National Assembly passed the Land Law, under which the government allocated land to individual households. In 1994, the government issued Decree 02/CP to provide guidelines for forestland

allocation. This decree established five types of use rights – exchange, mortgage, transfer, lease and inheritance – each for fifty years duration.

The central government implemented the policy, but it was not uniformly enforced throughout the country. Phuc (2001) found that in many areas the local government did not follow national guidelines during the implementation of FLA, but acted rather according to their own habit or interest. Among other things, this resulted in unequal distribution of land. In some areas the process worked as intended, and the allocation of land led to better forest management and the improvement of livelihoods; in others implementation of land allocation exacerbated the threatened status of the forest (Sikor and Truong 1999).

The problems which emerged after land allocation can be attributed to both the implementation process and the design of the policy itself. This paper seeks to understand both of these by examining the policy design and its implementation. This paper challenges the underlying assumption that allocating land to individual households would de facto lead to better forest management and improved livelihoods, specifically by looking into the use of forestlands by different households in an upland community. I argue that in this case the implementation of the forestland allocation policy has increased livelihood security of the relatively more wealthy people while exacerbating the livelihood security of the poorer members of the community. Providing residents with more exclusive rights for a longer period of time does not necessarily result in better forest management; nor does it causally improve their livelihoods. I suggest that for certain localities property regimes other than the exclusive rights that the Vietnamese government is encouraging are more appropriate to govern forest resources.

This paper uses data from research conducted in a Dao community in Thanh Cong village, Van Mieu commune, Thanh Son district, Phu Tho province, where the local government implemented the policy in 1996. We selected 18 households to represent the 39 households in the village. We also interviewed village and commune officials. The research examined several questions:

1. How was the forestland allocation policy implemented at the village level?
2. How did implementation affect access and control of different households to forest resources?
3. How did wealth and political power influence households' access to and control of forest resources?

Literature Review

Many have argued that one of the reasons for forest degradation is that central governments are incapable of effectively managing natural resources. In response to this, the governments of many countries have transferred their management regimes from central to local levels in recent decades. Agrawal (2001 in Ribot 2002) has shown that at present time there are at least 60 countries in the world decentralizing their natural resource management schemes. Many people believed that this decentralization would increase the efficiency and equity of resource use and management. Past experiences have shown that decentralization can produce positive outcomes, such as the forest in Kumaon which has been managed sustainably for over seventy years (Agrawal 2001 in Ribot 2002), or the local councils in Nicaragua and Bolivia that have succeeded in protecting forests against outside commercial interests (Pacheco 2002 in Ribot 2002).

In Vietnam, the government has transferred limited use rights to local people through the Land Law. However, people must still abide by the government plan regarding forestry development. In addition to transferring land rights, the Vietnamese central government has also transferred power to lower governmental levels. The People's Committees at the district and provincial levels are the main entities responsible for the allocation process. The People's Committees at the district level are authorized to grant land use certificates (also called Red Book certificates) to individual households.

The impacts of the implementation of forest land allocation in Vietnam have been uneven. In some situations, local governments simply informed local people through village meetings of the policy before the land was allocated to them. In her Ladder of Participation, Arnstein (1967) referred to this form of participation as tokenism, in which people lack power to insure that their views will be heeded… (and have) no assurance of changing the status quo (217). Consequently, as Phuc (2001) found, the lack of true participation in land use planning lead to a situation in which local people had no investment in the policy, and thus continuously violated government laws banning swidden cultivation and logging in the forest. Sikor and Dao (2000), however, found an opposite situation in a Black Thai community. In this case, the local government at the commune level was downwardly accountable to residents but was not upwardly accountable to higher government. In this area, the People's Committee redistributed the paddy land to residents every 3 or 4 years in spite of the stated government policy allowing people to use the land for a period of 20 years. This local practice provides newly-married couples who are forming their own households with access to land.

Theoretical Framework

For analysis, this paper utilizes the concepts of endowment and entitlement as originally developed by Sen (1981). From Sen, endowment is any asset, title, or right that one has, while entitlement is the structure of relationships and activities that convert these endowments into means of livelihood. In the context of Vietnam, the 1993 Land Law granted an endowment to people in the form of exclusive rights to forest land for a period of 50 years. However, the impacts on their livelihoods have depended on whether the households have been able to convert these endowments into entitlements. Following Sen's framework, these households can secure their livelihoods in three ways. The first of these is through a direct entitlement – an ability of a rural household to secure a livelihood through direct production activities such as producing surplus agricultural goods or gathering forest products. The second is through exchange entitlements through agricultural and labor markets. The third is through social and political entitlements, such as being connected to village leaders.

Sen explains that a diverse structure of entitlements will reduce the vulnerability of any particular household from losing its livelihood. Looking again at the context of upland Vietnam, an interesting question raised here is how forest decentralization policy and its implementation have influenced the structure of entitlements affecting livelihoods. In this context, the discussion of Environment Entitlement proposed by Leach, Means, and Scoones (1999) provides a clearer understanding of the conversion process. These authors show that the factors influencing conversion operate at three levels: macro-, meso-, and micro-levels. At the macro-conversion level there exist global and national market structures and the degrees of ministries. At the meso-level, factors consist of provincial government direction or degrees. At the micro- level, the

factors would include household structures and size. Thus, forestland allocation may be influenced by these factors.

In applying this framework, it is necessary to determine how different households have managed to convert the land rights and tenure as determined by the Land Law into their livelihoods, first with an introduction that provides an overall picture of forest resources in the uplands of Vietnam and the historical background of government policies on forest management. This is followed by a review of background literature and frameworks for analysis. In the case study I explain the mechanisms that result in the differentiation of households. Lastly I suggest some recommendations for FLA implementation.

Case Study

History of the village and land resources

Thanh Cong is part of the Van Mieu Commune in Thanh Son District, Phu Tho Province. It is a small village eight km away from the commune center. Within the village there is only one road, which becomes impassable during the rainy season. The first household settled in the village in 1966, followed by three others the same year. The Vietnamese government enacted the *Ha Son* policy in 1968, with the aim of encouraging local people who were practicing swidden cultivation on uphill slopes to apply fixed agriculture and sedentarization. As a result, seven more households had settled in the area by 1970, and the cooperative was formed in the same year. People worked collectively and resources including buffaloes and land were mobilized for collective work. During this period, paddy land area was small and did not provide enough food for households; therefore, local officials had to ask for rice from the District Settlement and Sedentarization Department. To respond to the rice shortage local officials began encouraging villagers to clear the land for cultivation and to learn cultivation techniques from other areas. In 1974, one additional household moved into the area but from 1975 to 1976, four households moved out due to fears of not having enough food to eat. Since that day, the number of village households has remained stagnant at 39, with a current total population of 179. Two households are Kinh, the majority group in Vietnam, and the remainder are Dao.

Before the formation of the cooperative, forestlands were held as common property, and people were free to cut timber for housing and to practice swidden agriculture in the forest. During the cooperative period there was a fire brigade team in the village – yet its duty was to prevent forest fires, not to guard the forest. Also during this period, before planting season the district government had assigned certain areas to the village for collective swidden cultivation. In addition to this land, the district government had allowed people to have their own swidden land outside that which had been allocated to the cooperative. In practice villagers were free to practice swidden agriculture.

In all cooperatives in northern Vietnam as a whole, and in Thanh Cong particularly, the collective system showed its inefficiency and ineffectiveness because it was not able to mobilize individual interest in collective work. This was mainly because it distributed agricultural products among people equally regardless of the relative quality or quantity of the recipients' contribution to collective work. In the 1980s the cooperative started to reduce its management roles and it was ultimately dismantled in the early 1990s. Households received means of production, such as land and buffaloes, from the cooperative after it was dismantled.

Currently, agricultural production in Thanh Cong is still largely subsistence. Some households have tea and timber to sell for cash, but generally about 60 percent of the households

in the village face food shortages for one to two months a year. For these households, forest products such as firewood and bamboo shoots provide a cash income to help them to buy food.

As far as the village social structure is concerned, there are unions of farmers, veterans, women, youths, and elderly. In addition to these formal organizations, there are several informal ones such as a forest protection team and security team.

Regarding the land resource, the total land area of Thanh Cong is 790.5 ha, of which agricultural land is 18.2 ha, or 2.3%, and forestland is 753.6 ha. Of the forestland, the area under the 661 Program[19] is 321 ha. Production forestland areas allocated to individual households under the 02/CP Decree was 405.2 ha.

In the past, the government allocated forestlands expressly for forestry development – people were not allowed to convert the forestlands to other purposes, only to plant forest trees on the land. However, villagers usually planted forest trees such as Keo (*leacinea*) and Bo De (*ficus religiosa)* intercropped with cassava. Some households have planted tea, but usually people plant tea trees in their home gardens.

Results and discussion

This section analyses household differentiation and the mechanisms of differentiation in terms of production assets and land use patterns. Several hypotheses frame the discussion. First, the implementation of the forestland allocation policy creates conditions that favor the relatively more rich and powerful while relatively poorer households are disadvantaged. Second, wealth has provided households with the capability to transfer those tenure rights determined by the policy to have economic benefits. Last, differences in economic benefits that households have gained from forestland allocation have brought about concomitant social change.

Differences in household livelihoods

We conducted focus group discussions, and the resulting data show that there are three main strata of households within the village according to their livelihoods. Group 1 consists of households whose main sources of livelihood are paddy rice and forest products. Usually, households in this group have small paddy land areas which do not provide enough food for their families. People in this group have to cut timber and collect non-timber forest products to sell for cash. All households in this group face food shortages, thus requiring forest incursion for sustainability. Their livelihoods are fragile and are being threatened.

Group 2 comprises households whose paddy land is large enough to provide a stable source of food for their families. Similar to households in group one, the main sources of livelihood here come from paddy rice and forest products. In addition some households have income from tea, timber, and firewood; and others from services such as working as entrepreneurs trading bamboo shoots and offering rice husking service.

Group 3 is made up of the wealthier households of the community. The income sources in this group are diverse, though all household heads in this group are local officials who are paid for public sector jobs. Usually, these families have large areas of paddy land, and animal husbandry is often an additional source of income.

[19] In 1999, the Vietnamese government launched the "Five million hectares of forest" program, also known as the 661 Program. This program's aims consist of several components: afforestation, forest protection, and forest regeneration. The area in the village falls within the forest protection component; people who protect the forest would receive compensation from the government.

The section below describes the differences of households according to the three groups in production and labor assets, land holdings, and political power. It also examines differences in land use patterns among households, including ways of using land and cash earned off of the land.

Difference in production assets

Labor characteristics

Comparing the three groups, the age of head-of-household in Group 1 is lowest, while in Group 3 it is highest. Regarding labor availability, households in Groups 1 and 2 have fewer main laborers than those households in Group 3. Households in Group 3 have several secondary laborers – individuals not of working age but who serve as supplemental labor—while households in Groups 1 and 2 have very few secondary laborers. The dependent rate[20] of households in Group 1 is higher than that of households in groups 2 and 3.

Households in Group 1 have a bi-polar distribution of very young and very old families, and both types face capital and labor shortages. Households in Groups 2 and 3 have more labor, capital, and working experience. The high dependency rate puts a greater burden on households in Group 1.

Inequities in household land holdings

The local government in Thanh Cong implemented Decree 02/CP allocating forestland to individual households in 1996. Under the implementation, 32 households were given 405.2 ha of land. Among the three groups in Thanh Cong, households in Group 3 received larger land holdings – three times higher than those of households in Group 1. Within Group 1, the household with the smallest forestland allocation received 1 ha while those with the largest land holdings received 10 ha; in Group 2 the figures are 3 and 16.8 ha; and in Group 3 are 9.2 and 19.1 ha, respectively.

According to government policy, each household was eligible to receive up to a maximum of 10 ha of forestland; those households who wished to receive more than 10 ha needed to submit a land use planning proposal to the local government before additional land would be allocated to them. However, five households – two in Group 2 and three in Group 3 – were awarded forestland holdings larger than 10 ha even though they did not submit land use planning proposals.

In addition to forestland, the local government also allocated homestead land – area surrounding the houses, including home gardens. Homesteads can be convenient for cultivation for all households. Lacking experience, households in Group 1 did not know much about the importance of homestead land and so did not prioritize this. As a result, households in Group 1 received small areas of homestead, while households in Groups 2 and 3 have much larger areas, on average three times larger (see Figure 2b). After receiving this land, most of households in Group 1 left the land fallow while households in Groups 2 and 3 cultivated tea, cassava, and cinnamon.

[20] The dependant rate is number of dependants per number of main laborers of the household.

Figure 2a:
Forestland holdings of households

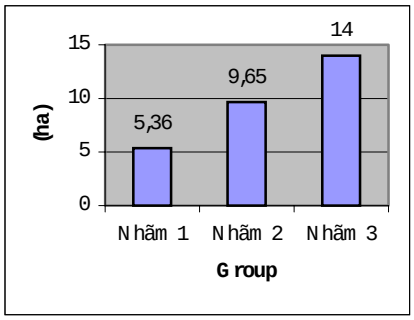
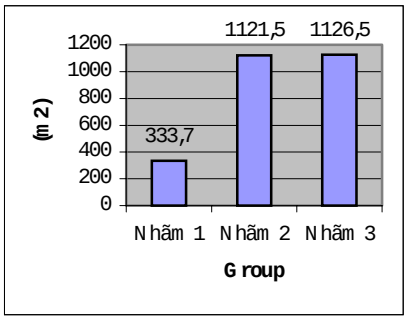


***Figure 2b*:**
Homestead area of households



Differences in land use patterns and income sources between households

Land use patterns

Different households have different forestland use patterns. Most of those in Group 1 did not plant forest trees on their land. The forested area of households in Group 1 is much smaller than the area of households in Groups 2 and 3 (see table 1), with the largest forested are in Group 1 at 0.5 ha, while for Group 2 it is 8 ha and for Group 3 it is 8.7 ha.

Table 1. *Differences in household land use patterns*

(Unit: hectare)

Group	Avg household forestland area	Forested area	Tea area	Rented in area	Rented out area
1	5.36	0.11	0.06	-	1.06
2	9.65	3.30	0.60	2.50	-
3	14.00	5.60	0.30	0.15	0.60

(Souce: household interviews)

Generally, households in Group 1 have small tea plots while those in Groups 2 and 3 have much larger areas as tea is an important source of income for these households. Tea cultivation can provide quick, regular economic returns – there is a tea production factory in the area so growers can sell their product easily, and the financial outlay for planting tea is small. Households in Group 2 have prioritized tea cultivation and consequently they have large areas dedicated for it. Ironically, because of a lack of information and capital, households in Group 1 have not planted much tea. In Group 1, the household with biggest tea area has only 5 *sao* (360 m^2), but the household which has the largest tea cultivation area in Group 2 has 33 *sao*.

In addition to tea, households in Groups 2 and 3 have also invested in forestry production. Currently, each ha of keo (a*cacia*) will provide as much as 8 – 9 million VND when harvested, a significant sum for an upland household. Because of income constraints, the majority of Group 1 households have not been able to invest in forest tree plantations, while all households in Groups 2 and 3 were able to invest in forest tree plantations.

Household incomes

As has been discussed, income sources vary in the village: from bamboo shoots, firewood, forest trees, and tea, to government subsidies, service fees, and animal husbandry. In addition to these, some households have rented out part of their forestland to supplement their household income (see *Table 1*). The total mean income of households in Group 3 is more than 21 million VND a year, almost twice as high as that of households in Group 2, and ten times higher than that of households in Group 1 (see *Table 2*).

Table 2. *Household income*

(Unit: Thousand VND/household/year)

Group	Bamboo shoots	Fire-wood	Trees	Tea	Rented land	Other	Total income
Group 1	295	330	649	87	40	655	2,056
Group 2	1,521	100	1,375	3,500	-	6,250	12,250
Group 3	350	550	10,375	3,250	16	6,734	21,375

(Source: household interviews)

Forest products make a significant contribution to household income. For households in Group 1, forest products make up 56.7% of household income, while for households in Group 2 it is 53% and for those in Group 3 it is 68%. For all three groups, timber provides the biggest share in household income. Comparatively, the annual income from timber in each household in Group 3 is 7.5 times higher than that of households in Group 2, and 16 times higher than that of households in Group 1.

Within Group 1, forest tree income is followed by income from firewood and then bamboo shoots production. In this group, as we have seen, tea contributes little to household income (see *table 2*). For households in Group 2, the main income sources come from tea production, followed by bamboo and timber. In this group, income from firewood is small. Within Group 3, the main source of income is from forest trees. Income from tea accounts for 4% of the total income of households in Group 1, 27% of the total in Group 2, and 15% in Group 3. For households in Group 1, income from firewood accounts for around 16% of the total household income. This product, however, is not an important source of income for households in Groups 2 and 3 – 1% and 3% respectively. This is because households in Group 1, facing income constraints, have to cut branches and small trees on their forestlands to sell for income to meet their subsistence needs, and most households in Groups 2 and 3 do not. Consequently, the forest quality of households in Groups 2 and 3 is appreciably higher than the forest quality of households in Group 1. Those households in Group 1 will realize a much smaller profit than those in Groups 2 and 3.

Households in Groups 2 and 3 simultaneously harvest timber and re-invest on the land by replacing the stock. Again by contrast, household members in Group 1 tend to exhaustively harvest forest products on the land as they do not have the surplus to provide them the luxury of long-term planning. Despite the fact that the timber is not of an age or quality that will yield high economic value, they collect the forest products available. Presumably, there will come to a time that households in Group 1 will not have anything on their land to harvest.

Mechanisms of difference

The above section has described some major differences in household livelihood patterns, but what factors have brought about these differences? The following section will seek to explain how the following three factors – implementation of Policy Decree 02/CP, access to the five million ha of forest through the 661 Program, and emergence of a new land market in the village, have all impacted residents and have played a role in creating or in magnifying these differences.

Implementation of the land allocation policy in the village

As has been noted, the Forestland Allocation Decree 02/CP (FLA) was implemented in Thanh Cong in 1996. According to policy design, there are certain specific steps to be followed when allocating land to individual households, including: the collaboration of different government agencies; the dissemination of the policy through village meetings to villagers; the creation of a forest resource map; and the allocation of forestland to people at site. The implementation process in the village, however, did not follow government guidelines. Before allocation, the local government organized a village meeting to inform people about the policy – but the meeting consisted only of a local official reading the policy while people listened. At its conclusion people were asked if they had any questions, but as local officials themselves were not well-versed in the implementation procedures of the plan; they were not in a position to inform villagers about it.

Most of the villagers were not notified of the time of land allocation, except some officials. As a result, there were problems with implementation. First, some people did not participate in the allocation process as they were not informed about the implementation time. Further, local officials did not follow government guidelines for land allocation – they used an old map; they lacked the cooperation of different agencies such as the Forest Protection Department and the Land Administration Department; and they shortened steps to reduce their workload in the preparation for land registration and land allocation at the site.

It is not at all surprising that the actual results of land allocation were incongruent with the stated purpose of the policy. Some households did not receive land for the simple reason that they were not at home on the day local officials allocated the land to households. By contrast, households who were informed about the land allocation – all of whom happened to be village officials – had large land tracts of high quality. In fact, there were two households that each received more than 20 ha of land, twice the maximum area as determined by the Land Law. As all households in Group 1 did not have access to information, and as it impossible to receive allocations without knowledge, households in Group 1 were shut out from access to this land and its corollary potential income.

During the 1970s and 1980s, cooperatives had mobilized local people to plant trees on forestland. After dismantling the cooperatives, land was allocated to households, and by the time this occurred the economic value of the trees had appreciated significantly. Because households in Groups 2 and 3 received lands where trees were available, they were able to receive steady income from these trees.

Household access to the 661 Program

Two years later on July 29, 1998, the Prime Minister enacted Decree 661/QD–TTg – also called the 661 Program – on five million ha of forest. The first of two general objectives was broadly environmental: to plant new forest areas and to protect existing forests in order to increase forest cover from the current 28% to 43%. The second was focused more on social well-being: to effectively use barren land in the alleviation of poverty and the reduction of hunger; to encourage fixed agriculture and sedentarization; and to increase income for upland people (Article 1).

Before the enactment of Decree 661, the government had launched a massive program called 327. This program, also called the Re-greening Barren Hills Program, aimed to increase forest cover by planting new forest areas and by protecting the remaining forest. The program was implemented in Thanh Cong in 1994, and the government paid local people for doing the work.

In a pattern that would repeat itself, not all of the villagers knew about Program 327, but the village officials did. Under the program, the local government decided to allocate 100 ha of protection forest to the village chair. The chair then formed an informal group comprised of his sons and other relatives to guard the forest. The protection fee, 35,000 VND/ha/year, was paid to the chair, who then distributed the protection fee to group members according to the days they contributed to guarding the forest. When others learned about the program they wanted to be involved in protecting the forest, but the chair restricted participation to his family and associates.

The 327 Program ended in 1999, and many of its goals were shifted to the 661 Program. The result was that 100 ha of natural forest were continuously allocated to the village chair. Additionally, 221 ha of natural forest were allocated to three other households in the village: one was that of the chair of the farmer's union; one was that of the chair of the war veterans; and the last was that of the village vice-chair. Contracts were signed between *Song Bua* Forest Enterprise – a State Forest Enterprise – and these four household heads under which 321 ha of protection forest were protected. Similar to Program 327, the protection fee was 35,000 VND/ha/year. Each of those individuals who signed contracts with the Enterprise were eligible to receive 30% of the total protection fee, while the remaining 70% would be for village development.

To protect the forest, the chair formed a guarding team comprised of eleven members that he served as team leader. He allowed each household who signed a contract with the Enterprise to have one member on the team, and other members of the team were relatives of the chair. All members of this team came from households in Groups 2 and 3 with no representation from Group 1. As for the protection fee, annually the Enterprise sent two installations to the chair, who divided this amount among eleven team members according to number of days each member spent for guarding the forest. However, the village chair took the entire protection fee for 100 ha despite the fact that this area was protected by all team members. The income provided by this protection fee is stable and a significant asset for those households which receive it.

Again, the discrepancy between the central government's policy design and the implementation of the policy is manifest in this context – what Lowry (2002) has referred to as the Implementation Gap, wherein …the policy goals conceived at one level or branch of government and the translation of these goals into specific resource management activities at another levels or by other agencies do not match. Village officials carried out the policy according to their own wishes despite clear government regulations. In addition to this, the data

shows a relationship between administrative power and the opportunistic behavior of the village officials. Their power gave them better access to resources while compromising the access of other villagers. To this extent, administrative power has served as a means to access the resource. Certainly, the households who did not have power clearly did not have the concomitant opportunities to access to resources.

A newly emergent market

In the village, a land market emerged after the implementation of forestland allocation. Some households, mostly the poor owing to income constraints, rented out part of their forestland to those from other villagers. Rental prices were very low – around 200,000 VND/ha/eight years, the complete life-cycle of forest tree production from planting to harvest. Even though the government does not allow people to sell the land, renting the land in this case is understood to be land sales because the seller had to first transfer the land use certificate to the buyer.

It is common for households in Group 1 to rent out the land. The total land area that members of this group rented out was more than 10 ha in total. No households in Group 2 rented out their land. One household in Group 3 rented out a small plot of land – according to him, the quality was too poor to plant forest trees on it. There was one household in Group 2 which rented forestland for forest tree plantation and cassava production. At the time of this research, this household had rented ten ha of forestland. In addition to this, the head of this household had borrowed four ha of forestland from his brother (see *Table 2*). During the early period of forest tree plantation, when the forest trees were still small, people usually planted cassava on the same plot of land. According to the data that we gathered, to plant one hectare of forest trees would require about 1.3 million VND with a net return after one year of about 3.8 million. A key informant said renting out the land is unwise at the moment.

For poorer households, especially for those who had difficulty in finding enough staple food for their families, the cash outlay required for forest tree plantation is so large as to prevent them from investing on the land in this way. Additionally, it has been difficult for the poor to access government credit, despite the fact that such a credit source was available, because the village chair did not want to use his reputation to guarantee the poor. According to the chair, lending to the poor is risky because they sometimes were not able to pay off the debt. Without a guarantee from the chair, the poor would never obtain access to loans.

Upon renting out the land, households would lose their livelihoods for at least the duration of the renting period. In areas where the government did not encourage swidden cultivation, many households, especially those of the relatively more wealthy, invested in forest tree plantation to realize a long term economic benefit. At the other extreme, however, the poor sold their land to meet the needs of basic household maintenance, and as a result their livelihoods were threatened. In the context of Thanh Cong, it is difficult for the poor to move out the poverty trap.

Summary and conclusion

This paper has examined the impacts of forestland allocation on households in a Dao village, and has found that the implementation of the policy has increased the livelihood security of the rich, while exacerbating the poverty of the poor in the village. Using Sen's concepts of endowment and entitlement (1981), and Leach, Mearn and Scoones (1999), the paper has

illustrated the negative impacts of the implementation of this policy. The Vietnamese Land Law assigns five rights to land recipients for fifty years. The rights and duration of rights can be understood as the endowment.

Not all households in the village were able to convert their endowment of land tenure through the forestland allocation process into the entitlement of positive impact on their livelihoods. As Sen has defined the structure of relationships and activities of the households, in this case it is labor capacity, wealth status and the degree of connectedness to village officials. Availability of savings and social connections with village officials have ensured the ability of the rich to use their land more productively. By contrast, cash constraints and poor connections with village officials significantly hinder the poor from maximizing the use of their land. Even more troubling, the economic security of the poor is threatened instead of improved, as they have had to sell their land and thus have lost their direct entitlement. Clearly, the decentralization of forest management and the ways in which it has been implemented affects the way people use the land.

The paper has also again provided an example of the demonstrated discrepancy between policy text and policy outcome. Again relevant to what Lowry's Implementation Gap, government assumptions – that privatization of land would increase forest cover and rural income – have not been realized through policy design. This is in part because there were many factors that influenced implementation, as illustrated in the entitlement environment framework of Leach, Mean, and Scoones, which have channeled policy outcomes to favor the rich while compromising the opportunities of the poor.

The research and analysis presented here leads to the following recommendations. First, local government must be more transparent and held to greater accountability, both to government and more importantly to local people. This would allow residents to access information and the available opportunities to improve their lives. Instead of being immobilized on the lower rungs of Arnstein's Ladder of Citizenship Participation (1969), increased accountability could lead to real participation, information sharing, participation, and real benefits. Second, this case has shown that the privatization of land is not a panacea for social ill, and therefore it is suggested that the government provide room for collective action for governing the forests. Third, were the local government to provide a more regular mechanism for providing credit to the poor, it would avoid reliance on local officials who may have capricious criteria for refusing government funds. Finally, because investing in quick-return benefit crops such as tea and cassava is particularly important for the poor, the extension department should train local people how to plant these crops.

Of course policy design and implementation is a complex process affected by many criteria, some of which have been discussed in this paper. No policy is perfect, and no implementation follows policy design perfectly. However, the above recommendations could go a long way towards redressing some of the problems inherent in the implantation of forestland allocation in Thanh Cong – and help to close the widening gap.

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Does Decentralisation Meet the Needs of Local People?
Implementing Land and Forestland Allocation in Two Local Communities, Lao PDR

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Abstract

The Land and Forestland Allocation Policy of Lao PDR has been in effect throughout the country since 1996. The two main aims of the policy are to increase land tenure security in order to encourage farmer's involvement in intensive farming to result in more prosperous livelihoods, and to eliminate slash and burn cultivation in an attempt to protect natural resources and the environment. This paper examines the implementation of the policy in two communities, both of which are located along the foothills of Phou Khao Khouay National Protected Area. After the Land and Forestland Allocation Policy banned shifting cultivation, intensive farming was required, and the traditional tenure system was replaced by one codified in law. Lands were zoned for agriculture activities and distributed to villagers according to traditional tenure. In order to retain tenure, villagers must show some agriculture activity or intensive development on the parcels within three years or the land will be returned to the state. This paper analyzes economic conditions, livelihoods, land use practices, and food security, and recommends that the ironic effect of farmers returning to protected forests in order to invest in the land they have received from the Land and Forestland Allocation Program is due to the fact that they are not secure with the rights they have gained to use this land. Until the Lao government gives villagers secure rights to agricultural and forestlands that cannot be revoked in three years, villagers will continue to engage in illegal activities on protected forests.

Introduction

Laos is a mountainous country with a land area of 236,800 km^2 and a population of 5.2 million people, which is growing at a rate of 2.6% per year (State Planning Committee 2000). Approximately 80% of the country is mountainous, with forest coverage in 1982 of 11.6 million ha, or 49% of the country's total area. By 1989 this was reduced to 11.2 million ha, or about 47% of the total area (National Reconnaissance Survey, 1992, 1994), a very rapid rate of loss. Deforestation and forest degradation have continued at rapid rates. The reduction of forest coverage is the result of many phenomena, including slash and burn cultivation practices, forest fires, and logging without adequate oversight (Vilayphone, et al. 2002). Census data from 1990 indicated that 210,204 households, covering an area of approximately 245,877 ha, practiced shifting cultivation (Phanthanousy et al. 2003). This practice and uncontrolled forest fires have dramatically reduced the total forest area of the country.

As the destruction of forests has come to attention of the Lao PDR government, there have been many attempts made to reduce it. The government has issued numerous decrees and regulations in recent years, one of the most significant of which is the Land and Forest

Allocation Decree (LFA) – a national policy to arrest the rate of deforestation and to maintain the environment and welfare of local people now and into the future.

More recently, development in the forestry sector has emphasized conservation, land use planning, and resource tenure. These three aspects of forest management are not easily separated. At the moment, according to government policy, the Land Allocation System is a tool to stabilize shifting cultivation in order to conserve forest areas. However, after land has been allocated to communities there is no proper land use planning conducted at the community level. This has led to a situation where some villagers have tended to return to forest areas. Therefore land tenure and land use planning play important roles in supporting the government policy on Land Allocation.

In this paper I argue that while the policy framework of the Land and Forestland Allocation Act has been drawn beautifully in text, the process of implementing the Act at the local level has been uneven, and in some cases has failed. This is partially because the concerned organizations at the provincial level lack sufficient funding, time, and skilled staff members.

In this paper I examine two communities where land has been allocated to farmers with the goals of improving their living conditions and reducing incursion into forest protected areas. I analyze economic conditions, livelihoods, land use practices, and food security. I suggest that the ironic effect of farmers returning to protected forests in order to invest in the land they have allotted from the Land and Forestland Allocation Program is due to their insecurity with their new codified land tenure. Until the Lao government gives villagers secure rights to agricultural and forest lands, or rights that cannot be revoked within three years, villagers will continue to engage in illegal activities on protected forests.

Theoretical framework

In the past, forests were largely managed and controlled by central governments, not always successfully. Many nations with central government oversight of natural resources were the sites of the destruction and degradation of large areas of forest – and thus some scholars concluded that central governments were not the right agents to manage natural resources effectively. In response to this, the governments of many countries have begun transferring the management of natural resources downward from the central to local levels, with at least 60 nations undergoing this process at present (Agrawal 2001 cited in Ribot 2002). Proponents argue that this decentralization will increase efficiency and the equity of resource use and management. Agrawal (Ribot 2002) presents case studies where decentralization has produced positive outcomes, such as the sustainable management of forests for over 70 years in Kumaon. Pacheco (2002 cited in Ribot 2002) also shows that the local councils in Nicaragua and Bolivia have been successful in protecting forests from incursion by exogenous commercial interests.

A conventional way of characterizing this process has become the decentralization of forests and natural resources management from central to local authorities. Many people believed that the decentralization process would help to empower local people to conserve environmental and natural resources, but many questions have been raised during the process. In order to understand the challenges posed by the implementation of decentralization practices, the following questions can be used to frame the study: Can cooperation work? Are local units capable? Are local units accountable? Finally, are local units committed? (Lowry 2002)

In the case of Laos,

> ...Implementation of these policies is constrained by many factors, including the remoteness of most upland areas, lack of roads, diversity in livelihoods and socio-cultural systems, a predominant barter economy, limited access to credit, and the continuing dangers of unexplored ordnance left from past military activities. (Pravongviengkham nd)

The Lao Government Policy on Land and Forest Allocation Program aims to transfer rights to use, manage, and protect environments to the local level as well as to individual households. The experience of Johnson and Forsyth (2002) suggests that the ability to claim community rights and benefits from these lands depends on the influence that communities can bring to bear on the political system, and on other actors who would challenge or undermine this influence (2002).

Policy background

The Lao Government's rural development strategy recognizes the need for site-specific approaches to development and environmental conservation. Thus, within what remains a centralized planning system by regional or international standards, the government is beginning to delegate various forms of land allocation and management to local governments and local communities. The Land Use Planning and Land Allocation Program (LUP/LA) was implemented in 1990, with Luang Prabang and Sayaboury provinces containing the pilot areas. There, in the districts of Xieng Ngern and Nan, the Lao-Swedish Forestry Program has provided funding and technical assistance in order to test the feasibility of the program for the nation as a whole.

The Land Allocation Policy (Degree 99, 1992) was developed through a series of decrees and instructions on forest and agricultural land management. In 1996, the instruction on Land and Forest Allocation for Management and Use was issued to provincial governors providing for the allocation of temporary use rights to farmers for agricultural and barren hilly land. The policy supports the government's goals of protecting vital remaining forest and reducing poverty, particularly in the uplands. It further promotes permanent farming systems and distinguishes resource boundaries. The government also aims to halt expansion of shifting cultivation by 2005 (Mairi 2002).

With the goal of allocating natural resource use rights to individuals as well as communities, on October 12, 1994, the government issued Decree No.186/PM, granting permission to business and private sectors and Lao citizens to invest in plantations or to support communities to develop plantations on their own land based upon common agreement. Details on afforestation and forest conservation have been subsequently added. Further, the policy has undergone a refinement process in order to help ensure suitability for nationwide implementation. The land allocation procedure follows seven principles and eight steps, including preparation and consultation with village committee; data collection; village meetings; field measurements; village land use plans; extension; and monitoring. From the insights gained from implementing the policy, in 2001 two more steps on land and forest allocation activities were added, including data storage and record registration.

One of the government's intentions in implementing this policy was to protect remaining forest resources from slash and burn cultivation. The policy allows villagers to participate in the detail steps of implementing the policy. The villagers were informed by authorities to participate

and to be involved in the sub-processes of implementation, such as socio-economic data collection, land surveying, and land measurement. Villagers were to be consulted on aspects of land allocation. Implementation of the policy was intended to protect natural resources within village boundaries and in adjacent areas. Natural resource utilization is an important priority for the government as shown by the 1993 Decree No. 169/PM of the Lao Government, entitled The Management and the Use of Forest and Forest Land. The decree sought to provide community collectives, individual farmers, and private-sector actors legal rights for agricultural and forest plantation activities on remaining fallow land. Various committees and organizations were set up to implement the decree with different translations and procedures. These committees were mainly responsible for ensuring that the act was implemented according to the actual conditions of each locality (MAF 1998).

There are two stages of implementing land allocation. The first is a simple process of reaching agreement upon the boundaries of forest and agricultural land in a village. The next step is a more detailed classification of land use types and the allocation of fields to households. District forest divisions have assumed the primary responsibility for land allocation, though teams also include Agricultural, Forest, Finance, Land Tax and other district officers. Villagers are meant to be involved in the mapping and land allocation processes through full consultation with the implementing officers. Typically, each village forms a village committee to oversee the process, which is led by the village head who is often popularly elected. Its members are village administrators who are government employees; representatives of livelihood groups within the village; and representatives of large organizations such as the farmer's and women's unions.

Allocation teams map and distribute paddy and swidden farming lands to individual households and forest land to villages to be managed as common property. The size of the allocation is determined by each household's available labour and resources. At the end of the process, the village committee and district authorities sign a land use agreement signifying that the village is responsible to monitor and implement it under supervision of the district authorities. The committee creates and posts land use maps in the village as a reference for ongoing natural management decisions. Village forest volunteers assist land allocation teams and farmers with forest classification and forest use planning. The village forest volunteer also serves as a channel of communication between the district Agriculture and Forest Office and the village, facilitating the collection and management of information. However, in practice, the follow- up steps of monitoring, assessing, and providing extension support remain high-priority challenges to the land allocation program (Viphakone 1999).

Of course there are many stakeholders concerned with land and forest allocation activities, including international agencies and internal authorities. To help build local capacity, the Lao-Swedish Forestry Program (Lao-SIDA), with the close cooperation of the Department of Forestry, has supported the development of an implementation manual. Lao-SIDA has also funded the Department of Forestry to train government staff at the provincial and district levels in both theoretical and practical methods. The expectation is that newly trained personnel will return to their local communities and their levels of governance to execute the implementation methods they have learned.

In addition to reducing slash and burn agricultural activities, this policy is attempting to create a feeling both of land tenure and food security for local people, thus helping to reduce poverty. Through confirming ownership and use rights over their land, it is hoped that local people will produce food for both household consumption and to sell on the market. This policy also encourages greater conservation of the environment. Local participation in the process has

been emphasized, allowing for the decentralization of resource management responsibilities. The current policy recognizes customary resource use rights, which include rights of inheritance and possession, and also allows village communities to claim communal property under their own use and management.

Methodology

Research questions

What are the impacts of the Land and Forestland Allocation policy on the local community in terms of traditional tenure systems and traditional use of their forest resources? This can be determined in part by the following questions:

1. How people in the community have used and managed land and forests before and after the Land and Forest Allocation Policy has been implemented;
2. How people have responded to land use adaptation and management practices due to the implementation of the Land and Forest Allocation Policy; and
3. How Land and Forest Allocation Policy has affected the traditional tenure system and the food security of local community.

Scope and definitions

Land use patterns and change were investigated both before and after land allocation procedures. Sustainability is a basic criterion for resource management to be supportive of both livelihood improvements and maintaining environmental quality; sustainability is often an elusive concept, however – hard to define and even more difficult to measure. Nevertheless, a number of indicators of sustainability in livelihoods and agricultural production can be measured in different ways. Basic indicators include: availability of subsistence foods, availability of land, productivity trends, and in the case of upland cultivation, trends in rotation cycles.

The research components consisted of three parts, including socio-economic characteristics, the process of Land and Forest Allocation, and the state of food security. All these components were ascertained as follows:

1. Socio-economic characteristics – Baseline information influencing tenure and land management systems was analyzed and assessed. Socio-economic data were collected to determine household incomes before and after Allocation implementation.

2. Land use planning – Field surveys of land use practices were made using participatory methods. Transect walks lead to mapping, which in turn helped clarify land tenure arrangements and the different levels of involvement by villagers and the allocation team – particularly in the sustainable use of forest resources and land management.

3. State of food security – A food security study was conducted in relation to the status of the resource tenure of different household classes within the community. The study also analyzed the impact of land allocation practices on the traditional living conditions and diets of villagers. It was conducted by observations and in-depth interviews with selected households.

Study site description

According to Decree No. 119, Management and Use of Forest and Forested Land which was declared in 1989, no land in the Lao PDR can be held privately; it is the property of the national community which is held by the state. However, this principle is not applied in

Hatkhai and Yang-Khoua villages, where customary rights were used before the implementation of land allocation in 1999. All of the paddy fields in the village were acquired by encroachment. Despite a lack of legal standing, these acquisitions were recognized with clear boundaries by village communities.

Shifting cultivation systems were practiced in the villages since the land in the area was settled. Cultivation was rotated in 10 to 15 year cycles in the past, which prevented soil vitality from quickly being depleted. Since the implementation of land allocation, villagers cannot use shifting practice as before, but are only allowed activities that they choose and that have been approved by an allocation team. Most of the allocated land in these villages has been converted to permanent upland rice, which is mainly planted for household consumption.

Cultivation of Mark Euk *(Solanum Ferox)* has become the main source of income for the villagers, although pineapple, banana, and papaya are also grown as cash crops. The popularity of Mark Euk has resulted in land use pattern changes – fields used for rice cultivation in the past have been converted into Mark Euk farms. Despite increases in production, the price has still increased each year. Villagers have earned more money from this kind of cultivation than any other. Livestock in these two communities also plays an important role in the provision of household income. After the implementation of land allocation, the number of livestock decreased as villagers sold their animals to raise capital to invest in their land.

Off-farm activities provide an important source of food and income for the villagers of Hatkhai village. These activities include collecting forest products, fishing, hunting, wage labour, and handicrafts. Among these activities, the collection of non-timber forest products, including mushrooms, bamboo shoots, and vegetables, is important for the household income and food security. Of these activities, only hunting is forbidden in protected areas – all other activities are allowed for household consumption.

Villagers in Yang-Khoua earned more than their neighbours in the past due their skill at hunting, which has been sharpened from a dearth of land for upland rice cultivation. Shifting cultivation has played an important role in household consumption. Slash and burn activities are no longer allowed in Yang-Khoua, especially in the National Protected Area (NPA), and district authorities have followed the government policy. However, hunting still remains hidden in the communities due to dark market demand, and villagers feel that is their own custom. From my observations, the number of those who still practice is small.

Natural resources status

The two communities have a long history of utilizing and managing natural resources. The time since the communities' settlement can be divided into three periods. The villagers in this area have been practicing shifting cultivation since they settled in, at which time the populations were small and there was a wealth of forest and natural resources. Villagers accessed the forest freely, with no restrictions or control and with no boundaries delineated, without conflicts and with shared common property between neighbouring villages. The rotation of the shifting cultivation period was 10-15 years. In 1982 State Forest Enterprise No. 3 started logging in the area, and hectares of precious trees have been heavily logged by the state enterprise.

Before *Phou Khao Khouay* was declared a protected area (now called a National Park), the villagers were informed of the projected boundaries and the proposed limitations on activities within it. These restrictions included a total ban on hunting and shifting cultivation within the protected area, which was set at the 200 metres above sea level contour line. This boundary included both villages within its area. Later, villagers had the opportunity to negotiate the boundary with protected area officials.

After land and forest allocation had been implemented, a clear delineation of land use and village boundaries was made according to agreements reached by both villages and approved by the allocation team. There were two kinds of allocation: 1) allocation of land for agricultural purposes; and 2) allocation of forestland to the community for management and use within the newly established community boundaries. Since then, villagers have not been allowed to practice cultivation in areas that are not designated for this use. People in the community can access the forest and designated parts of the protection area to collect forest products for daily household consumption. It is legal to harvest some kinds of valuable products, like rattan, from the protected area with the appropriate permits, but villagers do not have the permits required – their extraction of rattan is illegal and done without the knowledge of officials.

Results and discussion

Household food and income sufficiency

Data collected from focus group discussions show that there are three main groups of households according to their rice and income sufficiency. The least sufficient group includes households who only have rice or income to buy rice for less than seven months of the year. The moderately sufficient group includes households who have enough rice or money to buy rice from seven to eleven months a year. The most sufficient group includes households who have a minimum of rice or money to buy rice for eleven or more months, and may have a surplus.

The *least sufficient groups* in both communities consist of households whose main sources of livelihood are from forest products. All households in this group face food shortage. Usually, households in this group in Hatkhai have a small paddy land area, while households in Yang-Khoua have upland rice fields. People in this group have to supplement the rice they grow with rice they buy. To afford this, they must sell their labour to others, while many sold non-timber forest products or possibly the limited amount of Mark Euk they were able to grow on their small plots.

The *moderately sufficient group* comprises households whose paddy land is large enough to provide stable food for families in Hatkhai, while in Yang-Khoua households cultivated large upland rice fields due to a lack of lowlands for wet rice cultivation. To supplement the rice all of the households in this group grow Mark Euk for sale. Many sell non-timber forest products, while some sell poultry, handicrafts, fish, and services such as selling and buying bamboo shoots.

The *most sufficient group* generally has diverse income sources. Households in this group are the families of the first settlers in Hatkhai, who have maintained their properties from income obtained from cut timber and investments in land and business improvements, like tractors or other equipment. In Hatkhai families in this group usually have large areas of wet rice paddy land. In Yang-Khoua, these households have saved their income from past hunting and reinvest their fluid capital in trading locally grown and harvested products to outside markets, while they purchase goods from these markets that are not available locally to sell in the village. Animal husbandry, mostly cattle, is an additional source of income for these households.

In 2000, ten families of Yang-Khoua village moved to a new location in the district to search for lowland wet rice cultivation. Other villagers attempted to follow those families because they found it difficult to produce enough food for their consumption. They did not only want to find land, but were also looking for a community with greater infrastructure like roads, health care, education system or something closer to what they called *civilization*. In the meantime, there was only one family who moved to another place from Hatkthai in 2000.

Land use practice

Shifting cultivation was the dominant system of agriculture in both Hatkhai and Yang-Khoua villages in the past, due to a lack of sufficient lowland for wet rice cultivation. In general, there is no major difference between the communities in terms of land use practice. Hatkhai has a bit more paddy land than Yang-Khoua, but when looking at the map of paddy fields in Yang-Khoua, it appears that most of them are lying along the streams and flooded every year.

In 1999, the Land and Forestland Allocation was implemented; clear boundaries were made; and the traditional tenure system was replaced by state law. All forests have been zoned within the communities. Farmers are now forced to practice more intensive farming – like cash crop gardens, paddy rice fields, cyclical upland rice practices, and orchards. The land that has been provided from the authorities is not available for them to use as collateral against which they can borrow money from the banks. These intensive farming practices sometimes cause problems for villagers because they have not received any support from officials in terms of technical assistance, or the marketing or promotion of agricultural products. Those kinds of agricultural and commercial activities need to be supported.

Since the area is topographically undulating with limited fertile soil, paddy fields are mainly confined to narrow bands along the banks of rivers and streams. Forests generally cover the hilly terrain to the west and northwest sides of the village.

While traditional land use practice has been replaced by new methods of land allocation and formally recognized by law, some formerly used transactions, such as transferring land from parents to children or from relative to relative, are still occurring. These kinds of transformations are practiced surreptitiously within the community; otherwise villagers can lose their rights or ownership of the lands. Despite the change in legal status and the need for documentation of land tenure, attitudes are slow to change. The reality is that villagers do not feel insecure without legal documents, due to their belief and trust in their customary land tenure practices.

In order to obtain their right or ownership to the land provided, it seems that villagers are encouraged to have a more intensive farming system. This intensive farming has also pushed villagers to be enterprising in their pursuit of more money for investing on their land. The three year period to develop an agricultural land strategy is too short for most farmers, since they can not access credit from the banks. Thus, some villagers have to return to their former illegal forest practices secretly, especially within NPA.

Household Economic Changes

Land and Forestland Allocation has been just implemented only about three years so it is difficult to say that household incomes have increased because of the implementation of the policy. Further, there was no control group against which to compare the experience of Hatkhai and Yang-Khoua, and thus to isolate the variable of this policy as related to household income. Given these limitations, however, still the case can be made that household economics have increased or decreased due to this policy. Land and Forestland Allocation is a powerful incentive that can push farmers to escape poverty. Data collected in focus groups show that respondents' household income increased when comparing periods of time before and after land allocation (Table 1, below).

TABLE 1

	Hatkhai		Yang-Khoua	
Group	**1996-99**	**2000-02**	**1996-99**	**2000-02**
Least sufficient	759,300	2,543,000	875,000	2,331,000
Medium sufficient	2,635,000	9,561,000	2,710,000	6,916,000
Most sufficient	5,425,000	14,747,000	7,350,000	15,384,000

Household income given in Lao kip/year – 10,500 kip ≈ $1.00 US

As can be seen by the data shown above, the household income of participants in the focus groups has increased. Not shown is the fact that the more their income increases, the more their expenses also increase – especially those expenses related to agricultural activities. Some examples that show the high range of expenses is the cost of hiring a hand tractor, which is 70,000 to 85,000 kips/rai. The price also depends on the difficulty of plowing, previous land use and the land elevation.

This research also found that there is more trade occurring within the community. This is likely due to villagers producing surplus agricultural products, especially Mark Euk, from which they can earn more than other kinds of products. It cost approximately 18,000-25,500kip/mun (1 mun = 12 kg) during 1996-99, and 39,000-48,000 kip/mun during 2000-02.

Food Security

The information from the study sites shows that in Yang-Khoua, where most of the area is mountainous and there is a lack of lowland for wet rice cultivation, the number of households which ran out of rice in 2002 was only six families, or 2% of the total. At the same time in Hatkhai, where there are more hectares of paddy fields, the rate of villagers who ran out of rice is higher. Only 41% of the total population have enough rice for consumption; while 7% of this group have surplus products (Village Report 2002). The reason why there is such a difference in these numbers on rice shortage is likely that farmers in Hatkhai cultivate wet rice and their rice fields were flooded and destroyed by insects. Yang-Khoua has less lowland rice and so was not as affected by the floods – consequently they have a greater yield of rice than the lowland areas.

Administrative and Political Participation

The process of Land and Forest Allocation has a framework linking it from the central level downward to the local level. The policy has attempted to include participation from diverse stakeholders at different levels of government and also from local communities. Currently, the real forest managers are community members who use and manage the land in their everyday lives, so forest management and land-use planning must involve communities in the planning process and provide incentives for long-term sustainability (Pravongviengkham nd).

Local participation in decision making has been repeatedly talked about in the process of implementation, yet participation should be extended to and pursued by all members of the community. This research found that villagers were involved in only those activities conducted in their villages, while they were meant to have joined all steps of implementation. The reality on the ground was a compromise between the villagers' needs and the policy aims. All

agreements made during the process were based on the requests of the villagers, and the policy goals and the villagers' needs should be seamless. The following steps record what actually happened in two study sites:

- Prepared all tools needed for land and forest allocation (District Team).
- Disseminated Central Policy on Land and Forestland Allocation at village meetings.
- Established village Land and Forestland Allocation Committee.
- Collected data on socio-economic, labour, income, food security, and others
- Analysed and summed data
- Met with all village authorities from the vicinity to discuss village boundaries
- Surveyed and allocated boundaries based on topographical maps and landscapes, as well traditional landmarks, based on inter-village agreements
- Classified land use based on land survey
- Created village's land use map
- Drafted rules on land use and other resource use
- Reported the completed results of Land and Forestland Allocation to stakeholders

Looking into the participation of local communities in implementation process, this research noticed that all decision making actually happened in the village, while most of the ideas on boundary clarification, land use type, and all land use rules are from the villagers.

Conclusion and Recommendations

This research has analysed the different characteristics of the two communities on land use practice, livelihoods, socio-economic characteristics, and the participatory process of the communities during the Land and Forestland Allocation implementation. It seems that there has been very little movement of progress or change in the communities except for the indicator of household income, which has significantly increased.

Natural resource management has changed significantly due to the clarification of boundaries that has been made between villages and the National Protected Area. This makes communities lose control over forest and natural resources, which they have held for years. Villagers retained rights to access forest and forest resources, which offer them opportunities to collect products from those forest resources to supplement their incomes.

The traditional tenure system has been replaced by state law, which means that all of the villager's agricultural lands are officially recognized, offering so called good security, but customary land tenure practices actually remain hidden in the community. In these two study sites I found that the feeling of land security has not changed, and that villagers do not feel insecurity without legal documentation.

Since the responsibility of natural resource and forest management within their community has been transferred, this research observed that villagers have yet to have an emotional sense of empowerment over this management responsibility. Some of them thought they are sample people that have no need or capacity to manage the resources. What is clear is their own and their households' needs, and they look to see how their lives will improve. They have not really understood the aims of the policy.

This paper suggests a set of recommendations for further improvement of plan development at the district level, as well as for other rural development planners. The following recommendations are based on the information obtained from the findings of this research:

First, during the process of Land and Forestland Allocation, clearer land use planning research should be conducted before allocating land to villagers. During the survey, this research found that some areas are not suitable for agriculture activities – due to poor soil, for instance. The three years period to develop the agriculture land is too short for farmers, since they need to improve the poor condition of the soil.

Second, the participation of villagers in the process is such that they sometimes feel that they are merely informed about what is going on with the project; to ensure full participation requires that villagers have a very clear definition of land use planning.

Third, all relevant organizations should provide more support to the activities of those implementing this policy – especially the agricultural movement. Related stakeholders, like the Agricultural Promotion Bank, should give farmers an opportunity for credit based on their proposed land use plan as farmers cannot currently use a temporary document as collateral to borrow money from banks. An agriculture product promotion plays a very important role in increasing household income, so it needs additional support in many ways, such as technical assistance, capital, and market development for selling their products.

I well understand that all of the recommendations mentioned above are not easily achieved, due in part to a lack of budget and a lack of skilled staff. However, I do believe in the importance of these recommendations. If the identified elements are not improved, the implementation could force villagers to return to the forest to conduct some illegal activities such as hunting or logging, to gain money for investing on their newly provided land in order to gain permanent rights to it.

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Why Does Shifting Cultivation Persist?
Practical Challenges to LUP/LA Policy in Lao PDR

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Abstract

This paper focuses on shifting cultivation based on Land Use Planning and Land Allocation Policy (LUP/LA), which was designed to reduce slash and burn practices in Lao PDR. LUP/LA implementation addresses many issues of sustainable agricultural production and forest maintenance. Issued in 1998, it was designed according to the directives of the First Forestry Conference of 1989, which concluded that a new system of sustainable forest management needed to be established. The Ministry of Agriculture and Forestry was the primary actor in the design and implementation of this new policy. This paper presents a case study that demonstrates that the institutional capacity for implementing LUP/LA was under-constructed. In addition to that, some landowners limited their participation in LUP/LA to investments in agriculture and forestry. The paper includes a carefully considered research design, and a call for additional support and contribution from many concerned actors and stakeholders. Finally, this paper provides an outline for a more advanced policy situation, and offers suggestions that may initially improve the situation in local areas.

Introduction

The implementation of 1998's Land Use Planning and Land Allocation Policy (LUP/LA) is one of the main problems faced by district governors and local people in areas where shifting cultivation is practiced. In this paper, I will examine the assumptions of LUP/LA and the realities that this policy has faced in the field, such as the support from government authority and the interests of local people. This study will examine the implementation of the LUP/LA, especially in upland farming systems, and try to outline recommendations for better implementation in the interim.

To successfully implement a program on the scale of LUP/LA, there are many practical considerations that must be taken into account. At the provincial and district levels of government at the time of the program implementation, there was insufficient technical capacity, organization strength, and institutional reforms needed to carry out this required task (Lowry 2002). There existed at this time an implementation gap of allocated authority and responsibility between the central government and provincial and local agencies. This helps to explain the relationship and cooperation of the villager and local governor. This paper is based upon a field study of the implementation of LUP/LA that concerns natural resource management for slash and burn practice in upland areas, and the provision of supporting services through which local people have managed the natural resources in their livelihoods. This study covers mainly the areas where upland farming systems operate.

Rice is the staple food for the Lao people, and the production of upland rice is insufficient for many households. The traditional farming system for upland rice cultivation has a low yield

and destroys natural resources. The rural people are familiar with traditional farming systems for upland rice cultivation, and they have managed and used resources from the forest without any planning for sustainability. Forests provide timber for fuel and construction as well as more than one hundred non-commercial products that are harvested to meet rural people's subsistence needs. Non-wood forest products – such as such as braum materiel, mushrooms, cardamom, bamboo, rattan, medicine, grass for roofing, benzoic, and others – provide a source of revenue to the local population. Forests also provide invaluable environmental services which are critical to the well being of residents by protecting watersheds and controlling soil erosion, among others.

The Ministry of Agriculture and Forestry currently has six main initiatives, each focusing on a different component of the inter-connected agricultural and forestry problems. LUP/LA has been designed to stabilize and reduce slash and burn cultivation, and focuses on highland farmers who rely on upland rice for subsistence and the methods they use in its production. Upland rice is the main crop in the northern regions, especially in Phongsaly, Luangnamtha, Oudomxay and Luangprabang Provinces, the last of which is the site of the case study (STEA 2000a).

Land-Use Planning and Land Allocation

Starting in 1989 with the First National Forestry Conference, the Lao PDR Central Government revised its natural resources management policies. This was a result of the concerns over the degradation of natural resources over the previous two decades, especially loss of forest cover, soil degradation, and clean water supply. There was seen to be a direct, causal link between the large-scale shifting cultivation for subsistence upland rice plantation and forest loss, and thus one conclusion of the Conference was that a new system of sustainable forest management needed to be established. In November 1993, the Government issued Prime Ministerial Decree No.169/PM, *Management and Use of Forest and Forest Land*, which sought to engender efficient management, utilization, and conservation of forest and forest land resources. Subsequently, in November 1996, the Government issued a new Forestry Law, which integrated the contents of Decree 169/PM.

The Lao government, specifically the Ministry of Agriculture and Forestry (MAF), has established LUP/LA with an eight-step guideline for its implementation process (Regulation No. 0822/MAF, 1998). LUP/LA involves local communities in resource management based on the Government's participatory process at the village and community level. These guidelines were discussed internally and were then tested in a representative shifting cultivation area by the Department of Forestry over six years, from 1990 to 1996. The specific areas selected were in Luang Prabang and Sayabury Provinces.

LUP/LA is a tool that places the administrative responsibility for the creation of boundaries designating land use – agricultural and forest, to develop sustainable resource management – with the villagers. Department of Forestry officials have articulated the need for villagers to play a more active and interested role in a permanent agriculture system. It was hoped that this permanent agriculture would replace shifting practices and the dependence on forest resources. Examining how this strategy was implemented in specific situations provides an opportunity for reflection on some lessons of the process. It seems evident that the articulated strategies were not completely implemented throughout the whole process. To be effective, this policy demands participation from many actors, both those immediately and directly concerned and those in more peripheral roles. Forest management by the state alone will not make forestry sustainable (Agrawal and Ostrom 2001). It is also understood that, in most cases, conservation objectives

can be met only by integrating conservation efforts with development activities, and through the involvement and ownership of the local people (Ostrom 1999).

Case Study

This case study is from the report on Land Use Planning and Land Allocation in the research area of the Land Management Component in the Lao-Swedish Upland Agriculture and Forestry Research Programme (LSUARFP), Phonesay District, September 17 to 27, 2002. The objectives of this field work were to follow-up research enquiries and activities in the villages of Huay Maha, Pha Toop, Phou Soong Noy and Phou Cha Nom on land use issues previously investigated in June 2002, including:

- Gathering more detailed information from district authorities regarding district plans;
- Documenting information on the effects of the implementation of LUP/LA;
- Verifying and mapping village boundaries;
- Identifying future livelihood and land use strategies through discussions with representative farmers; and
- Considering land use options with District Agriculture and Forestry Extension Service (DAFES) staff and villagers.

Land Allocation in Phonexay District

Land allocation was undertaken in eight villages between 1997-98 and 2000-01. The eight villages were chosen as representative of the shifting cultivation farming practice, and as home to many of the district's poor households. The eight were Huay Man, Tapo, Huay Maha, Poung Pao, Ta Kham, Pak Nga, Ban Phone Ngarm, and Sop Gia. The Province Agriculture and Forestry Office (PAFO) followed the normal Land Use Planning and Land Allocation procedures that the MAF has directed to be used. In the study area the district staff usually accomplished the first six of the eight steps in the process, which are:

1. Preparation for implementing land use planning and land forest allocation activities.
2. Village boundary delineation and land use zoning.
3. Socio-economic and land use data collection.
4. Agricultural land allocation decisions, village land use planning and land allocation meeting.
5. Agricultural land parcel measurements, the preparation and issue of land use documents including temporary land use certificates, land use contracts, and land parcel maps.
6. The preparation of village forest and agricultural land management agreements and transfer of rights to villagers.

The seventh and eighth steps – land use management extension; and monitoring, controlling and evaluation – are largely not yet in operation. This is due partly to the length of time that is required, and partly to the need for other actors' participation, such as extension workers and the villagers themselves. These last groups need to make a commitment to explore and obtain the benefits from the allocated land.

Every step of the process is inter-related; they are sequential and cumulative. No steps can be missed, for the results from successful and full execution of one are needed for the next to be executed – in this way the LUP/LA policy has been made like a chain. It is difficult to determine if a step in the LUP/LA process was missing entirely or not fully and effectively discharged in

part because the effects will not be seen until a later step is attempted. Even though the two last steps have not taken place, they will of course have an effect on the final conclusion of the strategy on this sustainable resources management process. In one village LUP/LA was not successfully implemented because the final result should come from the evaluation of the improvement of agricultural and forestry practice away from the shifting cultivation system.

The Land Use Planning and Land Allocation process was carried out by the DAFES staff in the village using the LUP/LA process as a guideline in addition to following the district governor development plan.

Constraints to Land Use Planning and Land Allocation

DAFES staff indicated that the LUP/LA implementation process was constrained by the following:

1. Inadequate staff resources: Land Use Planning and Land Allocation work was undertaken mainly by the forestry and agricultural staff of DAFES. There were only two staff members who were primarily responsible for LUP/LA, and the Lands Department and the District Administration Office provided limited support.
2. Lack of equipment and materials: DAFES staff had a critical shortage of essential equipment and materials. Items such as topographic maps were damaged or lost, as were aerial photographs and area calculation sheets. Calculators, drawing paper, mapping materials and other tools necessary to discharge the duties assigned either were unavailable or in short supply.
3. Inadequate budget: Funds were usually received in January or February and did not cover the projected expenditures for implementation of the plan. In one case, a plan for three villages received the funding for one village; thus only village boundary was able to be delineated.
4. Inadequate Support from District Administration Authorities: DAFES staff received little support from the District Governor's Office, including such as: a lack of feedback on decision-making during the LUP/LA process, a lack of explanation of district land and forest laws, and a lack of consultation capacity on regulatory matters and forest and land disputes.

This case study has revealed that for the most part LUP/LA was not successfully implemented. The constraints mentioned from the case study have demonstrated that, to be effective, LUP/LA needs more support and the engaged cooperation of many actors.

Sometimes it was the villagers who have displayed little interest. DAFES staff members have claimed that villagers do not fully participate in Land Use Planning and Land Allocation activities. One reason given for this is that the LUP/LA implementation is undertaken at an inappropriate time in the village-farming calendar, due mostly to the slow release of the annual project funds from the central to the district level. Villagers and communities have not shown an interest in participating in LUP/LA; this delays the length of time before the local people can see results from its implementation. Most of the villagers do not have a clear view of how LUP/LA will be implemented, while many are interested in how the program will yield benefits to them instead of an interest in how the larger problems should be resolved.

Farmers, in general, seem to be more interested in carrying out their right-based approach necessary for their survival and dignified living (ODI 1999 in Johnson and Forsyth 2002). On the other hand, managing resources according to policy, especially in the utilization and conservation approach, has became more difficult and requires more regular discussion to

construct a common and comprehensive plan. It was explained to DAFES that there was a need for increasing and making more meaningful the collaboration between district staff and local farmers.

Recommendations

As all places are different it is impossible to transplant lessons in their entirety from one case study to other sites, but it is certainly possible to infer general conclusions. The case study from Phonesay District has yielded important lessons for the Lao nation as a whole about the implementation of LUP/LA. First, an effective land use plan will ideally be based upon intimate knowledge of those parcels of land in question. Extensive data must be collected at the village level about local land use practices, farming systems, household characteristics, infrastructure, and boundaries. Without this information land use plans may well be ill-suited for the situation on the ground. Further, implementation of LUP/LA to the degree that its objectives are achieved requires capacity – it is impossible for the Ministry of Forestry to execute the task by itself. Other ministries, resources, and stakeholders, including villagers, need to be active participants.

The following are some specific recommendations for future implementations of LUP/LA in other villages in the Lao PDR:

1. Strengthen the capacity of the Ministry of Agriculture and Forestry as a main body for natural resource planning and land use planning. Other ministries, institutions, and donors should assist in the compilation of a database of information that is accessible to all government authorities and other interested parties. Further, these same entities should operate pilot adaptive research projects that combine integrated agricultural research and socio-economic research, particularly on degraded lands and remote areas.
2. Implement community-based resource management, coupled with flexible land use planning and land allocation policy. The policy should be based on the land's capability for sustained food production, community needs, and labour availability, rather than as fixed size limits.
3. Establish and operate land development task forces at the district level to implement community-based resource management, which may come under the supervision of the provincial rural development committees. The task forces should consist of district level and project personnel, along with local consultants. Their function should be to determine land use intensification.
4. Build capacity in the agricultural research extension system to provide planting materials and advice on pest and disease management, crop variety, bio-diversity and sustainability; non-polluting crop production techniques such as organic farming, paddy field aquaculture, and integrated pest management; and the development and utilization of locally produced bio-pesticides.
5. Support development of small- and medium-scale irrigation projects in order to relieve farming pressure on steep lands, which should remain forested.
6. Establish nurseries in productive areas for producing seed and seedlings that are appropriate for the region's uplands and lowlands, including environmentally suitable products for the uplands farming such as tree crops and vegetables – cardamom, sesame, and bamboo, for example.

Conclusion

The experience with the case study demonstrates the policy and law require better implementation of the Land Use Planning and Land Allocation policy. Contributions are needed from many people at multiple levels in the village and local and government communities for sustainable management of natural resources.

- The Government of Lao PDR has promoted the Land Use Planning and Land Allocation policy to manage natural resources in a sustainable way. It is a guideline to manage the land for both current and future users.
- Increased interest in extracting more valuable forestry products is one of the main factors that has lead people to conduct illegal activities in the forests, without consideration of any regulation or agreement from the village communities.
- Increasing population continues to create pressure to open new land for settlement and infrastructure purposes with an augmenting utilization of resources.
- LUP/LA needs the contributions of multiple stakeholders with a common conceptual understanding to assist in the management of natural resources in a sustainable way.
- LUP/LA is a tool for land management. It is designed to assist those who wield the tool to control land use and to implement sustainable management. If the tool is not wielded effectively, it will not generate effective results.

These strategies or concepts were discussed in many departments, provinces and districts to encourage villagers to apply and to adapt to these views. It was hoped that farmers would use them for arranging their farm and public lands to further the goal of sustainability and to halt degradation. Private entities have invested in agricultural and forestry farming products for self-sufficiency in domestic consumption and for commerce in the future. To this point, LUP/LA cannot by itself lead to enforcement of restrictions on slash and burn methods in traditional farming systems – it needs greater contributions from many additional actors. In relation to the above-mentioned situation, implementation was not completed successfully. This was learned from many discussions with different members of society, and compiled from government discussions in relation to the LUP/LA policy. This has helped to explain why shifting cultivation has persisted and why implementation of land use planning and land allocation was not fully implemented successfully.

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Community Forestry in Nepal at a Crossroads:
Where Do We Go from Here?

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Abstract

Despite the undisputed success of organizing more than 12,500 forest user groups and halting forest degradation in the hills of Nepal, FECOFUN (Federation of Community Forest Users of Nepal) faces many challenges. This paper addresses a selection of these problem including include uneven distribution of benefits among different groups whose livelihoods depend on the forests; little awareness among users regarding their rights; continuing struggle for control between user groups, local governments, and the Department of Forestry; and difficulties involving members from marginalized groups such as women and the poor in the federation's activities.

Introduction

Nepal has a right to its claim of being a world leader in community forestry. Over 12,500 user groups manage more than one million hectares of forests in Nepal, and many more user groups have submitted requests and are now waiting for the legal transfer of forestlands. The forest depletion rate has decreased from 3.7% to 0.7% annually. Greenery is visible all over Nepal. Forest user groups have millions of rupees in their accounts that they are using for various local development purposes.

Recently, however, various researchers have identified issues of concern for Nepal's community forestry program. Disadvantaged groups dependent upon forest products – such as blacksmiths, firewood sellers, and charcoal makers – have actually experienced economic misfortune become of community forests in many cases. The distribution of forestry products is equal as opposed to equitable, a basis which favours people with access to timber and other forest products on their private lands. Forestry products are often auctioned, giving access to those who can afford to pay rather than to the poor. Women users are frequently marginalized and rarely take part in decision making. Terai users, including many indigenous groups, are not fully included in community forestry. In these areas people who have migrated from the hills to settle around the forests have taken control in the name of community forestry. Committee authorities are misappropriating funds in many cases. If these problems are not addressed soon, they have the potential to engulf the community forestry movement in Nepal.

The future of the movement will also inevitably be affected by the efforts of forest bureaucracy personnel to reassert their authority over user groups. Various government departments have sought to do this by amending the 1993 Forest Act, and local government agencies empowered by the 1998 Local Government Act and the 1999 Local Government Regulation are trying to assert their rights over natural resources. Potentially, these actions could place forest user groups in a disadvantaged position. Government forest agencies, local government agencies and user groups are vying for authority and control over forestry resources in Nepal. The forest bureaucracy is empowered through state mechanisms, whereas local government agencies are empowered through politics and elections. FECOFUN, as a

representative organization of community forestry user groups, depends upon its membership for its authority. If FECOFUN wants to continue to be an effective lobbying organization, it must improve its credibility among forest user groups. One way to do this is to establish horizontal accountability to and among users themselves. Within this context, I seek to assess FECOFUN's recent initiatives to introduce good governance within its organizational body and among forest user groups.

Background

Forestry resources form an integral part of the subsistence agriculture-based livelihood patterns of rural Nepal. In the 1970s and early 1980s Nepal faced an eco-doom scenario with annual forest depletion rates of up to 3.7%. Some environmentalists and resource managers attributed this situation to a tragedy of the commons type situation, but in reality it was a tragedy of the commons taken away from the local communities. The high rate of degradation caused concern not only among the international community regarding the probable fate of the beautiful Himalayan landscape, but local communities also decided to take action to halt the trend and even to attempt to reverse it.

The forestry sector in Nepal has always been a playing field for rulers, politicians and bureaucrats who have used the resources to sustain their rules and enrich themselves and their cronies. Forests came under state control before 1768 under the Shaha dynasty, and then became the province of the Rana ruling family from 1768-1951. In 1957 under the Panchayat System, control shifted to the forest bureaucracy and local government agencies, and finally some areas came under the management of users beginning in 1987 and afterwards. The Forest Act of 1961 provided a legal basis for community forests with designation of Panchayat Forests (PF) and Panchayat Protected Forests (PPF). This provision only came into practice after the promulgation of Panchayat Forest Regulation (1978) and Panchayat Protected Forest Regulation (1978), however. The focus of this provision was decentralization, and the management unit under these regulations was the Panchayat, an elected local body, rather than by users themselves. It did not take long for users to realize that the Panchayat were not efficient managers. From 1978 to 1985, more than 400 forests were handed over as PFs and PPFs, but this was merely a cosmetic designation and forest degradation continued as usual.

Between 1984 and 1987, various efforts were made to devolve the rights of management to users, and various efforts were made to identify the proper process for user group formation. Some of the findings were presented in the first Community Forestry Seminar in 1987. Based on these efforts, a Reorientation Manual was prepared to train field based forest officials to organize user groups and develop management plans including organizational charter.

The 1989 Master Plan for the Forestry Sector envisaged community forestry as a priority program with an allocation of more than 50% of the Ministry of Forestry's financial resources for this purpose. The 1993 Forest Act and the 1995 Forest Regulation outlined user group formation processes and forest hand-over mechanisms. User groups were required to prepare an institutional charter with a consensus of users and to develop an operational plan with the forestry officials as the prerequisite for designation as community forests. The District Forest Officer (DFO) was authorized to make these designations of national forests as community forests, and these officers also had the authority to take back forests from communities if irregularities were found, with right of restoration if the problem were resolved. This mechanism has made user groups accountable to the forest bureaucracy.

The District Forest Officer is responsible for ensuring that consensus has been reached among user group members before designation. While the Master Plan is clear that all users have to be identified before a consensus can be reached, in many cases user groups were formed by an elite cadre of villagers and forests were handed over without consensus. The community forestry designation process was turned into a mechanical process of writing charters and operational plans when it was meant to be one of an organization of user groups. The main tenets of community forestry were violated by responsible entities, the fallout from which is still being felt as community forest management is now beset with many criticisms for which users have been made the scapegoat.

The forest area in Nepal is estimated to be 5,828,800 ha, of which 61% is supposed to be community forests, and 2,323,100 ha is to remain under government control. Almost 2,310,000 ha of forests have been allocated to various conservation areas, protected areas and national parks. If the buffer zones surrounding these protected areas are also included, then there is little area left to assign as government managed forests. Today, the forest bureaucracy is trying to designate more areas as conservation and protected areas in the Terai. In addition, the department is trying to maintain control over valuable forests in the Terai and High-Himalayan areas by introducing the concept of the Operational Forest Management Plan (OFMP) and more recently the Collaborative Forest Management scheme (CFM). In addition, the Department of Forests (DoF) is expanding its bureaucratic structure down to the level of the range-posts, with delegation of authority to police to control and monitor user groups. This kind of mechanism with various layers of powers and authorities is creating confusion in the forestry sector, and has raised questions of who is responsible for what and who is accountable to whom.

Similarly, at the level of local governments, Village Development Councils (VDC) have become more visible and recognized since 1990 because they are elected under political banners. The Local Government Act and Regulation provides for them to manage fallow and barren lands, to develop plans for resource management, and to collect taxes from resource users. VDC are flexing their muscles to bring forest user groups under their control and to make user groups accountable to them. They also want to take a share from the funds user groups have been accumulating.

The forest bureaucracy has recently attempted to ally with local government agencies by forming District Forest Coordination Sub-Committees under their leadership while trying to promote the Collaborative Forest Management plan in the Terai region. These sub-committees are allocated twenty percent of the revenue from forest management. If this alliance becomes a reality, forest user groups may lose their claim to over sixty-one percent of Nepal's forest area resulting in decreased quality of forest resource management.

De-concentration, decentralization and devolution in the context of Nepal

Subsidiarity is a broad principle that requires decision-making be devolved to the lowest possible level. Within this, de-concentration is delegation of authority from central government to lower level government agencies. Decentralization is transfer of authority from government agencies to elected or representative local government agencies, whereas devolution is the transfer of rights and responsibilities to user groups at the local level. These organizations are accountable to their membership, usually those who are dependent on the resource, but they do not represent others in the local community or society at large. The first two concepts, de-concentration and decentralization, represent vertical subsidiarity; the third, devolution,

represents horizontal subsidiarity. This paper will explore is whether all three forms of decentralization can operate side by side.

Devolution of resource management is generally focused on local user groups taking charge of management through some form of collective action to coordinate individual users' activities, to formulate rules for resource uses, to develop governing institutions, and to mobilize required resources. Formation of groups as cohesive units requires bringing users together for sustained interaction with the purpose of aggregating different demands and identities in a concerted campaign of collective action. The motivation to sustain collective action is quite complex.

Devolution programs have not always successfully achieved their objectives. Various studies on common property arrangements and commonly pooled resources have sought to identify the conditions under which user groups will organize themselves and govern the resources upon which they depend in a sustainable way. FECOFUN felt it was necessary to come up with their own characteristics and indicators of sustainable forest user groups. A further objective of this paper is to explain these characteristics and indicators.

Description of the FECOFUN initiative

As many questions were being raised about governance and power devolution in the community forestry user groups in Nepal, FECOFUN resolved to find some solutions. To this end, they invited fourteen user groups who were practicing good governance to share their experiences, identify characteristics of good governance in user groups, and specify indicators for implementation. From each user group, one female and one male representative were invited; sixteen female and twelve male representatives took part in the workshop which was conducted on December 27-31, 2002. The methodology followed in the workshop was experiential learning based on adult learning principles. The participants had experience working in user groups and were given opportunities to share these and to reflect upon them to draw conclusions. Then they were asked to prepare an action plan to implement those conclusions or learning.

Getting Started

In the opening sessions, the facilitators asked questions of the participants to determine the degree of participation of women, disadvantaged groups, poor, and untouchables in decision making. These initiatives have been undertaken but a conscious effort is still required to have not only their presence but also their participation. No specific programs have been initiated to do this except for the provisioning of scholarships and the distribution of smokeless stoves in a few user groups. Despite the 1989 Master Plan mandate to have one-third of the users' committees be women, their actual representation has varied from a few to all-women committees, and often men still influence their decisions. The Chairmen in the social context of Nepal are usually very powerful and make decisions by themselves; the same trend is taking place in community forestry. Many CFs have become Chairmen's or Committees' forests, which needs to change. The 1993 Forest Act mandates that users form a consensus to create charters, yet the participants agreed that most charters and operational plans are made by Rangers or NGO facilitators just by copying or making some minor changes from other user groups. Further, the participants cited many examples where elites had controlled the forest resources and denied or restricted access to marginalized people.

Did the pictures speak?

In the later sessions, the facilitator asked participants to draw a picture to illustrate the activities of the user groups. After completion of this task, he asked them to draw what they wanted to do or what they should be doing. Each group of participants displayed their drawing and explained it to others. Based on this exercise, the facilitator recorded some key words which were characteristics of an ideal community forest. It was then easy to identify characteristics and indicators for each of them. They then drew a tree and put awareness as its roots; sovereignty, autonomy, independent and use rights for perpetuity as its stems; and rights over the resources, integrated resource management, participatory democracy, consensus, good governance, social justice, accountability, transparency, gender and equity, power balance, and learning organization as its fruits. All were identified as requisite for a robust institution. Poverty alleviation was the consensus understanding of the goal.

What is the goal?

As envisioned by the Third Community Forestry Workshop (1998), all participants expressed that the main goal of community forest management is alleviation of rural poverty, and further that it has potential to accomplish this. Greater control over forestry resources, the main livelihood assets of rural poor, has to be placed into the hands of poor themselves. Such control can lead to proper management of soil, water, non-timber forestry products, tree, animal and human resources – rather than just protection and harvesting of trees – which may help to alleviate local poverty.

Are user groups rooted enough?

Users need to know their constitutional and legal rights to be able to exercise and assert them. The 1989 Forestry Sector Master Plan assigns users a very important role as managers of community forests, but many are unaware of this. There was no attempt to specify what authority and role managers had. The 1993 Forest Act and the 1995 Forest Regulations have empowered user groups as self governing, autonomous, and having use rights for perpetuity, but there was no attempt to define and explicate this definition. Recently, forest officials have claimed that they are the managers. As users either do not know about or do not understand the meaning and implications of the law, they have not been able to assert their rights. If users are to be empowered to play their proper roles as managers, they need to be aware of their rights and roles. Awareness of all users is imperative for them to play their proper roles as managers and decision makers.

Constitutional and legal awareness is a prerogative of elites in a country like Nepal, so many times local people are kept in dark. Even though the 1991 Constitution of Nepal has enshrined the people as sovereign, many are unaware of this or are unequipped to maximize the authority this confers. A similar situation also exists in the forestry sector. The users are to come up with their own charters and operational plans based on legal provisions, but if they are not aware of their legal rights they cannot play this role effectively. The thirteen volume Master Plan is nowhere to be seen except in a few bookcases of Nepalese and expatriates. Even summary and policy versions are out of print and out of circulation. Almost all legal documents have met a similar fate. Given this, it is not a surprise that users and forestry staff and activists do not know about them. It is clear that the roots that nourish the community forestry tree are not that strong.

Are the stems strong enough?

The participants identified four overlapping concepts: sovereignty, autonomy, independence, and use rights for perpetuity as prerequisites for the management of resources by user groups. Constitutionally the people in Nepal are sovereign but what this means operationally is problematic. People do not know what laws and rules were made for them, and even many members of parliament do not recall what they have voted for. No citizen in Nepal has been consulted during the law-making process. This applies to the forestry sector also – users are sovereign in that they are supposed to prepare their own charters and operational plans by consensus. As users have little awareness about their rights, usually charters and operational plans are made by others. Even if users are aware and make their own charters and operational plans, in many cases forest authorities will amend them in violation of their sovereignty.

The community forestry user group is legally an autonomous and independent body. There is a need to define specifically these terms. They are supposed to frame their own rules by consensus. This consensus, if truly reached, can provide that autonomy. Recently there have been various attempts made to undermine this autonomy, however, by levying a forty percent tax on products and by placing a ban on green tree felling. The participants felt they needed autonomy and independence in the making of decisions and the functioning of their organizations, especially in the area of raising and disbursing funds.

Forestry is a long-term concern necessitating guaranteed management rights so users can realize a return on their investments. The Forest Act provides users this provision; however, users are quite worried that the government may backtrack once the forests are rehabilitated by their efforts. This worry puts pressure on users to form a federation which can safeguard their rights.

What Fruits do User Groups Require?

At a minimum, management and use rights over forest resources must be guaranteed if user groups are to manage them effectively, and legal provision is needed for this. Even though legally such rights are granted to user groups in Nepal, in practice they are not operational. Users focus on the implementation of existing policies, raising awareness of users about their rights, preparation of charters and operational plans by consensus, rights to use and manage forest resources as outlined in the operational plans, and protests if their rights are violated. Until now, management has focused mainly on trees and tree products, but of course a forest is more than trees – there is an intricate relationship between trees, soil, water, agriculture and human capital. When planning to manage forest resources, all of these aspects and their relationships must be considered. Users have begun to identify these resources, to foresee impacts and attempt to manage them, to prepare operational plan by consensus of users, and to develop a human resource development plan focusing on disadvantaged groups, untouchables, women and the poor.

All users are required to participate in decision making for themselves, so user groups are based on participatory democracy. User Committees do not have the right to make decisions and new rules, but they do have the mandate to create an environment for rule implementation. Users are clear about this and they have decided to provide continuity by devising indicators, including that rules are to be made by a consensus of users; that the provision of prior information and a one month discussion time for users in the event rules are to be changed; that a quorum of both men and women is to be considered; and that the provision exist for the recall of those who do not perform.

The 1993 Forest Act mandates that user group charters be made by a consensus of users, and this principle has been extended to the making or changing of rules. Consensus empowers all users if properly utilized; it also requires informed decision making if it is not to devolve into tokenism. User groups are expected to ensure that all users are aware of their rights; that enough discussion takes place through household visits and small group discussions to have full participation; that voiceless parties have been prepared to express their opinions and interests and to participate; that representation of all sectors – including one man and one women from each household – is real; and that all decisions are made by true consensus.

To ensure social justice, women, the poor, disadvantaged groups, untouchables and marginalized groups must have real access to information about their rights. Further, these participants should be ensured a proportionate share of committees, workshops, and other training opportunities, through a quota system. Real representation must be ensured at the leadership levels and special preparation must be undertaken so that these historically disadvantaged people can assume these rights and duties as the occasion demands it.

The distribution of responsibilities and tasks should be a function of committee rather than individual decision, and there should be provisions for the reward and punishment of committee members, including codified mechanisms to monitor whether members are adequately discharging their responsibilities. All committee members should be accountable to users rather than to forestry officials.

To maintain transparency, the participants have expressed that the following conditions must be fulfilled: all users need to be made aware of charters and operational plans; income and expenditures should be updated and approved by the general assembly on a regular basis; users should be informed of decisions made by the committee within seven days in order to implement them; registers and documents should be available to all; participants should have prior information about agenda, date, place, and time of meetings; all information regarding achievements and activities to be undertaken should be placed on a notice board; and finally local government agencies should be informed about programs and planning.

Users should be prepared to assert their legal rights, for which awareness-raising activities should be conducted. The charters and operational plans prepared by a consensus of users should not be changed, meaning that DFOs should not use discretionary power to amend them. User groups should lobby for their recognition as autonomous institutions. To be seen as learning organizations, user groups feel there should be room for them to conduct action research. Also there should be an environment for reflection and shared learning. User groups plan to create a horizontal organization without discriminating based upon position, caste, creed, gender, or wealth.

Analysis and discussion

The various stakeholders in forestry resource management in Nepal include the forestry bureaucracy, local government agencies, and forest user groups. These actors are contending for the authority to manage forest resources and are vying for power for this purpose.

The Ministry of Forests and Soil Conservation consists of five Departments and five Regional Directorates, and the Department of Forests has 74 District Forest Offices (one district comes under the Annapurna Conservation Area which is governed by a quasi-government agency), 92 Area Offices, and 698 Range Posts, and all of these structures require power and authority to justify their existence. The Department of Forests is devolving its power and authority to offices down to and including the range-post level. Consequently, there is a growing

power struggle between authorities and forest users. Forest authorities continue to show reluctance in devolving their authority over forests because they are afraid that if they do so they will lose their power and authority, and in fact their *raison d'être.*

Recently, the Department of Forests has slowed the transition process resulting in delay for thousands of user groups. Forest officials are making various excuses for delay and have been making it more difficult for users by requiring a forest inventory before developing operational plans. The department has introduced the Operational Forest Management Plans (OFMP), which give forestry officials the rights to utilize forests in the name of scientific management. Now they are keen to promote Collaborative Forest Management which is an alliance with local government agencies under the rubric of District Forest Coordination Sub-Committees to develop forest management plans and to monitor forestry activities. The Department is willing to share 20% of forest revenues with these committees. Local government agencies seem to enjoy both the attention and the revenue; however they have some fear that users may not favour this opportunistic alliance.

Nepal started decentralizing their control of forest resources by transferring management authority to the Panchayat, an effort which failed. Later, there was a cautious attempt to keep local government agencies away from forest management. However, elected representatives from local government agencies have always wanted to have a monetary share from resource management. The Local Government Act and Regulation provided them with the authority to manage waste and fallow lands, to raise taxes on resource management units, and to develop district or area level management plans. Armed with this authority, local government agencies are asking for their share of the revenues from forest resources from forest user groups. At the same time, they are lured by the Forest Department offering them leadership positions and authority in the District Forest Coordination Subcommittees which have been entrusted with developing resource management plans and monitoring implementation.

Response from user groups and FECOFUN

Some have argued that the continued existence of decentralized control over resources may require a national-level networking organization that is prepared to voice protests against the efforts of various government agencies to limit or retract the territorial expansion of existing decentralization reforms. As FECOFUN provides such as organization for Nepal, its continued existence appears to be necessary for the continued success of community-based forest management in Nepal. Rather than running from the fray, it is the very political nature of FECOFUN that makes it accountable to local needs and aspirations. All three forms of decentralization can operate side by side; forests and forest user groups stand to benefit from the counterbalancing of interests and power if all three stakeholders in forest management –that is, the Department of Forests, local government agencies, and FECOFUN – continue to negotiate contested space.

Where does FECOFUN go from here?

A further objective of this paper was to explain the characteristics and indicators FECOFUN feels are necessary for a model forest users group. There is quite a debate on what is the proper institution for natural resource management. Decentralization, governance, and participation in decision making, all require the empowerment of those who are powerless so that they can become enfranchised citizens rather than token subjects. Empowerment is not a one-way street.

It requires users to take initiatives that prove they are deserving and capable of managing natural resources.

FECOFUN has responded by initiating good governance efforts internally. It has identified the characteristics of model community forestry user groups, and it has tried to translate those characteristics into a training manual for animators and to operationalise them in their behaviour and function. FECOFUN has also begun to attempt the establishment of horizontal accountability among users which will unite them and give them strength for their advocacy role.

Users' rights over resources are paramount. Users have put emphasis on identifying who are currently using or intending to use forest resources. Without such identification, true consensus cannot be reached. Emphasis on perpetual inheritance requires excludability and rivalry. Users will not contribute to management unless they see that their management will benefit them and their future generations. Users need legal ownership, which can be transferred between generations because forestry resource management is a long-term investment. The current condition of the resource, whether degraded or valuable, may not be critical in part because users are looking for management options beyond trees – they want to initiate integrated resources management practices; map out various resources available for management; analyze their relationships; identify possibilities; and exploit them. Users are ready to improve resources so that they can maximize their benefits.

FECOFUN wants user groups to be both aware of their rights and prepared to assert them. It wants to see user groups become accountable to policies, to other users, to FECOFUN, and to their own charters. Users must become accustomed to making decisions by consensus, which will promote participation and democracy in their organizations. They need to consider some quota system to promote the participation of women, the poor, and disadvantaged groups. These groups can only effectively take part if they are prepared for participation.

It will take time to implement these recommendations. FECOFUN has developed a training manual to reorient its animators to the processes that will develop desired characteristics in the user groups. If successful, their credibility – not only among user groups but also among the government bureaucracy and local government agencies – will be enhanced, which will strengthen their capability to lobby for the rights of the users.

Where are the Donors?

Donors have played a critical role in the formulation of the Master Plan and the promotion of community forests. Donors have generally claimed that they have to support the government and their programs, and hence have kept away from FECOFUN and its recent initiatives. Donors also have the tendency to float their own flag. For this reason, some donors like the Dutch Volunteer Service (SNV), and DFID funded Livelihood Forestry Program are not only promoting Collaborative Forest Management in the Terai region but also actively pushing for it.

Conclusions and Recommendations

To be effective, decentralization requires authority to be transferred to those who are responsible for resource management, and further that these people and organizations be accountable to resource users. Community forestry is a national priority which aims to transfer authority, power and control of management of forest resources to user groups. However, there are other processes going on that curtail the rights of users and impede the realization of the process. The Department of Forestry is deconcentrating its rights and authority to DFOs and

forest rangers. These authorities are stalling the hand-over of forest resources to users, in large part because they are fearful of losing their authority, power, and reason for existence. At the same time, local government agencies are gaining the power and authority to control, monitor, and plan the management of resources. All of these forces are colliding with one another to establish control. It is not a positive situation and it may have detrimental effects on the resource management regime, but it also requires that FECOFUN be truly representative of the needs and aspirations of its forest users groups.

Forest user groups must provide accountable representation upward to the Department of Forests and downward to their users so that their power over and control of forest resources will be secure. For this reason, it is imperative that user groups be formed properly – charters have to be made by a consensus of users. User groups must prove they can develop and implement integrated forest management, to contribute to the national goal of poverty alleviation. User groups will ideally have the characteristics they have identified through the model forest user group to prove their capability to manage resources effectively and efficiently.

FECOFUN can further enhance its credibility by practicing good governance. To be a real representative organization, it has to develop a process that incorporates all of the characteristics of model community forestry user groups. FECOFUN must also prepare animators who are capable of organizing user groups properly, by continuing to develop a training manual and training program.

Participation and Good Forest Governance Initiatives:
The Experience of FECOFUN

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Abstract

Active participation of local actors may not be a prerequisite for launching a decentralization program, but to effectively benefit the constituents, local groups must actively pursue opportunities that become available through the creation of decentralization reforms. This paper examines recent initiatives of the Federation of Community Forestry Users Nepal (FECOFUN) to promote the participation of poor women, a group that is well represented in the membership as required by the FECOFUN constitution, yet one that has very few leadership roles. The paper argues that the political participation of women has not moved beyond tokenism or the placation. Women may participate in many activities or in the decision-making process, but their voices are not heard to the degree as those of the male elite. To overcome this problem, FECOFUN has developed workshops and training sessions with the objectives of building awareness about issues of social exclusion of women, the poor and marginalized groups; as well as addressing other issues such as leadership and teaching technical skills that can help the marginalized groups to improve their livelihoods. While FECOFUN's efforts have lowered the organizational barrier, more challenging economic and cultural barriers still prevent the full participation of FECOFUN's marginalized members.

Introduction

In response to rapid deforestation in the late 1970s, the Government of Nepal initiated a community forestry program that encouraged people's participation in the protection, management, and utilization of forestlands. This program has dramatically slowed the degradation of forest resources, and has resulted in areas denuded of forest being replanted or allowed to regenerate. The economic value of the nation's forests also has rebounded from a low point three decades ago. Forests now cover about 29% or 4.27 million hectares of the national territory, and shrub covers an additional 10.6% or 1.56 million hectares (DFRS 1999).

Forest User Groups (FUGs) form the foundation of the community forestry program. An FUG consists of people residing in or near a forest who are entrusted to manage, conserve, and develop forest resources and to utilize forest products. FUGs are autonomous and corporate bodies, with perpetual succession, and they hold legal rights to manage and utilize forestlands. FUGs have the responsibility to prepare their own Charter and Forest Management Plan.

As of 2002, almost one million hectares of forestland had been handed over to more than 12,000 FUGs. As the number of FUGs has increased, forest users have felt that they needed a forum for sharing their knowledge and experience. This idea led to the establishment of a national federation, the *Sammudaik Ban Upabhokta Mahasangh* (Federation of Community Forestry Users Nepal, or FECOFUN). FECOFUN is a national representative body of community FUGs from throughout Nepal (Dhungana 2000). It is an autonomous, independent, non-ethnic, non-political, non-governmental, non-profit, and purely social organization (Anon.

1995b). Since its first National Assembly in March 1996, FECOFUN has become Nepal's largest civil society organization.

The mission of FECOFUN is to inculcate self-reliance and to strengthen FUGs by promoting their involvement in decision-making processes through broad-based participation. Its vision is to create an equitable distribution system of forest products. FECOFUN attempts to make improvements in the economic, social, and cultural aspects of users in every FUG by working to achieve the collective rights and responsibilities of user groups as provided by Nepal's forest policies and legislation (Shrestha 2003:4).

Equity and participation remain important issues in community forestry. Nepal's Master Plan for the Forestry Sector states that at least one-third of the executive committee members of each FUG are to be women, but this goal has yet to be achieved. The FECOFUN constitution requires that fifty percent of representatives and office holders be women, and this goal has been achieved; yet there is still limited representation of low caste and ethnic groups as office holders within the Federation and no quota exists for their participation. Although FECOFUN's election procedures for leadership positions follow democratic processes, this has not resulted in the election of very poor or marginalized group representatives to the National Executive Committee.

In this paper I examine issues related to the participation and representation of women, the very poor, and marginalized groups in FECOFUN. I also discuss recent initiatives undertaken by FECOFUN to address these issues by establishing good forest governance in community forestry user groups and in its representative bodies at the range post, district, and central levels.

Problem Statement and Theoretical Framework

Many paradoxes are evident in the implementation of community forestry in Nepal due largely to insufficient attention given to the process of formulating user groups (FECOFUN 2002). Forest Department staff members frequently do not identify the real users of forestlands, and hence fail to inform these users of their rights to access forestlands or of their responsibilities for managing them. The forest policy of Nepal requires that common interest groups be identified during the development of a group's Charter and Forest Management Plan. In many FUGs, however, poor and marginalized people have limited access to and control over resources and participation in decision-making processes. Many FUGs distribute forest products equally among both rich and poor people; however, this fails to meet equitably the needs of poor people who do not have private or other resources from which to collect forest products. People who grow forest products on their own lands can rely on those resources and still gain further benefit from community forests.

While it is clear that community forestry faces many challenges, there are many examples of both good and bad implementation. There are some inspiring examples of equity and participation in forest user groups, just as there are shameful examples of forest hand-over that has led to social exclusion and further impoverishment of the very poor.

FECOFUN has realized that traditions of discrimination against the very poor, women and marginalized groups must be addressed. The FECOFUN website states:

> The human resource potential of women and disadvantaged groups has not been realized in Nepal. Patriarchal traditions, caste hierarchy, discriminatory laws, social exclusion of ethnic groups, and poverty combine to limit voices and choices. Given the traditional divisions, hierarchies, and other forms of exclusion prevalent in Nepalese society, it is

> essential that different kinds of users – especially, women, as well as the very poor, landless, low caste, and ethnic groups – are empowered to participate in deliberations and establish procedures for equitable access and distribution of forest resources. (2003)

The concepts of broad-based participation in decision-making processes, equity in product distribution, and transparency within community forestry should be addressed through the promotion of good forest governance. Ghani (1990) argues that:

> …Participation can be seen as a process of empowerment of the deprived and excluded. This view is based on the recognition of difference in political and economic power among different social groups and classes. Participation in this sense necessitates the creation of organizations composed of the poor, which are democratic, independent and self-reliant.

Arnstein (1969) uses the metaphor of a ladder to suggest that participation comes in a series of steps. From the top (full participation) to the bottom (no participation), these include citizen control, tokenism, and non-participation. The participation of the very poor and other marginalized groups in community forestry in Nepal can be called tokenism – individuals from these groups are present in meetings but power holders retain decision-making authority. Furthermore, women's participation in the planning and decision-making processes in Nepal is placation – they participate in many activities or in the decision-making process, but their voices are not heard to the degree as those of the male elite.

FECOFUN has taken some initiatives to establish good governance in community forestry user groups and through the different levels of the FECOFUN organization. FECOFUN has shown preference for those characteristics of good governance stated by the UNDP – rule of law, accountability, and active participation. Good governance depends on public participation to ensure that political, social, and economic priorities are based on a broad societal consensus or agreement. Further, good governance assures that even the poorest and most vulnerable segments of the population can directly influence political decision making, particularly in respect to the allocation of development resources. Good governance is people-orientated. Policies are based on the needs of the majority and are designed to achieve high levels of sustainable human development, and are effective and equitable (UNDP 2002:21).

Agrawal and Ostrom (2001) suggest that active participation of local actors is not a prerequisite for launching a decentralization program, but once a program is launched local groups have to actively pursue opportunities that become available through the creation of decentralization reforms. Active participation of local actors is necessary for the continued existence of decentralized control over resources (Agrawal and Ostrom 2001). Hence to help ensure decentralization's sustainability, the mission of FECOFUN must include ensuring the participation and representation of the very poor and marginalized groups within the different levels of FECOFUN and community FUGs. FECOFUN's recent initiatives to promote participation of such groups should be seen from this perspective.

FECOFUN-Initiated Process for Good Forest Governance

FECOFUN has taken initiatives to promote good governance at two levels – in community FUGs throughout Nepal, and within its organization at the central, district, and range post levels. The main objectives of FECOFUN are: to strengthen leadership and institutional management capacity by establishing users' rights over resources; and to address the problems of equity and the social exclusion of women, the poor and marginalized groups in decision-making processes.

In response to the emerging issues of equity, participation and representation of very poor and marginalized groups in community forestry, FECOFUN is building awareness about issues of social exclusion and environmental justice, and is educating users about forest policies and legislation. FECOFUN has examined these issues through workshops and training sessions, including the training of facilitators to initiate the formation of new user groups and to support reformulation of user groups already in existence. It has also initiated processes to operationalize good governance in its district chapters and in its Central Executive Committee.

In November 2002, FECOFUN organized a meeting of Steering Committee members and advisors to share ideas and learning on good forest governance for the organization of workshops. During this meeting there was a need for a series of different workshops that focused on central, district, and user group levels. Participants raised critical questions about good governance issues within user groups and in the federation itself. The facilitators asked participants literally to draw pictures or to sketch out present conditions versus desired conditions within their institutions. Through these diagrams, participants began to visualize the characteristics of ideal community forestry and good governance within their institutions. Indicators were developed through small group and plenary discussions, and were then prioritized and incorporated into action plans for implementation. In the second step, FECOFUN organized trainings for facilitators by preparing charter and forest management plans based on the characteristics of ideal community forest and good governance. FECOFUN has since provided training to 79 facilitators in order to advance this process.

Problems identified within FUGS and FECOFUN

Members of fourteen FUGs participated in a workshop entitled Developing A Model Community Forestry Users Group. The workshop assisted each FUG in conducting a self-assessment of its work from the perspective of good governance and ideal community forestry practices. Conclusions from this workshop in terms of participation, decision-making, accountability, transparency, and integrated resource management are summarized below.

In terms of the real participation of poor and marginalized members of society, workshop attendees noted that while women are seen at meetings they are not involved in decision-making processes, in large part because elite male members are not ready to listen to them. Nepal is a patriarchal country where women's capacities and participation in many sectors are undermined, with few poor and marginalized women participating in any decision-making processes. The elite make decisions for the poor and marginalized instead of the marginalized representing themselves. The Forest Master Plan gives priority to meeting the basic needs of local people for forest products, and increased production, income and employment from the forest sector. The Master Plan has endorsed specific provisions in favor of the very poor and disadvantaged groups. These include requirements that women compose at least one-third of the members in each FUG, and that employment opportunities be given to those who are below the poverty line and who are landless. Gaps in policy implementation and a poor understanding of forest policy have resulted in most FUGs not implementing these requirements. FUG members at the workshop began to realize that by not actively incorporating the participation of women, the poor, and marginal groups that they are failing to follow the policy and legislation of the Forest Master Plan as well as failing to build good governance in community forest user groups.

In terms of decision-making processes, most user groups prefer to make decisions by majority rather than by consensus – the ideal form of decision making as suggested by good governance. Similarly, most FUGs have required a quorum of members to be present before a

meeting or assembly could be held. The quorum system also differs from the ideals of good governance, which suggest a majority of members be present before making decisions.

In terms of transparency, most FUGs did not follow the specific mechanisms for disseminating decisions made by the executive committee or the general assembly. In particular, the very poor and marginalized groups have not been consistently well informed about ongoing FUG activities, and hence are not able to participate in these activities. In the case of rights over resources, most users do not know forest policy and the provisions articulated by the Forest Act or other regulations, and policies. The Department of Forest staff does not pay sufficient attention to ensuring users are aware of their rights. Users have full rights over the resources but they are not using these rights for the simple reason they are not aware they exist. Additionally, user groups have rights to develop their charters and management plans by consensus, but they are not fully utilizing these powers because forestry officials fail to make them aware of these rights.

In the case of accountability, few executive committee members are accountable to their user groups, and many disputes have arisen because FUG leaders have ignored their responsibilities. Some FUGs have funds in their bank accounts, but due to a lack of accountability on the part of the executive committee, the very poor, marginalized, and disadvantaged groups are not benefiting from them. This lessens incentives for these groups to participate in FUG activities.

In the case of integrated resources management, most FUGs focus on managing trees. Other possibilities exist that are not being utilized, including the development of eco-management plans.

In the case of building a learning organization, most FUGs follow indigenous knowledge in forest and institution management – but there is gap in the sharing of this knowledge for further improvement. In FUGs, many people have traditional knowledge but there are no incentives or systematic methods to encourage them to share this knowledge.

Identifying and solving these problems is at the heart of the efforts of FECOFUN to promote good forest governance. These problems limit the representation and participation of very poor and marginalized groups in FUGs. There needs to be a suitable environment and incentives to promote participation and representation of very poor and marginalized groups in decision-making processes.

FECOFUN has conducted a self assessment of its own organizational bodies. Most district chapters do not have a strategic vision in terms of participation, representation, effectiveness, and efficiency. In many district FECOFUN chapters, women's participation is significant but the participation of very poor and marginalized group is not, especially at the leadership level. FECOFUN would like to make FECOFUN at the district level more competent, powerful, and independent, but up to now these chapters have not even prepared the bylaws that are necessary to fulfill the rule of law.

This summary of a sample of community FUGs and FECOFUN district chapters is representative of FUGs and district chapters throughout Nepal. Groups from the various geographical regions of the country – the Terai[21], hills, mountains, east, central and west – were represented in the sample.

[21] *Terai* is the lowland and plain area of Nepal

What did FECOFUN gain from these workshops?

One of the significant outcomes from the three workshops was the identification of characteristics of good forest governance, or of the ideal FUG in terms of resource and institutional management. These characteristics include integrated resource management, secure rights over resources, participation that includes women and marginalized groups, an orientation to consensus-based decision-making, transparency, responsiveness and accountability, gender and equity, participatory democracy, and being a learning organization. At the central and district levels of FECOFUN, the workshops determined that the ideals of good governance include rule of law, transparency in term of information sharing and finances, participation that includes women and marginalized groups, efficiency, consensus orientation in decision-making, responsiveness and accountability, and strategic vision.

The core characteristic of good forest governance is broad-based participation that is ensured through the adoption of specific mechanisms that enable the effective participation of the very poor and marginalized groups. The achievement of this ideal is provided for in the charter of each FUG and in the constitution of FECOFUN, including identification of the specific mechanisms that are necessary to ensure these goals. These mechanisms include facilitators making household visits to poor and marginalized families to make them aware of their rights, and holding discussions through household visits and small group discussions with poor and marginalized people to prepare them to express themselves in FUG meetings. Another mechanism to ensure participation is to require that at least fifty-percent of executive committee members should be women, and that seats should be reserved for the very poor, *Dalit* (untouchables), and other disadvantaged groups.

Specific mechanisms for ensuring transparency include disseminating decisions made by executive committees within a fixed time limit. To ensure the accountability and responsiveness of FUG executive committee members, as well as of FECOFUN itself, committee members should be accountable to the user groups because they are selected from FUGs as representative of FUGs, and FECOFUN members should be accountable and responsive to members from where they selected as representatives.

The workshops also noted the need for FECOFUN to develop indicators of organizational efficiency of its central and district level offices. These should include the identification and mobilization of human resources at the different levels. The workshops also recognized the need to give responsibility to individuals according to their capacity.

Today, most FUGs that participated in the workshop have developed specific mechanisms to achieve full participation in their decision-making processes. People have begun to realize that the incorporation of people from different ethnic, class, and gender groups at the leadership level can make a community FUG more sustainable. Where provisions already existed for the participation of these groups, they were encouraged to participate. FUGs are busy educating users on their legal rights and responsibilities and informing them of their rights to participate in consensus decision-making processes. Where consensus decision-making processes are followed there is less chance of the continued exclusion of marginalized groups. Likewise, most FECOFUN district chapters have reserved seats without competition for people from very poor, marginalized, and untouchable groups in their procedures for selection of executive committee members. Recently, central FECOFUN announced procedures for nominating executive committee members from these disadvantaged groups in the national executive committee.

Ideas for change

Formulation and Reformulation FUG Charter[22] and Forest Management Plans

The main objective of reformulating the charter and forest management plan of an FUG is to address issues of representation. During this process facilitators need to pay attention to how the criteria and indicators of ideal community forestry and good forest governance can be better incorporated into the group's charter and forest management plans.

The operational guidelines of the Community Forestry Development Program (MoFSC/DoF 2002) note the necessity of being aware of the needs, interests, roles and participation of poor and marginalized users. Each FUG needs to recognize the heterogeneity of its community with regard to gender, caste and ethnicity. It is often necessary to raise awareness of the issues of women, poor, and marginalized people through hamlet and common interest group dialogues. It is useful to undertake a participatory well being ranking to identify members of the very poor and marginalized groups. Furthermore, the guidelines recommend registering the names of both a man and a woman as head of household for each home in the FUG. The guidelines also urge FUGs to promote opportunities for developing the skills and leadership potentials of poor, women, and marginalized users in order to strengthen the institutional structure of each FUG.

Initially, facilitators have been quite busy educating users about laws, policies and their rights and responsibilities in community forest management. After increasing the legal awareness of users, facilitators then apply Participatory Rural Appraisal (PRA) methods to more fully understand the situation of each community. Common interest groups should be identified and the facilitators should engage in dialogue with them for soliciting their contributions and perspectives to the FUG charter. Consensus decision-making[23] is the motto of community forestry, so that each FUG should approve its charter and management plan by consensus of the general assembly. In this process the very poor and marginalized groups get the opportunity to take part in the decision-making process. FUGs can incorporate the characteristics of ideal community forestry and good governance indicators in their legal documents.

Making decisions through consensus is neither easy nor quick – it takes time to discuss the formulation and reformulation of charters and forest management plans in the general assemblies. The ability of groups to reach consensus also depends on the homogeneity or heterogeneity of the community and the size of community households. Often, Department of Forests officials ignore the consensus process while formulating and reformulating user groups. The Department of Forests has a limited number of staff members and they cannot devote the time needed for each FUG to reach consensus. In addition, bringing the different perspectives and interests of the community together challenges the abilities of many facilitators.

Income-generating Activities

The Third National Community Forestry Workshop developed the vision[24] of utilizing community forestry as a means of alleviating poverty. Most FUGs have many possibilities for raising income

[22] The FUG Charter is the legal document prepared by a forest user group to submit to the District Forest Office to formally register the group. The Charter should be approved by consensus in the group's general assembly before it is submitted to District Forest Office.

[23] In the consensus decision-making processes there is no possibility to exclude the very poor, women, disadvantaged and marginalized groups and their interests because these groups and individuals should be identified during the process. It takes more time to reach consensus so that most facilitators and Forest Department staff members to not try to reach consensus during the formation of a FUG and the preparation of the Charter and forest management plan.

[24] The vision has been portrayed as a house, component of which are includes:

1. Foundation: Vision of community forestry
2. Four compartments: Four theme areas of community forestry :Institutional capacity growth forest, Environment and bio diversity, Community resource management, and social, cultural and political aspects
3. Four pillars: Social justice, equity, gender balance and good governance

through forest management. These activities can have a direct impact on the livelihoods of very poor people. Non-timber forest product (NTFP) collection, processing, and marketing are seen as main ways to improve the livelihoods of these groups. The cultivation of grass and other cash crops can also play a significant role in bettering the livelihood of these people. FECOFUN has actively participated in the development of income generating activities to reduce poverty in FUGs, and through these activities the very poor and marginalized groups can benefit directly from their participation. This provides an important incentive for the participation and representation of these groups.

The allocation of FUG funds and the distribution of responsibilities and resources to the users, especially in heterogeneous communities, is a challenging task as well. Up to now, most FUGs are distributing forest products equally among all members – but equal does not mean equitable. Both poor and rich households receive the same products, though richer households may have access to forest products on private lands. It takes some time to implement new innovations and ideas such as giving poorer members greater access rights to forest products from community forests.

Training and workshops

FECOFUN has also provided FUGs with a series of training workshops on subjects like NTFPs and leadership development. The NTFP training workshops have provided villagers with new knowledge regarding the cultivation, nursery management, sustainable harvesting, value addition, and marketing of NTFPs. These workshops also have helped to better the livelihoods of poor and marginalized groups within each FUG.

Leadership Development Training has provided FUG and FECOFUN members with information on how to be good leaders and how to develop the institutional capacity of each FUG and of FECOFUN. FECOFUN also has conducted Team Building Training for members of newly established district chapters to help develop a collective understanding about being a good FECOFUN leader. Good Governance Training was provided to the FUGs and different levels of FECOFUN in order to broaden understanding of the present situation and to enable participants to look forward and to address important issues in their organizations. While the impact of these trainings is obvious, FECOFUN lacks the budget and the capacity to conduct several trainings simultaneously. The need, however, is immense, as there are already more than 12,000 FUGs in Nepal.

Conclusions

Good governance depends on public participation to ensure that political, social, and economic priorities are based on a broad societal consensus or agreement (UNDP 2002), and FUGs should make decisions through consensus. The primary difficulty in achieving this goal is that it is time consuming. The participation of women, the very poor, and marginalized groups is also important in each FUG. Currently, however, the participation of these groups in most FUGs is limited to tokenism (Arnstein 1969). The long-term sustainability and institutional development of FUGs requires these groups to develop mechanisms that insure the participation of those parties who are currently excluded.

Participation can be seen as processes of empowerment of the deprived and excluded (Ghai 1990); while never perfect, the continued existence of decentralized control over resources requires the active participation of local actors (Agrawal and Ostrom 2001). FECOFUN seeks to insure the participation and representation of all groups within each FUG and at different levels of FECOFUN itself to help ensure long-term sustainability. FECOFUN follows the process of FUG formulation and reformulation as suggested in the operational guidelines of the Community Forestry Development Program (MoFSC/DoF/ 2002) for the inclusion of very poor, disadvantaged, and marginalized groups.

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4. Roof : Sustainable forest management for rural development
5. Rooftop: Poverty alleviation. Community forestry as such is envisioned to contribute to alleviating poverty. (Proceedings From Third National community Forestry Workshop, 2000.)

The participatory democracy process in community forestry user groups can make user groups more powerful. Each group has the right to prepare its charter and operational plans, which is a great opportunity to incorporate the characteristics of good governance.

FECOFUN has taken initiatives to promote the participation and representation of very poor and marginalized groups in FUGs and in its own organizational structure though the ideals of good forest governance. There are, however, some hidden constraints to the effective participation of these groups. First, the opportunity cost of ideal participation on the part of these groups is large, as poor and marginalized people are struggling to solve hand-to-mouth problems and usually do not have the time to contribute to forest management. If they are represented in the central and district chapters of FECOFUN, or even in their own FUG executive committee, they may not be able to contribute fully due to this. It is difficult to achieve significant representation of these groups in a real versus cosmetic manner. In fact, most FUG executive committee members and FECOFUN executive committee members are involved on a voluntary basis, an option simply not available to the very poor. Second, the social and cultural environment of the country does not encourage participation. It takes time to challenge ancient cultural traditions and beliefs; although incremental change can be seen. Finally, rights cannot be gifted to other groups. These groups have to show self-interest and motivation to take their rights by struggle.

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Cultural Integrity: Promoting Cultural Survival and Decentralizing Good Forest Governance in Ancestral Domains

The Agta-Dumagat People: Province of Aurora, Philippines

Lourdes Amos

Abstract

For Indigenous Peoples, good forest governance is linked not only to livability and sustainability, but to cultural survival. Globalization has continued what colonization began – a disruption of the ties of Indigenous Peoples to their lands and thus concomitantly to their livelihoods, faith tradition, and cultural contexts. In the Philippines there have been reforms in the law recognizing the rights of Indigenous Peoples to their ancestral domains. The efforts of the Agta-Dumagat people, together with other stakeholders in Aurora Province, show that short-term proposals privileging capital gain need not be the dominant paradigm in forestry management, and further that conservation need not be preservation of resources without people. The Agta-Dumaga People have used a Cultural Integrity framework to continue to reassert their customary control as managers of the forest while enhancing their cultural cohesion and viability. This paper will discuss the case of the Agta-Dumagat as an example of how the complex interstices of capital interests, local and national governments, and local community interests can be successfully negotiated for an end result of respect for Indigenous Peoples' customary rights and good forest governance.

Introduction

The Agta-Dumagat people are guided by pre-conquest rights to domains. As far back in time as their collective memory reaches, Agta-Dumagat …lands have never been public and are thus indisputably presumed to have been held under a claim of private ownership since before the Spanish conquest (Native Title, IPRA 1997).

In 1997, the Indigenous Peoples' Rights Act (IPRA) was enacted by the Ramos Administration to recognize, protect, and promote the rights of Indigenous Peoples (IPs). This Act provides the mechanisms for creating the National Commission on Indigenous Peoples, for establishing and implementing guidelines, and the appropriation of funds.

The Agta-Dumagat people's right to regulate the entry of migrants has created a growing debate among settlers – some of whom are themselves indigenous but come from adjacent provinces, and some of whom are non-indigenous people coming from the lowlands. The scarcity of land and natural resources in the Philippines, coupled with a growing population, has resulted in competition for access and utilization of forest resources. The prior rights and regulatory powers granted by law to the Agta-Dumagat people threaten migrant settlers and have created the fear of exclusion from access to resources within the Ancestral Domains.

The right to Free and Prior Informed Consent (FPIC) (IPRA 1997) vests prior rights with indigenous peoples to accept or reject external interventions. This situation increasingly builds a trust and distrust dilemma between indigenous peoples and other stakeholders. The confusion revolves around the relationship of the Agta-Dumagat to migrants, Non-Government

Organizations (NGOs), private companies, and local or national governments. While the indigenous peoples have and continue to invoke their prior rights in decision-making, they are often perceived to be incapable of making proper decisions by these stakeholders. Benefit sharing is yet another complex issue in framing common resource use. The definition and terms of equity vary depending upon the objectives of the different stakeholders. The Agta-Dumagat measure benefit from the intrinsic and subsistence value of their traditional resources, while settlers and other private groups often measure benefit from the commercial potential of resource use. These circumstances outline the complexity of crafting a common framework on forest resource management within Ancestral Domains due to the existence of competing concepts and overlapping authorities of control.

In this paper I will discuss how Cultural Integrity – here understood as a holistic framework – promotes cultural development and environmental justice by promoting equal rights among local people. I will argue that strengthening local control through customary processes can enable the framing of common management strategy among stakeholders. Further, I will discuss how national and local social movements of IPs complement to shape mechanisms to decentralize the access to resources within Ancestral Domains, from the government to local people.

Theoretical Framework

Arnstein (1969) states that citizen participation is a redistribution of power that enables have-not citizens, those presently excluded from political and economic processes, to be deliberately included in the future. The IPs' traditional socio-political structures have been isolated by post-colonial governance systems, and have frequently been rendered impotent in participating in the formulation of policies that directly impact upon their rights to cultural survival.

Britt (1998) states …that stakeholders form networks and regional or national federations in order to broaden their representative base and establish a credible collective-voice…in legislation … and structures regulating access to and control over forest resources. Social movement organizations are necessary in providing a mechanism for collective action to decentralize power and authority from the government through the participation of local people. Given the diversity of interests within and among the rural poor, federated forms of organization that are able to bridge some of these differences have a potentially critical role to play in the shifting relationships between poor people, states, markets, and the more powerful interests in society (Bebbington and Carroll 2000). In forming a common management strategy, the varying interests of local people over resource use needs to be balanced by inter-relating cultural development and environmental justice. As related in the case of the Cheslatta T'en in British Columbia, Canada, inter-ethnic interaction was an imperative component in the emerging territorial vision. In this case, the vision allowed for a synthesis of indigenous and Western constructions of nature to coalesce around a problematic or regional powerlessness (Larsen 2003). In the case of the Philippines, the past refusal to countenance IPs' common property rights has served as basis of unity among various interests of the local people. This in turn led to a broad social movement that resulted in the enactment of the IPRA. This law recognizes the decentralization of authority and control of IPs over access to traditional resources within Ancestral Lands and Domains.

Understanding the histories of social movement objectives is essential to providing effective decentralization and accountability mechanisms. In the context of common property rights of the Agta-Dumagat and migrant settlers over Ancestral Domains in Aurora Province, customary processes are necessary to mechanize the accountability of decentralized power and authority. In Ribot's study in South Africa (2002), he states …customary authorities are notorious for entrenched gender inequality and divisiveness by favoring ethnic-membership over the residency-based forms of citizenry. However, Bebbington and Carroll (2000) find that within the categories of indigenous, peasant, Andean, and poor, Andean ethnography has long emphasized the importance of kin-based networks in resolving the problems of resource access and collective action. Through customary practice, the Agta-Dumagat perceive authority as a collective responsibility that revolves around a central leadership. Vesting leadership in clan leaders through lineage manifests respect to customary processes handed to the next generations, and also recognizes the family's ability and authority in unifying a clan. The competence to enforce these consensus decisions embeds customary authority with control and accountability over the decisions of which the people took part in formulating. Henceforth, the customary authorities of the Agta-Dumagat promote inclusive decision-making through consensus processes in a centralized system of collective leadership.

Decentralizing Power in the Playing Field

In 1946, the Philippine Republic adopted natural resource laws introduced by the colonial governments. These were based primarily on the Regalian Doctrine that served as the basis for state ownership and control of all natural resources in the Philippine Archipelago. Also adopted was the Western concept of resource management and conservation policy that perceives protected areas, such as national parks and ecological stations, as empty spaces with no human dwellers. Under this Western view of conservation, traditional dwellers of the forest should be expelled in order for conservation to take place or to be successful (June Prill-Brett 2003).

The democratic space provided for by the Ramos Administration in 1995-1996 paved the way for the enactment of the Indigenous People's Rights Act (IPRA). This law redressed the lack of political will by the government to decentralize ownership of ancestral domains to indigenous peoples, and granted authority to control access to the resources therein.

The Agta-Dumagat People: The Complexity of Control

Located in the eastern part of the island of Luzon is Aurora Province, home to the Agta-Dumagat people (once known as Agta Negritos), the aborigines of the province. These people are comprised of eleven language groups and number in total about 10,000 people. Traditionally nomadic hunter-gatherers living in small temporary camps, they are widely scattered over several thousand square kilometers of dense rainforest in the Sierra Madre Mountains in eastern Luzon. Today they are most definitely a post-foraging society (Headland 1998).

Traditional custom provides that the leadership system is vested by way of inheritance to the clan leader (Kaksolan or Kaksaan), who acts as judge. The Kaksolan promulgates decisions made by consensus, delineates territorial boundaries based on patterns of use, and ensures amiable social relations among clan members. Violation of customary laws is met with appropriate punishment, depending upon the weight of the act. The leader, through consensus with concerned clan members of the aggrieved and of the accused, decides upon guilt and

punishment. Adopting a consensus process strengthens the legitimacy of decision-making. Once a decision is promulgated, it is highly respected by the clan members.

The colonial governments of Spain and the United States transformed the traditional leadership system into one based on Western concepts that alienated and marginalized the clan leaders. Henceforth, the traditional socio-political institutions eroded, reducing the role of the traditional leaders to that of mere advisers. The interplay of the traditional and Western governance systems gave rise to leadership of the later generations – commonly referred to as the council of elders or leaders - of the Agta-Dumagat who have served as representatives to the various structures of the present day governance systems.

Regaining Ancestral Domains

In 1996-1997, the social movement among IPs in the Philippines reached its height with the founding of various national coalitions and federations. Among these were Katutubong Samahan ng Pilipinas, Incorporated (KASAPI), the National Confederation of Indigenous Peoples in the Philippines (NCIPP), and Pambansang Lupon ng mga Nakakatandang Tribu sa Pilipinas (PLANT). The members of these coalitions pursued advocacy for the formulation and adoption of the implementing guidelines of IPRA.

Coalitions at the regional and provincial levels were simultaneously established in response to the increasing need for a venue where the common interest of indigenous peoples could be articulated. TAGPUAN, Inc., the provincial coalition of six Agta-Dumagat organizations, was formed in 1998 after spontaneous land rights initiatives. The main objectives of the organization were to secure rights of ownership over ancestral domains by recognizing rights to access, and to advance cultural development through a multi-dimensional – holistic – approach.

In spite of the passage of IPRA, indigenous communities were left to confront problems with local government units, migrant settlers, national government agencies, and private companies in the implementation of the recognition of indigenous peoples' rights over access to resources. In response, initiatives to regain and secure ancestral domains were actively pursued primarily through the Campaign for Territorial Declaration of the Agta-Dumagat Ancestral Domains. This campaign fostered the concept of pre-conquest rights to lands and domains, primarily Native Title and Cultural Integrity. As defined in the Act, Cultural Integrity covers:

> …the protection of indigenous culture, traditions, institutions, and education systems; the recognition of cultural diversity; the community's intellectual rights; the rights to religious and cultural sites and ceremonies; the right to indigenous knowledge, systems, and practices; the right to develop science and technologies; the right to access to biological and genetic resources; the right to sustainable agro-technical development; and funds for archeological and historical sites. (IPRA 1997: 13-16)

As a strategy, the campaign fostered a common understanding about the Cultural Integrity framework in the concept of traditional resources to gain support among the diverse stakeholders. The campaign was launched mainly to articulate identification of culture-sensitive programs through gatherings of the Agta-Dumagat. The migrant settlers, on the other hand, agreed with the framework on the premises of environmental protection and conservation. The persistence of the Agta-Dumagat Coalition, TAGPUAN, Inc., has influenced the growing support of the framework as a common planning tool. The Provincial Office of the National Commission on Indigenous Peoples is supporting the ongoing formulation of the management plan over Ancestral Domains, and supports its eventual adoption in the Municipal and Provincial Land Use Plans.

Cultural Integrity: Developing Control over Common Property

Figure 1 is a summary of the metaphor of Datu Migketay Victorino L. Saway's Cultural Integrity Framework of 1997. It is a planning tool that makes possible holistic development – social, political, spiritual, and economic – for local people, both migrant and indigenous. The mechanism provides a way for stakeholders to define appropriate development priorities over the management of common resources within Ancestral Domains. The participation of local people is necessary to understand the dynamics of environment and culture, and to define the feasibility of gaining local power and authority.

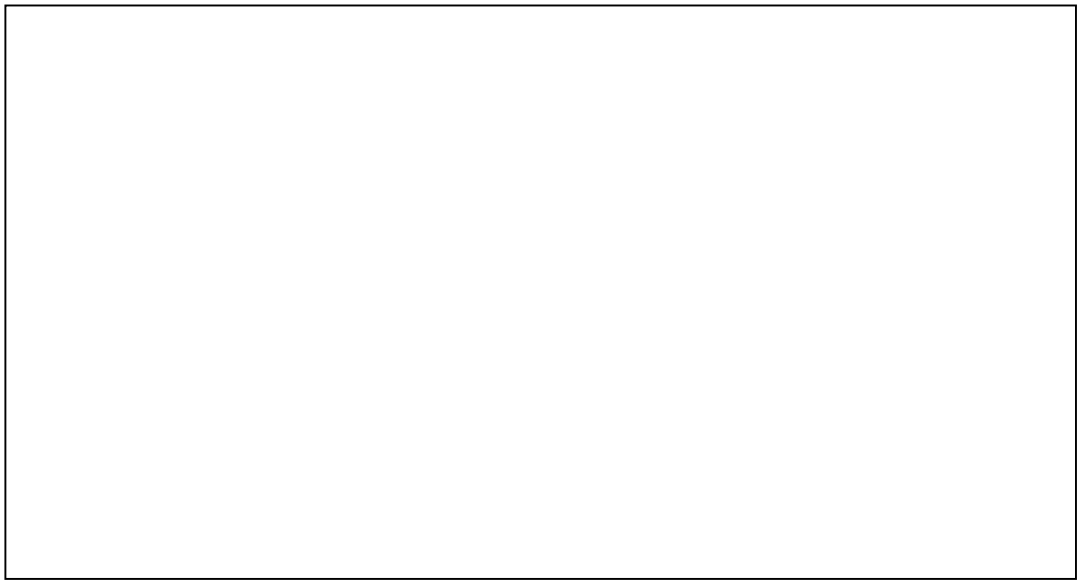

***Figure 1*:** The "Cultural Integrity" Framework

Recognizing the diverse community presently living within Ancestral Domains, Cultural Integrity is premised on the common ownership of the local people over natural resources. The main characteristics incorporate the inclusiveness of stakeholders, community protocols, and authority of control. The inclusiveness of the framework provides security of tenure to both the migrant settlers and the Agta-Dumagat people, agreeing upon protocols that eventually will enable the provision of authority mechanisms over common property. The municipal and the barangay, or most localized level of government, may in this process translate the adoption of these protocols into local policies.

Strengthening Security of Tenure

Security of tenure is a fundamental right both for the Agta-Dumagat population and migrant settlers. The legal recognition of the land, as provided by IPRA, establishes a codified security of tenure over resource use for local people. The boundaries of domains are guided by the principle of self-delineation through identifying areas of traditional use. Mapping and delineation has received technical and financial support equally from the migrant settlers, the Agta-Dumagat people, and NGOs.

Contrary to the external perception that migrant settlers are excluded in the process of declaring Ancestral Domains, the Cultural Integrity framework puts more emphasis on the inclusion of stakeholders in the development and access of resources within the Domain. The ability to manage the resources effectively necessitates the involvement of the local people, who in turn form a significant element of common resource management. In conducting the census of the Agta-Dumagat Ancestral Domain – covering approximately 60,000 hectares of forest and coastal areas located in the municipalities of Dinalungan, Casiguran, Dilasag, in Aurora Province – the list included the families of migrant settlers and indigenous families (Census of Claimants, NCIP-Aurora Provincial Office 2001). In most cases, the listings of claimants of Ancestral Domains in the Province follow this pattern.

Due to overlapping policies, rights to the access of natural resources were granted to various stakeholders. In Ancestral Domains, IPRA vests prior rights to IPs for the access of resources derived from within. The issue of prior rights was debated among local people on the basis of the possible exclusion of migrant settlers in the use of resources within the Domain. Though the recognition of prior rights remains very delicate, it is better handled by invoking the change in social relations brought about by intermarriages. This creates space for the equal articulation of the cultural rights and environmental issues of both the Agta-Dumagat and migrant peoples. In this case, the issue of prior rights of Indigenous Peoples – one that is often framed as divisive – has become a unifying factor in the issue of common resource management. Furthermore, the enforcement of prior rights of IPs over Ancestral Domains is beneficial in securing tenure over the resources.

Competition among various stakeholders becomes more complex in the advent of large-scale commercialization of forest resources. IPRA faces complexities by not being able to provide a clear definition on the implementation of Free and Prior Informed Consent in cases where permits already exists. This lack of definition has resulted in authorities competing over resource access to areas with previously granted lease agreements and exploration permits by the government to private companies. Due to this, local people's control over resources that were given previous leases and permits eventually becomes tenuous.

As an example, the Industries Development Corporation, Inc. (IDC), is a logging company located in the northern part of Aurora Province that has been operating since the 1960s. The company's permit was granted through an agreement with the Department of Environment and Natural Resources (DENR), a national government agency, prior to the passage of IPRA. IDC has established friendly relations with a group of the Agta-Dumagat in the area, offering financial and technical support in rattan gathering and providing other services requested by the community. The municipal and provincial government units obtain logistical and financial support from the company as well. NGOs are raising environmental concerns over large-scale selective logging. Though some Agta-Dumagat people often claim that the situation is economically beneficial for them, NGOs continue to question the environmental sustainability of the industry's practices. Since the passage of the Mining Act in 1995, applications for the exploration of mineral resources within Ancestral Domains covered 1,199,849 hectares, or 53 percent of the total 2,546,036 hectares earlier awarded Certificates of Ancestral Domain Claims (CADCs) (Gorre 2003).

Asserting prior rights of the Agta-Dumagat and raising environmental issues that affect the sustainable development of Ancestral Domains has constructively resulted in unifying the local people. The local people have always met the conflicts over resource access and use with private corporations, namely mining and logging companies, with unified opposition. In most cases,

short-term economic benefits are used to manipulate the decisions of the local people – to reject or accept – large-scale commercial projects. In confronting the issue of applications of mining companies, the local people have invoked the process of the Free and Informed Consent (FPIC). Lessons were shared from people of mining communities in Benguet Province, Luzon Philippines, where mining operations started in the 1930s. The experience of the local community there has been examined to gain a deeper understanding of the industry's impact on holistic cultural and environmental concerns. Attempts by the government and private corporations to coerce the leaders into deceiving community members failed.

Promoting Cultural Development and Community Protocols

The development and management of Ancestral Domains requires ensuring cultural survival in correlation with land security in a holistic approach. The promotion of cultural development is one significant tool in advocating environmental justice within Ancestral Domains. TAGPUAN, Inc., members have articulated that development concepts imported by external intervention – of NGOs, national agencies, and local government units – most often are culturally incompatible and perhaps even disruptive to the development concepts of the Agta-Dumagat people.

The Cultural Integrity framework implies that it is crucial to inter-relate programs and projects with the socio-economic, political, and spiritual aspects of local people's needs. Cultural development programs support the processes of a culture's identity that are independent yet are symbiotic for survival. It can be likened to a life support system in which various elements interact to sustain life. Similarly, cultural survival requires more than sensitivity, but the full complement of knowledge, wisdom, and ability to understand the dynamic continuum of cultural forms. The kaksaan and bunogon – the traditional leader and healer, respectively – would not exist without the clan, as the clan would not survive without the land and resources, as the resources could not be sustained and protected without the people. These traditional systems and relations shall not outlive the future generations if not developed.

Transcending Cultural Development

The key elements that support the development of cultures within Ancestral Domains are the structures and mechanisms that encourage the development of traditional systems – healing, education, and spiritual, political, and economic aspects. Development in the cultural context is geared towards devising means of promoting the transfer of appropriate traditional practices to the next generations in the community. The designed mechanisms should make possible the strengthening and revival of applicable customs and traditions that would serve as vehicles for transcending the increasing pace of social transformation. This can be demonstrated in the case of transferring local knowledge of customary laws. The language local to each indigenous peoples' group is a powerful tool that links the young to the older generations in understanding the wisdom of traditional justice systems. Most of the traditions are oral in nature, which allows for the transfer of knowledge through consistent practice while it encourages flexibility to adapt to changing situations. This way, customary laws can take a dynamic form for every given circumstance. In this case, the codification of customary laws would tend to standardize parameters of decision-making, yet similar situations may not necessarily yield similar decisions.

Traditional Education Systems

The education system of mainstream Filipino society does not provide a sound environment for Agta-Dumagat children to acquire knowledge. The traditional education system revolves around the social, political, spiritual, and economic aspects of the everyday lives of the indigenous people; introducing a different system alters their values and worldviews. These changes directly affect the way the Agta-Dumagat manage the natural resources that link all aspects of their everyday lives. In as much as the mainstream language is important to enable them to interact with the larger population, the disregard for the retention of their own language may equally render it impossible for them to participate in their traditions. Parents teach livelihood technologies through hands-on practice, while formal schools teach classes in four-walled rooms. It becomes imperative in this case for the education system to adopt curricula that advocate culture-sensitive transitions to allow for the enhancement of learning abilities for the Agta-Dumagat.

Schools for Living Traditions have started in indigenous communities of Mindanao and the island of Visayas. Efforts among TAGPUAN, the NCIP, the Department of Education, and local government units have recommended an exchange program to assess the feasibility of replicating the system. The model espouses formal education curricula alongside traditional learning processes, starting at the primary level. In Lantapan, Bukidnon Province in Mindanao, traditional elders conduct informal sharing of traditions on social values and history as told from past generations. Talaandig, the local indigenous language is used as the medium of instruction. The language widely accepted in the region – Cebuano or Bisaya – is used as well, while English and Tagalog are taught in specific subjects. Learning farms are provided for teaching the traditional farming system where the elders perform sacred ceremonies that bless each phase of the agricultural cycle. Curricula for the secondary level of education are yet to be tested.

Traditional Health Systems

Traditional healing systems have not been developed in spite of the credible history of traditional healing practices. Traditional healers – Subkal or Bonogon – use medicinal forest plants for the treatment of illness. The introduction of the Western medical system transfers the legitimacy of the traditional healer to professional medical practitioners: doctors, midwives, and nurses. This system then erodes the function of traditional healers in protecting the forest where medicinal plants are gathered. Furthermore, the growing dependency of the local people on Western medicine increases poverty, due to its expense, and discredits traditional healing practices.

Traditional Spiritual Beliefs

The Agta-Dumagat respect for nature is expressed in guardian spirits or Anitos. These beliefs are directly related to sacred ceremonial sites, which are located mostly in the forest areas, and thus the forests are protected. The restrictions agreed upon for sacred ceremonial sites become the community's de facto protected area. The people revere spiritual beings as guardians of good faith, and believe that every being on earth – living or non-living – has a spiritual guide. Thus, inflicting destruction on any being shall bring misfortune and illness to the person or people responsible.

The Spanish colonizers used Christianity – divide and conquer – to subjugate the extant Philippine society. The introduction of various fundamentalist and non-indigenous belief systems dis-integrates the value of IPs' spiritual connection to nature and land. These new beliefs

transform respect to land as mere commodity and not as source for survival. The commercial value then overcomes the intrinsic bond of nature to the future generations.

Traditional Socio-Political Institutions

The traditional leadership systems, which facilitate decisions through consensus, have been transformed into structures that espouse decision-making through electoral processes and an accountability system. This implanted system co-opts traditional institutions into venues for the implementation of government projects, rather than acting as accountable representatives of the local people. The core issues that arise from this process are the erosion of accountable political institutions that represent customary authorities, and the centrality of effective resource management as a cultural imperative.

The awarding of Ancestral Domain Titles, and the delineation of their boundaries through the identification of traditional landmarks, makes it authentic. The identification of owners, however, makes the process complex and controversial due to shifts of socio-political structures of the claimants within the domain. The previous process for the application for Certificate of Ancestral Domain Claims (CADC) by the DENR creates complexity. The holder or owner is composed of the council of leaders, but the organizational expression is a structure that is created by registering through the government. This form of organization has a very different structure and authority system than the traditional leadership authority structure that is derived from lineage.

Community Protocols: Designing Authority and Enforcing Control

Community protocols are in the process of formulation. Negotiation applies in the process towards balancing the interests among local people by taking into account specific cases of conflict between the migrant settlers and the Agta-Dumagat on land and resource use. These conflicts provide the foundation for establishing specific resource use regulations, including the identification of overlap between Ancestral Domains and municipal and provincial political jurisdictions.

Creating Commonality in Resource Management

Traditional land use patterns serve as the basis for delineating the boundaries and the existing land use. To determine the resource use of the domain, the indigenous population conducts an initial review of traditional patterns of resource use and is overlaid onto those that exist at present. The land and resource use plans based on long-term visions with specifically designed programs for the 5-10 year term are finally identified to conclude the resource use plan.

Ceremonial sites are located in the hunting grounds (*Puhab*) and traditional practice requires the area to be held as sacred. The *Puhab* is a common resource reserved for hunting, gathering root crops, and non-timber products but these activities are restricted in sacred ceremonial grounds. Young animals are spared during hunting season, and in breeding seasons animals that serve as sources of food are protected.

The non-indigenous and indigenous migrant settlers practice slash-and-burn agriculture on the slopes of the forest, while the Agta-Dumagat people do not practice settled or permanent agriculture. The shift in actual forestland use due to slash-and-burn agriculture directly impacts the hunting and fishing grounds that serve as the source of livelihood for the Agta-Dumagat people. Their sacred sites of worship and burial grounds are immediately impacted as well. In the Dinalungan-Casiguran-Dilasag (DICADI) Ancestral Domain – through the use of traditional

consensus building methods – specific agriculture sites were determined by settling the conflict between the indigenous Ifugao migrant's slash-and-burn site and the *Puhab*. This precedent led to the identification of other areas that could be used for common agricultural purposes. The flatlands and lower slopes of the forests, which are usually barren, have been allocated for agricultural use. Slash-and-burn, small-scale plantations, agro-forestry and vegetable gardening can be introduced to these areas. Agro-forestry is an alternative method to slash-and-burn and is being encouraged within the allocated agricultural area.

Decision-Making Processes

The process of resolving conflicts within the Agta-Dumagat tribe is through consensus and is guided by advice from the elders. This is facilitated by the younger generation of leaders. Advice coming from the elders is shared through stories that state the situations which relate the reasons of how and why these resources were previously managed in a specific manner. Again, decisions are made based on the continuum of resource use from the past, the present, and the future that is acceptable to the people. Deciding conflicts on resource use and social relations involving migrant settlers and the Agta-Dumagat include the officials of the lowest governance structure, Barangay; representatives and members of the migrant population; and in most cases the local agencies with mandates over management of resources and indigenous peoples' rights like DENR and NCIP.

Access to resources within Ancestral Domains is guided by the principle of common property. It involves the negotiation of benefits both for the migrant settlers and the Agta-Dumagat. The local people are allowed to use hunting grounds as a common source of livelihood, while the plains and barren slopes – previously cleared – can be used for agricultural activities. In general, specific land use within the Domain is classified as agricultural, settlement/residential, hunting/fishing ground, and sacred ceremonial/burial sites. Regulatory measures on the defined use and management of the land, as classified, are designed to protect the environment for long-term use.

Enforcing Rights and Establishing Authority within Common Property

The enforcement of community protocols is necessary to realize the objectives of cultural development and common property rights of the local people. However, enforcement requires authority in order to make control feasible. In examining the evolution of overlapping governance systems that exist in ancestral domains, four structures have emerged – the Barangay and Municipal unit of the central government, the representatives of the migrant settlers, officers of mandated national government agencies, and the council of elders/leaders of the Agta-Dumagat. To enforce community protocols, the interplay of the various governance structures are vital to recognize authority that would provide control to agreed-upon systems of common resource access and use.

Key elements of both cultural practices and modern-day structures form part of the agreed upon protocols of the local people. These protocols revolve around the promotion of cultural development and the survival of the Agta-Dumagat people. Furthermore, the regulations agreed upon among the local people provide environmental protection measures. These circumstances offer a common land- and resource-use plan among the local people within the Ancestral Domain.

One of the most controversial dilemmas confronting cultural authority is the intrusion of external development projects introduced by private corporations through the government. The

process through which this challenge can be addressed is by invoking free and prior informed consent of IPs. In the Philippines, permission to extract forest and mineral resources is granted to private corporations from the government through lease agreements and permits. IPRA recognizes the right of indigenous peoples to decide – to accept or reject – the entry of external development by way of consent. The process creates controversy when manipulation and deceit are used to foster division among the local people.

Good Forest Governance in a Decentralized Playing Field

The enforcement of community agreements is vital to the implementation of common management of resources. The complementary roles of local government and local people are essential factors to enforce protocols. In 1993, the Local Government Code provided local governments the mandate to formulate Municipal and Provincial Development Plans. These Plans indicate development agendas based on Land Use Plans (LUPs) and further serve as basis for Investment Plans. The Investment Plans indicate fund allocation for specific development agendas as derived from Municipal and Provincial Development Councils, which are comprised of sectoral representatives. The local code also grants authority to local governments for the ratification of local ordinances that conform to proposals arising from development councils. Equally, IPRA endorses the mandatory representation of indigenous peoples to the local councils – in this case, the Municipal and Provincial Development Councils. The recognition of Ancestral Domains development agendas then becomes viable in this arrangement if properly represented in the councils.

This process however, faces an impediment at the national level because Ancestral Lands and Domains are not classified as an official land classification in the Philippines. This situation can be mitigated at the local level where local ordinances can play a vital role in recognizing specific areas of common use within Ancestral Domains – watershed areas and communal forests, for example. Inclusion of development agendas into the Investment Plans can provide supplemental recognition of proposed priority programs within Ancestral Domains.

Since 1999, local coalitions of IPs have made efforts to link with KASAPI, other national coalitions of indigenous peoples, peasant's organizations, NGOs, and supportive legislators to mediate in the ongoing deliberation of the proposed Land Use Bill. The various groups have advocated for the recognition of Ancestral Lands and Domains as an official land use classification.

To date, TAGPUAN is involved in facilitating community protocols. All agreements relative to specific usage and regulations are still oral. The written agreements are expected to be adopted after negotiations among the local people have resulted in a consensus. Local officials and agencies form part of the process by witnessing the agreed upon points. Their involvement as witnesses equally binds them as accountable in enforcing the protocols.

Conclusions

Examining the dynamism of cultural elements in a historical context can help the development of the diverse cultures of IPs. The persisting erosion of customary processes promoting common property in post-colonial Philippines has encouraged the Agta-Dumagat to engage in a process of regaining Ancestral Domains. This initiative entailed launching a campaign on Territorial Declaration that advocates pre-conquest rights, Native Title and Cultural

Integrity framework. This campaign provides an inclusive process in framing a common management of resources among the stakeholders. The process promotes cultural survival and decentralizes forest governance within Ancestral Domains as well.

Throughout history, outsiders – government and private corporations and organizations – adhere to profit-oriented and/or short-term programs, in the guise of economic and national development. This fact, when translated to concrete impacts on the local people, limits community defined common management agendas and undermines the advancement of holistic development.

The interplay of national and local social organizations is a vital element that enables mechanisms of accountable representation among government and local people, revolving around common property. Strong social movements of national and local organizations are crucial factors in enabling accountable representation between the government and local people. This makes possible the decentralization of power and authority over resources within Ancestral Domains.

On the complex playing field, balancing interests of multiple stakeholders is critical. The means, however, of managing this balance entails justification from each stakeholders and identifying that which is common. Decentralization and participation at this point become equally relevant to tilt the balance between the powerful and powerless.

Recommendations

Strengthening self-reliant capacities of local and national social movements to pursue advocacy on Cultural Integrity in developing common resource management within Ancestral Domains and enable a balance of interest among stakeholders.

Pursue the adoption of community protocols to ensure security of tenure over declared territories and strengthen authority and control among the government and the local people in the enforcement of regulatory measures. Moreover, advocate for issuance of local ordinances by local governments in support of common land use plans and require stakeholders to adhere to agreed-upon mechanisms.

Ensure the representation of the local people in local government bodies to enable participation in planning process of development programs, and to advocate for the recognition of Ancestral Lands and Domains as an official land use classification.

Assess the actual mechanisms of implementing the Free and Prior Informed Consent as regards entry of development priorities and agendas of various stakeholders in invoking processes on common properties rights.

Conduct a study on principles and parameters in obtaining royalties from large-scale development projects. Additional research has the potential to help determine if an equity mechanism can be designed, and if benefit-sharing can exist among the local people and other stakeholders.

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