



Forest governance in Vietnam: A literature review

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Executive summary

There have been a number of studies on forest governance in Vietnam. But due to the broad nature of the concept of governance, many of the existing studies only cover parts of the topic. Without an overall and comprehensive picture of the literature on forest governance, duplication and overlap may arise in future research. This report aims to synthesize information from existing documents and studies concerning forest governance to summarize the current state of the literature on forest governance in Vietnam.

This report provides a literature review of forest governance in Vietnam to determine strengths and weaknesses of the sector, namely: the process of decision-making in forest governance, ownership and access to forest resources, community forestry, corruption, and gender issues in forest governance. Over eighty documents in English and Vietnamese were consulted from academic, government, and NGO sources. Due to limited time and resources, documents in other languages were not considered. The report employs a forest governance assessment framework as a basis for systematizing materials and research results. Accordingly, the governance of forests is reviewed through three phases/components, including policy and institutions, planning and decision-making process, and enforcement. With each stage, six principles of good governance are applied for the analysis of the forest governance in Vietnam.

The literature review shows that Vietnam's policies on forest governance do not fully comply with the principles of good governance. Many regulations are only in the form of the guidance which is unclear, ambiguous and uncertain. Current policies have a low transparency because there is limited opportunity for the participation of relevant stakeholders, and do not include sufficient regulations on information accessibility. Forestry policies are not equitable enough, as they reserve priorities for state sectors and for the purpose of protecting forest resources rather than securing property rights forest owners. Policies promote the principle of participation, but there is no specific provision to ensure that participation will take place in practice. The effectiveness of forestry policy is not highly appreciated by the studied documents as more than 100 sub-law documents have been issued, but overlaps with other laws still exist and many of them are not enforceable.

The process of planning and decision-making has similar limitation to those of the policy. The accountability of the planning process is low because it has been developed based on the needs of attracting budget investment and allocated resources, instead of real needs. The principles of transparency and participation in the process of planning and decision-making have not been complied with because, at present, government agencies and relevant professional associations are the only institutions involved. The unpublicized or partially publicized information during the planning process and its results has caused difficulties for social monitoring. The effectiveness of approved plans is low and easy to be changed.

A number of problems were identified in studied documents in the enforcement phase of forest governance in Vietnam. Tens of thousands of violations against the Law on Forest Protection and Development (LFPD) have been recorded annually, and the problems of forest loss and degradation have not been prevented. The individuals or institutions those are granted rights to use and managed an area of forest are called "forest owners". However, their rights towards natural forests are difficult to be enforced. The risk of corruption is high,

especially in the payment of forest environmental services (PFES), logging and conversion of forest use and forest land. In particular, state forestry companies are identified as one of the sources with high risks of forest loss and degradation. Studies have pointed out the reasons behind the problems including lacks of equity in access to forest resources, accountability and participation in all three phases of the governance of forests. Although the role of social organizations in forest governance has been changing positively in policy advocacy, law enforcement monitoring should be improved even more.

Community forestry was recognized by LFPD since 2004. By the end of 2015, there has been almost 1 million hectare of forest allocated to communities for management. A significant amount of documents discuss on community forests and conclude that it is necessary to improve existing policies and enforcement capacity to make community forestry an effective forest governance scheme. The enforcement of community rights to forest and community benefits have been emphasized. The lesson is that community participation in all the processes of forest governance is the key to the success of the community forestry.

This report ends with conclusions on forest governance and on documents on forest governance. Based on studied documents, the report concludes that forest governance in Vietnam has not conformed to good governance principles, including accountability, transparency, equity, effectiveness and participation. Regarding documents, it is necessary to conduct more reports and research on the stages of planning and decision-making, gender, corruption, and updates on the evaluation on compliance capabilities for the FLEGT VPA. In addition, it is also essential to seek solutions for more accessibility to qualified research documents.

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I. INTRODUCTION

1.1. Background

At present, there has been no comprehensive literature analysis on research and documents related to forest governance in Vietnam. A number of studies have been recently conducted on the governance of forests in Vietnam in general as well as on each governance issues and component by scientists, development organizations, governing bodies, and independent experts. Such issues receiving much research interest include organizational management systems, rights and roles of stakeholders, causes for forest loss and degradation, or roles and impacts of forest-dependent communities on forest resources. However, a number of issues relating to forest governance in Vietnam have not been studied such as the process of institution and regulation establishment, monitoring and evaluation, or corruption control in forestry sector. This research is to identify issues that need to be concerned, matters to be studied, as well as determine the essential sources of references for different problems in the governance of forests in Vietnam.

Good institutions of forest governance are the foundation to build appropriate management policies and technical solutions in order to achieve the objective of forest resource use in a sustainable and effective manner (FAO and PROFOR, 2011). In the context of constant changes in socio-economic factors and forest properties, forest governance institutions should also be subjected to appropriate adjustments. Due to interactive relationships among elements and components of a governance institution, policy makers need updated information and research results of all related aspects in order to initiate proper policy changes. Changes in the economy, markets of forest products, social needs for forest services, and social characteristics of communities, together with international initiatives and cooperation schemes that Vietnam participated have presented demands for major changes in the forest governance system nationwide. There are signals indicating that state management bodies and social organizations are interested in creating great changes in the forest governance system of Vietnam in the time to come (MARD, 2013; 2016a).

1.2. Research objectives

The research was conducted to provide a comprehensive picture of forest governance in Vietnam and a list of existing documents and studies related to forest governance for later look-up and reference. Particularly, it presents a literature analysis in order to answer the following questions and identify issues of forest governance in Vietnam that have not yet been studied or are in need of sufficient and updated research:

- What has and has not been accomplished in forest governance in various activities of the forestry sector?
- What are the governance issues that need to be addressed?
- The process of planning and decision-making in forest governance?
- Forest resource owners' rights enforcement and accessibility?
- Community forestry and the lessons learned
- The issues of corruption
- Gender issues in forest governance

II. METHODOLOGY

2.1. Methodology

This research utilizes systematic literature analysis to answer the above mentioned questions. The documents and research results will be analyzed, compared and classified basing on the principles of good governance, including:

- Accountability
- Effectiveness
- Equity
- Transparency
- Participation
- Coordination

The criteria for selecting study materials include:

- **Contents:** The research utilizes any documents related to forest governance, forest product production and sales, forest resources and forest land, ethnic minorities, gender in forestry, provisions of the law related to the forest uses and forest products.
- **Time:** It studies documents and reports published from 2004 onwards (after the issuance of the LFPD in 2004). However, with a large volume of existing related resources, this research prioritizes to select documents released in recent years, after the revision of the Constitution and a number of relevant laws since 2010.
- **Languages:** the documents consulted are in Vietnamese and English.
- **Types of studied documents:** both types of primary documents (reports, conference proceedings, dissertations) and secondary documents (books and scientific journals) are employed for the research. In addition, the report also uses such a number of documents as suggestion reports from agencies and organizations for the draft LFPD (amended) since they were officially issued with quite good arguments on forest governance.
- **Materials not used for research:** Materials that do not meet the above criteria, such as policy briefs, press releases? and purely technical papers. Video documents are also not used for this study. This study does not use any articles and documents that express personal opinions, documents without any evidence for arguments, or documents about regulations and policies and regulations that has been changed or were no longer in effect.

2.2. Process of literature analysis:

- Identifying sources and names of documents to be collected by using search engines on the internet and through the networks of NGOs, experts, and libraries. Keywords for the initial document search include: *forest governance, forest management, forestry, gender equity, plantation, forest contract, land and forest allocation, ethnic minorities, livelihoods, rights of forest owner, community forests, forest conservation, REDD+, forest loss, forest law violations*. An invitation letter to share documents was also sent to all member organizations and individuals of two networks of social organizations, the Forest Land Coalition (FORLAND) and the Vietnam Non government organization network on Forest Law Enforcement Governance and Trade (VNGO-FLEGT network).
- Hosting a meeting in Hue in February 2017 with research team members, reviewers and experts to scrutinize document sources as well as determine the accessibility of resources,

scope of the study and finalize main concepts. The meeting ended with an agreement on the research methodology and governance issues needed to be studied.

- Reading documents to identify their contents, information or knowledge, and problems that they have not covered. The reference section of each report was thoroughly studied in search of relevant articles and documents. The total number of documents has been approached and scrutinized is 134, in which 86 is the number of documents that has been used for reference and analysis.
- Summarizing main contents of the document concerning the forest governance contents and research questions. This part is presented in the Appendix 1.
- Categorizing documents in accordance with governance topics and research questions.
- Writing the draft literature analysis on the governance of forests.
- Hosting an expert workshop to receive evaluations and suggestions for the draft report, which was on April 24, 2017, with the participation of members of the research group and reviewers from other organizations in the VNGO-FLEGT and the FORLAND networks, together with forestry experts and officials.

III. FOREST GOVERNANCE AND CHARACTERISTICS OF CURRENT VIETNAM'S FOREST GOVERNANCE SYSTEM

3.1. Forest governance: definition and contents

Although being used in many areas, there is no commonly accepted definition of governance (Davis C. et al., 2013). In the forestry sector, several organizations have developed an evaluation framework for forest governance, in which key components and good governance principles are identified. In 2011, FAO successfully formulated the forest governance analysis framework with an aim to generalize principles and stakeholders' benefit relations as a foundation for developing comprehensive, coherent and good governance-based legal framework and forest governance policies. Governance is considered to be “good” when it assures the engagement of multiple stakeholders, transparency in decision making, and accountability of stakeholders, effective management, quality commitment and rule of law.

The World Resource Institute (WRI) issued a toolkit for utilizing forest governance assessment in 2013. The WRI's forest governance assessment framework includes 3 similar governance components to FAO's. However, the two frameworks can be differentiated in terms of good governance principles. While FAO's assessment framework comprises 6 principles with a stress on equity and effectiveness, WRI's consists of 5 principles with an emphasis on the implementation process and effectiveness requiring good coordination among various agencies and actors and capacity for regulation enforcement. Yet, the difference is minor and the integration of FAO's and WRI's good governance principles can result in better governance assessment, as a process and an end.

Table 1. Some definitions of governance by related international organizations

Organization	Definition	Elements of governance	Principles of good governance
FAO's forest governance assessment framework	Good governance achieved on cooperation and coordination among governments, private	– Legal framework, policies and institution	– Accountability – Effectiveness – Efficiency

(2011)	sector and civil society.	<ul style="list-style-type: none"> – Planning and decision making processes – Implementation and enforcement 	<ul style="list-style-type: none"> – Equity – Participation – Transparency
WRI's forest governance assessment framework (David et al, 2013)	Governance does not involve governments only because forest-related decisions are influenced by other stakeholders (private sector, civil society).	<ul style="list-style-type: none"> – Actors – Rules – Practice 	<ul style="list-style-type: none"> – Transparency – Participation – Accountability – Coordination – Capacity

Source: MCD, 2015 with adjustments

The FAO's framework for assessing and monitoring forest governance has been introduced into Vietnam by some organizations under their projects. The Ministry of Agriculture and Rural Development has requested FAO's support on research and adoption of FAO's governance analysis framework and governance monitoring tools since 2010 (Le Khac Coi et al., 2011). Since then, some other organizations have applied this analysis framework to conduct forest governance assessments (UN-REDD, 2014; MCD, 2015). In 2016, the Forest Land Coalition (FORLAND) developed a policy brief to present its recommended perspectives of LFPD based on good governance principles. As such, this analysis framework has gradually become a popular tool used by governmental agencies and non-governmental organizations in assessing forest governance in Vietnam.

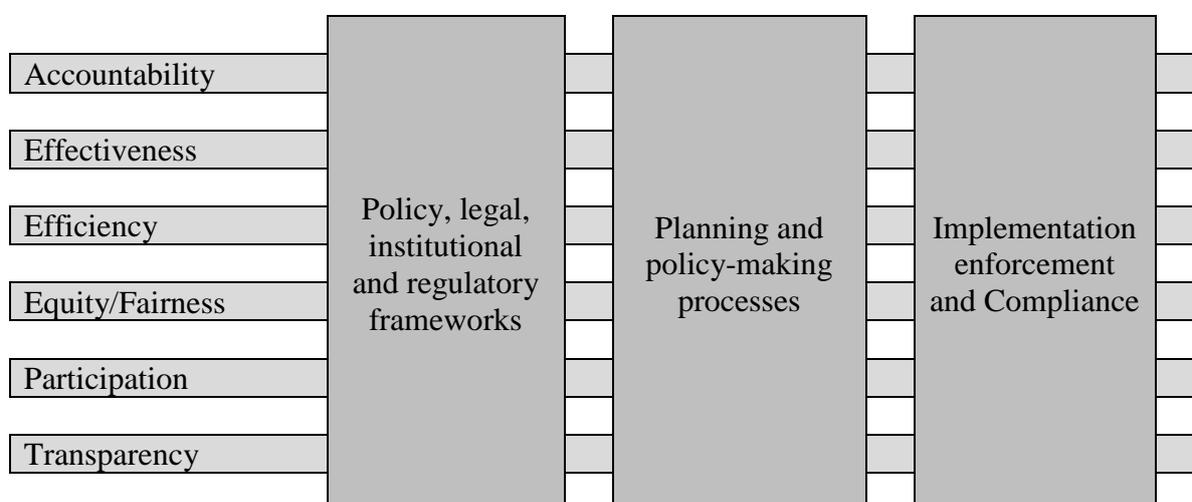


Table 1. Governance components and principles of good governance (FAO, 2011)
According to the framework, forest governance is comprised by 3 components or phases:

Phase 1 includes the making of policies, institutions, legal framework as a legal foundation for all activities, and identification of all stakeholders with their roles, responsibilities as well as interests. In Vietnam, the Constitution (2013), Land Law (2013), and LFPD (2004) have provided major legal framework for the governance of forests. Furthermore, a number of current laws set up the directing legal framework and specific regulations for actions related to forests. For issues which have not been specifically stipulated in the laws, more than 122 by-law documents can be applied (MARD, 2016).

Phase 2 relates to planning and decision-making based on the legal framework with specific products such as land-use planning, forest land use planning, related development strategies and decisions by relevant organizations and individuals, serving as the basis for specific actions.

Phase 3 involves the implementation of plans and decisions. In the context of contemporary Vietnam, the implementation of forest governance incorporates forest protection and development, forest allocation, biodiversity conservation, environmental education, wood production and processing, non-timber forest production development.

At each phase, there are six principles that always need to be observed in order to achieve a good governance system, including:

Accountability: mentioning information and documents with high quality and reliability supported with evidence and logical arguments.

Effectiveness: referring to maximized results achieved under certain conditions and limitations.

Efficiency: referring to the appropriateness and synchronization among forest governance issues and between forest governance and governance of other issues.

Equity: mentioning the harmonization of interests, perspectives and aspirations of stakeholders in the society with respect to forest resources.

Participation: referring to the real involvement of stakeholders throughout the entire process of governance in order to achieve other principles such as effectiveness, efficiency, equity and transparency.

Transparency: referring to the quality of information and accessibility to information by relevant actors.

The above-mentioned forest governance assessment framework includes almost the full range of elements of a governance system, serving as a basis for implementing a comprehensive assessment. However, the reality has showed that it is a very difficult job to do the assessment throughout all components and principles of good governance. In all our reviewed documents and research reports, none of them include complete assessment in all aspects as theorized. Normally, guidelines, participation, equity, good coordination and capacity are used to review governance issues. In practice, principles such as participation, equity, coordination and capacity are more frequently used in forest governance assessment. However, the principles are inter-related; therefore even when only some principles are adopted in the forest governance assessment, the results can reflect a more inclusive picture. It is important to note that participation as the backbone principle and foundation for the achievement of other principles. This emphasis is found in all of the reviewed documents.

3.2. Some major characteristics of the current forest governance system in Vietnam

According to the report by the Forest Administration (2016), Vietnam has completed long-term planning of 16,245,250 ha of forest land (land with forest and land to be forested), categorized under 3 types, including 2,538,870 ha of special use forests (national parks, natural reserves, landscape forests), 4,618,440 ha of protection forests (environmental purposes), and 9,267,940 ha of production forests (mainly for economic purposes) including natural forest and plantation. In 2015, the total forest area is 14,061 million ha, making the

forest coverage of 40.84%, in which rubbers and specialty plants account for 1.34% (rubber plantation on land classified for forest is called rubber forest, on other land is called rubber farm)

The system of relevant law documents include the Constitution, Land Law, Environment Protection Law, Biodiversity Law, LFPD, and a number of international conventions Vietnam have ratified such as CITES, RAMSAR, and UNFCCC. More specifically, the Land Law and LFPD provide direct regulations on forest resources management. The two government agencies taking the State management responsibility over forests includes Ministry of Environment and Natural Resources (land, minerals, biodiversity, and climate change) and Ministry of Agriculture and Rural Development (forests, forest products). At the local levels (provincial and district levels), there are relevant departments and divisions, under the management of the people's committees of the same level.

As regulated in the Vietnam's Constitution (2013), the entire people hold all ownership rights related to land in general and forest land in particular, represented by the State. Actors in the society obtain ownership of land use rights regulated by the Land Law. For the forest resources, the LFPD recognizes the property rights over production forests which are planted by non-State sources of funding. The rest of cases are considered to be under the State ownership and the forest owners in these cases have forest use rights only. The user's rights of these types of forests is as described in the LFPD assigned to be specifically regulated by the Government's Decrees.

Under the Law on Forest Protection and Development, seven groups are recognized as forest owners: management boards, State enterprises, other economic organizations, army units, households, communities, and other organizations. According to the Decision No. 3158/QD-BNN-TCLN issued on 27 July, 2016 on the current state of forests in 2015, the majority of Vietnam's forests have been allocated by the State to forest owners as followed:

Table 2: The total forest areas by the forest owners nation wide unit: ha

Type of forest land	Total area	Management Board	State enterprise	Other economic organization	Army unit	House hold	Community	Other organization	People's Committee
Total	14,061,856	4,896,160	1,454,361	241,534	170,161	3,145,967	1,110,408	342,446	2,700,819
I. Natural forest	10,175,519	4,357,168	1,006,029	108,297	114,968	1,398,187	1,062,340	260,546	1,867,985
II. Plantation	3,886,337	538,992	448,332	133,237	55,193	1,747,781	48,069	81,900	832,834

Source: Decision No. 3158/QD-BNN-TCLN issued on August 5th 2016.

According to Table 2, more than 2.7 million ha of forests are managed by the people's committees of all levels (mainly the commune level); however, they are not the forest owners according to the LFPD. This is the forest area that has not been allocated to a forest owner for long-term management. The Management Board is a governmental organization established

and operated primarily to manage the protection forest. Forest areas managed by households and communities tend to increase when State enterprises gradually transfer forest areas to local management (VNFOREST, 2016).

IV. FOREST GOVERNANCE IN VIETNAM

4.1. Policy, institution and legal framework

4.1.1. Accountability

A number of studied documents show that the accountability and responsibility in the forest governance policy system and institution in Vietnam need to be improved in many aspects. The role of local authorities is not clearly regulated, and the rights of forest rangers are not appropriate with their assigned duties (VFD, 2015). The commune authorities do not have any role towards forests which are allocated to organisations forest owners (To Xuan Phuc and Kerstin Canby, 2011). UN-REDD reports also point out that the roles of local authorities have not been adequately considered (IDLO, 2011). The policy system does not show consistency, for example some articles in various legal documents are in conflict with each other (IUCN, 2008). This has been posing difficulties for local management staff in addressing the issues. For forest owners, there are some regulations giving them more rights over the allocated land than the rights over the forest resources on that land (Hawkins et al., 2010). The legal contents on the rights of use and beneficial interests from the natural forests have not been clearly and transparently asserted in the legal documents (MARD, 2013).

4.1.2. Transparency

Previous research shows that the transparency of the current forest governance policy system and institutions are not high. The people usually face barriers when they want to get access to the information on forest land since there has been no specific regulations on making such information open to public (IUCN, 2008). Transparency has not been achieved in the context that there has been no independent third party participating in the institution, as well as the regulations on the rights of forest owners are still vague, unstable as they have not been converted into laws but only governed by by-law documents (which are uncertain). The regulations are not stated clearly and specifically, leading to different interpretations by different localities (Pham Thu Thuy et al., 2012). Also, according to the experts working for the Ministry of Agriculture and Rural Development in evaluating the LFPD, the transparency and feasibility of the law is not high (MARD, 2013). A number of regulations in the law are difficult to apply, especially those related to the rights and responsibilities of forest owners and management mechanisms of special-use forests.

4.1.3. Participation

Almost all the relevant documents on forest governance and management mention participation, in which the role of people and communities is emphasized. However, all the documents share a common comment that though participation is mentioned, regulations and instructions on how to achieve effective participation from the people are missing (IUCN, 2008). Although the legal framework has introduced the regulations on the participation of stakeholders, especially people at grass-root levels, the guiding documents in the forestry sector show no relation to general policies, or offer no instructions on how to assure the participation of stakeholders. Regulations on participation have been only in the form of

principles, not specific in methodologies and resources for implementation (UN-REDD, 2014).

4.1.4. Equity/Fairness

It is easy to see that the equity in forest governance policy system and institution has been not ensured. Policies on forest allocation and lease tend to reserve natural resources rather than to protect forest owners' properties (MARD, 2013). It can be seen that the policies are prioritizing common or State profits over the benefits of forest-dependent communities or forest owners. The fairness among groups of forest owners has not been reached while the individual people and communities have lower access to forest resources and state supports in order for forest protection than the state organizations and economic organizations. The rights of forest owners towards natural forests are still vague, and hard to be executed while their responsibilities are high (CRD, 2013). Evaluating the results of forest allocation to community, the documents also conclude that the forests managed by the state agencies are supported with finance and human resource while no support is provided for forest-allocated communities. Many policies oversimplify the people's living and survival needs, especially those who are ethnic minority groups (Pham Thu Thuy et al., 2012); According to some researchers, the policies need to prioritize land and forest allocation for forest-dependent households and communities, who have the potential to make big changes towards a more effective way of using and protecting forests, transforming State forestry into household and community forestry (To Xuan Phuc and Tran Huu Nghi, 2014).

4.1.5. Effective coordination

Given the current forest governance policy system and institutions, the coordination by and among the stakeholders, even among state management agencies at various levels has been facing many barriers and overlapped. Many documents have mentioned the shortcomings of the state management mechanisms by and between the Ministry of Agriculture and Rural Development and the Ministry of Natural Resources and Environment. Among the ministries and relevant bodies working towards forest resources, an effective coordination mechanism has not yet been obtained (MARD, 2013; MARD, 2015). Concerning the institution, many overlaps have been witnessed between the agriculture and natural resource sectors, originating from the inconsistency of concepts, definitions and classification systems of forest and land forest (VFD, 2015). The current policies and institutions have not been successful in facilitating an effective coordination among the forest-adjacent provinces (VFD, 2015). Such overlap and ineffectiveness have been recognized for a long time (IUCN, 2008). The inconsistency and overlap of work by and between ministries and sectors in land classification and management have been challenging the implementation at all levels (IDLO, 2011; WB, 2011).

4.1.6. Effectiveness

Only a few materials have a positive evaluation on the effectiveness of the existing forest governance policy system and institution in Vietnam, while a relatively large number of documents have asserted the opposite opinion. According to the evaluation expert group of the Ministry of Agriculture and Rural Development, the LFPD 2004 and relevant guiding documents have framed a favorable legal institution for the sector management and the transformation from State forestry into social forestry (MARD, 2013). As for Tran Ngoc Binh (2016), the LFPD contains a noteworthy point that it recognizes the right of 7 various groups

to become forest owners, including individuals/households and communities for the first time. However, most of the research shares a common opinion that though having been issued in great number, policies and regulations are still difficult to apply (VFD, 2015). Many policies conflict and overlap with each other (Pham Thu Thuy et al., 2012; Winrock International, 2011; Ministry of Justice, 2017). The LFPD 2014 has been merely in the form of a guidance document rather than regulations. This has led to the introduction of over 100 by-laws to provide specific regulations, which generate a bulky legal framework on forest protection and development, accompanied by many conflicts and overlaps (MARD, 2013; VNFOREST, 2016). A number of regulations are not tight, making the enforcement not strict, such as regulations on the conditions of renewing the duration for using forests, on transforming natural forests into forests of other purposes. Some regulations are also confusing, especially to the ethnic minority groups (UN-REDD, 2014; VNFOREST, 2016). Some policies on forest land allocation and lease, and forest use do not have consistent regulations on beneficial interests and rights and have not identified clearly the subjects for forest allocation and lease. There has been also a lack of policies of supporting forest owners, particularly communities, households, and individuals in forestry management and business (Tran Ngoc Binh, 2016).

According to the National Assembly's Ethnic Affairs Committee (2015), the regulations related to State forest companies and criteria of evaluation and arrangement of state farms and forest enterprises have not helped to address the management problems that the stakeholders are facing. The Committee also reported that while the State allocates the land resource for the state enterprises to "use and manage", it is not considered as the property of the enterprises. As a result, the enterprises are not able to use the forest or land they are managing as collateral to get loans for investment into production or use them for investment, cooperation or joint operation purposes. When land and forest, the most important forms of capital, could not become their property, the best choice of the enterprises is to rent out their land or to exploit timber to survive. State forest enterprises are no longer effective and appropriate forest management institution (Huynh Thu Ba and Rodney J. Keenan, 2017; Nguyen Trung Thong and Enright, A., 2012; To Xuan Phuc and Tran Huu Nghi. 2013; Ethnic Affair Committee, 2015)

4.1.7. Discussion

Hence, there have been many documents on the policies, institution and legal framework related to forest governance in Vietnam developed in the recent years, especially since Vietnam has become involved in REDD+. The studied materials include evaluation reports by state bodies in the implementation of policies, enforcement of laws and regulations, deployment of projects and by non-governmental organizations and scholars in the field of forest governance. These materials share a common perspective on the legal system and institutions of forest management in Vietnam: that they overlap, and are not specific. Many provisions are only for orientation purposes and are not feasible to implement. The provisions of the LFPD focus on the management and protection, and partly on the development of forests but have not regulated or encouraged the interactive relations of the value segments in the whole forestry value chain (MARD, 2015). The property ownership rights of the forest owners are limited due to the complexity of some provisions of the by-law documents. In addition, newly arising governance issues have not been included? Enclosed and regulated in the legal documents. The policies and regulations have not taken into account the unique

qualities of various forest ecologies and local social features; therefore they do not fit with individual cases.

The studied documents can be divided into 2 groups, including scientific reports, and administrative and consultation reports. Noticeably, these 2 groups of documents share the majority of views and findings. While scientific reports only focus on a small number of aspects of governance with logical reasoning and critical analysis of causes, the remaining group of documents cover a wide range of views, but lack a theoretical basis for the conclusions. Another noticeable point is that the collected materials only refer mostly to issues in the legal system and institution from the law level downwards. However, the documents and research have not yet pointed out the causes leading to such policy shortcomings. Although the stakeholders of forest governance are many, the majority of the documents just mention the direct parties, who are forest owners and the State. Research results on the roles of the other groups such as private sector and civil society organizations on Vietnam forest governance is hard to find.

Most of the documents indicate specific inadequacies, but have not yet assessed the impact of those issues in reality in a clear and specific way (i.e. on which scales, or the problems caused). Furthermore, for most of the research are based on qualitative methods, purposeful sampling, their results are not very convincing. While macro-level policy makers tend to look at the numbers and figures, such documents have failed to quantify the qualitative findings. The scientific articles, employing logical problem analysis and reasoning, provide persuasive arguments. However, since such materials have been only released in English in scientific magazines which is a barriers for the policy makers in Vietnam to access.

Among the materials studied, there are a number papers representing the points of view toward the draft of revised LFPD made by National Assembly, Ministries and social organisations. These papers reveal a number of remarkable views such as recommends that household groups become a subject to be officially allocated forest by the State. The resources to protect natural forests should be raised from forest resources exploited in a sustainable manner. Besides, the need of incorporating gender issues into the law is also emphasized by the National Assembly (Environment, Science and Technology Committee, 2017; MARD, 2016 (a); MARD, 2016 (b); Ministry of Justice, 2017; Vietnam Women Union, 2016).

4.2. Planning and decision making processes

4.2.1. Accountability

The current processes of planning and decision-making have not been implemented with high accountability. As an example given by experts, localities have been quite arbitrary in transforming forest land use purposes without following forest protection and development plans approved by the authorized agencies (MARD, 2013). The approval of planning is carried out by the people's committee at various levels and the government with consultations by specialized agencies. However, the role and responsibility of the forestry management bodies at various levels in planning is not clearly defined (MARD, 2013). Currently, the organization and implementation of planning and approval of planning are done by agencies of the same sector, causing a low level of accountability and scientific objectivity. The appraisal report on the LFPD by the National Assembly (2017) points out that issue. In addition, the development and approval of annual plan for the forestry sector as well as other

sectors in general are under the control of the Ministry of Planning and Investment. The proposed programs are selected and approved basing on the allocated amount of funding rather than the priorities needs of the sectors (Pham Thu Thuy et al., 2012). Consequently, the plans do not always go along well with actual demands.

4.2.2. *Transparency*

When analyzing the forest governance institutions of Vietnam, Winrock (2011) points out that the forest classification system of Vietnam is quite complicated, and lacks consistency and clarity. Data on forest allocation revealed that the participation of households has been increasing. However, the accuracy of the figures about forest by owners is still a question since they show many contradictions. Although it has been discussed, the right of carbon and other environmental services of forest owners to date has yet to be clearly defined (Winrock, 2011; MARD, 2016 a; UN-REDD, 2013). The decision making processes of forest allocation, lease and withdrawal, and forest use purpose conversion have not been made in public and without transparency and adequate participation and agreement (in majority) of the local communities (MARD, 2013; Le Khac Coi et al. 2011). The society has not been able to participate in the monitoring process while planning information and plan amendments have not been publicized with details (i.e. maps and annexes).

According to the opinion of the Vietnam Chamber of Commerce and Industry, forests belong to the entire people, so they should be fully informed. The detailed regulations of planning should be put into the law since they have impacts on the benefits of forest owners and investors. When such benefits are easy to be changed by the introduction of Government's decrees, forest owners and investors would consider forestry is a high-risk investment sector (VCCI, 2016). This has been a reason making the non-state enterprises hesitate to engage in the sector. A number of private companies have joined but tend to count on short-term profits such as the case of Lam Dong Province (UN-REDD, 2014; CRD, 2014).

4.2.3. *Equity/Fairness*

The principle of equity in the process of planning and decision-making has not been mentioned and analyzed in many studied documents. Only a few studies and reviews on forest-land allocation point out that forest use planning does not consider the interests of the parties concerned fully under the law and by tradition (Bao Huy et al, 2005; CRD, 2013; TBI Viet Nam, 2012).

4.2.4. *Participation*

All studied documents share a reflection that, at present the policies and decisions are often imposed from the top down, and lower-level agencies must perform within the scope limited by their direct superiors. However, provincial government authorities can be proactive within the scope specified by the law (Winrock, 2011). At the grassroots level, there was a lack of participation of the people in the land and forest allocation process, including developing a plan for allocation, evaluation of forest stock and field monitoring. Indigenous knowledge and local customary law have been underestimated in the process, leading to increased risks of disputes and conflicts (CRD, 2013; Nguyen Quang Tan and Hoang Huy Tuan. 2013; Vu Long, 2011). Despite a decentralization policy, in practice, most decisions are made by the central and provincial government authorities. In the study on mangrove forest management of the northern area, the researchers of MCD found that only a handful of local authorities

have the policies to concretize the participation of related parties, even though the Decree No. 23/2006/ND-CP requests such participation from parties in giving opinion in the process of planning and forest management at the commune level. Dinh Huu Hoang and Dang Kim Son (2008) also point out that the lack of participation of people in planning has caused forest loss due to farming activities. Recently, the developed REDD+ policies were also short on participation. Huynh Thu Ba and Rodney J. Keenan (2017) with their study about the process of developing a National REDD+ action plan (NRAP) conclude that non-state actors have no significant influence on this process.

4.2.5. Effectiveness

Regarding the effectiveness of the planning and decision-making process, the Government report (GoV, 2011) stated that "the planning and establishment of forests according to use purposes have been slow and loosely managed; some local authorities did not set up and manage special-use and protection forests appropriately in accordance with the master plans approved by competent authorities. The planning was not of good quality, not close to the reality, influenced by the the State investment attraction, leading to the fact that, in some areas, only 40% of the work was implemented". The quality of planning of forest protection and development have been still limited and not synchronized with land use planning, strategy for socio-economic development, not close to reality and frequently broken, much of the land and forests have not been surveyed, inventoried on field, and cadastral maps have not been developed (MARD, 2015).

In addition, there are documents recommending that the State should not promulgate too many planning schemes such as raw material planning, product processing planning as well as privately-owned forest planning (VCCI, 2016). These plans do not have much meaning in the market economy in which the supply and demand relationship is the deciding factor.

Compared to the policy, institutions and law, there are not many documents on the planning process and decision-making in forest management and governance. Many studies been focused on the planning process at the grassroots level, while not so many documents mentioned the process at macro level and national level, especially intensive research were not adequate. For example, regarding the national forest planning process, planning of three categories of forests across the country, and the process of issuing the national decrees, decisions, no documents indicating the background, rationale, and legal standard behind the decisions can be found. Furthermore, there are no documents showing which parties and agencies were involved and their roles in decision-making processes related to forest governance.

4.3. Studies on compliance and enforcement

4.3.1. Regarding forest loss, forest degradation and law violations

According to recent studies, the problem of forest loss and natural forest degradation is still going on. Many documents and reports of the Vietnam Administration of Forestry show that annually, thousands of forest law violations still occur. However, the available data about this problem at present are also very rare (Huynh Thu Ba, 2016; Winrock, 2011). The studies pointed out the cause of forest loss in different forest types with different management methods including logging and conversion of forest land use purposes. According to Sikor et al. (2011), the enforcement of laws to control illegal logging is not effective. The lack of

equity of accessing rights and benefits from resources between the forest management entities and forest-dependent communities are the main causes of illegal logging. The lack of participation of relevant parties have made the illegal logging control non-transparent, facilitating corruption. Although illegal logging has been diminished, it still one driver of forest loss and degradation (Winrock, 2011).

Table 3: Number of violations of laws on forest protection and development by year

Year	2010	2011	2012	2013
Number of violations of laws on forest protection and development	33,821	29,551	28,565	27,253

Source: Compiled from the website of the Forest Protection Department, accessed on 30th April, 2017

In 2014 and 2015, To Xuan Phuc (Forest Trends) and his colleagues conducted studies and pointed out that poor accountability, lack of equity on accessing to land resources, lack of transparency caused forest lands converted into cassava-cultivated or rubber-cultivated lands legally or illegally, breaking the master plans of the central Government as well as local authorities while there not been any effective solution to control the problem. Accountability of local government authorities in forest management not been clearly, leading to the inadequate law enforcement, the inability to prevent the unauthorized land use conversion. Winrock's documents (2011) also considered that it is industrial crops that cause the loss of the forests in the mountainous areas, and shrimp farming areas cause the loss of mangrove forests. Forest loss risk will be still high in because the State does not have any appropriate tool to control the conversion of forest lands to other purposes.

Poor forest management by state forestry companies is another cause of the forest loss and forest degradation problems in Vietnam. The report of the National Assembly (2015) on the land use effectiveness in the State agricultural and forestry fields has pointed out many shortcomings and inadequacies. The forest land invasion to plant cassava occurs mainly in areas managed by state-owned companies and organizations (To Xuan Phuc, 2015). According to the report of the Committee for Ethnic Affairs (2015), land of state-owned forestry companies "is managed and used really wastefully. The process to assign land to the local authorities for management and to assign to the people who lack arable land has taken place slowly and faced many difficulties. Land disputes and encroachment remain complex issues. The goal of keeping the forests and protecting the environment assigned to the forestry enterprises and forest management boards conflicts with the interests of economic development of the localities, so natural forests continue to be destroyed". The Government of Vietnam report (2015) on land use of forestry companies gave similar results, and pointed out that low accountability is the cause of the problem.

As for the causes of forest degradation and loss, the literature focuses on causes related to the livelihood of the local people. Meanwhile, other causes such as conversion of land for hydroelectric power and other infrastructure construction is not sufficiently studied so far.

4.3.2. Regarding the implementation of Payment for Environment Services (PFES) program

PFES has been implemented quite early in Vietnam compared to other countries in the region and the world. There were not many studies in the period before PFES. But after PFES began to be implemented, many studies and reviews have been conducted. While some studies conclude that PFES has positive impacts on forest protection, increased income for forest-dependent communities, and raised forest protection awareness in the community, other reports conclude that the results of PFES should still be studied and improve gradually. The

principles of good governance in PFES are not yet guaranteed. With an imposed payment mechanism, the accountability and equity between the parties concerned of PFES not been good enough (To Xuan Phuc et al., 2012). The studies and reviews of Pamela McElwee (2011, 2015) conclude that the issues which should be concerned are rights of forest owners, equity in accessing to rights to use the forests, transparency in payment mechanism, and the involvement of the relevant parties in the development of the collection and payment mechanism. In addition, some studies emphasize the need to diversify the mechanism so that there is a balance between the benefits received and the responsibilities of the forest protection service providers, in accordance with the diversity of each forest type in each particular context (Hawkins et al., 2010).

In general, the documents on PFES are built based on information collected from the fund management units, the communities, the owners of the forest and several State agencies. Until now, no document provides the perspectives and interest from the direct payers who are the consumers of electricity, water, or intermediary organizations which are electricity and water supply companies and tourist companies. Therefore, the documents have not fully reflected the views of all relevant parties. The document has referred to the rights of forest owners, the community participated in forest protection, but has not mentioned the accountability, their commitments to participate in the program. The conclusions and recommendations therefore will be not comprehensive when considering PFES mechanism which was originally built on the principle of the market although it has at present not completed yet. Views on the results of PFES vary to some extent. A number of comments in the literature indicate that PFES actively and effectively contributes to forest protection and raises the income of people, while other opinions find that this policy does not have a significant contribution to forest protection, but even increases social conflicts in the local community, and the causes of forest loss have not yet been resolved.

4.3.3. Forest resource access and use rights enforcement

As discussed above, accountability in forest policies and institutions is not good. The rights of forest owners form a typical example of this. Many studies and articles state that the rights of owners to natural forest are unclear and lack practicality. There are too many regulations on the rights of forest owners that are not specified by law, but instead, by sub-law documents, namely decrees and circulars, which are frequently changed (To Xuan Phuc et. al., 2014). The forest land allocation process gives priorities to organizations, officers of state forestry enterprises, or specific individuals (CIFOR, 2012). This is a good opportunity for those with political power and connections to increase their land capital. Inequity also exists among different demographic groups, in which the Kinh ethnic group often receives more land than other ethnic groups. This widens the gap between the rich and the poor. In general, entities in the state sector have the highest quality forest, while non-state entities, especially local residents, have low quality, degraded forest.

Several studies highlight that the community's indigenous rights to forest need to be recognized because the community is the traditional institution for sustainable forest management that should be promoted. Forest owners' rights to forest environmental benefits such as ecosystem services and carbon rights also need to be identified.

Among the seven groups of forest owners as stipulated by law, the studies looked closely at the households and community forest owners. As for the economic entities group, most forest

owners are State enterprises, therefore the true forest owner is the State and only evaluative report on the state forest enterprises' operation are available. There have not been many studies on other forest owner groups such as armed forces, civil society organizations either, it might be because this group has low percentage of forest ownership or it is not easy to approach and get information. Now that REDD+ and PFES are beginning to be widely recognized and have more funding sources, there are more studies done on forest ownership.

Another aspect that has not been widely studied with regards to forest ownership is that government agencies directly or indirectly hinder the implementation of forest owners' rights. For example, it is not mentioned in any documents what happen if authorities are late for granting certificate to forest owners? What are the measures? Are such procedures appropriate? Or if a policy or decision, which limits the implementation of forest owner's legal rights, is promulgated then what responsibilities should the promulgating entity take?

4.3.4. Community forestry

Community forestry institutions in Vietnam have good accountability within the community but not as good between the community and other stakeholders (IUCN & RECOFTC, 2011). In other words, there are still many issues related to accountability of community forest institutions, which are mainly legal issues. Although community forests are an institution affected by traditional customary law, statutory law still has the decisive role on the strength of this institution (Hoang Huy Tuan et. al., 2013; Nguyen Ba Ngai, 2009). Since it is not recognized as an entity with legal status, the community has inferior rights to forest compared with other forest owners (CRD, 2013: Tran Duc Vien et. al., 2005; Tran Nam Thang, 2016). So far, studies have highlighted main reasons for community forest not becoming a popular method of forest management even though there are millions hectares of unallocated forest. Especially after the 2013 Land Law became effective, natural forest land is no longer allocated to communities or households. As a result, at present, forest allocation is not associated with land allocation (CRD, 2014).

A case study by Tran Ngoc Thanh and Tran Ngoc Dan Thuy (2013) in Dak Lak province, a leading province in the country with regard to forest allocation to community, pointed out the lack of equity when the State allocates forest to community compared with other forest owners. The majority of forest allocated to community is low quality forest that no one wants. Forest owners that are State entities or enterprises received significant support from the State to manage forest, whereas community forest owners receive no State support at all. A study by FORLAND (2014) pointed out similar issues in other provinces.

Transparency of community forest is rather low as most forest allocated to community does not have sufficient information about forest resources (Nguyen Ba Ngai, 2009). For many reasons, forest has not been fully evaluated or counted before or at the time of allocation. This task is only carried out where there are support from development projects (FORLAND, 2014). Thus, the community received forest for management while they are not sure what to be managed. This issue escalates when benefit-sharing mechanism is specified based on the initial forest volume allocated as part of State capital. There is one typical example where forest is allocated in 2003 but evaluation is done in 2011, as a result, the community spent 8 years managing the forest without any benefits (Ngo Thi Phuong Anh et. al., 2013).

Participatory forest land allocation to community process is only applicable where there are support from development project (FORLAND, 2014). In other cases, there is only partial participation (Tran Ngoc Thanh et. al., 2013; Tran Duc Vien et. al., 2005; Vu Thi Thuy Trang et. al., 2013). A study on this lack of participation analyzes the reason as lack of a specific policy for participation (Bao Huy et al. 2005; Đinh Huu Hoang and Dang Kim Son. 2008; CRD, 2013). There is a lack of funding to organize meetings and training on forest inventory; officers lack facilitation skills, traditional methods are ineffective, and most importantly, the benefits of community forests, including economic and cultural benefits, are not convincing enough.

It can be observed that studies on community forest shared the same opinion that in theory, it is an effective, sustainable management method that suits with current social tradition and customs (Nguyen Quang Tan, 2008; MARD, 2011), but in reality, community forests in Viet Nam did not bring the expected results (Nguyen Ba Ngai, 2009; Nguyen Quang Tan, Hoang Huy Tuan, 2013; Vu Thi Thuy Trang et. al., 2013). In some localities, the state is not committed to allocate forest to community because it does not see convincing results from models, even though there are large area of unallocated forest (FORLAND, 2014). With the aforementioned issues related to accountability, transparency, equity and participation, there is much to be done in order to make community forest institution in Vietnam become a popular forest management method.

Therefore, compared with other governance issues, community forestry has received more attention from different stakeholders including organizations, the State, and academic institutions, with many relevant publications. Most studies and reports on community forestry focus on community institution and rights over forest resources. However, community forest institutions include not only the two elements of institutions and the community, but also a third element, which is the forest allocated to that community. The relation among these three elements is decisive to the success of community forestry in specific cases. Of all documents studied, only the study by Hoang Huy Tuan et. al. (2013) discusses the characteristics of forest resources and its impact on the institution of community forest management in a village of Thua Thien Hue province.

4.3.5. VPA-FLEGT process

Although it is a new concept, there have been many documents and studies on FLEGT in Vietnam. Studies by the VNGO-FLEGT network show that household forest owners and small wood producers are most vulnerable to VPA. At present, compliance with timber legality definitions is low (CED, 2014; VNGO-FLEGT, 2016). Studies on enterprise groups pointed out challenges facing small enterprises when VPA is implemented. Small, low capacity enterprises and individuals have high risk of becoming dependent or closing down when VPA raises standards on the market (VNGO-FLEGT, 2014; To Xuan Phuc and Kerstin Canby, 2011).

Most studies were done based on the previous draft VPA and timber legality definition. At present, there have been changes in State regulations on timber logging, timber transportation and Law on enterprises. Therefore, previous evaluation on response and compliance with VPA might no longer be applicable. In the coming time, when VPA is signed, further studies and evaluations are needed in order to help vulnerable groups find suitable solutions to new challenges arising from VPA-FLEGT.

4.3.6. Gender issues in forest governance

Many documents state that gender issues have not yet been considered adequately in forest governance. The reasons pointed out are the lack of gender specialists in forest management agencies, culture and the thinking that forest protection is a job that suits men. As a result, women's opinions and wishes are less likely to be considered in the process of planning and decision-making. However, according to studied documents, in reality, women play a significant role and participate greatly in forest use and protection. Furthermore, women tend to employ sustainable ways of using forests. Although the LFPD 2014 brought in gender equality, yet forest land is not clearly defined, which is an issue because it is important to ensure access rights for women for more proactive forest resources usage and management (MARD, 2016; RECOFT, 2015; Hoang Cam et al. 2013). Women's needs and benefits have not been highly regarded in the process of planning and decision-making. Conversion of natural forest into plantation or rubber has a negative impact on women's livelihood and health, yet this issue is not of interest in forest policy (FORLAND, 2014; Anggia B. et al. 2013). Therefore, during national forest planning, concerned officers should work with households to promptly and accurately disseminate information on national forest planning.

As aforementioned, communication campaigns on LFPDs have yet to bring expected results. Documents on gender showed that women, especially ethnic minority women, have limited using the Vietnamese language or done in written or printed forms. Documents on forest planning adjustment should be translated into popular ethnic languages so that people can read and provide inputs (MARD, 2016). This idea coincides with the idea presented in the Vietnam Women's Union's feedback documents for the LFPD (2016). According to the Women's Union, the current method of collecting feedback on forest planning is not convenient for women's participation. UN-REDD documents (2013) include the same opinion, pointing out that community meetings are usually held in locations not convenient for women to access.

As acknowledged by several studies, gender issues in forest governance have not been of interest, which is evident in the number of limited documents on this issue. While women have much knowledge about natural resources management, they are limited in terms of rights to access and use such resources. This is caused by the long existence of the patriarchal system and pressure from systems that favor men's values (MARD, 2016). Documents about gender in forest governance usually discuss this matter independently, with focus on the role of women without consideration to other social and natural factors. Therefore, documents about gender issues in forestry are yet to be highly compelling.

4.3.7. Corruption in forest governance

Corruption in forest governance takes different forms, but all related to the use of forest resources. It could be the participation and benefits from illegal timber logging and trading of state officials (Sikor et. al., 2011; To Xuan Phuc, 2014), or it could be the conversion of forest land usage in order to create personal benefits (Huynh Thu Ba, 2016). The lack of a monitoring system and transparent management tools for related forest resources is also the opportunity for corruption. PFES is a typical example (Pham Thu Thuy et. al., 2013). When there is inequity in the rights to access forest resources, there is high chance for corruption. Huynh Thu Ba (2016) pointed out the existing fact in many localities that most forest land and forest have been allocated to State entities while local people lack land for production is

increasing risk of corruption. Studies showed that Vietnam has the legal framework and tools to control corruption. However, enforcement has been ineffective (Huynh Thu Ba, 2016).

As reported by the National Assembly's Ethnic Affairs Committee (2015) and the Government (2015) on land management of State forestry enterprises, boundary defining, perimeter marking, issuing of land use right certificates or land lease have only been done in a very small scale in terms of land area and number of enterprises. Cases of illegal land use have not been dealt with promptly and thoroughly. Management responsibilities of government and enterprises have not been clearly specified; there have been cases where some enterprises do not control land use, sub-contracted their land, use their land not according to registered purpose or illegally transfer forest land. This is a form of corruption in land management of State forest enterprises.

Although not substantial in numbers, publications on corruption in forest governance have pointed out several reasons and risks. Among which, lack of equity and transparency, as well as lack of accountability are the root causes of corruption. However, the authors did not analyze the direct reasons leading to good forest governance practices have not been implemented yet. Other studies showed that there is high risk of corruption in forest resources exploitation and transportation as the number of compliant households are low yet transportation is still allowed (VNGO-FLEGT 2015, 2016). So far, there have been no documents that discuss this issue. The fact that documents about corruption in forest governance collected have their publishing date from 2010 until now and all related to REDD+ shows that this issue have received more attention due to the impact of REDD+. It is worth mentioning that all such documents were prepared by non-government organizations and individuals.

4.3.8. The role of society organizations and networks in forest governance

Documents on the role of civil society organizations in forest governance of Vietnam showed that civil society organizations have been forming and effectively participating in forest governance, especially after the initial implementation of REDD+ and FLEGT in Vietnam. If reports published early 2012 evaluated civil society organizations in Vietnam as weak in the forestry sector, reports since 2014 acknowledged positive changes in the roles and capacity of this type of institution in policy-making. There are also positive changes in the point of view of stakeholders toward civil society organizations (Pham Thu Thuy et al., 2012; Nguyen Viet Dung and Nguyen Vinh Quang, 2014). Documents have shown quite completely the characteristics of civil society organizations and the strengths of civil society organizations and networks in forest governance (Nguyen Viet Dung and Nguyen Vinh Quang, 2014; Huynh Thu Ba and Rodney J. Keenan, 2017). There are documents that said that social organizations under State management cannot represent different groups in society and therefore cannot participate effectively in policy advocacy. However, there are also opinions that in the current context of Vietnam, social organizations founded by the State (mass organisations) have the ability to create significant impact on the process of policy-making and decision-making. Socio-political organizations such as the Women's Union, Farmers' Association and Fatherland Front should also participate in order to improve equity, especially gender equality (MARD, 2016).

It can be seen that there are different evaluations on the capacity and role of civil society organizations in forest governance. While some reports consider civil society organizations

capable of participating and creating impacts, there are other opinions that civil society organizations are not strong enough to represent or voice people's opinions and needs. Looking further into the details and research methodology of the reports show no contradicting results. Summary analysis of all documents shows that either at central or local levels, civil society organizations whose members are scientists, policy advocates, and development workers are strong, influential organizations with professional operation and diverse external financial and technical support. Another point worth noticing is that the participation of social organizations has been mentioned in recent documents (VCCI, 2016; Women Union, 2016; VNGO-FLEGT, 2015; MARD, 2016). Older documents did not mention the role of civil society organizations in forest governance. This change might be fueled by the promulgation of the Vietnam Fatherland Front Law. However, at community level, especially remote and ethnic minority communities, there are no civil society organizations to represent their rights and wishes independently from the government.

V. CONCLUSIONS

5.1. Forest governance in Vietnam

In summary, the literature reviewed in this study documents several positive changes, such as the increased participation of households and communities, recognition of forest ownership for some forest owners outside the public sector, and increased forest coverage. Besides these aspects, however, the forest governance system does not meet good forest governance practices in all three of its main components, which are policy, planning and decision making and implementation. Specifically:

- While policies and accountability are not good enough, there are many ambiguous, conflicting and easy-changing regulations. Transparency in policies are low as there are no defined regulations about information disclosure and participation of civil society organizations and other stakeholders. Inequity in policy as forest allocation is prioritized for State entities rather than community and households. Current policy favors protection of State-owned forest rather than the rights of forest owners. Forest protection is considered to be in favor of livelihood of forest dependent communities. Policy effectiveness needs to be improved when there are too many sub-law documents issued that conflicted or hindered actual implementation. Although participation has been included in policies, it is only included as a direction; it lacks specific provisions to ensure correct enforcement of participation requirements.
- Current process of planning and decision-making are not quite transparent, planning is easily changed by local authorities in order to convert purpose of land use and purpose of forest use. State forestry agencies do not have any specific responsibilities with decisions issued by authorities. Although information on planning is disclosed, it lacks necessary details to enable community monitoring of planning implementation. At central level, planning is made based on allocated resources, while planning at local level is made in order to request funding from state budget. As a result, participation and actual needs and wishes have not been focused on. With such issues, effectiveness of planning is thus considered not very high.
- In the context where the process of planning and decision-making has yet to meet standards of good governance practice, implementation encounters similar problems. It has

been documented that thousands of violations to LFPD took its root from inequity in the rights to access forest resources, the lack of transparency, the lack of participation in policy-making, planning and decision-making. Furthermore, there are still obstacles to forest owners when practicing their rights to natural forests, which, according to documented sources, is caused by the lack of accountability, equity and participation in policy-making and decision making. Therefore, forest land allocation to households and community achieved limited results. PFES fee is another example of issues in policy-making and decision-making leading to outcome not as expected. Although PFES is highly regarded by State management agencies, studies show that PFES fees are not only unable to reduce deforestation and forest degradation, but also increase conflicts and risks of corruption due to a lack of participation, transparency and accountability.

Documents related to VPA-FLEGT pointed out the common issue is the low compliance of small forest growers, loggers and processors. If there are no timely interventions, small wood producers, especially those of ethnic minority background, will not be able to participate in the wood market once VPA is implemented.

Regarding corruption control, Vietnam has a quite complete legal framework, yet it is not well implemented in practice. According to a number of existing documents, the risk of corruption in forest governance of Vietnam is high because of low compliance with transparency and accountability requirements. Corruption takes many forms, but are all related to illegal logging or conversion of purpose of forest use or forest land use. State forest enterprises have high risk.

There has been little interest in gender issues in forest governance, which is evident in the limited number of documents about this issue. Gender inequality in forest governance still exists and is more pressing because of the lack of participation, transparency and accountability. Documents expect that enhanced participation of civil society organizations will improve gender issues.

The role of civil society organizations in forest governance has experienced positive changes and has begun to have impact on the process of policy-making and decision-making. State management agencies acknowledge the role of civil society organizations in monitoring and discussing in general. However, civil society organizations' role in practice has not been strong. Possible reasons are that civil society organizations are yet to be established at local level or lack capacity to participate.

5.2. Regarding documents and studies

Among the components of forest governance, most documents are about policy and policy implementation, while documents about the process of planning and decision-making are limited. There are few documents and studies about corruption and gender issues in forest governance. Accessible documents originated from development organizations, non-government organizations, science magazines and State agencies. In contrast, documents from in-country academic and scientific institutions are not as widely accessible. Most studies are qualitative, case studies with weak theoretical basis, thus are not compelling. However, quality studies found in international science magazines are not easily accessible. There is no significant contrast in the contents of documents, the only difference is the point of view and the approach toward the issue. At present, documents and studies about forest governance is

only discuss the policies, there have been no discussions about the history or the underlying meaning of such policies. Recent documents and studies about VPA-FLEGT are based on the draft VPA and timber legality definition, thus they will not be as significant when there are changes that arise as a result of the VPA negotiation process.

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APPENDIX: SUMMARY OF KEY STUDIED DOCUMENTS

1. Documents related to the policies, institutions and legal frameworks of forestry/forest management.

No	Name of document and year of publication.	Main contents
1	(The participation of relevant parties in mangrove forest governance in response to climate change and disaster risk reduction, VFD, 2015)	<p>The study was carried out in the 7 provinces of the North and Northern Central Region of Vietnam with mangrove forests within the scope of VFD projects. Both quantitative and qualitative methods were adopted in this study.</p> <p>The material employed the framework of forest governance analysis developed by PROFOR and WRI to evaluate the governance of mangrove forests. Its key findings showed that the governance system of mangrove forests exposed many limitations from policy making to implementation.</p>
2	(The context of REDD+ in Vietnam: drivers, agents and institutions, Pham Thu Thuy et al. (CIFOR, 2012))	<p>The report was conducted by a group of forestry experts (CIFOR, CERDA, CIEM) to support REDD+ in Vietnam. The methods it adopted include literature review, workshop and expert peer review. The report had a fairly wide scope of research. It analyzed the underlying drivers of forest loss and degradation of from the policy environment, benefit sharing mechanism to economic policies.</p>
3	Assessing barriers influencing sustainable and equitable forest management: The case of Vietnam. Nguyen Quang Tan et al. (IUCN, 2008)	<p>The report focuses on analyzing the social context and relationship between law and traditional customary law in forest governance. According to the authors, it is necessary to facilitate the giving of forest management rights to the people; the people's ownership of forest resources remains rather nominal as restrictive regulations have limited actual control of forest by local people; it is important to transfer actual power in decision making over forest resource management to local people, taking into account the existing traditional management structure of the people.</p>
4	Forest and land allocation in the context of forestry sector restructuring: opportunities for forestry development and uplands livelihood improvement. To Xuan Phuc & Tran Huu Nghi (Tropenbos, 2014)	<p>The report is grounded in previous studies on forest and land allocation in the context that the answer to the problem of production land shortage is an important discussion issue in Vietnam. The key message of the report is that forest and land allocation to households and communities have brought about positive results in various aspects and the system of state forest enterprises is no longer a suitable management approach which has caused many negative impacts and stagnation.</p>
5	Report on evaluation of 10 years in implementing the 2004 Law on Forest Protection and Development,	<p>The report is the result of a study "Reviewing the 10- year implementation of LFPD 2004" within the scope of Social Forestry Support Programme (SFSP). The objectives of the study included evaluating the implementation of the law and suggesting the orientation for possible supplementation and adjustment in line with the transition to market economy, international integration and climate change adaptation.</p>

No	Name of document and year of publication.	Main contents
	The Ministry of Agriculture and Rural Development (MARD), 2013).	The report was conducted with desk study and workshops at regional levels around the five different themes of the LFPD. It points out almost all strengths as well as points that need to be modified and supplemented of the law. However, the weakness of the report is the lack of coherent arguments for its views and recommendations.
6.	Participatory governance report for REDD+ in Lam Dong, Vietnam, UNREDD, 2014	It is a study with qualitative and quantitative methods which evaluates forest governance indicators carried out in Lam Dong Province, adopting FAO's framework of governance analysis. As its name suggested, participatory methods with the involvement of various stakeholders including the government, communities, and independent experts were used. However, it only focuses on contracted forest protection in the province and proves that the relevant regulation on as well as enforcement of contracted forest protection require many changes. Some management principles such as participation and equity have not been a focus of the policies and enforcement of contracted forest protection in Lam Dong.
7.	Preliminary Assessment Report of the (revised) Law on Forest Protection and Development project The Committee for Science, Technology, and Environment, National Assembly, 2017	The report synthesized the views and arguments on LFPD of the Committee for Science, Technology and Environment of the National Assembly as follows: <ul style="list-style-type: none"> - The 2004 LFPD has showed a number of limitations. - The exploitation of production forests which are natural forests for economic benefits, in line with the sustainability principles, should be allowed. - The current classification of forests into three categories was neither scientifically appropriate nor suitable for management purpose. - Household groups could be either supplemented in the list of legal forest owner or added in the explanation of the term of "community" - It is necessary to continue in-depth review and careful consideration to ensure the specific rights of forest ownership and use which current laws and regulations allow, avoiding the exclusion of rights and obligations of any organization and individual. - Integration of gender issues in lawmaking should be mainstreamed.
8.	Roots in the water: legal framework for mangrove PES in Vietnam. The Katoomba group's legal experts. Slayde Hawkins et al.	The report describes the current situation of mangrove forests in Vietnam, the legal governance framework and challenges in applying PES in mangrove forests. According to the authors, since mangrove forests had their unique ecological and social characteristics, and the opportunity cost of protection is so high, it is unable to be applied with the same policy stated in the Decree 99/2010. It is suggested by the authors that the pilot model of 7:3 as per the Decision

No	Name of document and year of publication.	Main contents
	(Washington, DC: Forest Trends, 2010)	No. 51/2005/QĐ-UBND of Kien Giang Province or model of co-management in Xuan Thuy National Park, Nam Dinh Province are more suitable.
9.	Legal Preparedness for REDD + in Vietnam. FAO, UN-REDD Program (IDLO, 2011)	<p>This document is the result of a study conducted by IDLO, with the support of the Food and Agriculture Organization of the United Nations (FAO) and the United Nations programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD Program).</p> <p>It introduced a Preference Tool used to identify and analyze the challenges in the legal and institutional framework of Vietnam, integrating REDD + into its legal framework, including development objectives, public participation in decision making and access to information. It synthesizes the legal and institutional documents of Vietnam related to REDD + and identifies the challenges and necessary reforms in the legal framework system.</p>
10.	<p>Overview of forest land allocation situation in Vietnam - Problems raised on the making and enforcement of policies in order for effective implementation of forest and land allocation program in the current period.</p> <p>Tran Ngoc Binh, Vietnam Administration of Forestry, 2016</p>	<p>It was a workshop presentation of the author, who is working at the Vietnam Administration of Forestry. According to the author, the results of forest land allocation were not as positive as expected. In the last 20 years, the Government and related ministries and sectors has issued many official documents and guidance on forest land as well as forest allocation and lease. However, many limitations remain in the field, such as low quality and slow progress of land and forest allocation have been seen; some local governments have just focused on land allocation but not forest allocation; in some provinces in the South, forest land and forests were mainly managed by the state-owned sectors, especially natural forests; forest allocation and lease has been separated from forestry land allocation and lease.</p>
11.	<p>Explanation report on the proposed Forestry Law in replacement of the 2004 Law on Forest Protection and Development.</p> <p>MARD, 2015</p>	<p>The 2004 LFPD had brought about a number of results, including:</p> <ul style="list-style-type: none"> - It legitimated the forestry development perspectives of the Party, facilitating the conversion from a state-owned to a social forestry; from merely exploitation of natural forests to protection, production and development of forests. - The competent agencies of the central government has issued more than 100 legal documents to comprehensively guide and specify the enforcement of this law. - The government has framed many policies which positively impact forest protection and development, contributing to economic development and effective use of land and forests. - The state management of forest protection and development has switched from administrative orders to the adoption of laws and economic leverage policies in

No	Name of document and year of publication.	Main contents
		<p>association with the planning, plan making and market orientation.</p> <p>The report also points out the limitations in forest governance and management, as follows:</p> <ul style="list-style-type: none"> - The planning has been not good in quality and being synchronized with land use planning and socio-economic development strategies, far from reality and frequently broken. - The regulations on forest development have not brought about new advancement in the business of planted forests; the productivity, quality and value of production forest has remained low. - The organization and management of forestry production have revealed some structural weakness leading to low productivity, especially in state forest enterprises, as compared to other countries in the region. - The organizational and managerial structures of forestry sector, forest rangers and local forest protection force are in short of unity and stability. - Many provisions and regulations are not consistent with the Constitution, Biodiversity Law, Land Law, Law on environment protection, and a number of international conventions. - A number of issues have not been legitimated.
12.	<p>Preliminary appraisal report of the (revised) LFPD Project.</p> <p>The Ministry of Justice, (2016)</p>	<p>The Ministry of Justice indicated some inadequacies in the draft law (basically similar to the current one), such as:</p> <ul style="list-style-type: none"> - Forest planning should comply with the Planning Law, except for some specialized contents. - Forest planning should be grounded on land planning to avoid possible overlaps. - Forest investigation and inventory should go together with land inventory. Likewise, database of forests should be coordinated with land database. - The procedures and required documents of forest withdrawal has not been framed or made connected with land withdrawal. In addition, regarding its association with the benefits of individuals and organizations, these issues should not be guided by the Government. - The conversion of use purposes of forest and forest land was not made clear. - The international CITES Convention has not been locally legitimated. - The term of "rights of forest use" is not clearly explained. It is necessary to differentiate between forest use rights and land use rights as land ownership is not legitimated while forest ownership is.

No	Name of document and year of publication.	Main contents
		<ul style="list-style-type: none"> - The forest management unit is the forest owner but it is not as independent as enterprises, individuals and communities so its rights and obligations are not equivalent with other forest owners. - The regulations on enterprise's special forest protection force should be eliminated to avoid intrusive intervention. <p>The Ministry of Justice agrees that the name of the law should be changed into Forestry Law, and ownership of natural forests recovered by non-state actors should be recognized, and the allocation of forest to local community should be allowed.</p>
13.	<p>Study report on international experiences in laws related to forestry and forest protection and development. MARD, 2016)</p>	<p>The report synthesizes experiences on law making and law enforcement in 6 different countries in the world. Based on these experiences, the report proposes these following recommendations:</p> <ul style="list-style-type: none"> - It is important to define forest categories owned by the state, public and private sector in order to make it suitable with unique features of the economy and related legal framework. - Additional provisions/regulations acknowledging and specifying forest functions and roles to human, with an emphasis on non-forest products functions, should be supplemented. - Specific regulations on (i) the management and use of different categories of forests; (ii) the inspection, control and origin tracing of legal timber, (iii) granting and using forest certificate should be issued for the law to be compatible with the laws of other countries, which could help stakeholders involved in forest planting and forest product processing get familiar and comply with the regulations of the international market.
14.	<p>Feedback report to the revised LFPD. The Vietnam Chamber of Commerce and Industry, 2016</p>	<p>This report reflects unusual perspectives of an organization who support enterprises and trade as follows:</p> <ul style="list-style-type: none"> - Approach perspective: the rights of forest owners should be protected; it is necessary to acknowledge the ownership of natural resources; the rights of forest owners should be legitimated by law rather than regulated by governmental documents to ensure the stability. - The overlaps with other laws would increase costs and risks for investors and enterprises. - It is necessary to specify the regulations of forest management, and this task should not be undertaken by the Government as the regulations are directly involved with the benefits of forest owners. - Regulations on transparency in forest planning are not sufficient. It is necessary to make the forest allocation and

No	Name of document and year of publication.	Main contents
		<p>inventory results overt to the public for participatory monitoring. Publication of information should be adequate and detailed (including relevant maps and appendix). Since the forests belong to the entire people, they should be well-informed.</p> <ul style="list-style-type: none"> - Planning on private forests would not be made as it meant deep intervention. - The detailed planning should not be assigned to the government as it is related to the protection of benefits which should be made stable. - The planning of forest material and processing zones is not necessary. In deed, it would be governed by the market. - Investigation and inventory should be assigned to an independent party rather than totally depended on forest owners. -The definitions of forest allocation and lease are not accurate and have not properly reflected the essence of the transactions between the state and relevant subjects. - The term of forest withdrawal is not accurate to apply in the cases of privately owned forests but it should be defined as compulsory purchase. - The investigation and control of forest products should be legislated. This task should not be assigned to the government to ensure the stability, and benefits of protected business.
15.	Using strategic environmental assessment to inform the forestry master plan 2010-2020 of Vietnam. The World Bank, 2011.	This report pointed out some problems in forest governance, including ineffective coordination between the MONRE and MARD which resulted in the failure to control the conversion of use purposes of forest and forest land. It recommends the strengthening of participatory institutions such as community forest, co-management and forest management household group.

2. Documents related to planning and decision-making processes in forest governance

No	Name of document and year of publication.	The contents relevant to planning and decision-making processes
1	The participation of parties concerned on mangrove management for climate change action and disaster risk mitigation, study in the Northern and North Central regions. (VDF Project, 2015)	The report showed that the participation in the process of planning and decision-making in mangrove forest governance has not yet existed. In deed, most of the mangrove forest governance work has been done by the Department of Environment and Natural Resources at district level.
2	Forest land allocation situation according to the Circular No. 38/2007/TT-BNNPTNT and the Joint Circular No. 07/2011/TTLT-BNNPTNT-BTNMT in some central provinces. (CRD, 2013)	This is an analytical and reviewing study reports on the effectiveness of the guiding circulars on forest and land allocation. The report stated that the local management agencies met many challenges in the implementation of the administrative procedures to allocate forest land for entities.
3	Preliminary Assessment of the Forest Protection and Development Law Project (revised) Science and Technology Committee of the National Assembly, (2017)	This report show the view of the National Assembly with respect to forest governance is that even more transparency is required by legislated regulations in forest governance.
4	Final Report of implementing the Project "Planting of new 5 million ha of forests" and forest protection and development plan in the period of 2011-2020. Report No. 243 /BC-CP dated 26th October 2011 of the Government	This report showed that the planning and decision-making has been still of low quality, impractical, subjective and influenced by group's interest.
5.	Rapid assessment of the political, legal and institutional setting: Vietnam, Lowering Emissions in Asia's Forests (LEAF), Winrock International, 2011	This report raises one of the causes of low-quality planning and decision-making is the limited capacity of participating parties to some extent. In addition, since forest and land are separately managed by two different ministries, complexity in planning and decision-making with respect to forest resources has been generated.
6.	Institution and Context Analysis to inform the PGA for REDD + in Viet Nam. UN-REDD. 2013 Hanoi, Vietnam.	The case study on some communes in Lam Dong Province shows that participation and transparency are inadequate in the decision-making process at the local levels. The role and power of the government authorities at communal level in fact have been very limited. They do not had the rights to monitor the enforcement of forest lease contracts of private companies.

3. Documents related to forest loss and degradation

No	Name of document	The contents relevant to forest loss and degradation
1	Illegal Logging in Vietnam: Lam Tac (Forest Hijackers) in Practice and Talk. Thomas Sikor; Phuc Xuan To. 2011	From its case study, this document concludes that forest loss has been caused due to the principles of equity and participation have not been applied in natural forest governance. Besides, the application of the penalties has not only failed to reduce forest loss due to illegal logging but also generated adverse effects. The criminalization of illegal logging activities has contributed to the gathering of powers in only a number of government officials, traders, creating opportunities for them to earn more money with less risk in the illegal logging system.
2	Rubber Expansion and Forest Protection in Vietnam To Xuan Phuc & Tran Huu Nghi, 2014	The report claim that the expansion of rubber tree area has been one of the causes to forest loss, especially in the Central Highlands region. Rubber area has increased beyond national planning by hundreds thousands of hectares, showing the lack of policy enforcement. Market factors have had great impacts on forest protection results. In recent times, the expanded rubber area has been taken mainly from natural forests. Not only have some companies wanted to expand the rubber area but also a number of State agencies.
3	Cassava development and forest protection in Vietnam National policies, international markets and people's livelihoods To Xuan Phuc, 2015	To date, the production of cassava has been still mainly in the form of extensive farming in which yield is increased thanks to the expansion of farming area. Cassava has been considered friendly to the poor because it does not require large initial investment capital and high level of farming. These advantages have created the result that about 1.2 million households, including many ethnic poor households, have participated in the planting of cassava. The fastest cassava area expansion has been normally in the areas where the forests are managed by the forestry companies or forest management units and there is high poverty rate. The cassava planting area in reality far beyond the management agency's plan showed the limitations of the current policy mechanisms in controlling the development of cassava industry
4	UN-REDD Programme Document, Phase 2. UN-REDD. 2012. Viet Nam	The document states that Vietnam ranked #2 among the coffee exporting countries and ranked #5 among the rubber exporting countries in the world. Industrial plant farming has been the main cause leading to forest loss.
5	Report No. 958/BC-UBTVQH13 The results of monitoring the implementation of	The provisions of the laws on management and use of land of agencies, government authorities and the agricultural and forestry companies have not been strictly complied and performed under the laws.

	the policies and laws on the management and use of land in the agricultural and forestry fields and State schools in the period of 2004-2014 National Assembly Standing Committee, 2015)	
6.	Report of monitoring the implementation of policies and laws of land use management in the State agricultural and forestry fields in the period of 2004-2014 Committee for Ethnic Affairs, 2015)	According to this report, land in the limited companies have been managed and used very wastefully. The process to allocate part of land to local authorities for management and allocate land to people lacking cultivation land has taken place slowly and met a number of difficulties. The situations of disputes, encroachment of land remain complicated. The goals of keeping the forests and protecting the environment allocated to the forestry enterprises and forest management unit have created conflicts with the economic development interests of the localities, therefore, the natural forests continue to be destroyed. Unused or fallow land area remains high. The processing of illegal land use was slow and not decisive. Management responsibilities of the government authorities and enterprises have not been clarified; a number of companies have had tossed land management, allocating and contracting land in with wrong purposes or illegally transferring forest land.

4. Documents related to the implementation of PFES

No	Name of document	The contents relating to PFES
1	The Prospects for Payment for Ecosystem Services (PES) in Vietnam: A Look at Three Payment Schemes. Phuc Xuan To Wolfram, H. Dressler, Sango Mahanty, Thu Thuy Pham & Claudia Zingerli. 2012	According to the study, although PFES has been a good initiative, but in the present context, there have still been many problems reducing the effectiveness of this policy, including: the unstable rights of owners on forest; the high direct costs and opportunity costs; the group's interest at localities because forests have been allocated to the capable organizations and households to manage. The authors says that the PFES policy is not only an economic relation between the sellers and the buyers but the political and social factors also need to be considered to develop a more suitable and sustainable payment mechanism.
2	(Report on three years of implementation of policy on PFES in Vietnam (2011–2014)	Alongside the successes documented by the quantitative figures, the report also points out the limitations of PFES such as: differences in the total amount of money collected from PFES among the provinces; no connection between the

	Pamela McElwee, Tran Chi Thanh, 2015)	implementation of PFES policies and forest protection activities in the forest protection and development plan by 2020; slow implementation of progress review and identification of forest and forest owners for PFES; no instructions on the bordering or determining PFES for tourism and clean water, or other environmental services; no specific instructions in Decree No.99 or Circulars relevant to the roles of the fund management units, the relationship between the fund management units and the fund executive units, and no clear regulations on the establishment and use of the reserve fund at the provincial level; no regulations and specific instructions on monitoring PFES; low rate of PFES; no guidelines on direct payment; no mechanisms for the participation of non-governmental organizations.
3	Payments for environmental services as neoliberal market-based forest Conservation in Vietnam: Panacea or problem? Pamela D. McElwee. 2011	The study report indicates that PFES will hardly help solve the problem of forest loss and degradation when the causes such as lack of equity in access and use of forest resources and the lack of participation of the community in protecting the forest have not been met.
4.	Assessment of the performance of the PFES and the participation of parties concerned at the local level. Conference proceedings, 20th November 2015, organized by FORLAND)	Policy on PFES was marked as one of the 10 most basic achievements of the forestry sector in general and was the most prominent achievement of the forestry sector in particular in the period of 2011-2015. Many assessments state that "there has been no any other policy until now that was brought to the real life such quickly and effectively, and was supported and actively participated by many levels and sectors from the central to local government authorities, including even the people as policy on PFES". The results of such assessments are often qualitative, without evidence of specific numbers or systematization.

5. Documents related to the enforcement of rights of forest owners

No	Name of document	The contents related to the enforcement of rights of forest owners
1	Forest and land allocation in Vietnam – Policy and Practice Dinh Hoang Huu, Dang Kim Son)	The report indicates that the current forest land allocation has been mainly done on the maps so many households are using their land without land use right certificate. Besides, the absence of the people's participation in a number of localities during the land use planning process has led to the continuing violation of the laws by slash and burn cultivation traditions. These all have affected the enforcement of the rights of people as forest owners.

		The report employs a number of references to reach the conclusion that in reality, land allocation quantity and quality do not meet the requirements of equity. While a number of local officials, State forestry companies have accessed quite a lot of high-quality land with favorable transportation conditions, the local people are only granted long-term land use rights certificate on degraded, scattered forest land.
2	Decentralization in management of forest resources and people's livelihoods. (Tran Duc Vien, Nguyen Vinh Quang, Mai Van Thanh, 2005)	The report states that policy enforcers and beneficiaries from the policy of decentralization in forest land use and management have not been fully empowered to effectively administer and use the forest land allocated. Thus, some rights of forest owners although exist in laws but cannot be enforced.
3	Enforcement of rights of forest owners who are households and communities. (CRD, 2014)	With the current regulations, although the owners of natural forests are the forest owners but actually have little rights and powers to protect the forests, or prevent effectively the infringement, while their responsibilities are great. <ul style="list-style-type: none"> - The right of the households and communities on the logging and use of wood almost has not yet implemented by by-law regulations. - The regulations on State's support for natural forest owners who are households and communities almost have not executed and there was inequity between them and the forest owners who are economic organizations. The majority of existing supports is thanked to external projects implementing only in some limited areas. -The certification for forest owners has been delayed in many areas.
4	Assessment of the actual situation of forest allocation, lease and granting of land ownership and forest management ownership certificates after allocation in Thua Thien Hue province. (Tran Nam Thang, Hoang Thi Hong Que. 2016)	Assessment of the results of community and household natural forest allocation in Thua Thien Hue, the province which has fast and fairly complete forest land allocation, the author showed a number of problems which have not been clearly defined: <p>For the community, the State only grants land acquisition and use rights, which means the rights to manage, and entitled to receive the benefits for public and household purposes for members in the community. The forest use rights of households and individuals also were limited and infrequent, because similar to the forests allocated to the communities, the forest allocated to the households and individuals are also the degraded and low reserve forests. On the other hand, if this entitled benefit right is violated, the Government and the relevant authorities also rarely protect, especially wood and non-wood forest products. Regulations of natural forest use rights of households, individuals are narrower than the land use rights.</p>
5	Comparative Perspectives	On comparing forest land allocation policy in Vietnam

	<p>on Forest Management and Development. Vietnam in Transition and Lessons from China. Emilie Ellis, Jae Yun Jeong and Margaret Munroe.</p>	<p>and China, the study detects that forest land allocation has improved household livelihood and income and promoted afforestation. However, income from afforestation has not been allocated equally to minority ethnic groups, hence the traditional forest management forms were deleted. Forest land receivers are entitled to many rights, but have difficulties in enforcement because of technical and financial barriers.</p> <p>The report also indicates that community forest management has been more effective and more equitable than the individual or household management models.</p>
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6. Documents related to gender dimensions in forest management

No	Name of document	Contents related to gender
1	<p>Mainstreaming gender into forest policies in Asia and the Pacific. Recoftc, 2015</p>	<p>This is an assessment document in the regional level, for which gender issues in Vietnam's forest management have the following characteristics: Vietnam has had sufficient institutions and legal framework to promote gender issues in development. However, there are still many challenges that hinder women's participation on forest governance and management. For example, unclear boundaries and established rights of people on forest have been specific obstacles for women's opportunities to access forest resources. Social concept that forests are not fit for women has been also a major obstacle. Lack of gender experts in the forestry management agencies has made gender equity strategy difficult to be applied in this sector.</p>
2	<p>UN-REDD Vietnam, Gender analysis, UN-REDD. 2013</p>	<p>Lessons learned on gender issues from Phase I of the REDD+ Vietnam Program showed:</p> <ul style="list-style-type: none"> - Gender concerns have been often only at the level of female's participation in an activity and often lack of appropriate approach so that the strategic needs of women are interested in the program design and monitoring process. - The forestry sector has been the sector with gender inequity in both institutions and organizations. - Women have not had the opportunity to access forest land ownership. -The selection of time and location for the meetings has prevented women from participating in - Women have been emphasized as victim of climate change, not as the changing factor.
3	<p>Mainstreaming gender in forest protection and development laws and the documents under the relevant laws</p>	<ul style="list-style-type: none"> - The study results notes that although being ensured in theory, full participation and equity for men and women in land forest allocation and forest protection and development program or policy are not guaranteed in practice. - For example, in one case, the authorities conduct planning in order to acquire forest land and farming land

		of the local people to establish conservation areas or protected special-purpose forests. In these localities, after acquisition of land, men are organized into forest protection and custodian teams and have a small income from their work. For women, they lose their sources of income which are non-wood forestry products. In fact, in most of the buffer zone communities, women still continue harvesting non-wood products in the forests because it is their main income source. However, since they are not entitled to the forests, by doing so they violate the law.
4	Vietnam Women's Union, 2016. Written opinions on gender mainstreaming into the revised forest protection and development law)	<p>Discrimination in the forestry activities should be prohibited</p> <p>The form and time of drawing opinions on planning should be more appropriate with women</p> <p>Gender impact assessment for forest planning should be supplemented.</p> <p>Priorities should be given to poor women household in forest land allocation</p> <p>Rights of forest owners such as being able to participate in capacity building activities and policy publicizing should be strengthened</p> <p>Responsibilities of the Fatherland Fronts, women's unions and socio-political organizations on participation in and active monitoring of forestry activities should be expanded</p> <p>The role of the Fatherland Fronts, women's unions in law advocacy and publicizing work should be enhanced</p> <p>Policies to support women staff to participate in forest protection and management should be issued</p>
5	Impact assessment report for gender in forest protection and development law (revised). MARD, 2016)	<p>The report indicates that:</p> <ul style="list-style-type: none"> - Forest land has not usually been delineated clearly and that is certainly a problem because ensuring access rights is very important for women to actively use and management forest resources. - It is necessary to mention the short and long-term demands related to gender: gender benefits (for example, the demand to ensure that forest planning is appropriate with both women and men). - During the process of the national forest planning, the responsible people have to come to each family to disseminate timely and accurately the information on forest planning. The civil society organizations (CSO) such as women's unions, Fatherland fronts, and farmers associations should also participate in the consultation process for the national forest planning. - Revising forest planning documents should be translated into languages of populous ethnic groups so that they can read and comment on the forest planning and plans. - Democracy and equity, including gender equity, need to be ensured, e.g.: it is necessary to have full signatures/fingerprints of both husband and wife when

		allocating land for households.
6.	Gender Analysis of Lam Dong's Provincial REDD+ Action Plan Bangkok: USAID-funded Lowering Emissions in Asia's Forests (USAID LEAF) and the UN-REDD program. Pham Minh Thoa, Kalpana Giri, and Elizabeth Eggerts, 2015	<p>Gender equity has not been addressed satisfactorily in a detailed outline of PRAP of Lam Dong (and other provinces are similar).</p> <ul style="list-style-type: none"> - Not many women or those who have responsibilities relating to gender equity and women's empowerment participated in the process of building PRAP. - Many components of PRAP do not have specific contents related to the gender equity or only have very generic contents. Therefore, it is necessary to supplement clear specific gender contents in PRAP as well as in other components of PRAP. - Gender-related agencies, organizations such as Departments of Labor, Invalids, Social Affairs and Women's Unions have not allocated the clear missions and not arranged appropriate resources to participate in the process of building PRAP. it is necessary to strengthen coordination between the related departments to ensure that the contents about gender equity and women's empowerment will be addressed satisfactorily in PRAP. - Knowledge and skills in mainstreaming gender into the policy making process at the provincial level were limited. As REDD+ and PRAP are the new problems, it is necessary to strengthen the capacity of key agencies which then will implement PRAP to mainstream more effectively gender throughout the cycle of PRAP building, implementation and assessment monitoring. There is still a lack of specific guidelines to mainstream gender into the policies of the province.

7. Materials related to community forest in Vietnam

No	Name of document	Contents related to community forest
1	Community forest management in Vietnam: summary of initial analysis of progress and impact. IUCN, RECOFTC 2011	<p>This is a case study report of the 3 provinces and provides the following conclusions:</p> <ul style="list-style-type: none"> - The community forest management projects with international aids attracted the communities more than the State's with their participatory approaches. - The legal status of the community has not yet formally recognized by the Civil Law. + Accountability was done good between the communities involved in the project, but unclear between the forest owners with local authorities. + Enhanced conversations between communities and local authorities have not yet been seen. + Community forest management projects still have not empowered local communities to manage their natural resources. The transformation of the State's role from merely controller into supporter and facilitator was a challenge to address the core of the existing problem of community forest.

		+ Weak enforcement of law is still a huge problem in Vietnam.
2	Forestry, poverty reduction and rural livelihoods in Vietnam. Bao Huy et. al. 2005	<p>Case study conducted in the province of Dak Nong:</p> <ul style="list-style-type: none"> - For villages being allocated with land and forest, the land and forest allocation process in the localities have been well organized and villagers had the rights in dividing forest before allocation and knew the information related to forest allocation policies. - For villages have not yet been allocated with land and forest: Firstly, villagers were not informed sufficiently on land and forest allocation policies of the State. Land and forest allocation mainly took place when there were agriculture and forestry programs with "criteria" of forest allocation. Only in these cases, villagers were disseminated with relevant policies, while communities in the other areas would not know about those policies. This has taken the chances from the people in registering for forest allocation voluntarily. Secondly, many households did know about land and forest allocation in other villages, but they did not register for it since they were not clear about their benefits and responsibilities when being allocated with forest. Therefore, it was obvious that land and forest allocation policies were not diffused adequately to the people. It is noticed that not until there was land and forest allocation in the area would the people there be informed. - The report also finds that there was inequity in contracted forest protection since the people were not able to participate into the discussion and division processes of protection areas. The land and forest allocation were totally controlled by the forestry farm. As a result, some households are allocated with distant forests, some with close and some are assigned with more land and forest than the others. - Regarding people's participation in the project of planting of new 5 million ha of forest: The author asserted that the policies have not been informed to the people, while policies were in the hand of forestry agencies and they carried out the work according to their own plan. Consequently, the people has lost opportunities to select appropriate options for themselves to have better benefits (page 21).
3	Decentralization in management of forest resources and people's livelihoods. Tran Duc Vien, Nguyen Vinh Quang, Mai Van Thanh 2005	<p>This research was done in Nghe An, and Son La provinces. The authors draw 2 conclusions related to governance principles in decentralization:</p> <ul style="list-style-type: none"> - Clarity/transparency: The people, including communities and households, who were allocated with forest land, did not know well about their rights and responsibilities in the process of management and use of resources under decentralization policies. This has discouraged the people and made them not devoted in protecting and developing forests. The quality of the forests is therefore increasingly diminished. - Participation: People in the studied areas have participated in the process of forest allocation. This was manifested by their participation into relevant meetings, thus they knew about their rights and responsibilities when receiving land and forest.

		However, there were many cases when the people were not sufficiently informed about land allocation policies and attached benefits or not able to participate into authentic and official conversations and discussion, or their participation is just a decoration. Inequity in accessing and using forest resources is also an outstanding issue in the studied areas.
4	Enforcement of rights of forest owners who are households and communities. (CRD, 2014)	<p>- The concept of community in community forests need to be understood and defined more broadly as "rural population communities". The concept of community to this extent should be defined as the people who share the same benefits and use the same allocated forest.</p> <p>- The allocation for communities face some challenges due to the Land Law 2013 does not regulate the allocation of natural forests for communities and households.</p>
5.	Country report on community forestry Administration of Forestry, 2015)	A legal framework for community forest have been basically established, lying in the Land Law and LFPD. The State only shape the legal framework, conduct forest allocation and coordinate supports for communities without interfering into specific activities. Some positive results that community forest implementation have achieved were the planning of land use, forest management plan, forest allocation by the State for the community to manage basing on their unique cultural and natural features.
6.	Impact of participation on the process of forest allocation in Phong Son commune, Phong Dien district, Thua Thien Hue province. Agriculture and Rural Development. Hanoi. Ngo Thi Phuong Anh, Dinh Thi Huong Duyen, Nguyen Thi Hai, 2013)	The community forest in Phong Son commune of Phong Dien district were allocated for the people of Thanh Tan and Son Qua to manage and protect in accordance with Decision No.917-919/QD-UB by the People's Committee of Phong Dien District dated 22 July 2003. During the implementation process, the investigation and assessment of forest resources prior to allocation for household groups did not emphasize the role and participation of the people. Accordingly, although the people after allocation did participate quite adequately in forest protection and management activities, many barriers appeared during the implementation, such as inaccuracy of the actual state of the forests at the time of the decision was made and when it was actually implemented. This has impacted the utilization of resources during the forest allocation process in Phong Son commune, especially costs raised on re-assessment for forest status adjustment.
7	People's participation in forest management in Thuy Yen Thuong village, Loc Thuy commune, Phu Loc district, Thua Thien Hue province. Vu Thi Thuy Trang, Ngo Tung	The natural forest allocation were carried out by Phu Loc district in 2000 in Thuy Yen Thuong village. Due to the lack of active participation of the people in the village, after a period of time sharing the benefits from wood done at the first time in 2004, the community has faced difficulties in mobilizing people to patrol for forest protection. The research shows that the inadequate participation of community members during the establishment and enforcement of regulations impacted the responsibility of forest protection and management. Appears the impacts caused by the lack of engagement of the people in the whole process of community forest allocation and management in Thuy Yen

	Duc, Ho Dang Hai, Vo Quang Anh Tuan, Pham Thi Phuong Thao, 2013)	Thuong village.
8	Community forest management in Vietnam: situation, problem and solution. Proceedings of the national workshop on community forest management. Community forest management in Vietnam: policies and practices. Nguyen Ba Ngai, 2009)	There are 4 forms of community forest management with different origins, including historical community forests recognized by the communities, village's forests approved with use certificate, forests allocated to household groups and forests allocated to each households but a group of households would jointly manage the forests. It is necessary to review and adjust the planning of forest protection and development at communal level, including planning of each community in the direction: - Planning of forests providing wood for house construction, essential forest products for the community on the basis of calculating their minimum annual demands of wood and forest products. In cases of limited areas of remaining natural forest, planning of forestry land should be done for the community to plant forest for firewood; - Planning of forest areas in order to protect the water sources and sacred forest of the community; - Planning of community forest areas for production and business; - Planning of minimum farming areas needed by the community to ensure their food security.
10.	Giving the rights of forest management for communities in Dak Lak province: Lessons learnt after 10 years of implementation. Tran Ngoc Thanh, Tran Ngoc Dan Thuy, 2013	Although the program of giving forest management rights to communities via the form of land and forest allocation in Dak Lak province has achieved positive impacts in terms of enhancing people's awareness on forest protection, almost all the models have not obtained the actual effectiveness in order to meet the goal of protecting and developing forests and improving people's livelihoods and reducing poverty. The research reveals the shortcomings that needed to be addressed such as the rights given to the community should be turned into reality, and specific regulations at local level should be built and ratified so that the people could enjoy their benefits from the allocated forests. Almost the allocated areas are poor forests, therefore the State should continue its support after allocation so that receivers could be able to manage, protect and develop the forests in the future. The local institutions should also be changed or rebuilt in order for the local authorities to have sufficient human resources and motives to assist the communities after land and forest allocation.

8. Materials related to the role of social organizations in forest governance

No	Name of document	The content related to the role of social organizations in forest management
1	(The effectiveness of REDD + and VNGO-FLEGT networks in	The REDD+ national network was established to provide consultations and support for the implementation of REDD+ initiatives in Vietnam, while VNGO-FLEGT network was born with a mission to impact and contribute to the negotiation

	Vietnam. Nguyen Viet Dung, Nguyen Vinh Quang, 2014)	<p>process between the Government of Vietnam and the EU.</p> <ul style="list-style-type: none"> - Both REDD+ and VNGO-FLEGT networks have created multiple forums and spaces for many concerning parties to learn, discuss, share information and seek cooperation opportunities for implementing specific initiatives. However, there are also limitations that should be addressed, especially a mechanism which ensures the discussions at network level to be conveyed effectively to policy makers have not been shaped. - Apart from proposing specific recommendations for each network, the report also draws out the conditions needed for a civil network in general to be organized and operated effectively in Vietnam.
2	Forest land policy advocacy: some experiences from Forest Land Coalition (FORLAND) Le Van Lan, Pham Nguyen Thanh 2015	<ul style="list-style-type: none"> - The material introduces the context of forest and land policies in Vietnam in the period of 2010-2015 and the reasons for and the process of the establishment of FORLAND. This is a network of 8 civil social organizations working in the field of forestry, pursuing the goal of policy advocacy to ensure that the ethnic minority groups have equal access to, manage and use effectively and enjoy sustainably the benefits from forest and forestry land. - Introducing the policy advocacy process and the results achieved by FORLAND in the policy advocacy on forest land, mainly covering the two contents, including policy advocacy on use of land originating from state forest companies and policy advocacy on amendment and supplementation of 2004 LFPD. - Introducing a number of lesson learnt of FORLAND on the current policy advocacy on forest land.
3	The Context of REDD+ in Vietnam: Drivers, Agents and Institutions (CIFOR 2012)	<ul style="list-style-type: none"> - When analyzing the rights of forest users, the authors quote the research by RECOFTC and FSFN (2010) which says that civil society in Vietnam is relatively weak, which makes it more likely that the rights and interests of indigenous people may be overlooked. - The research on the differences between the national laws and local practices is limited in number, lacking due attention to indigenous knowledge and experiences. Therefore, the national forestry policies are often not practical and ignored in remote areas.
4	Coalition Support Program: Review of Political Economic Analysis. Oxfam, 2015	<ul style="list-style-type: none"> - Recently, social organizations of Vietnam tend to flourish in the context that international non-governmental organizations have been reducing their role and presence in the country. A number of social organizations have reached the capacity of generating impacts and influences on policies and society methodically in some areas, including forestry. - The social organizations have erected various networks under different forms. - In the field of forestry, more and more social organizations have paid attention to the rights of using forest and land forest of ethnic minority communities. However, there has been no ethnic people participating in the operation of almost all of these organizations.
5.	Revitalizing REDD + Policy Processes in Vietnam: The	The social organizations recognized by the authorities, such as women unions, youth unions, veteran associations, are managing about 450 million ha of forest land in Vietnam. For instance, in

	Roles of State and Non-State Actors Thu Ba Huynh and Rodney J. Keenan, 2017	Son La province and some other Northwest mountainous areas, many large areas were assigned to these organizations to manage. According to the Civil law, since these social organizations do not have legal entity, they may not be able to participate in the transaction activities of payment for ecological services.
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9. Materials related to corruption in forest governance

No	Name of document	The contents related to corruption in forest governance
1	Illegal Logging in Vietnam: Lam Tac (Forest Hijackers) in Practice and Talk. Thomas Sikor; Phuc Xuan To. 2011	Using a case study, the author reveal that the loss of forests and illegal logging are associated with negative acts and corruption in the law execution forces on forest protection. In the value chain of illegal timber, corruption amounts to 40% of the total benefit and has a low risk of being found and prosecuted.
2	Social Networks of Corruption in the Vietnamese and Laos Cross-Border Timber Trade Phuc Xuan To, Sango Mahanty & Wolfram Dressler, 2014	The general view of this document is that the strengthening of international and local law enforcement could not address the issues of corruption and illegal timber trade. Corruption in timber trade is a sophisticated socio-political issue that policy makers should understand thoroughly in order to initiate effective solutions. The issue of corruption has not also been researched. Illegal timber trade is difficult to be done if state's officers involve. Corruption in the forestry industry happened in many diverse forms, influenced by social and cultural factors. Low wage is not the cause of the corruption. In fact, corruption is part of a sophisticated system of reciprocal social-political relationships. Normally, corruption is associated with power. In Vietnam, the overlaps of roles among management bodies generate chances for corruption.
3	Development success in perspective A political economy of REDD + and corruption in Vietnam Huynh Thu Ba, 2016	According to this document, Vietnam has a full legal framework to control corruption, including laws and conventions signed by the Government. The national strategy against corruption encourages all citizens to participate. There are also many anti-corruption tool have been created such as the Provincial Competitiveness Index (PCI) and Provincial Governance and Public Administration (PAPI). Forestry policies have been frequently adjusted but the impact of the non-state component to those changes is still limited. Corruption is considered as a chronic disease in forest governance in Vietnam. Inadequacies and overlaps in regulations and policies are giving opportunities for corruption. Moreover, Vietnam has a tradition of poor enforcement in the fight against corruption. Inequity in forest and land allocation is one of the causes of corruption, especially in the localities whose majority of forest land are managed by the state agencies. The private companies of rubber-planting and hydropower have the ability to influence the leaders of provincial people's committee in the issuance of decisions on forest land allocation,

		leasing and conversion of forest purposes.
4	UN-REDD. 2014. Participatory assessment of forestry governance in Lam Dong Province Vietnam	This report shows that the participation of the people in the process of forest allocation was very limited, and information on forest allocation policies was not clear. The forest boundaries on the field are also unclear. The local authority does not really have the ability to monitor the forest allocation by the by the forest owners to the people and individuals. For this reason, the risks of corruption in forest allocation is high.
5	UN-REDD. 2010. Design of a REDD Compliant Benefit Distribution System for Viet Nam	According to this document, policy corruption has the involvement of senior carders. Meanwhile, petty corruption (money, materials) often occur in grassroots officers.
6.	Pham Thu Thuy et al. 2013. Payments for forest environmental services in Vietnam: from policy to practice. Bogor, Indonesia: (CIFOR)	The report states that PFES has not yet had a mechanism of conflict response and resolution. The benefit sharing system is inequitable, likely to allow local interest groups to seize the chances of the poor. The PFES management accounting system lacks transparency, and data on incomes and expenses have not been made publicly available. In addition, the opportunity cost of PFES management is high.

10. Documents related to VPA

No	Name of document	The contents related to the VPA-FLEGT
1	Impact Assessment of Viet Nam's VPA/FLEGT on the Livelihoods of Vulnerable Groups. VNGO-FLEGT network, 2014	The impact assessment, conducted by VNGO-FLEGT by both qualitative and quantitative methods, shows that small scale wood production and processing households are the most vulnerable group by VPA-FLEGT. Especially, the ethnic minority groups have a very low rate of law compliance in forest use.
2	The assessment report on the ability to comply with the definition of legal timber in 7 provinces. VNGO-FLEGT 2016)	By investigation methods, the research discloses the significant difference among the localities on the ability of comply with VPA of the households of small scale afforestation, exploitation and processing. The biggest challenge is still the certificate or other legal proofs of land use right.
3	Assessment report on information access demands of timber enterprises on FLEGT-VPA by CED in 2014	Assessment results show that only over 50% of the wood processing enterprises know about VPA-FLEGT, however 75% of them actually do not know clearly about it. The primary difficulty of enterprises is to gather adequate documents and proofs of timber origin and the timber material origin should meet the demands of the legal timber definition.
4	Situation of material use in wood processing	This report emphasizes the challenge of material supplies for the wood-processing businesses in the coming period in the context of increased demand yet limited domestic supply and

	Nguyen Ton Quyen et. al. Forest Trends, 2016)	neighboring countries have adopted policies to prohibit the export of timber materials. In addition, timber supplies in the country can hardly meet the standards of legal timber in a short time.
5	Overview of Forest Governance and Trade. Forest Trends To Xuan Phuc and Kerstin Canby, 2011	<p>Licensed or currently controlled timber does not account for a high rate in the wood industry in the whole country.</p> <p>Many of the forest area have been allocated to the people, but the granting of license has not yet been accomplished, therefore the timber grown on that land that is not yet eligible to supply wood to the market.</p> <p>Large companies with strong resources would capture the opportunity of expanding export markets. Meanwhile, small enterprises could become a provider for big ones or cease its business on timber because of inability to meet the requirements of the definition of legal timber.</p>