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'This is my garden': justice claims and struggles over forests in Vietnam's REDD+

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ABSTRACT

This paper explores dynamics of conflict over forests in Vietnam, as the country lays the groundwork for Reducing Emissions from Deforestation and Forest Degradation (REDD+). Drawing on a case study in Lam Dong province and applying an environmental justice lens, we examine how various social actors assert claims over forests and how these claims invoke different notions of justice, authority and identity. Our analysis highlights that the development and implementation of the project has generated renewed competing claims and conflicts over forests among social actors. Underlying these conflicts there are incompatible notions of justice and associated rights, which lead different actors to accord legitimacy variously to the global norms brought about by REDD+, the customary resource practices of indigenous people, or to the state's laws. We show that the negotiations over forests in REDD+ reflect the influence of the specific historical and political-economic settings in which REDD+ activities take place, including pre-existing conflicts over forests and power relations underpinning forest management. From a policy perspective, our research suggests that any attempts to introduce simplified and uniform regulations for forest governance in REDD+ should be avoided, since local institutions and conceptions of justice will significantly influence what is regarded as legitimate policy and can thus be endorsed as inspiration for sustainable forest governance.

Key policy insights

- REDD+ in Vietnam has spurred contestations over who is legitimately entitled to govern and manage forests.
- Claims and conflicts over forests can be explained by incompatible and distinct notions of justice, authority and identity.
- Contestations over justice pose radical challenges to any global and national efforts that attempt to implement simplified rules and ideas for forest based-climate change mitigation.
- Attention to justice, especially to compatibility and differences in ideas about justice, is crucial for sustainable forest governance.

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1. Introduction

Reducing Emissions from Deforestation and forest Degradation and the conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+) is a global initiative seeking to mitigate climate change by reducing losses of the world's remaining natural forests and other forest carbon stocks (Angelsen et al., 2009). In host countries, REDD+ is implemented at national, sub-national and community levels

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through a national strategy and pilot activities (Chomba, Kariuki, Lund, & Sinclair, 2016). REDD+ also involves efforts to address justice issues in the management of tropical forests by protecting forest people's rights, needs and visions.

The global REDD+ safeguards agreed by state parties during the 16th Conference of the Parties (COP-16) to the United Nations Framework Convention on Climate Change (UNFCCC) in Cancun in 2010 provide unprecedented global recognition of indigenous peoples' and local communities' customary rights. The safeguards, which are part of the Cancun Agreements, call upon the need to increase indigenous peoples' effective participation in forest governance, and to recognize their knowledge and protect their rights (Savaresi, 2013; Sikor & Hoang, 2016; UNFCCC, 2011). In this regard, they can potentially serve forest justice by providing indigenous peoples with new arguments to stake claims on their traditional forest lands. Some scholars, however, have argued that the safeguards are not *per se* conducive to a stronger enforcement or more widespread recognition of indigenous peoples' rights at local and national levels (Sunderlin et al., 2014; Upton, 2014), mostly because the global REDD+ safeguards are only guidelines and not something one can hold the state or others to account with. Some indigenous organizations have also raised concerns about the operationalization of REDD+ for the same reason, that is, REDD+ safeguards not being legally binding.

Vietnam was one of the first countries in Southeast Asia to implement REDD+, and has continued to be one of the most active. In 2009, the country's REDD+ network and six sub-technical working groups¹ were established and, in 2011, the government set up the national REDD+ office to coordinate all activities relating to REDD+ at the local and regional levels. To facilitate REDD+ activities, the government has developed a national legal system of social safeguards, particularly in those provinces selected for REDD+ early implementation activities. The sub-technical working group on safeguards was set up to address concerns over equity under REDD+, including customary tenure rights, rights of indigenous peoples (known as 'ethnic minorities' in Vietnam),² or benefit distribution, in light of the REDD+ safeguards under the Cancun Agreements. With both financial and technical support from international experts and donors, a second draft version of the national roadmap for social safeguards on REDD+ was developed in 2013.³

In April 2017, the Prime Minister of Vietnam approved the National Action Program of REDD+ to the year 2030, consisting of seven work packages in which several issues relating to the Cancun REDD+ safeguards and other relevant issues for REDD+ implementation are highlighted. At the local level, a number of REDD+ projects funded by a variety of international donors have been implemented. According to the Ministry of Agricultural and Rural Development, 44 REDD+ projects with a net worth of about US\$84.31 million had been developed by 2016, of which 24 had been completed (MARD, 2016). Most of these projects were aimed at supporting policy and capacity development at the national and sub-national levels of government administration, with very few funds transferred to specific local forest activities.

This article focuses on the study of a pilot project that reached local communities, supported by the UN-REDD programme and implemented since 2009. We investigate how the design and implementation of REDD+ affect ongoing negotiations over forests involving different actors. The village we refer to throughout this paper as Pa⁴ has experienced a number of conflicts and social grievances related to REDD+ activities. These conflicts have arisen from the negotiated nature of REDD+ as a set of activities that take place within a particular political, economic and biophysical setting. Although REDD+ safeguards have been applied to promote a shift in current forest management practice by recognizing indigenous peoples' and other users' rights in forest governance, the actual outcome in the case of this project has been a renewal and intensification of competing claims over forests among social actors. We argue that underlying these conflicts are competing notions of justice, which lead actors to grant legitimacy to global norms followed by REDD+, to the customary resource practices of the indigenous people, or to the laws of the Vietnamese state.

Environmental justice scholarship has for long demonstrated the importance of understanding the production of injustices resulting from socio-economic and environmental change, as well as from the implementation of specific policies, in order to identify strategies for social adaptation and policy contestation and improvement (Guha & Martinez-Alier, 1997; Schlosberg 2004; Sikor & Stahl, 2011). REDD+ is no different from other policy domains where environmental justice analyses have been instrumental to fostering policy change, such as in the cases of land-use, resource extraction, and water or urban planning. Environmental justice research also calls attention to the politics of justice, that is, notions of justice asserted by stakeholders

and affecting stakeholders' actions (Martin, Gross-Camp, Kebede, McGuire, & Munyarukaza, 2014; Peluso, 1996; Sikor, 2013; Sikor & Hoang, 2016; Walker, 2011). Notions of justice are an important element in the repertoires of legitimizing discourses available to social actors making claims over resources (Buijs & Lawrence, 2013). Social actors tend to assert plural notions of justice, although very often only some of these notions gain support and come to be considered legitimate by other actors. In addition, some notions are more visible, while others face difficulties in being heard because of differences in wealth, power or identities (Chhotray, 2016; Schroeder, St. Martin, Wilson, & Sen, 2008).

Since REDD+ can potentially involve a re-crafting of the relations of access and use over forest resources, conflicts are likely to emerge over who gets what forest benefits and who has to bear what management responsibilities (the distributive element of justice), and over which actors get to have a say on, and influence, forest management decisions (the procedural element) in REDD+ design and implementation (Okereke & Dooley, 2010; Schroeder, 2010). Conflicts can also reflect opposed understandings of who constitutes a subject of justice in REDD+ (the recognition element) (Fraser, 2009; Schroeder & McDermott, 2014; Suiseeya & Caplow, 2013). Some actors might attribute rights, entitlements, and responsibilities over forests, land and REDD+ activities more generally to specific subjects, such as the right-holders or forest user groups, while others might also include non-right-holders and even future generations or non-humans. These conceptions of who should be considered subjects of justice can also pay distinctive attention to other socially defining categories, such as age, gender, caste, race, or the like. Finally, conflicts over REDD+ can also reflect social actors' disagreements over who should be considered a source of authority: who is legitimately entitled to set the rules for REDD+ implementation, including the interpretation of the three justice elements highlighted above and the subjects of justice. Who is legitimately entitled to resolve any grievances resulting from REDD+ design or implementation? Some actors might grant such legitimacy to REDD+ implementers, regardless of their statutory character, i.e. public or private, while others might only recognize the state or customary local institutions as a source of authority.

In this article, we adopt an environmental justice lens to analyse REDD+, drawing on seven intermittent field visits to Pa and 52 in-depth interviews held with key project actors and villagers between 2014 and 2016, which made evident the centrality of justice arguments to understand REDD+ conflicts. At the project level, interviews were conducted with eight local officers from the district and commune people's committees, the district forest ranger office, the forest management board and two national and international non-governmental organizations (NGOs) involved in REDD+ implementation in the village. At the village level, 44 villagers of different ethnic groups (Kinh, K'ho and Tay) were selected through snowball sampling. These included two traditional and one contemporary village headmen of the K'ho, traditional village land owners, and leaders and members of forest self-management teams (both men and women).

We also gathered information about the nature of forest conflict and ongoing dynamics of land-use change in the village through a 'photovoice' project that was implemented between 2015 and 2016. Photovoice, or storytelling through photos, is a research method that allows local people to become co-researchers by providing insights on the characteristics of local communities and their environment (Wang & Burris, 1997). The photos taken by the locals themselves and the accompanying stories of their authors became an important source of information, which helped us to better understand the changes in management and access to forest resources. Additionally, many photos themselves were expressions of local people's concerns over justice issues that we could not gather through individual interviews.

Both villagers' and photovoice interviews lasted from 45 minutes to about two hours each. Most of these interviews were recorded (with participants' consent). In cases where our informants were not comfortable speaking in Vietnamese, we relied on other individuals from the community to provide translation assistance. The interview materials were transcribed and analysed through thematic coding to assess a variety of views and claims over REDD+.

In the following section, we provide an overview of the recent history of land and forest tenure relations in Vietnam, including shifts in resource ownership and management frameworks, which are key to understanding REDD+ outcomes on the ground. In section three, we examine the development of the UN-REDD project and show how contestations and competing notions of justice over access and control of forest resources have become more noticeable after REDD+ implementation. In section four, we highlight several instances of conflict over the project's targeted forests, in order to reveal the underlying politics of justice. The discussion

and conclusion section summarizes the article and highlights why being sensitive to justice claims and struggles over forests should be a central aspect of REDD+ research and policy design.

2. Contextualizing a contested (REDD+) landscape

Pa village is one among several villages in Vietnam, targeted by the UN-REDD programme (a collaborative programme from the United Nations on REDD+, with over 60 official partner countries in the developing world). It is located in Lam Dong province, and it is the traditional homeland of the K'ho, a native ethnic group of the country's central highlands. According to 2014 official data, Pa encompasses 354 households with 1,448 residents of eight different ethnic groups. These include K'ho (65 households) and Ma (56 households), who are the original inhabitants of this area, and a majority of migrant Kinh (220 households), who settled in the area during the 1970s and 1980s encouraged by specific resettlement policies (see below). There are also other more recent spontaneous migrants from the north of Vietnam, including Tay, Nung, Thai and Muong ethnic minorities.

The village of Pa sits next to a mountain range covered by old-growth forest. Although none of the older K'ho we interviewed knew exactly when their ancestors first arrived in the area, or where they came from, the K'ho people claim to be the first settlers. Besides citing the name of the village – in K'ho – as proof of such history, many people also offered as evidence their recollection of the time when Kinh and other groups subsequently arrived. Although the K'ho people, like other ethnic minorities in Vietnam, have long been regarded as forest destroyers because of their traditional shifting cultivation practices (Cam, 2011; McElwee, 2009, 2016a; Salemink, 1997), the surrounding old-growth forest of Pa, covering approximately 700 hectares, has been well conserved up to the present day.

Before the unification of Vietnam in 1975, both the old-growth forest and forestland reserved for shifting cultivation and other livelihood activities were considered common property and were customarily managed by three K'ho clan heads, who were simultaneously considered to be the symbolic owners of the land. Individual families, depending on their labour capacity, had equal rights to clear any suitable forestland for cultivation in forest land areas assigned by the community land owners. Likewise, all villagers had equal timber extraction rights to fulfil household non-commercial needs and to gather forest products and hunt wild animals for subsistence (Salemin, 2000a; To, Dressler, & Mahanty, 2017). Customary rules, however, prohibited outsiders from accessing and exploiting village resources, especially land lying fallow under shifting cultivation practice.

Customary property relations and forest management in Pa have experienced significant changes since the central highlands became integrated into the Vietnamese nation state in 1975. In 1976, the central state nationalized all land and forests within Vietnam, making them state property. Citizens did not have equal claims to land, which was privileged to the state. Simultaneously, tens of thousands of Kinh were moved from the lowland areas to the central highlands in the state-sponsored migration programme known as 'Build the New Economic Zone' (Hardy, 2003). In this process of state territorialization (Vandergeest & Peluso, 1995), traditional customary rights to land and forest were formally abolished and many of the fallow swidden fields of the K'ho people came to be considered 'unused' or 'ownerless' land. As such, many of these fields were appropriated by the migrants (Kinh and others) and resistance from native ethnic minorities was rampant.⁵

The village of Pa was not isolated from these regional dynamics. Besides losing a large portion of traditional cultivated swidden land to migrants, the K'ho also saw how their customary rights over the old-growth primary forest became challenged. The Vietnamese state ensured control over the village's forestland by categorizing it into 'protection forest' area,⁶ which was to be monitored and managed by a state forest enterprise established in 1989, known as the Lam Nam Forest Enterprise. In spite of such protected status, the forest enterprise conducted small-scale logging activities and allowed local people to continue carrying out certain activities, such as cutting small trees for house construction, collecting firewood and harvesting certain forest products for subsistence purposes.

Restrictions on access to forestland and forest products intensified during the 2000s across the country, thus also affecting Pa. Vietnam's 2003 Land Law requested individual families who wished to have rights over forestland to obtain the so-called 'red book', i.e. a land certificate.⁷ In addition, the 2004 Law on Forest Protection and Development did not recognize customary collective ownership and it indicated that only forestland classified as 'production forest' could be allocated to individual families. Furthermore, it noted that forests classified as

‘protection’ and ‘special use’ forests were to remain as such or had to be put under the control of state management agencies. Additionally, in accordance with Decree 200/2004/ND-CP on re-arrangement, renovation and development of state forest enterprises and the 2004 Law on Forest Protection and Development, the state shifted its activities from forest management to stricter conservation practices. The Lam Nam Forest Enterprise became the Lam Nam Forest Management Board (FMB), and following this name change, its function and approach also radically changed (see more about this shift in McElwee, 2016b and To, Mahanty, & Dressler, 2015).

In this context, Pa villagers obtained land-use certificates or ‘red books’ for their coffee gardens and wet-rice fields in 2007, while 700 hectares of ‘protected’ village forests were included in a 50-year land-use certificate granted to the Lam Nam FMB. A year later, the Lam Nam FMB included the forest under the national Payment for Environmental Services (PES) programme and, as a result, it established new rules for forest management and protection, including the recruitment of patrol members, a specific mechanism for payment distribution, and the prohibition of formerly accepted forest management activities, such as the above-mentioned cutting of small trees for house construction, the collection of tree branches for firewood, and wildlife hunting.

The consolidation of state-driven forest management in Pa during the 1990s and 2000s led to disputes over forest access. These grievances were rooted on the existing contradictions between state regulations and customary use and management, as well as changes in the wider agrarian economy. As noted earlier, although the community’s forest was under the control and management of a state company, villagers of both the native K’ho and migrants continued to exploit timber for household use, which led to disputes with the company’s patrols and between villagers themselves. The latter intensified during the early 2000s when the coffee boom in the central highlands made forestland increasingly valuable, pushing both villagers and people from the surrounding areas to ‘illegally’ encroach the forest for coffee plantations. It became evident during fieldwork that in both of these recalled conflicts, disputes surrounding historical land relations were determinant. For example, both old and young villagers justified their violations of state law as set up by the FMB with reference to the customary rights of the K’ho as the legitimate forest owner before the state took ownership. Seemingly, the claims made by the K’ho over their old swidden fields taken by migrant villagers invoked the past practice of customary land tenure of the K’ho. The arrival of REDD+, as analysed in Section 4, provided the K’ho with a new reason to defend their customary rights.

3. UN-REDD activities in Pa

The UN-REDD programme was introduced in Pa in 2009. The village fulfilled two key attractive criteria in REDD+ governance: the site was rich in forest cover and its population consisted of ethnic minorities considered indigenous people by the global REDD+ safeguards and the United Nations Declaration on the Rights of Indigenous People (UNDRIP). Pa’s forests were also being managed by a state agency, which could reduce transaction costs associated with bureaucratic barriers and tenure complications (To et al., 2017). The UN-REDD programme activities in Pa, as in other villages involved throughout the province, were structured around three implementation phases: phase I was implemented from 2009 to 2012 as part of the ‘REDD+ ready’ project; phase II started in early 2013 and ran until 2017, including ‘experimental implementation’; and phase III – ‘full implementation’ – is expected to become operational from 2018 onwards. In 2016, the Ministry of Agriculture and Rural Development (MARD) and REDD+ donors agreed that phase II of the UN-REDD programme could be extended until the end of 2018. Our analysis focuses on phase I and the first half of phase II, during which a number of activities were carried out in the village by UN-REDD programme actors, including the Food and Agriculture Organization of the United Nation (FAO), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the Vietnam Administration of Forestry (VNFEST).⁸

According to the ‘Revised Standard Joint Programme Document’ signed by the Vietnamese government, FAO, UNDP and UNEP, the main purposes of UN-REDD in Pa and other pilot communities are twofold. First, the UN-REDD pilot project aims to build capacity at the national level to allow Vietnam’s government, and especially the REDD+ focal point (i.e. MARD/DoF), to coordinate and manage the process of establishing a REDD+ informed forest governance framework. This should result in real and measurable reductions in emissions from deforestation and forest degradation and provide international payments for carbon conservation to local stakeholders in

relation to performance standards. Second, the UN-REDD project aims to improve the capacity of local organizations to plan for and implement REDD+ actions. In order to do this, the document emphasizes

the importance of respect for the principles of the UNDRIP ... in conformity with UN-REDD Operational Guidance on Engagement of Indigenous Peoples and other forest dependent communities, and the principles of the UNDRIP, and in particular applying the principle of prior informed consent. (UN-REDD 2009, p. 21)⁹

During this five-year window, the UN-REDD pilot project mapped all forest land managed by FMB, measured carbon stocks, and implemented free, prior, informed consent (FPIC) and awareness-raising activities. The latter's main target were ethnic minority people, whose 'unsustainable' shifting cultivation practices were considered as one of the main drivers of local and national deforestation (Lam Dong PRAP 2015; Leif and Pal 2017; McElwee, 2016a). Awareness-raising activities included the establishment of an informative group consisting of six villagers, and the handing out of brochures to all households about the significance of REDD+ and PES, printed in both the Vietnamese and K'ho languages. After awareness-raising activities were completed, a village meeting was held to get consent for REDD+ development in the village.¹⁰ Training and FPIC meetings also involved introducing issues contained in the Cancun REDD+ safeguards, including tenure rights, which often led to heated discussions on the role of customary rights and knowledge in forest management. In Pa, for example, these discussions revitalized claims to customary lands by the native villagers, as stated by a K'ho villager in December 2015:

When REDD+ first arrived, UN-REDD staff said the forest would be given to the ethnic minorities so that we could get more money from the PES programme. According to them, the amount paid would be enough for us to live and therefore we would continue to conserve the forest.

Another key activity of the UN-REDD project was setting up an implementation mechanism. In Pa, as elsewhere in the same province (Leif & Pål, 2017; Leif, Pal, & Jon, 2016), REDD+ implementation was built upon Vietnam's PES national programme. It targeted the same forest area (i.e. the forest land managed by the Lam Nam FMB), and promoted the same activities and benefit-sharing rules. Regarding the target group, REDD+ activities in Pa have focused on 185 households (about 55% of the village households) who already had labour contracts with the Lam Nam FMB under the PES programme. These include native K'ho people, Kinh migrants who are now permanent residents of the Pa village, and other non-residents, including staff of the commune people's committee and some families from surrounding villages. The FMB believed that involving commune officers and some households from outside the village in forest protection efforts would increase the potential effectiveness of conservation efforts, since these specific individuals lived closer to the forest and they could more easily observe and inform about illegal resource extraction activities.

Between 2009 and 2016, the 185 targeted households received payments for about eight million Vietnamese Dong (VND) (around US\$ 350) per year in PES monies for their patrolling labour. From late 2016, the UN-REDD programme further incentivised four of the already existing 11 PES patrolling teams, who started to receive an additional annual payment of 200,000 VND (US\$ 9) per hectare monitored in a remote area of the forest of approximately 100 hectares. Additionally, UN-REDD also supported PES participating households with a loan of 300 million VND (US\$ 14,000). The loan package was intended to help villagers improve their agricultural livelihoods and reduce their dependence on forest resources (e.g. raising livestock, buying fertilizers for coffee cultivation and wet-rice agriculture). Specifically, forty million VND (US\$ 1,900) were used to buy equipment for the patrolling teams, and the remaining 260 million VND were split in the form of loans for agricultural development. By 2016, 26 households had benefited from 10 million VND each (US\$ 450) with repayments expected to contribute to a revolving fund. Another group of households were expected to be offered the same loan amount in the following year. Although REDD+ does not provide criteria for the selection of households for the loan, given pressure to secure funding for the following year's REDD+ loans, only households considered to be able to repay the loan by the end of the year could access it.

So far, except for the FPIC and awareness raising activities, the implementation of REDD+ in Pa and in other REDD+ villages across Lam Dong province has largely piggybacked on the institutional structures developed through the PES programme, at least in terms of forest patrolling groups, benefit sharing and land tenure rights (Leif & Pål, 2017; Leif et al., 2016). Although the Lam Dong's Provincial Action Plan (PRAP) has a section

on safeguards highlighting the need to reserve forests for the community's own use, the customary rights over land tenure of the K'ho remain ignored. REDD+ activities have thus re-asserted the dominance of the nation-state through the FMB and both prevailing land rights and policy programmes. This has resulted in a perplexing REDD+ project that has given rise to renewed negotiations, intensifying pre-existing conflicts over forest among different stakeholders, as demonstrated below.

4. Forest contestations and politics of justice in Pa's REDD+ activities

To disentangle contestations over forests in the context of UN-REDD activities in Pa, we begin by recalling a meeting held with the head of the Lam Nam FMB during our field research in December 2015. We were welcomed in a poorly furnished meeting room; after a few introductory minutes, during which we introduced ourselves as independent researchers, he took us to a more luxurious office room on the second floor. Right after a forest ranger had left the room, the head of the FMB explained that the poorly furnished room downstairs was used to welcome members of the UN-REDD programme. He was openly against the programme; he argued that he had not been consulted before its early implementation and complained that he had been invited to FPIC and awareness-raising activities as a 'normal' actor. He emphasized that, since the FMB held the land-use certificate over the forest, he held full control over forest access and use, including by UN-REDD staff and local people. In his own words:

This (the forest in Pa) is my garden. I have the legal right to ask everyone to leave it, not only you guys, but also the UN-REDD staff, as well as the ethnic minority people who have been working for me ... I don't care about REDD+; their staff did not respect me. They have focused on local people, but they have forgotten that I can replace the households who are benefiting from PES ... If their approach to REDD+ remains the same, I will terminate several PES labour contracts, so these guys get to know me.

The story above illustrates one of the most relevant conflicts that has arisen in the context of REDD+ in Pa. It reveals the clash between the global REDD+ standards and the type of rights and justice promoted by Vietnamese law. From the early stage of REDD+ development in the village, the claim that accords legitimacy to current state laws on forest rights and access is made by state officials such as the head of FMB, as well as by migrant villagers who are now permanent residents of the village. Like the FMB, the migrants, either recent ones or those who arrived in the late 1970s, recognized that K'ho peoples were the original settlers, both ritually and in practice,¹¹ but resisted the idea of the UN-REDD's staff granting forest rights to the K'ho, as mentioned earlier.

These grievances also illustrate that, rather than REDD+ challenging the dominance of migrant villagers and the FMB over forest management issues, it provided the K'ho with a new reason and opportunity to defend their customary claims over the forest. This is further illustrated by the words of the vice-head of a patrolling group and also the son-in-law of a traditional land owner who, when we were visiting an old swidden field of his family, sighed: 'I do not expect to get money from REDD+ ... My highest expectation is that REDD+ will help the K'ho get back their ancestral lands.'

In addition, among the hundreds of photos taken by six members of the photovoice group in the village, there were some purposefully taken to provide evidence that the K'ho are the traditional owners of land in Pa. Among these was a photo showing two customary land owners (among the three) of the K'ho who were holding a ceremony to ask permission from the Gods to build a new church in the village. The text of the photo provided by the group states:

Formerly, all land and forest in Pa belonged to these three families, and other village families had to ask for permission from them to use land for cultivation. Depending on manpower and mouths to feed, the land-owning families would divide land plots among the other families. These days, when building new houses, many families invite these three women to ask Yang for blessings. Now that FMB has taken on the role of forest owner, the traditional landlords are responsible for such events as the new rice ceremony, coffee canvas cleaning and so on. At these events, the landlords ask the Land God, the River God and the Mountain God to bless their families; in exchange, the landlords are presented with beaded rings.

Contestations over forest customary rights raised by REDD+ invoked notions of justice and provided legitimacy for the native K'ho to also challenge their relative exclusion from PES activities, compared to the

participation of Kinh households. Some of those K'ho involved in PES raised this issue of 'injustice' at different forums, including village meetings, UN-REDD trainings, as well as talking directly with FMB staff. Since the FMB and UN-REDD staff did not respond to their concerns, the head and vice-head of one patrolling group – both K'ho – were planning to send a petition in 2015 to the provincial authorities to seek support. Both of them also planned to go to one of the UN-REDD pilot sites in the province to find 'evidence' for their claims as they learnt that neighbouring K'ho people had been allowed to practice community forestry in other villages involved in the UN-REDD project.¹² In the words of an interviewee whose contract with PES had been terminated after he decided to cultivate a swidden field within the protected forest,

UN-REDD said that they would prioritize the ethnic minority people, but this has not been the case here. The fact is that the number of Kinh households being recruited in the PES programme is more than the number of ethnic minority households like us.

Beyond issues of recognition and participation, distributive concerns were also at the heart of discussions about REDD+ implementation in Pa. The UN-REDD additional payment to four PES management teams was resisted by local people. Most interviewees argued that UN-REDD should give this additional payment to all 11 management teams, not just to the four selected. There were also significant debates over the agricultural development loan: the poorest household heads interviewed resisted the idea because they were well aware that they would never meet the eligibility criterion of being able to repay the loan in one year.

The implementation of REDD+ in Pa intensified discussions over land tenure and legitimate claimants (i.e. whether the minorities, the migrants or the state management agencies) to forest resources and PES payments, and also exacerbated conflicts over forest access. The UN-REDD programme itself did not impose any new restriction on forest use as it piggybacked on existing management rules set up by the FMB. However, by doing this and by providing finance for the PES patrolling teams to buy equipment, the UN-REDD programme has contributed to an effective enforcement of existing strict rules. In this context, K'ho villagers felt especially worse off when their demand to access the forest occasionally to cover subsistence needs was prohibited by the FMB in 2013. According to most of the K'ho we interviewed, REDD+ is not only 'ineffective', but also insensitive to local norms of social equity. 'REDD+ cares about trees, not about people', was a very common response in our interviews. While talking about a photo captured by a member of the photovoice group which showed the signboard of the UN-REDD programme placed at the main road of the village, the author stated:

Their [UN-REDD's] main focus is just on educating people about the significance of preserving the forest for better environment for future generations and by doing it they do not know much about the K'ho. The K'ho know well about the importance of the forest. This is why in our traditional customary laws, acts of destroying forests are considered as acts of harming human beings'.

All interviewees, regardless of their ethnic origins, also highlighted that nobody, including REDD+ officials, had been able to stop the FMB from cutting a huge volume of timber from their old-growth forest in 2013. For local households, this was problematic because the forest was already protected as part of the UN-REDD pilot project since 2009 which indirectly made evident the power held by the state forest management agency vis-à-vis a global intervention. However, FMB activities did not contravene official forest laws, as state laws allowed certain exploitative activities in forest areas categorized as 'protection forests' (the forest of the Pa falls into this category), providing the FMB obtained a logging permit from the provincial authorities.

In response to this perceived unfairness and unhappy daily encounters with staff of the FMB, K'ho villagers engaged in what might be termed 'everyday forms of resistance' (Scott, 1985), such as acts of 'theft'. They would go into the forest to cut down trees for house construction and firewood when needed, but as noted by one of our interviewees 'only during lunch time, late in the evening, during the rainy days, or whenever we knew that FMB officials would not be in the village'. During a field visit in 2014, the lead author witnessed a group of K'ho men taking small trees from the forest to build a house for a newly married couple. This group went to the forest very early in the morning before dawn to cut the trees and then hid the logs in bushes along a river. They waited until mid-noon when staff of the FMB and forest rangers went for lunch to take the logs home. The trees were hidden again in their coffee garden, and they would be brought out to build the house only when the men could be sure that state officials had left the village. Interestingly, such examples of violation of state rules was explained to us in terms of local perceptions of social justice or 'social equity' (*n'drom* in K'ho language). In

the words of an interviewee: ‘I sometimes criticized the vice-head of my patrolling group for his “wrong behaviour” [ngay thẳng không phải lỗi] as he just strictly follows the state law without considering the actual needs and rights of the local poor villagers.’

In addition to the tensions between K’ho villagers and FMB, and between villagers over the use of timber, contestations also occurred regularly over the use of forestland for coffee cultivation. As shown in a number of photos taken by the members of the photovoice group, families who have coffee plantations bordering the forest would often try to expand their land by cutting a small number of trees each year around the forest boundary. When staff of the FMB discovered such ‘illegal’ encroachment, some families would stop cutting trees for a while, and wait for the situation to settle down. During our interviews, some villagers mentioned that they were even willing to pay fines and leave the patrolling groups in order to get back their family’s old swidden fields for coffee cultivation, and they would justify so on the grounds of their ‘ignored customary rights’.

5. Discussion and conclusion

In this article, we have explored the impacts of REDD+ implementation in the complex and contested realities of a Vietnamese village. We have shown that forest contestations and the politics of justice have continued in the village regardless of REDD+, often taking complex and varied forms, rooted in a history of forest conflicts, state-community tensions and ethnic politics. The contestations had been stirred up by PES, and they became more visible when the UN-REDD programme arrived, enabling various actors at the local level to assert their competing claims over forests, often using a new vocabulary. These competing claims and incompatible notions of justice have also led different social actors to accord legitimacy in various ways (for example, to the different provisions of rights and authority under UN-REDD safeguards, state laws or customary practices) which further intensified forest conflicts and politics of justice over REDD+.

The negotiations over forests in Pa also show that justice concerns play a significant role in negotiations over forest governance and are integral to sustainable forestry. Justice is the subject of contentions due to its plural and conflicting meanings, even if one dominant meaning replaces others (Carrier & West, 2009; Di Gregorio et al., 2013; Sikor & Hoang, 2016; To et al., 2017). In the case of Pa, the UN-REDD project has tried to act on global norms and introduce global regulations, particularly the Cancun REDD+ safeguards, which emphasize the need to recognize indigenous people’s knowledge and rights, with the goal of transforming forest governance and mainstreaming particular understandings of justice. However, due to the overpowering influence of local and national notions of justice, the project ended up piggybacking on the existing national PES mechanism instead of coming up with a new implementation mechanism. By doing so, it granted the state and the FMB with the legitimacy to administer REDD+ actions on-the-ground and any resulting benefits, making the FMB even more powerful and thus contributing to the consolidation and extension of state authority in Pa. The result of this is a perplexing REDD+ project that not only gave rise to renewed negotiations but also intensified pre-existing conflicts over forests among different stakeholders.

The UN-REDD programme in Pa attempted to influence forest tenure relations in the village not only via its implementation by local state officials (i.e. local authorities, FMB) and international actors (e.g. UN-REDD) but also in more indirect ways by offering the K’ho new reasons to stake their claims on forest resources and their ancestral lands. When their distributive demands found no support from the UN-REDD and local state officials, K’ho villagers felt negatively impacted by the UN-REDD programme, and engaged in their own forms of resistance. From the perspective of FMB and migrant villagers, however, global REDD+ safeguards, with their strong emphasis on rights of indigenous peoples, would favour only the K’ho ethnic group, whilst threatening their own existing authority, privileges and rights over forests. For the K’ho villagers, one of the reasons for continued contestation of REDD+ and PES is the selective usage and embracing by FMB staff and migrant villagers of state land law, which grants authority to the state as the primary politico-legal institution that can administer justice.

Similar to contestations over forests documented elsewhere (Frazer, 2009; Loft et al., 2017; Mahanty & McDermott, 2013; Peluso, 1992; Sikor & Hoang, 2016), the negotiations over forest rights, access and use in Pa pivot around relevant dimensions of justice. As regards recognition, the case study of Pa illustrates conflicting

claims over who should be considered a forest owner and thus a project participant, either the FMB, the native K'ho people or all villagers who have permanent residential status, including the migrants. Similarly, there are conflicting views over the extent to which the K'ho's customary claims over both land and forest rights should result in a privileged status. As regards the procedural element of justice, the case study illustrates grievances over who should participate in both PES and UN-REDD activities of all kinds. And, from a distributional standpoint, there are conflicts over the pilot payment and the project loan for agriculture development, with competing views over how much should be distributed and to whom. In terms of authority, the conflicts over forests between the FMB, the K'ho villagers and the migrants in the Pa village both before and after the arrival of UN-REDD are due to existing discrepancies between national, customary and global forest management and conservation rules, and because these stakeholders justify their claims in reference to state, customary and global rules at the same time (Sikor, 2011; Sikor & Hoang, 2016).

To conclude, our analysis highlights that the negotiations over forests in REDD+ reflect the influence of the particular historical and political-economic settings in which REDD+ activities take place, and specifically the pre-existing conflicts over forests and power relations in forest management. From a policy perspective, any attempts to introduce simplified and uniform regulations for forest governance in REDD+ should be avoided, since localized conceptions of justice will significantly influence what is regarded as legitimate policy and thus endorsed as stimulus for sustainable forest governance (Forsyth & Sikor, 2013; Mahanty & McDermott, 2013; Sikor & Hoang, 2016).

The global REDD+ safeguards may establish a foothold for global norms, thereby transforming forest governance on the ground and at the national level towards greater justice. However, without acknowledging the politics of justice, especially different ideas about justice and actual needs, rights and expectations of the local people, as well as existing power relations over forests (Forsyth & Sikor, 2013; Sikor & Hoang, 2016), such safeguards and REDD+ or PES more generally are bound to fail. As shown in this article, they can intensify social conflicts and bring about new injustice over access to, and control over, forest resources at the local level. They can also contribute to asserting the dominance of the state over indigenous and local peoples, limiting the space available to global norms with little guarantee to reduce carbon emissions in the near future.

Notes

1. The national REDD+ network is an open stakeholder forum chaired by the Vietnam Administration of Forestry (VNFORST) and co-chaired by the Norwegian Embassy in Vietnam. Its members are government departments and agencies, academics, international organizations, and non-government organizations. The network's mission is to support and develop REDD+ readiness activities.
2. The government of Vietnam has signed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but it refers to indigenous peoples in Vietnam as 'ethnic minorities'. During the 5th meeting of the sub-technical working group on social safeguards, in response to the question of a participant from a Vietnamese NGO about whether the Vietnam National Safeguards recognizes indigenous peoples, the Chair of the National REDD+ Office argued that 'although Vietnam voted in favor of the UNDRIP, there is no equivalent concept of indigenous peoples that exists in the specific context of Vietnam'. According to him, Vietnam only has the ethnic minorities whose issues (including their definition and identity) are handled and regulated by the Ministry of Foreign Affairs, which uses the proportion of their population to the majority Vietnamese population to determine their identity and status. In government documents, the indigenous peoples of the central highlands are called 'Các dân tộc thiểu số tại chỗ' [native ethnic minority] and ethnic minorities migrated from the north are called 'Các dân tộc thiểu số di cư' [migrant ethnic minorities]. The government also officially prohibits using the term 'indigenous people' in any official publications.
3. The national roadmap for safeguards has not been finalized. However, the Lam Dong's Provincial REDD+ Action Plan (PRAP) signed on 1 January 2015 by the vice-chair of Lam Dong People Committee has a section on safeguards, although it does not specially mention the rights of indigenous people. The PRAP highlights: (a) prioritizing allocation of forest for ethnic minority people, families lacking land for cultivation, poor households ... and (b) 'implementing allocation of forest for communities and allocating forestry land without forest for households and individuals for reforestation' (p. 4).
4. In the paper, we use pseudonyms for all persons, places, and organizations in Vietnam to protect the anonymity of our informants.
5. On the nature of conflicts in the central highlands (see Independent WriteNet Researcher, 2002; Saleminck, 2000b).
6. Forests in Vietnam have been classified into three types: 'production forests' (*rừng sản xuất*), 'protection forests' (*rừng phòng hộ*) and 'special use forests' (*rừng đặc dụng*). Special use forests, falling into the category of either 'national natural reserve' or 'national park', are protected under the state Forest Protection Unit and other state management agencies from any

exploitative activities within them, under the rubric of ‘environmental and biodiversity protection’ and ‘national heritage preservation’. Protection forests are defined as less valuable than special use areas in terms of biodiversity and environmental significance, and therefore certain exploitative activities are allowed in them. The category of production forests is reserved for economic development. Local people can use parts of these forests for cultivation – but under the guidelines and monitoring of the Forest Protection Unit.

7. The 2003 Land Law only recognizes individual households as legal entities entitled to receive land use rights while collective ownership rights are not recognized. Under this law, only agricultural land and production forest are allocated to households.
8. The total budget for the UN-REDD programme’s phase I was US\$ 4.5 million, and US\$ 30 million for phase II, funded by the Norwegian government. However, there are no available figures on the amount of money allocated to REDD + activities in Lam Dong in Phase I. In September 2016, within the framework of the UN-REDD Programme in Vietnam, Phase II, the Lam Dong UN-REDD Programme Management Unit supported three FMB, including the Lam Nam FMB, to carry out activities under the Action Plan for REDD+ with a total funding of VND 6 billion (about US\$ 270,000), with each FMB receiving 2 billion (US\$ 90,000). However, according to a Lam Nam FMB staff member, at the time of writing this paper, the funds had not yet been transferred.
9. See http://www.vn.undp.org/content/dam/vietnam/docs/Project%20Documents/27371_Viet_Nam_UNREDD_JPD_Final_for_website.PDF [Accessed 27th August 2018].
10. According to a report by Nguyen, Luong, Nguyen, and Tip (2010), the FPIC implementation process is quite similar in all selected sites of the UN-REDD programme, in Lam Dong in particular and in the central highlands in general. The report highlighted that ‘some information could not be provided to local people [...], particularly the risks and costs associated with the programme’; timeframe was too short (2 hours) for internal discussion in the village; and there was a ‘lack of a grievance and review mechanism’.
11. Because of this recognition, until recently a number of Kinh families invited traditional K’ho land owners to hold ceremonies to ask permission from native land spirits whenever they build new houses.
12. In subsequent interviews, we knew that neither of them had made the trip nor had they sent their application to the provincial authorities and the provincial REDD+ office. During a group discussion with the photovoice teams, we learned that many affected K’ho villagers would like to raise this issue during public meetings with REDD+ project staff to seek their support, but they are afraid to do so as it would pose a risk for being excluded from the PES programme: ‘Many K’ho people do not want to talk at public meetings. They think that if they criticized the programme they would be excluded from the patrolling groups’, stated a staff of the Village Women Union.

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