



Payments for environmental services as neoliberal market-based forest conservation in Vietnam: Panacea or problem?

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ABSTRACT

Recently in Vietnam, a coalition of international NGOs, donors and government officials have been promoting market-based forest conservation projects in the form of payments for environmental services (PES) as a win-win for both conservation and development objectives; Vietnam is now the first country in Southeast Asia with a national law on PES. This article provides a macro survey of how market-based instruments for forest conservation have expanded in Vietnam, particularly in relation to a long dominant state sector. Yet an assessment of Vietnam's PES pilot projects indicates that they do not follow predicted orthodox "neoliberalization of nature" approaches in their use of market instruments, particularly in regards to privatization, retreat of the state, and capitalization of commodities. The article explores how it is that a strong state role in forest management can continue to dominate even in more market-oriented approaches. Finally, the article analyzes PES's potential for success or failure in tackling the underlying causes for forest degradation. Ultimately, the article argues that PES is likely to be unable to tackle several of the key underlying causes for deforestation, namely, uneven land tenure and a lack of participation by local communities in conservation, given that PES is unlikely to be considerably different than past attempts at forest management.

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1. Introduction

This paper assesses the rise in popularity of payments for environmental services (PES) in Vietnam, particularly for forest conservation, and asks if they will be a panacea for the country's growing problems of land inequality and biodiversity loss, or a problematic policy in an already challenged locale. PES projects have rapidly expanded within the country, particularly in the past 5 years, and Vietnam is the first country in Southeast Asia to pass a national law promoting PES. Despite a pessimistic report by the Center for International Forestry Research (CIFOR) in 2005 that declared PES to be a "non-starter" due to the country's long history of top-down environmental management and poor system of private property rights (Wunder et al., 2005), by 2010 Vietnam was being praised by many as a PES model for the rest of Southeast Asia (Win, 2009; Phuc and Santiago, 2010).

PES is currently one of the most popular tools by which disparate goals from poverty eradication to biodiversity conservation are being pursued within Vietnam, with at least 19 PES projects currently being implemented or in planning stages. These projects' sponsors include large donors like the World Bank and United Nations Development Program (UNDP) who are working on forest carbon; conservation organizations like IUCN, Birdlife International,

and the World Wildlife Fund who are funding biodiversity valuation and marine and mangrove protection through user fees; and development NGOs like Care International and SNV who are supporting payments for watershed protection to upland ethnic minority households. Many of these disparate projects have emphasized a win-win perspective that both poverty reduction and environmental conservation can be conjoined through PES; for example, a USAID-supported project document stated that PES "would help stimulate local economic growth, public-private partnerships for biodiversity friendly economic activities, and increase financial support for environmental protection. . . . Such a policy could reduce the costs of water and power production for urban areas, provide additional income for thousands of poor families living in forest areas, and provide funds for meeting Vietnam's National Forest Management and Biodiversity Conservation Action policies" (USAID, 2009).

At the same time as PES has grown within Vietnam, however, increasing numbers of scholars elsewhere have raised alarms about the neoliberalization of environmental governance. In recent studies of so-called "neoliberal conservation", ostensibly implemented to conserve species and landscapes, outcomes have included collapse of markets that have been set up for ecosystem services and elite capture of resources that were designed to go to the poor, among other negative effects (e.g. see Robertson, 2004; Pokorny et al., 2010). These challenges provide a counterpoint to the optimistic scenario of PES as a panacea.

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This article assesses which of these perspectives provides the most guidance for understanding the outcomes we might expect from PES in Vietnam. First, the article provides a macro survey of how market-based instruments for forest conservation have expanded in Vietnam, particularly in relation to a long dominant state sector. Second, the article assesses the degree to which existing PES plans reflect a “neoliberalization of nature”: that is, has PES been accompanied by patterns of privatization, retreat of the state and decentralization of management, and commodification of nature, all trends which have been noted in other countries as indicative of neoliberal and market approaches to environmental governance? Finally, the article analyzes PES’s potential for success or failure in tackling the underlying causes for forest degradation by particularly looking at how PES projects will deal with two major issues that have long plagued the forest sector, uneven land tenure and the lack of a strong role for local people, especially ethnic minorities, in forest management.

Ultimately, this article argues that PES is likely neither a Pandora’s box of problems, nor is it a panacea. That is, the PES plans that are being adopted in Vietnam are unlikely to drive radical changes in land ownership or forest use, as critiques of global neoliberalism might suggest. This is the case primarily because PES has been shaped to fit the reality of on-the-ground politics, which continues to be influenced strongly by centralized forest management; thus these PES plans do not reflect unfettered market forces, retreating of the state, and expansion of transnational capital that have been seen to play out elsewhere (e.g. Bury, 2005; Haglund, 2010). At the same time, however, these PES projects are not a one-size-fits-all solution for conservation, primarily because they do not yet have sufficient mechanisms to tackle the underlying drivers of deforestation. While PES may be a potentially useful tool in delimited areas for specific resources that need better economic valuation, it is unlikely to be able to contribute to radically better forest management in Vietnam, due to limited forest areas in which these PES schemes could be tried, the poor record the country has in providing payments for environmental goals, and inadequate attention to the dynamics involved in incorporating poor and ethnic minority communities into forest management. I conclude that while both proponents and detractors present PES as a novel approach that either encompasses the best or worst of neoliberalism, depending on one’s perspective, both camps fail to recognize that in many ways PES may simply replicate already existing patterns of institutionalized management of land and commodities.

2. Payments for environmental services and the neoliberal critique

2.1. The global spread of PES

Payments for environmental services (PES), also known as payments for ecosystem services, have become an extremely popular topic in the last 10 years, both in academic and policy circles. The most-cited definition of PES in the literature is that a transaction should be voluntary between a buyer and a seller of a well-defined environmental service, whereby the sellers promise service provision (forest protection to ensure downstream water flow, for example) in exchange for some type of conditional payment (Wunder, 2005). The primary functions of PES are to “translate external, non-market values of the environment into real financial incentives for local actors to provide such services” (Engel et al., 2008, p. 664). Among the many examples of PES now being implemented are wetland banking in Europe and the US (Robertson, 2004), upstream communities being paid to protect forests by downstream urban water users (Porras et al., 2008), transfers between electricity companies generating power from hydroelectricity and nearby

landowners adopting soil conservation measures (Rojas and Aylward, 2002), and paying developing countries to sequester carbon through a scheme known as reducing deforestation and degradation (REDD) (O’Connor, 2008). Some developing countries like Mexico, Costa Rica and Ecuador have already included PES in national policy (Wunder et al., 2008), while other major players like China are getting on board as well with large-scale projects valued in the billions of dollars (Liu et al., 2008).

However, despite the common name, there is a wide variation among the many types of PES schemes, and different groups of advocates are promoting PES for different reasons. Some ecologists and biologists espouse support for PES as a way to slow the degradation of biodiversity by providing incentives to reduce the pressure on natural capital stocks; this was a major message of the influential Millennium Ecosystem Assessment (Mertz et al., 2007; Turner and Daily, 2008; Mäler et al., 2008; Tallis et al., 2008). Economists have been more concerned with the use of PES to increase efficiencies in the provision of environmental goods and provide a means by which externalities are internalized (Jack et al., 2008; Kiss and Ferraro, 2002). Other development-oriented researchers and practitioners have looked to PES programs as opportunities to promote social goods and pro-poor development (Bulte et al., 2008; Neef and Thomas, 2009; Pagiola et al., 2008; Wunder, 2008).

Although PES schemes have been expanding globally, many questions remain about how effective and efficient they can be in achieving dual goals of conservation and development, given that they were originally not proposed for poverty alleviation alone (Wunder et al., 2008). Some have questioned if PES payments will actually be more lucrative than money that could be acquired from more destructive uses like logging, and how PES payments should be designed to encourage conservation-minded land uses (Sierra and Russman, 2006; Ibarra Gené, 2007). Many PES plans are quite general, for instance, and have not yet been able to tackle the detailed evaluations that would be necessary to translate specific conservation actions into related monetary values (Wunder, 2007). In Costa Rica’s PES policy, for example, payment is simply made on a per hectare basis for forest protection, and there is no specific evaluation of actual environmental services provided (Wünscher et al., 2006). A further problem has arisen in trying to serve many poor small-holders, which can increase the transaction costs for PES schemes dramatically, and make promises of pro-poor development difficult to keep (Jack et al., 2008); in other cases, conservation restrictions have resulted in clear trade-offs that fall hardest on the poor and women (Kerr, 2002). These and other issues have raised questions about whether PES is being promoted too heavily as solution to what are very disparate conservation problems. As a recent report notes, “If the underlying source of the problem is related to the presence of (off-site) externalities (e.g. downstream water quality benefit from upstream forests), then PES are more likely to bear fruit. However, if the root causes of mismanagement are more related to incomplete property rights, capacity shortcomings or insufficient access to capital markets, PES per se are unlikely to ‘solve’ the problem, without careful design” (Wertz-Kanounnikoff and Rankine, 2008).

2.2. Neoliberal nature and market-based conservation

Critical geographers have been questioning the nature and assumptions of these PES schemes as yet another form of creeping neoliberalization of nature throughout the globe. Ever since McCarthy and Prudham (2004)’s call for additional work on the linkages between neoliberalism and changing social relationships with nature, numerous works have explored this “nature of neoliberalism” (e.g. Heynen et al., 2007; Mansfield, 2008; Castree, 2008; Bakker, 2010). This neoliberalization has taken root through disparate mechanisms, such as biodiversity prospecting (McAfee, 1999),

deregulation of rural economies (Altieri and Rojas, 1999; Klepeis and Vance, 2003), and expansion of voluntary, private and decentralized approaches to governance (Lemos and Agrawal, 2006; Liverman and Vilas, 2006; Humphreys, 2009).

Some key commonalities have emerged in the literature on intersections of neoliberalism with the environment. One is the importance of the commodification of nature. Where markets do not yet exist for commodities that have yet to be named, they must be created (Harvey, 2005), and thus they become “central as a metaphor for organizing and evaluating institutional performance” (McCarthy and Prudham, 2004). The creation and expansion of markets is, of course, not a new phenomenon; Polanyi’s classic work *The Great Transformation* of more than 60 years ago highlighted the rapidity of processes of marketization and the social implications that followed (Polanyi, 1957). One of the major challenges to this process, however, has been that many aspects of nature are “resistant” to commodification due to their unique physical and social properties; Bakker (2005) calls water, for example, an “uncooperative” commodity because of the difficulty of creating standard units of exchange and pricing for it. Robertson (2006) has noted how difficult it is to assign values to ecological complexes involving many different species and relationships; he writes that “markets in wetland credits are quantified using complex algorithms that measure habitat value, contribution toward water quality, biodiversity, and a number of other difficult-to-quantify functions. The phrase ‘units of ecosystem function’ does not have a clear ecological meaning. . .” (p. 368). Given that tropical forests often contain an order of magnitude more species than temperate wetlands, such problems of quantification and commodification are likely to be multiplied in these types of ecosystems, which have tended to dominate in PES projects.

A second commonality in the “neoliberal nature” literature is the privatization of access and control of resources. Mansfield (2008) argues that privatization is the key underpinning of neoliberalization, the foundation on which all other aspects must rest; she notes that “what makes privatization more than just an institutional shift from public to private management is that it creates new objects of property that can be bought and sold” (p. 5). Such policies of privatization are often enforced in the name of avoiding “tragedy of the commons” situations and inefficiencies in use, but as many critics have pointed out, often end up creating situations of “tragedy of the commoners” in which poor resource users are further impoverished (Goldman, 1993). Harvey has called this process “accumulation by dispossession” (Harvey, 2003; Prudham, 2008). Negative outcomes of this process in the literature have included decreased access and quality of water after privatization of provision (McDonald and Ruiters, 2005), uneven land reform that has favored the wealthy and led to increased deforestation and degradation in some areas (Borras, 2003; Fudemma and Brondizio, 2003), and poor households’ reduced access to formerly public services (Estache et al., 2001).

A final commonality in the neoliberal nature literature is the ascendance of the private sector given deregulation and retreat of the state as barriers to capital movement are eliminated. These rollback processes have had mixed results regarding environmental outcomes; negative consequences, including mismanagement of public water supplies (Prudham, 2004; Loftus and McDonald, 2001) and increased deforestation after deregulation and structural adjustments (Owusu, 1998; Shimamoto et al., 2004) have been documented, while in other areas the outcomes are more ambiguous (Liverman and Vilas, 2006). The deregulation of environmental sectors have been met with protest, particularly in areas such as water provision, which have often successfully changed trajectories for these deregulatory processes (Spronk and Webber, 2007; Perreault, 2008).

One particular area of interest in recent years has been the specific intersections of neoliberalism with conservation, as there may

be differences between neoliberalism in environmental governance, such as for resources that have direct human uses (i.e. water, fish, trees), and conservation-oriented projects for which non-consumptive uses may be the key goal. That is, is there a difference in processes of neoliberalization when the project at hand is not specifically aimed at efficiencies of use, but rather on the conservation of nature as it exists now? While initially this might seem contradictory, in fact, explicitly conservation-focused projects have also increasingly incorporated key traits of market development, privatization, and deregulation. Some of these transformative projects have included capitalist expansion into previously uncapitalized areas through private land trusts and debt-for-nature-swaps; the increasing importance of private foundations in conservation grant-making and corporate sponsorships of conservation projects; the use of wealthy celebrities to raise funds and awareness; the tradeoff of new protected areas in return for destructive development elsewhere, such as hydrodams; and the creation of new forms of capital, such as securities in endangered species (Liverman, 2004; Igoe and Brockington, 2007; Büscher, 2008; Brockington et al., 2008; Igoe et al., 2010). The jury is still out on the overall conservation effect of these moves to neoliberal approaches, but Igoe and Brockington (2007) note that while neoliberalization proceeds apace and the size of state managed protected areas has never been greater, biodiversity continues to be lost rapidly. They argue that this contradiction is the result of an unequal partnership between states and private entities, such as corporations, NGOs or aid agencies, to re-regulate and territorialize places not yet commodified. In this way, there has not so much been a deregulation of the state in conservation, but a “market-friendly re-regulation” (Cerney et al., 2005).

2.3. PES as neoliberalization or hybridization?

Lessons from these critiques of the intertwining of neoliberalism and conservation can be applied to the specific case of PES plans. Do PES projects, particularly those with a conservation focus, fit with patterns of neoliberal governance elsewhere, and to what degree do the above highlighted processes of commodification, privatization, and deregulation tend to accompany PES projects?

In terms of commodification, some geographers have critiqued PES for being a new form of “commodity fetishism” that oversimplifies complex ecosystem relationships, values and processes of production to a simple market price (Kosoy and Corbera, 2010). Because most PES schemes often rely on external assessments of the value of these environmental services to birth the commodities that can be traded and sold, such constructions are similar to what Polanyi deemed “fictitious commodities” in that they do not exist in-toto, but must be created, resulting in commodification that is always incomplete and contested (Polanyi, 1957, p. 76). However, because conservation-oriented PES projects are relatively new, there is a lack of information regarding the outcomes of these new types of commodities in areas where market penetration has traditionally been uneven. For example, little work has addressed the problems of marketization of new environmental commodities, like water or forests, among communities who have had difficulties adapting to market demand for even more traditional goods like cash crops. Such challenges are particularly clear for minority communities in Southeast Asia, who often dominate in ecologically important upland areas and have long been small-scale producers for local markets, but who lack power farther up the commodity chain (Hefner, 1990; Li, 1999, 2002; Turner and Michaud, 2008). Without a firm history of commodification successes in these marginal regions, new conservation PES schemes thus likely have an even more challenging path forward than in other parts of the world with longer histories of market exposure.

Have conservation PES projects been drivers of privatization, particularly of land? While there are some projects that have involved government or public land as sources of environmental services, reviews of existing PES plans indicate that most rely on private landowners' participation (Porrás et al., 2008). Where private land title is not clear, PES plans may “*de jure* exclude people with an informal tenure. In cases where the landholders lack not only a formal tenure, but also the capacity to exclude outsiders' access to land and resources, they will also *de facto* be unreliable service providers, since they cannot guarantee specific land management services.” (Grieg-Gran et al., 2005). Thus it is likely to be difficult for smaller farmers or collectives to compete against the large private landowners who have tended to dominate existing PES plans. For example, in one study of Costa Rica's program, non-PES participants held an average forested area of just 7 ha while PES participants had 160 ha (Zbinden and Lee, 2005). Such findings mirror other studies that note that other neoliberal land conservation plans, like conservation easements or conservation concessions, usually involve wealthier landowners, raising equity concerns (Karsenty, 2007; Corbera et al., 2007). Although there is not yet strong evidence that PES has driven or increased land privatization per se, PES payments do have the potential to create demand for private land titling by increasing the value of lands, and thus these projects need to be monitored carefully to ensure equitable participation and benefits from different types of landowners.

Finally, how have conservation-oriented PES plans increased private corporate involvement and decreased the state role in environmental management, if at all? The literature on PES indicates that the expansion of private capital into new areas through PES is not yet reflected in the types of buyers for these services. For example, there are almost no examples in the literature of PES schemes arising organically from deregulated markets; they nearly always are heavily planned by specific government, donor or private investments as a means to achieve a conservation end, and usually retain high degrees of involvement from intermediaries outside the market, whether it is the state, NGOs, or donors (Thuy et al., 2010). In general, three types of buyers have emerged in existing PES plans: private businesses or individuals (users of services); governments (buying on behalf of users); and NGOs (organizing on behalf of sellers rather than buyers) (Engel et al., 2008; Wunder et al., 2008). Only in the first case do we see the private capital expansion that might be predicted under neoliberalization. While the expansion of private buyers appears likely in the future, particularly for such commodities as forest carbon, to date many PES plans currently rely on government or hybrid buyers, such as Mexico and Costa Rica's national programs (Chomitz et al., 1999; McAfee and Shapiro, 2010). These types of government-run PES programs, which in some places can be compulsory, are thus closer to traditional “taxes” for environmental programs than the market-driven PES ideal noted earlier (e.g. Chomitz et al., 1999). Overall, there are very few examples of both private sellers and buyers of PES services that fit a truly neoliberal model (c.f. Perrot-Maitre, 2006), and thus it appears we can say with some confidence from the literature that conservation-oriented PES does not yet appear to be dominated by private capital interests.

The rest of this article looks in particular at PES in Vietnam, and like the PES cases in the literature reviewed above, the approach in Vietnam does not fit an orthodox neoliberal approach; rather, PES policy constitutes a hybrid assemblage of some neoliberal aspects grafted onto a older state-centric model. Such hybrid forms often emerge during neoliberalization processes; Brenner and Theodore call this the “embeddedness of neoliberal restructuring projects insofar as they have been produced within nations, regional, and local contexts defined by the legacies of inherited institutional frameworks, policy regimes, regulatory practices, and political struggles,” and they urge researchers to examine the “actually

existing neoliberalism” that results, particularly in understanding of path dependence and context (2002, p. 351). This is especially relevant when neoliberalism hits a philosophically opposed system, such as the state-centric socialism that has dominated politics in Vietnam for half a century. This clash of political-economic cultures provides a rich opportunity to see where neoliberal processes may be most vulnerable. Yet, as the case here shows, even a more active state-sector meeting weaker processes of neoliberalization does not necessarily provide a positive alternative, particularly for the poor and dispossessed, if PES projects are unable to tackle the underlying drivers of conservation failures.

3. Methods and approaches

This article relies on a variety of data sources. First, to assess the spread of PES plans, the author interviewed in 2008 and 2009 a number of policy-makers in Vietnam who have been involved in biodiversity conservation issues, including at the Ministry of Natural Resources and Environment (MONRE), the Ministry of Agriculture and Rural Development (MARD), the National Assembly (Vietnam's legislative chamber), and in several local areas where PES plans have been promoted (see Fig. 1). Additional interviews were conducted with international conservation NGOs and a number of donor-funded conservation projects. In total 41 interviews were conducted by the author and one research assistant from the Center for Natural Resources and Environmental Studies, a research arm of Vietnam National University, and were carried out in both English and Vietnamese, depending on the interviewee. Topics included governance approaches to biodiversity over the past 20 years, successes and failures of different policies, the development of a 2008 Biodiversity Law that included legalization for PES approaches, the role of donors and international institutions in biodiversity conservation, and other topics, as well as direct questions about the development and functioning of specific PES projects.

Further data gathered for this analysis has come from secondary data sources like the 2006 Rural, Agricultural and Fisheries Census, as well as data collected by the author in several household

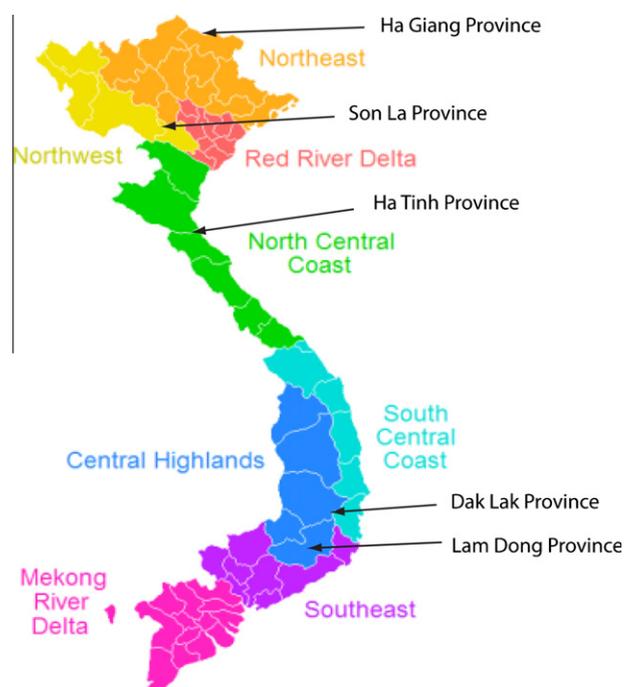


Fig. 1. Map of Vietnam.

surveys in different areas of the country aimed at assessing rural transformations in land tenure and markets, and the implication of rural change on forest management and conservation. Primary research was carried out in Ha Tinh, Ha Giang, and Dak Lak provinces with more than 500 poor households between 2001 and 2006. More details on the methodologies of these surveys can be found in (McElwee, 2008, 2009). A particular focus of these rural surveys was the impact on rural household economies of payments for forest protection that have been instituted in Vietnam since the early 1990s and which share many similarities to current PES projects.

4. Challenges for forest conservation and management in Vietnam: balancing state and market

The state has long been the dominant actor in Vietnam's forest sector, as well as in agriculture, which was collectivized in the 1960s and 1970s. Shortly after the Democratic Republic of Vietnam (DRV) was founded in 1954, forest policy aimed at the complete nationalization of the forest estate and the establishment of State Forest Enterprises (SFEs) to log these lands. (This nationalization was however incomplete and, not surprisingly, contested by many people in local areas; see Cam, 2007; Sikor, 2004.) Some SFEs were directly operated by the central government through the Ministry of Forestry, while others reported to provincial or district government offices. All operated as para-statal companies that did not pay the state for logging concessions, but did remit income to the state through taxes on the produce harvested; the wood products exploited by SFEs were sold to the state, to other state-owned enterprises, or to cooperatives and other organizations (Ogle et al., 1998). The nationalization of forests was extended to the South after 1975 and the reunification of Vietnam at the conclusion of the Vietnam War. There were more than 400 SFEs at the height of state control of forests in the early 1980s (Tho et al., 2006).

SFEs were supposed to ensure that forests were replanted and nurtured, but SFEs that exceeded planning targets were often rewarded for over-cutting, rather than punished, as the revenues from this sector were so great (Ogle et al., 1998). For example, in the period 1980–1990 alone, government revenue from logging jumped from 200 million to 10 billion VND (SRV, 1992). However, the local villages who had previously used and managed the forest lands before nationalization received little to no financial remuneration. Ethnic minorities in particular, who traditionally resided in much of the uplands where Vietnam's richest forests were, often did not receive employment in the SFEs, due to perceptions that they were unreliable workers, and thus were a much smaller percentage of the state workforce (Liljestrom et al., 1998; Shanks and O'Reilly, 2005; Fortunel, 2009). This legacy of dispossession via state socialist primitive accumulation is one reason why sometimes violent conflicts have erupted between local peoples and the state over land use in the past 10 years, in particular in the Central Highlands of the country (UNHCR, 2002).

4.1. Impact of *Doi Moi* on forests

In 1986, the ruling Communist Party began to liberalize the economy and move to more market-oriented planning, opening up what came to be known as the *Doi Moi* (renovation) era. The primary impetus for this move was the stagnation of agricultural production and rampant inflation of several hundred percent in the state-controlled economy (Marr and White, 1988). Neoliberal reforms to the market were combined with revisions to the national land law beginning in 1988, which allowed households to take primary responsibility for production and which set into motion a large-scale process of decollectivization (Kerkvliet, 1995). Agricultural

production began to accelerate quickly after this, transforming Vietnam from a country with food shortages and hunger in the mid-1980s to the world's second largest rice exporter a decade later (Pingali et al., 1997). The success of allocating land holdings in agriculture was then extended to forest land holdings. The country's major land law was revised again in 1993, and at that time it was believed that issuing longer-term lease rights (up to 50 years) for households to use forest land would result in similar gains in productivity as had been seen in agriculture. The driving forces behind the decentralization were signs that a crisis in the forestry sector was as evident as it had been in the agricultural sector: deforestation rates were high, productivity of SFEs were declining and many were financially insolvent, exports of timber were insufficient for national growth targets, and large areas of the uplands were bare of forest cover and susceptible to soil erosion (Sikor, 1995).

According to laws issued in 1999 (Decision 187) and again in 2004 (Decision 200), SFEs were to be restructured and reformed, with some to be dissolved outright, some switching to more private-oriented business models (known as State Owned Companies, SOCs), and some were to remain in existence as "forest protection management boards" (FPMBs) who were urged to contract out their forests to private households to protect (thus operating mainly as middlemen to transfer funding and guidance from the state downwards) (SRV, 1999). In this way, these reform laws were supposed to separate the business functions of timber supply from the public functions of watershed and forest protection and assign these to separate entities, rather than combining them in SFEs as in the past (World Bank, 2005). The reforms were also supposed to ensure better, more equal distribution of the forest estate, particularly to poor rural households living around SFEs but who were not benefiting from them in terms of employment; the law in 1999 specifically stated that "the forest area that the SFEs are not able to use effectively shall be separated from the SFEs' allocated area. These areas will then be handed over to local authorities for allocation or giving to organizations, households, individuals" (SRV, 2000).¹

To date, however, most land tenure certifications (known as red books) given out through this process have been allocated for land that in fact had almost no forest cover, as the SFEs had removed most of the best trees already (Thuan, 2005); there is also strong evidence that SFEs often delayed land allocation paperwork until after they had logged the area (Thiha et al., 2007). Thus the allocation programs have from the start also been combined with investment incentives to get households to reforest on their allocated lands, as well paying them to take care of rehabilitating lands through a contract system of payments-for-protection. Yet these financial incentive programs, early precursors to PES approaches, have posted only moderate successes. One report on the largest project, known as the 5 Million Hectare Reforestation Project (5MHRP), noted that most good quality forestry land with high timber and biodiversity value continued to be state managed—by either the remaining SFEs, new FPMBs that evolved out of dismantled SFEs, or by conservation-oriented National Parks and Reserves—while only the very poorest quality lands were given out to households for rehabilitation, with minimal poverty alleviation impacts and conservation outcomes as a result (Thuan, 2005). Another challenge has been conditionality – that is, forest payments were often made regardless of what people did with the land assigned to them, which has not helped increase overall conservation

¹ However, note should be made that Decree 200 gave priority in allocation of former SFE land first to employees, and then only secondarily to nearby communities: "this is a particular concern in the uplands of the North Central Coast and Central Highland where ethnic minority communities reside within SFE land areas but were not in the past employed or contracted by them" (Swinkels and Turk, 2006).

Table 1

Forest land and tenure by region. Sources: Population and Housing Census Vietnam (1999), Swinkels and Turk (2006), General Statistics Office of Vietnam (2007) and MARD (2010a,b).

Region	Total forest estate (ha), 2003	% Population that is ethnic minority (1999)	Forest lands allocated to HHs (ha) for protection or production, 2003	% of forest estate allocated to HHs	Number of SFEs or other state owned forest businesses, 2006
Red River Delta	151,427	0	32,963	22	4
North-East	2,648,437	39	1,266,020	48	105
North-West	1,273,718	79	591,236	46	w/above
North Central Coast	1,965,417	11	471,593	24	70
Central Coast	1,022,386	2	161,047	16	30
Central Highlands	2,756,370	39	46,758	2	90+
South-East	915,477	8	41,208	5	35
Mekong River Delta	370,707	7	104,334	28	16
Total	11,070,976	13	2,715,159	25	368

goals (Wunder et al., 2005). One review noted that “National achievement of protection targets was measured by the total area of plots assigned for ‘protection’ but not by the extent of forest losses prevented. An important question regarding the forest protection program is whether protection contracts are actually directed to those forests that are most critical with regard to protecting watersheds and how to achieve positive impacts on the households’ income or livelihood status” (World Bank, 2010a). Other researchers have expressed concerns that reforestation has been an overarching goal of policymakers with little examination if restrictions on use of reforested lands would result in food shortages or local hardships (Sunderlin and Ba, 2005; Clement and Amezcaga, 2008). For example, when forests are allocated from SFEs to households, they are usually restricted to food production on no more than 20% of the plot, and asked to conserve trees on the rest. For upland communities traditionally reliant on mixed agro-forestry production on sloping lands, such restrictions on swidden agriculture have caused some analysts to worry that without gains in food production on other lands, some upland households are likely to face food crises after land allocation (Castella et al., 2006; Jakobsen et al., 2007). Lax enforcement of forest protection rules have prevented the worst case scenarios of food shortages from occurring, but should forest protection contracts be enforced more strictly in the future, this remains a concern.

Even in other areas of Vietnam where forest allocation was more explicitly targeted to the poor, they have not necessarily benefited, as such allocations have inevitably been embedded into local power and economic relations that often disadvantaged the poorest and those least able to interact with the state apparatus for allocation, namely ethnic minorities (Sowerwine, 2004; Castella et al., 2006). These allocation programs have often introduced new forms of exclusion into local areas as new user groups were defined and some previous users excluded (Mellac, 1998). For example, research in the province of Dak Lak on pilots to allocate land back to minority communities to manage has shown uneven results, with unequal distribution, local conflicts, and disappointing conservation outcomes (Tan, 2006; Sikor and Tan, 2007; Sikor and Thanh, 2007).

4.2. Current trends in deforestation and land tenure

Despite these challenges, Vietnam has in fact made a “forest transition,” reversing from net deforestation rates to overall net afforestation rates since the 1990s when the reforestation programs began (Meyfroidt and Lambin, 2008b). However, there is considerable discussion ongoing regarding whether the past 15 years of allocation, decentralization and reforestation policies have been the primary cause of forest expansion, or if other factors, such as higher productivity of agriculture or displacement of demand for timber to illegal imports from other countries, are the

causes (Sikor, 2001; Meyfroidt and Lambin, 2008a, 2009; Clement and Amezcaga, 2009).

Nonetheless, despite the overall trend toward afforestation, deforestation in mature natural forests, the most biodiverse areas, remains a serious problem. Rich and medium quality natural forests were still in decline from 1999 to 2005, the height of the 5MHRP, with a reduction of natural forests of 10–13% during this period (FSSP, 2007). The Central Highlands (see Fig. 1) has been the area of greatest concern, given that this area has some of the best remaining natural forests, but also higher rates of deforestation (SNV, 2010; Holland and McNally, 2010). The drivers of the continued deforestation are variously attributed to demand for high quality timber, particularly for furniture production for export, poor management and corruption at the remaining SFEs who have more land than they can adequately handle, and forest clearance for aquaculture and export agriculture, although exact cause and effect and firm data are elusive (DeKoning, 1999; MARD, 2008; Rowcroft, 2008).

Forests also remain unevenly titled and distributed in Vietnam, even after 20 years of allocation projects, as can be seen in a regional breakdown of forest cover (see Table 1). The first column shows total forest cover by region, while the second column provides data on the percentage of the regional population that is made up of ethnic minorities, who are the poorest and most marginalized members of Vietnamese society (World Bank, 2009). Regions dominated by ethnic minorities (the North-East, North-West, and Central Highlands) have higher areas of forest cover, while other regions where ethnic Vietnamese, known as Kinh, dominate have very little forest cover at all. Of further significance is the breakdown of forest land tenure rights. Of the three regions of the country that do have relatively large amounts of forest cover remaining (the North-East and North-West and the Central Highlands), there are strong differences in who has rights to these forests. In the North-West Mountains, households have been allocated nearly half of all forest lands, and the devolution of former SFE lands to these households has been fairly successful in increasing forest cover rates and raising incomes for households, while still supplying adequate wood and timber for industrial use (Sandewall et al., 2010). Yet in the Central Highlands, less than two percent of the total forest estate is held by households and individuals.

The very low rates of land tenure holdings by households in the Central Highlands is explained by the continued strong role of SFEs there (over 90 SFEs total for the five provinces of the region), while in other regions they have been largely dissolved. For example, in Ha Giang province in the Northwest, a handful of remaining SFEs use around 15,000 ha of agricultural and forest land, less than 2% of the total area of the province. In Dak Lak province in the Central Highlands, however, as of 2007 nearly thirty State enterprises (both forest and agricultural) were using over 335,000 ha of land, accounting for nearly 30% of the total of natural area of the province but employing less than 5000 workers, while an addi-

tional 20% of the province's land was under special-use forest protection in parks and reserves or watershed protection status. This has left most of the province's population the remaining land estate on which to earn a living, and according to a 2002 review by the Dak Lak Department of Agriculture and Rural Development on farm lands of ethnic minority groups, 49% of all minority families, nearly 30,000 households, were considered to have "inadequate land" for their food production needs (World Bank, 2009). Despite knowing this problem, from 1999 to 2005, the province had only allocated 23,160 ha of forest land to 5002 households to manage (provincial data provided during interviews, 2006; see also Tan et al., 2008).

4.3. The rise of payments for environmental services projects in Vietnam

Given the strong role the state has long played in forest management, the adoption of more market-oriented approaches has been surprisingly rapid. PES (known as *phí chi trả dịch vụ môi trường* in Vietnamese) have appeared within Vietnam in only the last 5 years (Ha et al., 2008). It appears from interviews with policy-makers and donors that the earliest influence on bringing PES to the country was a Rewarding Upland Poor for Environmental Services project (RUPES) funded by the International Fund for Agricultural Development (IFAD) and carried out by the World Agroforestry Center (ICRAF). RUPES was designed to introduce policy for PES in Asia at local, national and international levels through several small pilot schemes connecting service providers (primarily poor upland communities in forested areas) and buyers (primarily downstream water users), and strongly suggested positive win-win outcomes (Leimona et al., 2008). Although RUPES was carried out in Indonesia, Nepal and the Philippines, a small ICRAF office in Hanoi brought the findings of the project to Vietnam, and also funded small research projects to see if PES would work there (The et al., 2004; The and Ngoc, 2008).

Since the RUPES project, several pilot PES projects have gotten underway, including for landscape protection, ecotourism user fees, and carbon sequestration (Thuy et al., 2009). One of the largest PES projects began in 2007 as part of the Asia Regional Biodiversity Conservation Program (ARBCP), funded by USAID and implemented by Winrock International. ARBCP undertook research on PES in project sites in southern Vietnam and promoted the results to officials in the prime minister's office, as well as sponsoring workshops for officials and a field trip to PES sites in the US; this study tour included stops looking at ecotourism fees in Hawaii, market-based salmon protection fees in Oregon, and water use in New York City, where they visited the NYC watershed PES scheme linking city water users to forest protection in the Hudson River Valley and the Catskills. These lobbying efforts to promote PES at high levels paid off: the prime minister approved Decision No. 380 QD-TTG on April 10, 2008, titled "On The Pilot Policy On Forest Environment Service Charge Payment." The Decision formally recognized two PES pilot projects in Lam Dong and Son La provinces to be set up and monitored on a 2-year basis, and to be replicated elsewhere in the future if successful.²

In addition to funding and supporting these pilot projects, NGOs and donors were also strongly supportive of including reference to PES in a national Biodiversity Law as it was being debated in 2007–8; putting it in this law would open the gates to allow more PES projects nationwide beyond just the pilots already approved, since

the pilots had been designed and aimed at forest protection only, and were coordinated by only a single ministry (MARD). The inclusion of PES in the Biodiversity Law would allow PES to be applied to other land areas, such as wetlands and marine areas that are under the purview of other ministries, as well as for action in such diverse fields as pollution management, carbon sequestration, and tourism fees. Officials at the Ministry of Natural Resources and Environment (MONRE), who were coordinating the Biodiversity Law drafting process, ended up adding PES at the last minute; a statement on PES is literally the final part of the law, located in Article 74 and 75, and states simply that "Organizations and individuals using environmental services related to biodiversity shall pay charges to service providers" and "The Government shall specify environmental services related to biodiversity". The Biodiversity Law passed the National Assembly on November 13 of 2008 and went into effect on July 1, 2009. Since the passage, government officials have been strongly praising the PES approach, and presenting it as a clear win-win for Vietnam; the deputy prime minister recently noted, "The policy of PES will create the conditions for the state to manage forest resources and forest land more tightly, and at the same time allow people to participate in the protection of forest more effectively; it will gradually increase the amount of forest cover; it will contribute to the maintenance and extension of headwater sources, the environment, the natural landscape, and biodiversity will be improved and protected more sustainably" (Hung, 2010).

The first PES pilot projects are now several years along; the Lam Dong province pilot primarily links water users in southern Vietnam to households in an upland watershed (Peters, 2008). So far the buyers of environmental services in the pilot area have been the Water Supply Company of Ho Chi Minh City (SAWACO), the water supply company of Bien Hoa city, and two hydropower companies (Da Nhim and Dai Ninh), and plans call for tourism companies to make payments as well. Forest service suppliers in the pilot have included households and individuals near forest lands who have contracts or red books via FPMBs and SFEs operating in the area. These participating forest goods suppliers must enter into a contract with the local government agreeing to forest protection conditions before they are entered into the PES contract.

How much money from PES payments would go back to local peoples was a matter of considerable debate and testing during the pilot. Conversations with forestry officials in Lam Dong province in 2009 indicated that government officials had conflicting ideas regarding how the payments should be allocated to local people and organizations, with arguments in favor of SFEs, national parks and other state protection entities being paid out of this fund potentially, not just individual households. In the end, Lam Dong Province decided that of the 2009 fees collected (47 billion VND; \$2.61 million US), 10% will be kept in the provincial fund to cover expenses, 9% of the fund will go to 13 large forest owners (such as SFEs and FPMBs) to cover their costs, and 81% will go to household payments. For a household, this will amount to around 280,000 VND (US\$15)/ha in payment, with participating households having between 10 and 30 ha on average to protect (UN-REDD, 2010; Thanh and Hess, 2010).³ Monitoring will be conducted by the Committee to Protect Against Swidden Cultivation (*Uy Ban Bao Ve Phat Ray*) under the provincial Department of Agriculture and Rural Development, together with the forest protection rangers (*Kiem Lam*) of the province.⁴

³ The other pilot PES site in Son La estimated they will pay far less, at only US\$7 or so/ha. In comparison, the previous 5MHRP paid between US\$3 to US\$10 a hectare for protection, which in most cases proved to be inadequate incentive for protection according to participating households (Sunderlin and Ba, 2005; Wunder et al., 2005).

⁴ The continued use in these PES schemes of long-standing government offices that have tried to change local land practices, particularly for ethnic minorities (such as by criminalizing swidden agriculture) further raises questions about how 'new' such approaches truly are.

² The USAID and Winrock project provided technical and financial assistance to the pilot in Lam Dong, and GTZ assisted the pilot in Son La province, where they have had a long-standing donor project on land allocation.

Based on lessons learned from these pilot projects, in late September of 2010, MARD issued a Decree (99/2010/ND-CP) related specifically to the expansion of forest PES projects nationwide that will be allowed under the new national Biodiversity Law. The directive indicates that five types of forest PES payments are legal: (1) payments for land protection, such as soil erosion; (2) payments for watershed protection and water regulation; (3) carbon sequestration payments; (4) landscape and biodiversity protection payments for tourism purposes; and (5) payments to protect the spawning grounds and source of seed/feed for aquaculture. The guidance indicates that required buyers will include hydropower companies, water companies, industrial facilities that use water, tourist companies, and others to be determined, and some payments will be compulsory. Both direct user to seller contracts and indirect ones between sellers and intermediaries are allowed; in indirect cases, payments will go to a Forest Protection and Development Fund to be set up in each province and payments will be transmitted via these provincial funds to recipients of PES contracts. The MARD guidelines even go so far as to set the exact market price for some of the payments; for hydropower companies, they will be required to pay 20 VND/kW h (US\$0.0013/kW h) of electricity, while water users will pay 40 VND/m³ (US\$0.0025/m³), and tourism companies will be assessed 1–2% of their total revenues. Further assignment and development of fees is given over to provincial government committees (MARD, 2010a). Even in cases where there is direct user to seller contracting, the decree requires that projects use the established prices as the required minimum.

5. The incomplete neoliberalization of PES approaches

In many ways, the shift to PES in Vietnam reflects the goals of a clear neoliberal model. The text of Decision 380, which started the two PES pilot projects in 2008, states that the aim of PES is “to socialize the forestry sector, gradually establishing sustainable economic basis for protecting the environment and ecosystems, improving quality of service provision, especially ensuring water supply for electricity production, for clean water production, and ecotourism business activities.” The practice of moving away from state-provided public service provision is called “socialization” (*xa hoi hoa*) in Vietnam, rather than privatization; it is intended to mean that society must bear greater burdens than the state in service provision, although not all these will be provided by private companies alone. This has meant that formerly state services are now being provided by state, para-statal, and private entities (such as agricultural inputs, now sold from private agribusinesses competing with state-owned fertilizer factories); that people have to pay more out-of-pocket user fees (such as in the health sector, where private insurance is growing); and cost cutting measures have been taken in many sectors (such as increasing class sizes in schools).⁵ This process of socialization of health and education in particular has been controversial, with some arguing that is contrary to the goals of a (still-nominally) socialist state (Evans and Hai, 2005; Evans et al., 2007). However, the adoption of socialized and neoliberalized conservation has not been controversial at all, unlike in the social sector. PES was strongly supported by the MONRE minister Pham Khoi Nguyen, who saw a need to (in one advisor’s words) both “economize” (*tai chinh hoa*) and “socialize” conservation by

finding new non-government sources of financial support to the environment sector in an era of decreasing overseas aid by making the beneficiaries of environmental services pay for them.

At the same time, the ostensibly neoliberal goals of privatization and socialization for forest conservation have been tempered by the fact that the state has not retreated from close involvement in this sector. When looking at the key commonalities of neoliberal processes noted in Section 2, namely marketization of new commodities, privatization of rights to resources, and deregulation and retreat of the state, we see that none of these elements appears particularly strong in the existing PES approaches in Vietnam. On the contrary, the pilot PES schemes now in existence all retain significant central state input into how environments will be managed. In this way, PES may simply be a new name for an approach that is not substantially different from past ones.

5.1. State management of PES markets

Ambivalence toward the role of the free market has been marked in PES projects; most presentations given by MONRE and MARD officials in the last few years since PES has become popular have all focused on the potential local windfalls of money for state-sanctioned conservation activities, all the while being unclear how the payments themselves would be set by an open market (Phu, 2009; Mai, 2009). One study that interviewed officials involved in PES noted that most did not really see PES as a “business transaction involving buyers and sellers” (Thuy et al., 2008). In reality, the market-oriented aspect of PES has been downplayed in Vietnam in favor of a continued strong role for the central and local governments, both as buyers and as sellers (as noted below) but also in forming even the most basic parameters for the PES market. For example, tax codes remain in place that specify that rates, fees and charges for environmental problems and natural resources can only be set by the state, not the market, and this has been reinforced by the setting of the exact PES charges for water and electricity users nationwide in the recent MARD policy (Ha et al., 2008; MARD, 2010a). Such fees bear no resemblance to a free market pricing mechanism; rather, the fee of 20 VND/kW h for hydroelectric plants was based on one hydrologist’s study in Lam Dong which estimated the approximate absorption of water by forest soils and costs of soil erosion in deforested land, and the 40 VND/m³ to be paid by water companies was based on one economist’s willingness to pay study among water users in urban areas of Ho Chi Minh City (An, 2009; ARBCP, 2009).

5.2. State participation as PES sellers

In terms of sellers of services, the government continues to play a large role in land and forest management through the continued existence of many SFEs, who still control significant areas of the forest estate, and who are likely to be important providers of PES services, either as direct land managers or as intermediaries, despite attempts over the past 10 years to restructure the SFEs. As of 2005, 248 SFEs were supposed to be converted into State-Owned Companies (SOC), 114 into Forest Protection Management Boards (with eventual allocation of land to households through these intermediaries), 6 to be liquidated, and 27 to be converted into public utility enterprises (World Bank, 2005), but getting more recent figures on what has happened to the SFEs is nearly impossible (Ngai et al., 2009). What we do know is that only some of the former SFEs have filed the paperwork for these changes to SOCs or FPMBs, and in most cases where it has happened, it did not result in a dramatic land release to households (World Bank, 2005). For example, according to MARD in 2006, 83% of SFE’s productive land (around 4.5 million ha) still remained in the control of SFEs (even though their names may have changed), while only 17% of their

⁵ By the end of the 1990s, for example, citizens had to pay out of pocket for most social services; these expenditures accounted for about 70% of the country’s education expenditures and 80% of health expenditures, whereas 20 years ago these would have all been provided in exchange for work in collective enterprises or agricultural farms (London, 2004). For an individual household, the fees for social services have imposed an increasing burden on household incomes, and these burdens have fallen especially hard on the poor.

lands had been contracted or rented out to others (FSSP, 2007). In total, state management of forest lands remains strong, with only one quarter of the forest area in private households' hands, and the rest held by various divisions of the state, from SFEs to FPMBs to National Parks to local governments to the armed services (see Fig. 2).

A major factor contributing to the slow dissolution of state forest control has been central government subsidies, such as from the 5MHRP (also known as Program 661), which has been used to support financially insolvent SFEs; as one report noted, "Provincial authorities have shown little appetite for reforming state forest enterprises as they are propped up by 661 contracts without which the funding burden (including high debt level and salary and pension commitments for SFE staff) would fall on provincial finances. The result has been extremely a slow and tentative SFE reform. Most land released by state forest enterprises has been re-allocated to other state bodies eligible for state subsidy (such as management boards); and this in turn has slowed the forestland allocation process, leaving most forestland under ineffective state management and many people in mountainous areas without legal access to forest resources" (World Bank, 2010b). It is quite possible that PES fees will provide a similar incentive not to dissolve, as the new policy allows up to 20% of PES payments be kept by intermediate and authorizing bodies for administrative costs. In other cases SFEs might simply argue for retaining the entire payment themselves rather than passing it onto unreliable households. In several pilot projects studied by Thuy et al. (2009), PES payments were never made to the service sellers and instead ended up being kept by provincial authorities, and the lack of a transparent benefit-sharing mechanism was identified as the major barrier to participation by sellers. In a further study by Petheram and Campbell (2010), local households asked about their interest in PES professed skepticism towards seeing significant change in forest policies, and their lack of trust toward government officials indicated worry over actually receiving PES payments were they to participate.

5.3. State participation as PES buyers

The state is also involved as buyers of services as well, sometimes on a compulsory basis, such as the case of hydropower companies and water supply organizations who have been targeted in the recent PES law. These organizations are not private in most cases, and thus buyers have been state-dominated as well. While privatization (called "equitization" in Vietnam) of public utilities like water suppliers from state-owned to joint-stock ventures has been a goal in recent years, the state has not entirely retreated. For example, SAWACO, the water supply company of Ho Chi Minh City, is a joint-venture in which the government still owns a 51% share. Another major buyer of forest services, as indicated by MARD's recent decree, will be Electricity of Vietnam (EVN), which is a government monopoly and which controls hydropower production for the national grid. Despite many complaints about inefficiencies, poor maintenance, and most recently, rolling blackouts, ENV has not been equitized.⁶ Electricity tariffs remain uniform and set by the government at artificially low rates, around 5.5 US cents/kW h (Nguyen, 2008); PES fees to be added to electricity tariffs are similarly set by the state and are uniform nationwide. Even tourism companies, which might at first glance appear to be a clear case of private capital for PES, are often state-owned companies or joint

ventures run by provincial governments. Thus to date we see little capitalist penetration into new sectors by PES; nearly all money is being moved around from development aid agencies (which subsidize many PES projects) and individual consumers through state owned companies to other state intermediaries, while private capital is not yet heavily involved in the buying of services. Indeed, government officials have indicated that "voluntary participation in PES was impossible in Vietnam and that it needed to be associated with rules and regulations to ensure compliance with payment conditions" (Thuy et al., 2009, p. 127).

5.4. Incomplete neoliberalization?

As this section has made clear, to see PES simply as yet another neoliberal approach to conservation misses the dynamics of the processes by which an ostensibly market-oriented project becomes tamed by on-the-ground realities, and the unusual hybrid assemblage that can result when markets meet institutional practices that are resistant to change (for a similar process in Mexico, see McAfee and Shapiro, 2010). Scholars of Vietnam's economy call these hybrid measures "gradualist" and "market-socialist" and note that "there has been some abandonment of central planning and moves towards the market economy. However, this has not been accompanied by political reform, a rush to privatize or commitment to private property. Thus, hybrid developmental systems have emerged which combine capacities and strategies inherited from the pre-reform period with elements of the market economy," (Dixon, 2003, p. 299). Such a strategy has largely developed within Vietnam as a result of seeing the negative effects of the dramatic "shock therapy" applied to neoliberal reform in Russia contrasted with the much more positive economic outcomes in China, where a more gradualist and hybrid economic opening process was underway (Dixon, 2003; Dixon and Kilgour, 2002).

These dynamics of incomplete and idiosyncratic market reform are particularly clear in the continued strong role for SFEs in Vietnam, despite complaints of their complicity in continued deforestation and their lack of financial viability in many cases (World Bank, 2010b). The irony of this situation is that market reforms and trade liberalization have opened new opportunities for Vietnamese exports, and growth has been strong. This has particularly been the case for forest goods like garden furniture for export, which has grown 10-fold since 2000 (EIA, 2008). Yet most of this increased demand for wood has come not from internal sources but from timber imports, which have also dramatically grown (World Bank, 2010a). Concerns have been raised that SFE inefficiency, combined with restrictions on logging in protected forests that make up about half the natural forest estate, has created a bottleneck for timber supplies, and incentivized illegal imports of timber from neighboring countries (Barney, 2005; EIA, 2008; Meyfroidt and Lambin, 2009). Some positive movement to assist

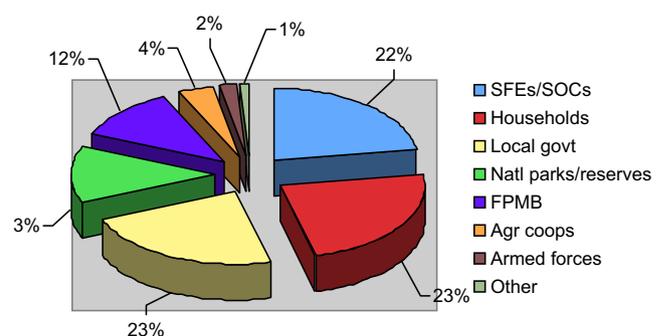


Fig. 2. Forest land tenure distribution in Vietnam, 2007. Source: FSSP (2007).

⁶ Most state-owned enterprises of all kinds that have been equitized are small to medium ones, not large ones, and even in equitized firms the state usually retains the controlling share of stocks (Sjöholm, 2006). However, the near collapse in 2010 of the large state-owned shipbuilding company Vinashin due to bankruptcy and corruption may spur faster privatization elsewhere (Thomas, 2010).

poor smallholders to expand timber plantations to make up the gap has been seen in donor projects that have focused on farm to factory commodity chains (Sandewall et al., 2010), as well as projects of the Forest Stewardship Council to potentially certify community forests in some minority areas as sustainable timber, but these approaches to increasing smallholder timber production are not yet included in any PES pilots to date, which have primarily focused on forest conservation for watershed protection, landscape values, or carbon sequestration – all objectives that primarily require refraining from cutting wood.

6. Discussion: PES, land tenure, and market expansion—boon or bane for conservation?

As Castree (2008) has argued, it is not enough to merely point out that neoliberal processes evolve differently in different contexts. One must also engage in why this is important, as well as thinking through alternatives to these processes. If PES in Vietnam is a hybridization of market approaches to conservation, to what degree could this approach underpin successful conservation and avoid some of the negative environmental outcomes attributed to more overt neoliberal patterns? In the case at hand, we need to see how PES is playing out on the ground thus far, and if this approach is tackling some of the key reasons for unsuccessful forest conservation in the past, namely unevenness of land tenure and poor incorporation of local households into the benefits of forest preservation (Sunderlin and Ba, 2005).

6.1. PES and land tenure

Successful PES plans have been linked to secure land tenure (Grieg-Gran et al., 2005); Adhikari (2009) notes, “As PES schemes usually require a significant upfront investment for land-use modifications or improvements, insecure land tenure could discourage farmers from making long-term investment decisions”. Several reports on PES in Vietnam have also noted the need to make these plans pro-poor and to base them on secure land rights (Thuy et al., 2008). But it is a huge challenge to revamp a forest tenure system that has been resistant to much change for the past 20 years since private land leases have been introduced, particularly given the fact that PES may increase the value of these lands. Without innovative ways to incentivize land decentralization, PES schemes may end up only working with SFEs and other state institutions, rather than the smallholders who would likely most benefit, and without additional pushes for land allocation, the very poorest are likely to be prevented from benefiting from PES. It is clear from other studies within Vietnam that poor households in general are less likely to have secure land tenure, and to have much smaller plots when they do have land tenure certificates, making them less likely to be able to participate in payment for protection or PES plans or to make significant money when they do so (Sikor and Tan, 2007; Tan, 2006, 2008; World Bank, 2009). Further evidence that the poor may not benefit from PES comes from an early experimental PES study in central Vietnam that found that availability of farm labor, higher levels of education, and larger areas of forest ownership were positively associated with voluntary participation in the PES scheme, while those who were poorer were the least likely to volunteer (The and Ngoc, 2008).

Existing PES pilots do not show clear paths for how the question of land tenure will be addressed to avoid these pitfalls that have appeared in past approaches. For example, in the ARBCP pilot in Lam Dong that has been the basis for the formulation of nationwide guidance on PES by MARD, only around 500 households participating had red books, while the other 3000 households in the project were on protection contracts only without secure tenure

(An, 2009). It is unclear if households will be able to secure red books from the PES project in the future as an incentive for participation. Could these PES programs explicitly encourage the distribution of land tenure certificates and thereby be a driver of change to help the poor get tenure access? Again, evidence is not supportive when we look at past policies like the 5MHRP, which did have explicit land allocation components. In some places the 5MHRP actually restricted access to once common lands when they were privatized, with middle class and rich families capturing most of the benefits. For example, in a survey carried out by the author in Ha Tinh province in 2001 on the 5MHRP, results indicated that poorer households were the greatest users of formerly open access forest and commons lands, and yet they were the least likely to receive the forest land that was allocated under the 5MHRP (McElwee, 2009). Primarily as a result of the requirement put in place by the local SFE and forest department who were in charge of land allocation that in order to get land, families had to have sufficient labor and some capital to replant the land, the poor were perceived to be unable to properly reforest because of their presumed capital and labor constraints. Not a single household classified as poor (i.e. falling below the government's official poverty line) had received any privatized forest land from the 5MHRP in the surveyed site. The large forest plots given to the richer households skewed overall landholdings to a considerable degree; while rich households only had 1.2 times the agricultural landholdings of the poor, they had 21 times the forest landholdings of the poor (McElwee, 2009).

6.2. PES and forest conservation incentives

Even if the land tenure problem could be addressed through attention to issuing more secure tenure to the poor and to ethnic minorities in particular, there is concern that the opportunity costs for protecting forest and not planting crops can be high, and that PES may not be able to mitigate this.⁷ In other parts of the world, PES payments have had problems competing with other lucrative land uses, like logging, and projects have had difficulties in designing payments that encourage conservation outcomes (Engel and Palmer, 2008). For example, while studies have indicated that forest cover appears to have increased as a result of participation in Costa Rica's PES programs, “payments for both forest protection and reforestation primarily benefited landowners with low dependence on their farms for income” (Morse et al., 2009).

The low payments offered in the 5MHRP projects were one reason why early studies were pessimistic about PES ever taking off in Vietnam (Wunder et al., 2005). Faced with competing land uses, as well as the challenge for households of needing large amounts of land to protect (i.e. 20 ha or more) in order to receive substantial income from payments, existing financial incentives may be insufficient to drive conservation outcomes (Tan et al., 2008). For example, according to the 2006 Rural Census, the most recently available data, nationwide only 1.4 million households are documented to have some form of secure forest use rights (i.e. with red books), and these households only have rights to about 25% of the total forest estate. Of these 1.4 million households, the vast majority have very small plots of forest land allocated to them: 800,000 households officially have less than one hectare; 501,288 have 1–5 ha of forest land; and only 120,467 households have more than five hectares with secure and enforceable land tenure rights (General Statistics Office of Vietnam, 2007). Thus most

⁷ For example, in Lam Dong, the main competing uses of forest land are to plant cashew and coffee; 1 ha of coffee can bring around 7 million net VND a year. In Northern provinces like Son La, it is estimated that multiple seasons of corn production can raise up to tens of million VND/ha/yr, as compared with a PES payment of 200–300,000 VND/ha/yr (interviews with local officials, 2009).

households that do have tenure simply do not have sufficient land holdings that would enable them to receive large (>US\$100/year) PES payments that might encourage them to pursue conservation aims. The chicken and egg problem is evident here; in order to get the larger amounts of money from PES that would significantly improve their household livelihoods, households need larger amounts of land allocated/contracted to them. But in order to get larger plots, SFEs and other state agencies need to give up their lands, which they are unlikely to want to do if they can get money from PES to stay solvent.

A further concern was highlighted in a recent report by the NGO SNV that has been working on PES projects in Vietnam, in which they noted that when the drivers of deforestation are land use conversion for industrial interests like rubber, PES payments are likely to be insufficient to stop such processes; PES is only likely to be more competitive with land use conversion for lower-value crops like cassava, which tend to be crops that ethnic minorities grow for subsistence (McNally, 2010). The message from this is that PES is likely to be targeted primarily at smallholders, especially ethnic minorities, even if they are not the largest drivers of deforestation, and their ability to produce foodstuffs may be harmed if PES payments are insufficient to replace the growing of these upland crops or if payments fail to be made at times of the year when food supplies run short, which remains a major issue in many minority communities (Jourdain et al., 2009).

7. Conclusion: old wine in new bottles?

There is both ambiguity and potentiality in market environmentalism, as Bakker has noted (2005, 2008), but how this will play out for more conservation-focused projects, as in some PES schemes, is still unclear. While some early PES schemes have shown some promising conservation outcomes (Asquith et al., 2008; Morse et al., 2009; Clements et al., 2010), these have not been without costs or concerns about equity. As others have written, “it is unsustainable, inefficient and possibly unfair from a social welfare point of view to place the burden of conservation entirely upon local land users by ‘expropriating’ or ‘attenuating’ part of their property rights”, even if compensation is paid (Van Hecken and Bastiaensen, 2010). In this problem of pursuing conservation outcomes without exacerbating inequity or poverty, PES faces the same challenges that faced earlier ‘panacea’ approaches like Integrated Conservation and Development Projects or community-based natural resource management. Clearly, more studies of specifically conservation-oriented market approaches, in different ecological habitats and under different institutional frameworks, are needed before we can reach conclusions about if PES can be a considered a more successful approach than those of the past.

What we can more conclusively say, however, on the basis of pilot studies like those in Vietnam thus far, is that ostensibly neoliberal processes can have unexpected outcomes, and that it is unfair to see PES as a strictly neoliberal approach to governance. While we usually associate neoliberalism with decentralization, with total market logic, with privatization, in the cases of PES in Vietnam thus far we see in fact the opposite; we see instead the potential for retrenchment of SFEs and a lack of incentives for land privatization as well as state control of commodity prices traded under PES. The high transaction costs of PES thus far have also required significant donor and government subsidies, thereby actually creating the conditions for continued involvement of the state (Thuy et al., 2009). Such processes are not unique to Vietnam; as other authors have recently argued, projects such as PES and REDD have the potential to in fact re-centralize state control of resources, and thus should not be seen as purely privatized or market-based forms of

governance (Phelps et al., 2010). As Vatn has noted, “PES are not first of all about moving from public policies to market allocations. It is more about a reconfiguration of state-market-community relationships. Hence, PES are rather about another way of using the capacities and funds of states and communities than about abandoning them.” (Vatn, 2010).

Such contradictory processes and “mutations” have been noted in other neoliberal projects elsewhere such as in fishing regulations (Mansfield, 2004), water privatization (Bakker, 2005), and land easements (Morris, 2008); these authors conclude that finding orthodox models of neoliberalism is thus perhaps less useful than looking for the hybrids that result. Some have called this process “social neoliberalism” (Cerney et al., 2005), and Lemos and Agrawal argue that these hybrid governance approaches can often be more useful than talking exclusively about market or state as opposites (Lemos and Agrawal, 2006). In some cases these assemblages might be conducive to local sustainability in that they create interstices into which local priorities and livelihoods can be pursued (Wilshusen, 2010). In other cases hybrid state-market assemblages can form in predictable ways and simply replicate existing patterns of inequality (Li, 2007).

Which path is likely for Vietnam? Overall, based on the review of pilots in this article, PES approaches being undertaken in Vietnam appear to be unlikely to solve fundamental problems of forest conservation unless these projects can tackle the underlying drivers of deforestation. If these drivers were caused by the existence of economic externalities, then PES might be a potentially good tool to tackle them. But the primary problems in the forest estate are complex, including uneven land tenure among households living near forests, incentives for illegal logging given high demand for timber, and poor state management of large areas of forest under SFEs either due to neglect or corruption (McElwee, 2004; Barney, 2005; World Bank, 2010a,b). None of these problems are pure market externality issues.

Therefore the idea of PES as a panacea to all these conservation and social problems appears unrealistic, particularly given the global nature of conservation threats and the inability of single projects to combat all of them. A 2005 CIFOR study that was one of the first to look at the possibilities of PES in Vietnam concluded that “there is no sake in stubbornly trying to implement a PES system in Vietnam, just for the sake of applying the PES concept. A PES system would need to ‘add value’ to environmental protection or local livelihood benefits” (Wunder et al., 2005, p. 53). Porras et al. (2008) have made the same argument elsewhere that overexpectations for PES to be able to solve all kinds of problems need to be tempered with reality and attention to the specificities of particular situations of degradation. For example, as noted previously, the current PES pilots in Vietnam have not yet been able to drive more even and secure land tenure for the poor and ethnic minorities, given the current forest management system’s bias against poor households. This will be a primary hurdle to tackle before PES in Vietnam can be described as pro-poor (Thuy et al., 2008).

At the same time, PES may not introduce a new host of problems either, in that PES is unlikely to be considerably different than past attempts at forest management. The saying “old wine in new bottles” is widespread in Vietnam (*binh moi, ruou cu*), and is often applied to the numerous attempts that have occurred over the past 20 years to improve the forest sector, from land allocation to reforestation funding to SFE reform. The inability to radically restructure the sector can be seen in PES approaches as well; nearly all current pilots of PES continue to use the existing state system (SFEs or provincial forestry departments) as the distribution mechanism for protection payments and monitoring, and the centralized nature of payment price-setting is likely to stifle innovative alternatives. This approach runs the risk of combining both the inefficiencies of command and control with the inequality of the

market. That said, however, PES is unlikely to be any worse than previous approaches; it certainly does not seem to have introduced private or corporate management of lands into Vietnam with any success. A recent loud uproar that has accompanied the leasing of some small amounts of forest land to foreign corporations provides some indication that nakedly neoliberal policies are not likely to be welcomed in Vietnam (VietnamNet, 2010).⁸ It may be that Vietnam's continued strong state role in forest management, although frustrating to households and often inefficient in conservation, is in fact better than the rural dispossession that has characterized land relations in other areas of Southeast Asia with less state involvement in land markets, like Indonesia (Li, 2010), or more economically neoliberal Latin America (Spronk and Webber, 2007).

Finally, this case study reminds us that we should look carefully at the differences in how neoliberal projects play out on the ground, as opposed to always looking for their commonalities and their hegemonic sweep (Bakker, 2010). Despite the oft-heard assertion, originating with Margaret Thatcher, that "There is No Alternative" to neoliberal expansion (Peck and Tickell, 2003), this study in Vietnam indicates that there are in fact multiple alternatives on the ground, although these should not be romanticized: hybrid alternatives to neoliberalism are not necessarily satisfactory in dealing with the concerns of the poorest or least powerful either. In this, both market-oriented and state-oriented approaches, and their hybrid conjoined forms, may have in common an inability to rapidly reverse long-standing patterns of inequality and poverty that characterize the forest sector in much of the tropical world, and their success in reversing trends of deforestation and promoting better forest conservation is as yet unknown. Further research on the ways PES continues to play out in different ways across these regions, and for different types of resources and commodities, is thus clearly an important area for the future.

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⁸ These cases were not associated with PES projects, but primarily involved leasing of land for pulp or timber production to Asian corporations by corrupt local officials who did not have authority to do so.

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