



First Regional Community Forestry Forum: Regulatory Frameworks for Community Forestry in Asia

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held in Bangkok, Thailand
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FORWARD

The Regional Community Forestry Training Center hosted the First Regional Community Forestry Forum for the Asia Region in Bangkok, Thailand, August 24 -26, 2005, providing a platform for senior level government delegates to discuss forestry policy frameworks and experiences from the region. Representatives from the governments of seven countries formed the principle group of participants, along with forestry and policy experts from a number of agencies working in the field of forestry in Asia. Over the course of the forum, in both formal and informal settings, the participants shared knowledge, insights and findings from their country experiences with community forestry, particularly as relates to regulatory frameworks.

The emphasis on policy at the forum was not coincidental, with core participation by government officials. There are many actors and agencies involved in forestry work in the Asia region, but in all countries regardless of greater or lesser degree of NGO involvement in an individual country's forestry sector, it is the *government* that has the mandate and responsibility to set the policy environment for the management of the nation's forest resources. It is for this reason that RECOFTC decided to restrict core participation in the forum to senior government officials.

During the opening remarks for the forum, Yam Malla, Director of RECOFTC, described the genesis of a regional forum for government representatives.

“The idea for this forum came from discussions at a RECOFTC Board meeting between Dr Pham Duc Tuan, the Deputy Director General of the Forest Department in Vietnam, Dr Bharat Pokharel, Manager of Nepal Swiss Community Forestry Project in the Nepal and RECOFTC staff about the desirability of getting together a group of senior policy makers to exchange ideas on the development of regulatory frameworks for community forestry. We were happy to take the opportunity and use our convening ability to provide a neutral platform for senior government officials in the region to exchange ideas on the development of regulatory frameworks for Community Forestry [which] fits well with our strategic focus on promoting exchanges throughout the region leading to sustainable forest management and enhanced rural livelihoods.”

The countries which participated in the Forum were Cambodia, Indonesia, Laos, Nepal, Philippines, Thailand and Vietnam. East Timor joined as an observer to

learn from the experiences of others as it is currently commencing a national forestry program in which it is expected that CF will play a significant role. Observers also attended from FSSP, Helvetas and SNV in Vietnam, the FAO regional office in Bangkok and from JICA in Laos. The Forum was facilitated by Dr. Don Gilmour who has over 25 years experience working in Community Forestry.

Insights that can be drawn from the discussions at the forum are as follows:

- There are vast differences in the level of experience in community forestry, which allows for ample learning across borders.
- Community forestry is increasingly being considered as mainstream forestry, especially in countries where it has reached an advanced stage.
- There is no alternative strategy to community forestry, but there is no one model of community forestry policy that will fit all of the unique historical, geographical, political, social and economic variation in the region.
- Common challenges many countries faced were how to use community forestry as a strategy to alleviate poverty. Many countries also were considering the use of community forestry as part of a move towards government decentralization and devolution.

The participants expressed a desire to continue dialogue, particularly with RECOFTC providing the platform for discussion within the region.

The papers in these proceedings are in three sections: Section one presents an overview paper on regulatory frameworks for community forestry, with particular reference to Asia prepared by Dr. Don Gilmour; Section 2 presents seven country status reports for community forestry prepared by the delegates attending the forum; and Section 3 presents a number of short analytical papers dealing with various aspects relevant to developing regulatory frameworks for CF.

It is RECOFTC's hope that the publication serves to advance the understanding and development of effective community forestry throughout the Asia region, and beyond.

Dr. Yam Malla
Executive Director
RECOFTC
Bangkok, Thailand

ACKNOWLEDGEMENTS

RECOFTC would like to express its gratitude to both core donors, SDC and SIDA, who have been instrumental in RECOFTC's activities over the last nineteen years and who made this Community Forestry Forum possible.

We wish to acknowledge the delegates from the eight regional countries who gave their time, energy and enthusiasm to make the event a great success, and who took the time to prepare country status reports and short analytical papers which form the basis for these proceedings.

We thank Dr. Don Gilmour for his excellent work in facilitating the forum, Ms.Patti Moore from IUCN's Regional Environmental Law Programme who took time out from her hectic schedule to make a presentation on Regulatory Frameworks; and FSSP&P, Helvetas, SNV, FAO and JICA who sent observers to the Forum.

Finally, we would like to thank all the RECOFTC staff and consultants who made the forum and the publication of these proceedings possible.

The Editors

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LIST OF ACRONYMS

ADB	Asian Development Bank
AusAid	Australian Aid
BZ	Buffer Zones
CAMCOFT	Cambodia Community Forestry Training Team
CAMPFIRE	Community-based wildlife program in Zimbabwe
CBFM	Community Based Forest Management
CBFMD	Community Based Forest Management Division
CDP	Community Development Program
CEMP	Cambodia Environment Management Project
CENRO	Community Environment and Natural Resources Offices
CF	Community Forestry
CFD	Community Forest Division
CFFU	Community Forestry Facilitation Unit
CFI	Community Forestry International
CFI/CFAC	Community Forestry International/Community Forestry Alliance for Cambodia
CFMA	Community Forest Management Agreement
CFMC	Community Forestry Management Committee
CFMP	Community Forestry Management Plan
CFNC	Community Forestry Network in Cambodia
CFO	Community Forestry Office
CFP	Community Forestry Program
CFSD	Community Forest Sub-Decree
CFUG	Community Forest User Groups
CFWG	Community Forest Working Group
CRMF	Community Resource Management Framework
CSW	Completed Staff Work
CTF	Communal Tree Farming
DAFEO	District Agriculture and Forestry Extension Office
DAFO	District Agriculture and Forestry Office
DANIDA	Danish International Development Association
DAO	Department Administrative Orders
DARD	Department of Agriculture and Rural Development
DENR	Department of Environment and Natural Resources
DFID	Department for International Development
DFO	District Forest Office
DFRS	Department of Forest Research and Survey
DFSR	Department of Forest Survey and Research
DFU	District Forestry Unit
DILG	Department of Interior and Local Government
DMC	Department Memorandum Circulars
DMO	Department Memorandum Orders
DNPWC	Department of National Parks and Wildlife Conservation
DOF	Department of Forestry

DoFW	Department of Forests and Wildlife
PR	Department of Plant Resources
DSCWM	Department of Soil Conservation and Watershed Management
DWF	Department of Forest and Wildlife
E-CBFMP	Enhancement of Community-Based Forest Management Program
EO	Executive Orders
ETSP	Extension Training Support Project for Forestry and Agriculture in the Uplands
FA	Forestry Administration
FAO	Food and Agriculture Organization
FAR	Family Approach to Reforestation
FECOFUN	Federation of Community Forest Users Nepal
FIPD	Forest Inventory and Planning Division
FMA	Forest Management Area
FMB	Forest Management Bureau
FMP	Forest Management Plan
FMU	Forest Management Unit
FOM	Forest Occupancy Management
FOMACOP	Forest Management and Conservation Project
FPD	Provincial Department of Forest Protection
FSC	Forest Stewardship Council
FSCC	Forestry Sector Coordination Committee
FSSP&P	Forest Sector Support Program and Partnership
FWTC	Forestry and Wildlife Training Center
GPS	Global Positioning System
GTZ	German Society for Technical Co-operation
GVFO	Groups of Village Forestry Organizations
HMG	His Majesty's Government of Nepal
HPHKM	Hak Pengelolaan Hutan Kemasyarakatan
HRPK	Partnership in Private Forest
HTPK	Partnership in Plantation Forest
IDA	International Development Assistance
IDRC	International Development Research Centre
IEC	Information Education and Communication
IIRR	International Institute of Rural Reconstruction
IMU	Information and Database Management Unit
IRR	Implementing Rules and Regulations
ISF	Integrated Social Forestry
IUCN	World Conservation Union
JBIC	Japanese Bank for International Co-operation
JFM	Joint Forest Management
JFMA	Joint Forest Management Association
JICA	Japan International Cooperation Agency
JTRC	Jigyansu Tribal Research Centre
KfW	Kreditanstalt f r Wiederaufbau (banking group)
LA	Forestry Land Allocation
LFNC	Lao Front for National Construction
LGU	Local Government Units
LNGO	Local Non-Government Organization

LSFP	Lao-Swedish Forestry Programme
LUP	Land Use Planning
LWF	Lutheran World Federation
M&E	Monitoring and Evaluation
M&EU	Monitoring and Evaluation Unit
MAF	Ministry of Agriculture and Forestry
MAFF	Ministry of Agriculture, Forestry and Fisheries
MARD	Ministry of Agriculture and Rural Development
MFSC	Ministry of Forests and Soil Conservation
MO	Management Objectives
MoE	Ministry of Environment
MOF	Ministry of Forestry
MPFS	Master Plan for the Forestry Sector
MRDP	Mountainous Rural Development Program
NBCA	National Biodiversity Conservation Area
NCFP	National Community Forestry Program
NEFUG	Nepal Federation of Forest Resource User Groups
NFP	Natural Forestation Program
NGO	Non Government Organization
NTFP	Non-Timber Forest Products
NWG-CM	National Working Group on Community Forestry
ODA	Official Development Assistance
OP	Operation Plan
ORGUT	A Swedish Development Consulting Organization
PAFO	Provincial Agriculture and Forestry Office
PDR	People's Democratic Republic
PF	Panchayat Forest
PFA	Production Forest Areas
PFCP	Pilot Forest Certification Project
PFS	Provincial Forestry Section
PLUP	Participatory Land Use Planning
PO	People's Organizations
PPF	Panchayat Protected Forests
PRA	Participatory Rapid Appraisal
PRSP	Poverty Reduction Strategy Paper
PSFM	Participatory and Sustainable Forest Management
PTWG	Policy Technical Working Group
RA	Republic Acts
RECOFTC	Regional Community Forestry Training Center for Asia and the Pacific
RFD	Royal Forestry Department
RTDU	Research Training and Development Unit
SDC	Swiss Development Corporation
SFM	Sustainable Forest Management
SMRP	Sustainable Management of Resource in the Lower Mekong Basin Project
Sub-FMA	Forest Management Sub-Areas
SUFORD	Sustainable Forest Management and Rural Development Project
SWAP	Sector-Wide Approaches
TFF	Trust Fund for Forests

TOT	Training of Trainers
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VDP	Village Development Plan
VFA	Village Forestry Associations
VFMA	Village Forest Management Agreement
VFO	Village Forestry Organization
WB	World Bank
WKS	Wirakarya Sakti
WWF	World Wide Fund for Nature

OVERVIEW OF REGULATORY FRAMEWORKS FOR COMMUNITY FORESTRY IN ASIA

Don Gilmour⁽ⁱ⁾, Noelle O'Brien⁽ⁱⁱ⁾ & Michael Nurse⁽ⁱⁱⁱ⁾

1. Summary

This paper draws on the experiences and lessons learned from the implementation of community forestry, particularly in Asia. Much of the material is derived from the contribution of participants in a Community Forestry Policy Forum organized by the Regional Community Forestry Training Center in Bangkok in August 2005.

Global Trends in Forest Management

Governments around the world are moving from public sector control of natural resources to private and community control. Community forestry fits into this global trend and is a strategy that has been adopted by many countries in Asia and beyond. The experiences are mixed, but there are numerous examples of community forestry becoming a national movement and one that is capable of delivering significant socio economic and environmental benefits.

Lessons Learned in Developing Regulatory Frameworks for Community Forestry

There is considerable experience in Asia and elsewhere, which can be used to develop and improve policy for community forestry and implement nation-wide community forestry programs. Among the key lessons that have come from several decades of experience are:

(i) *Dr. Don Gilmour, Freelance Consultant*

(ii) *Noelle O'Brian, Manager Capacity Building Program, RECOFTC*

(iii) *Michael Nurse, Manager Regional Analysis & Representation Program, RECOFTC*



REGULATORY FRAMEWORKS FOR CF

- Community forestry policy should be **enabling** rather than **enforcing**. Thus, it should **enable** rural communities to improve their own livelihoods and the condition of the forests in their vicinity by removing any constraints that inhibit them from doing so. Government agencies should adopt a supportive and facilitative role to assist communities in these efforts.
- Lack of legitimate and effective control over resources by communities inhibits their ability to manage forests effectively. Governments often retain the major **authority** (the most power), while giving responsibility for sustainable forest management to communities. **Responsibility** without sufficient authority will not enable communities to manage forests effectively;
- “Soft” rights (i.e. rights that can not be defended or can be withdrawn at the discretion of the forest department) are not sufficient incentive to encourage communities to invest human and financial resources into forest management.

General Principles for Developing Regulatory Frameworks for Community Forestry

Based on the lessons learned from policy development and implementation in many countries, there are some general principles that can be applied to ensure that policy is capable of being implemented successfully. These are:

- Avoid over-regulation (particularly in the early stages) so that the partners in implementation (generally government officials and community members) are capable of implementing the policies;
- Provide secure and long term access or ownership rights to forest resources;
- When commencing initiatives, start simply and add complexity based on the ability of partners to adopt increasingly complex tasks;
- Make every effort to minimize transaction costs for all partners (e.g. avoid complex and lengthy decision making procedures, minimize the time involved in attending meetings, etc. which may impact more on poor people than others);
- Build capacity of all partners through experiential learning (apply action-learning to build social capital);
- Apply adaptive management (including monitoring for biophysical and social outcomes for sustainability) to ensure continued institutional learning and to maintain flexibility and adaptability;
- Ensure that benefits flow to communities early, particularly for livelihood support and poverty reduction (there are practical and ethical reasons for this);
- Consider equity of benefit sharing to ensure that the poor are not made absolutely or relatively worse off, and procedural equity to ensure that all sections of society have an effective voice in decision making;
- Ensure continuous practice/policy feedback (apply action-learning approaches so that policy can be improved based on field experience);
- Build on and strengthen existing successful approaches (such as traditional land management practices);
- Ensure consistency between policies and legal instruments;
- Ensure consistency between local government regulations and sector-specific rules;



- Support accountability;
- Support viable institutional arrangements (check on the existence of indigenous/traditional/customary systems and build on them if appropriate);
- Support evolution of independent (particularly community level) dispute resolution mechanisms;
- Review and update regulatory instruments periodically.

Communities need to be encouraged to invest time and energy to become involved in government sponsored community forestry initiatives. The basis of such an approach is to: (i) build a relationship between government officials and the community based on mutual trust and respect (rather than the more traditional authoritarian one); (ii) minimize transaction costs for the community and government partners; (iii) maximize authority for communities to manage forests and distribute benefits; and (iv) ensure that benefits flow as early and as equitably as possible. Some of these aspects can be built into regulatory frameworks while others need to be addressed through associated capacity building and reorientation activities¹.

Challenges for policy and field practice

Partnership and confidence building for effective compliance and enforcement of a regulatory framework for community forestry takes time and requires the support of national and local governance institutions and processes. Among the many challenges that need to be addressed include the following:

- Balancing the cultural dimensions of customary practices with contemporary values of equity, democracy and sustainable natural resource management;
- Demarcation of boundaries between different categories of land (private, customary and government);
- Clarification of tenure of trees and forests (in particular, community and individual rights to use trees for subsistence and commercial purposes on various land categories);
- Agreeing on authority and responsibility of community and government partners;
- Agreeing on benefit sharing arrangements.

Next steps

Community forestry is an evolving, dynamic concept and it takes time for the appropriate modalities to be clearly defined and applied. It is essential to carry out pilot trials of community forestry in order to refine the policy and implementation procedures based on well documented field experience. In time, the initiatives need to expand to become a national program if the concept of community forestry is to have a significant impact on forest condition and rural livelihoods.

Once a community forestry policy is accepted and endorsed there are several subordinate instruments that need to be developed. Among these are:

¹ Reorientation refers to the change in attitude required for government field workers to make the transition from a policing and licensing role to one of adviser and extensionist.



REGULATORY FRAMEWORKS FOR CF

- Rules and regulations for implementing community forestry (to provide the legal basis to operationalise the policy);
- Guidelines to assist government staff and NGOs in the process of working with communities to develop robust institutional arrangements for managing community forests, and to merge these arrangements with government policy requirements of sustainability and equity (this might also entail re-establishing or strengthening traditional institutional arrangements);
- Guidelines for preparing management agreements—simple operational plans agreed between government and community partners to define and legitimize community forest management (set management objectives, agree on protection, harvesting and benefit sharing arrangements, sanctions for those who violate the rules, etc.);
- Any additional requirements, such as registering village (or commune) forest user groups as legal entities (so that they can operate bank accounts, market and sell products, etc.).

Running through the entire process of planning for and implementing community forestry is a major need for building capacity for all partners. The following aspects are of particular importance:

- Awareness raising among all sectors of society (government and non government) on the government's policy on community forestry;
- Reorientation of government staff to fit them for new roles as advisors and extensionists rather than as policing and licensing officials;
- Training of government staff and NGOs on procedures (tools and techniques) for implementing community forestry;
- Training of villagers to give them knowledge and skills (technical, managerial and financial) to manage their forests.

2. Introduction

The way in which governments perceive the management of their natural resources has changed over the past several decades. The key direction of this trend is a shift from public sector control to private and community rights. This trend is apparent across the world, and community forestry is one modality by which this trend is being applied. It is perceived that forest management outcomes (both biophysical and socio economic) and government forest agencies benefit from community management. For this reason community forestry is currently receiving considerable attention in many countries in both the developed and developing world.

During the 1970s and 80s, community forestry came onto the world stage in response partly to a perceived failure of the forest industry development model to lead to socio economic development, and partly to the increasing rate of deforestation and forest land degradation in the Third World (Gilmour et al. 1989). It was widely acknowledged that governments acting alone would not be able to address the emerging environmental crisis. Much of the rural land involved was an integral part of the farming system of rural farmers, often in remote locations, and in many cases governments had limited capacity to undertake remedial measures on the scale



necessary. Participation by local communities in government programs of landscape rehabilitation was seen as an essential part of the solution. While reversing wide spread degradation was a primary reason for initial international support for community forestry, improving rural livelihoods was perceived as a secondary but closely related outcome. Over time, this secondary reason became the dominant rationale for continuing support from both national governments and the international community.

The expectations for community forestry have changed over time. In the contemporary world it is often seen as a mechanism to deliver a wide range of outcomes, including: contributing to poverty reduction, increasing carbon sequestration (to mitigate the adverse effects of climate change), enhancing biodiversity conservation (including a wide range of ecosystem services) as well as income generation and general community development.

In addition to this ambitious list of expectations, there is often the hope (sometimes implicit rather than explicit) that community forestry can be a practical mechanism for implementing government agendas associated with institutional reform (decentralization and devolution) and improved democratization (by engaging with multiple stakeholders).

In most countries, tangible benefits from community forestry have barely started to flow because of the considerable lag time between the establishment of effective community forestry regimes and the commencement of utilization. However, in many countries evidence is accumulating that community forestry is delivering both environmental and socio economic benefits (see Boxes 1, 2 and 3).

Box 1. Emerging empirical evidence of the impact of community forestry on poverty

Vietnam (Apel et al. 2001)

A recent study in Vietnam demonstrated that poor people have been benefiting from cash income at household level from allocation of land under Forest Protection Contracts. Though poor households have no actual role in the management of forests, the revenue received for protection had been distributed equitably by communes. A strategy for community-based natural resource management to benefit poor households was also proposed and presented to the National Community Forestry Working Group.

Lao PDR (Foppes and Ketphanh 2000, quoted in Fisher 2000; Nurse and Soydara 2001)

In one village in Oudomxay province, the villagers had faced rice deficiency for part of the year. Although individuals earned cash from collection and sale of bamboo shoots, the income was inadequate. An IUCN-NTFP Project team facilitated a series of village meetings which led to an agreement to 'team up' and sell collected bamboo shoots at fixed prices (by weight rather than number) and in a fixed place. Within a five-month period, the average income per family came to US\$ 130. This was 'at least four times more than the year before'. In addition, several hundred dollars were earned



for a village development fund. In the context of rural incomes in Lao PDR, this amount is very significant for the poor households. The same project had also supported the development of rice banks to poor households to solve food deficit problems with a positive impact on forest conservation by reducing hunting levels during the food deficit period (wildlife was previously being sold to buy rice). Furthermore, poor households have been provided access to forests allocated to village authorities for the collection of subsistence products.

Thailand (Fisher 2000)

Villagers in Pred Nai village in eastern Thailand are attempting to renovate a mangrove forest damaged by commercial shrimp farming. So far the plan includes regulations to prevent (or reduce) over-harvesting of mangrove crabs, which are a major source of income for poorer villagers (one collector can earn as much as US\$ 12 per day from crab collecting.) Management includes mangrove protection and regeneration, as well as planting of mangrove species. Community members recognize that crab numbers depend on adequate supplies of food from mangrove tree species. There is a clear link between forest conservation activities and economic benefits. At Pred Nai, the benefits in terms of poverty alleviation are undisputed, but it is less certain that the management system, as it now stands, is sustainable. It is, however, undergoing continuous development and there are good reasons for optimism based on the commitment of the community.

Nepal (Pokharel and Nurse 2004)

The Nepal Swiss Community Forestry Project has been developing field methodologies for pro-poor community forestry for three years. Focus group and household interviews with the poorest FUG (forest user group) members have shown that poor FUG members have gained most from education scholarships; (in some groups) free forest products; support in the case of a crisis (e.g. free fuelwood upon the death of a family member or cash support in the case of sickness of a family member). These options are not yet institutionalized across all FUGs, but methodologies for building good forest governance are now providing the foundation for institutionalizing these and other pro-poor options. Integrated development planning is another strategy that uses the FUG institution as a coordinating body for broader development assistance to fit the poor's needs in health, water, education and food security.

Box 2. Income generation from community forests in Nepal

A rapid appraisal of forest product utilization, income and patterns of expenditure of 1,788 Forest User Groups from 12 hill and Terai districts in Nepal was carried out in 2002 and extrapolated to all Forest User Groups in the country. The results indicated that the total annual cash income from the sale of forest products from community forests was 747 million rupees (more than US\$ 10 million). This amounted to almost 42% of the annual budget of the Ministry of Forest and Soil Conservation. At the present time 100% of these benefits are going to the Forest User Groups.



To this figure can be added the cash equivalent of subsistence forest products and other income generated by the user groups, which was estimated to bring the total income to 1.8 billion rupees (almost US\$ 24 million).

About 36% of the income from community forests was spent by the Forest User Groups on community development activities such as building of schools, roads and drinking water facilities. Only 3% was targeted towards specific pro-poor activities.

Extracted from Kanel and Niraula (2004)

Box 3. Improvement of forest area and condition following the introduction of community forestry in Nepal

Field studies and anecdotal evidence indicate that denuded forests have regenerated and the condition of forests has improved substantially following the introduction of the community forest program. A study in four eastern hill districts showed that the total number of stems per ha increased by 51 %, and basal areas of forests increased by 29 %. In Kabhre and Sindhupalchok districts in central Nepal, a study found that shrubland and grassland has been converted into productive forests, increasing the forest area from 7,677 ha to 9,678 ha. A study in a mountain watershed at three different times (1976, 1989 and 2000) spanning 25 years, showed that small patches of forest have enlarged and merged, which reduced the number of patches from 395 to 175 and increased the net forest area by 794 ha. Across the whole country there is clearly a trend of overall improvement in forest area and condition.

Extracted from Kanel (2005)

For a variety of reasons, community forestry has become a major form of forestry in many countries, and is spreading rapidly in both the developing and developed world.

NGOs play a significant role in supporting the implementation of community forestry in some countries in the region (e.g. Cambodia, Indonesia, Nepal and the Philippines) while in others the government has the primary implementation role. However, in all countries, it is the government that has the mandate to set the regulatory framework within which community forestry operates (and the ultimate responsibility for ensuring that the nation's forest resources are managed sustainably.) As in any field of endeavor, good policy does not necessarily guarantee good outcomes. However, we could argue that good policy is a necessary (although not sufficient) requirement. In this paper we focus on the requirements for good regulatory frameworks (particularly policy) to support community forestry, and leave the question of implementation of that policy to another forum.

The analysis in this paper is drawn from material presented (both formally and during discussion) at a Community Forestry Policy Forum facilitated by RECOFTC in Bangkok in August 2005. The contributions of the forum participants to the ideas that are presented here are acknowledged.



3. Terminology

Many terms are used to describe modalities involving the engagement of communities (generally in some form of partnership with government) in the management of forests. Some examples include: Community Forestry in Cambodia, Nepal and Vietnam; Village Forestry and Joint Forest Management (JFM) in Lao PDR; JFM in India; Social Forestry and Community Forestry in Indonesia; Community Based Forest Management (CBFM) and Ancestral Domain Management Program (ADMP) in the Philippines. Each of these terms has its own particular local connotation, and considerable differences occur in the characteristics of each, particularly in terms of the level of authority and responsibility of the various partners to take management decisions.

It is not proposed to enter into a semantic debate on the precise definition of one or another term, but rather to use the term “community forestry” in a generic sense to denote the many types of modality where local communities have a major involvement in forest management decision making. This includes all of the terms in the previous list.

In this paper regulatory frameworks are considered to include law plus subordinate instruments, referred to variously as decrees, sub-decrees, orders, policies, operational guidelines, etc.

4. Global Trends in Forest Management

Community forestry needs to fit within (and respond to) a dynamic internal and external environment. Included among the changes which need to be considered are:

- globalization, and the way that this universal phenomenon affects forest management;
- changing institutional environment (such as moves towards decentralization and devolution);
- an emphasis on addressing poverty through community forestry;
- approaches to forest management to mitigate the adverse effects of climate change through carbon sequestration;
- rapidly changing forest cover in many countries—many countries now have greatly reduced areas of forest compared with 10-20 years ago.

Estimates by Bull and White (2002) indicate that more than 11% of the world's forests are managed or owned by communities and in developing countries the figure is 25%. It is estimated that this may reach 45% by 2015. Pretty and Frank (2000) estimated that from 1990-2000 over 320,000 community groups with over 10 million people formed natural resource management groups for the management of watersheds, forests, micro-finance and pest management. Clearly, community involvement in the management of natural resources has become a global phenomenon. Many countries, particularly those that have only recently embraced community forestry, are in the process of revising their regulatory frameworks to accommodate this radical change in approach to managing their forests.



Box 4 gives a summary of the status of community forestry initiatives in several regions and countries outside Asia.

Box 4. Status of community forestry initiatives outside Asia (extracted from Gilmour et al. 2004)

Africa (Alden Wily 2002)

Results of a community-based wildlife program in Zimbabwe (CAMPFIRE) provided major incentives for community management in other countries. Many countries have new legislation allowing community management. An upcoming law in Tanzania has led to over 500 Village Forest Reserves and 1,000 clan-owned forests since 1996. Innovative community forestry initiatives exist in Ethiopia, Mozambique, The Gambia, South Africa and several other African countries

Europe (Jeanrenaud 2001)

Strong public concerns about the environment led to moves from industrial management of public forests to multi-purpose management with increasingly participatory decision-making. In addition, there are 11 million forest-owning families, many belonging to 'community organizations' that provide information and marketing services and represent them on policy matters. Forest Commission and Local Councils support a network of 12 community forests across England.

Canada (Haley 2001; Poffenberger and Selin 1998)

There has been a push from some communities to manage local forests – mainly because of vast loss of biological and timber resources. The Model Forests Program in the early 1990s gave impetus to community forestry in some areas. In British Columbia a new Act will allow communities to manage their local forests in partnerships with government. Requests were received from 88 communities for CF licenses under the BC Community Forest Management Pilot Project.

United States of America (Kusel and Adler 2001; Poffenberger and Selin 1998)

There has been considerable growth in community-based approaches to management of forests, lakes, watersheds and pollution. The main drivers have been environmental movements and frustration by communities over their "lack of voice" in local forest management issues.

Mexico (Klooster and Ambinakudige 2005)

Mexico is in the vanguard of the community forestry movement on several fronts. Community ownership of forests is much more extensive than almost anywhere else in the world. Tenure over forested land includes the right to harvest and sell trees. The state role is merely regulatory and communities exercise the central role in forest management. Mexican community forestry relies on local governance structures that are reasonably representative, democratic and autonomous. These conditions have resulted in between 533 and 740 community managed forest enterprises that compete successfully in national and international markets for timber and value added wood products. Mexican communities keep all proceeds from commercial harvests of timber and other valuable forest products.



5. Evolution of Community Forestry Policy Across Parts of the Asia Region

Community forestry is at different stages of development in different countries in the Asia region. In some countries (such as the Philippines and Nepal), community forestry has been a major part of the national forestry agenda for more than 20 years, while in others it has only recently emerged as a national policy strategy. The remainder of this section gives a summary of the status of community forestry in selected countries in the region and the direction that community forestry is taking. Particular emphasis is given to the evolution of policy to enable the implementation of community forestry.

5.1. Cambodia (adapted from Sokh & Ty, 2005)

5.1.1. Regulatory Framework

There is considerable project experience in community forestry in Cambodia, largely supported by NGOs. This experience has been drawn on to develop the Forestry Law and the subordinate regulatory instruments.

The legal framework supporting community forestry includes provisions in the Forestry Law (2002), the Sub-Decree on Community Forestry Management (2003), and the yet to be enacted draft Community Forestry Prakas (Guidelines) ².

Forestry Law

The Forestry Law gives the Forest Administration (FA) and the Ministry of Agriculture, Forestry and Fisheries (MAFF) the authority to grant areas of production forest in the Permanent Forest Reserve to local communities in order to manage and benefit from the resources therein. The Law states that there needs to be a Community Forestry Agreement which can be for a period of 15 years, and that agreements can be renewed based on monitoring and evaluation reports of the FA. In addition to the Community Forestry Agreement, the Law states that there needs to be a Community Forestry Management Plan, which is to be reviewed every five years or earlier if necessary.

The Forestry Law states that the rules for establishment, management and use of a community forest shall be determined by a Sub-Decree on Community Forestry Management, and that the guidelines on Community Forestry shall be determined by Prakas.

Sub-Decree on Community Forestry Management

The Sub-Decree on community forestry management outlines the basic steps for the establishment and management of community forestry, including key definitions and the roles of various entities in the process.

This Sub-Decree aims to determine rules for the establishment, management and use of community forests throughout the Kingdom of Cambodia. The objectives of this Sub-Decree include the following:

² A Prakas is a ministerial declaration that forms an additional component of an existing law.



- To implement the Forestry Law and other legislation regarding local community management of forest resources;
- To define the rights, roles and duties of the Forestry Administration and communities and other stakeholders involved in Community Forestry management;
- To establish procedures to enable communities to manage, use and benefit from forest resources, to preserve their culture, tradition and improve their livelihoods;
- To ensure user rights for a community under a Community Forest Agreement;
- To support the Royal Government of Cambodia's policies of poverty alleviation and decentralization;
- To provide an effective means for a community to participate in the reforestation, rehabilitation and conservation of natural resources, forest and wildlife.
- To enable citizens to understand clearly and recognize the benefit and importance of forest resources through their direct involvement in forest resources management and protection; and
- To provide a legal framework to assist Cambodian citizens, living in rural areas, in establishing Community Forestry Communities to contribute to the sustainable management of forest resources.

Community Forestry Guidelines Prakas

Though still in draft form, these guidelines aim to clarify details for the establishment, formulation and functioning of Community Forestry. In addition, they will contain annexes containing official templates for the Community Forestry Agreement, Community Forestry Management Plan, Community Forestry Committee By-Laws and Community Forestry Regulations.

5.1.2. Progress with implementation

Numerous international and local organizations have been supporting community forestry development in Cambodia including FAO, Concern Worldwide, CFI and IDRC. At the provincial level, the Forestry Administration has worked with partners to provide technical and financial support to Forestry Cantonments to implement a number of community forestry projects throughout the country.

Since the community forestry guidelines have not yet been approved, there has been no legal framework for the local communities to reach agreement with the government. To date the Community Forestry Office has identified 274 community forestry sites throughout the country. This figure includes sites that are still in the very early stages of development. The only community forestry lands that have been formally allocated and recognized are in Takeo province with a total forest area of 500 ha of degraded land. In total, there are 19 provinces and cities, 76 districts, 157 communes and 615 villages involved in community forestry activities. The number of households involved in community forestry is estimated to be 62,402 as of 2005. These households to some extent have access to or are managing about 180,000 ha of mostly semi-evergreen natural forests.



5.2. Indonesia (adapted from Hindra, 2005)

5.2.1. Regulatory Framework

Community forestry in Indonesia evolved along with other recent developments in forestry. In the early 1980s, the Indonesian Ministry of Forestry (MoF) introduced a social forestry program in state owned teak forest plantation (Perum Perhutani) in Java, called Taungya system (sistem Tumpangsari). With the Decree of MoF No. 691 of 1991 and No. 69 of 1995, Pembinaan Masyarakat Desa Hutan or Community Development Program (CDP) was introduced by the MoF to be implemented by forest concession holders. Under this program, concessionaires are obligated to support activities that contribute to the socio economic development of communities living in and around their concessions.

In 1995, the government announced a new policy by issuing MoF Decree No. 622/Kpts-II/1995, regulating the concept of community forestry not limited to increasing the technical and production aspects of forest management, but also supporting the development of a community's capacity and rights in the management of forest resources as a long term objective. The local people are given access to utilize non timber forest products (NTFP). A new MoF Decree No. 677/Kpts-II/1997 was issued in 1997 improving the Decree No. 622. With this decree, called Hak Pengelolaan Hutan Kemasyarakatan (HPHKM) or License to Manage Forest, community groups can be given the right to utilize forests. Local people are granted a permit to utilize timber and non timber forest products. However, since there was a need to make some improvement, a new MoF Decree (No. 31/Kpts-II/2001) was signed in 2001. This decree contains regulations to give a more active role to the local people by defining them as the main actors in forest management. However, the decree has not been implemented because of new regulations on forestry planning which do not accommodate the right of communities to manage the forest.

In 2003, the Minister declared the Social Forestry Program, and Regulation No.1 /Menhut-II/2004 was established in 2004 to implement this program. This is about empowerment of the people living within and surrounding the forest in the implementation of social forestry. In this regulation, social forestry is described as a system of forest resources management for state forest areas and/or private forest, which will provide local people with an opportunity to become the main actors and/or partners in an effort to increase their welfare and preserve the forest.

By the end of 2004, the MoF had declared five priority policies. One of them is the policy to empower the economy of communities within and surrounding the forest. This policy is an implementation of Act No 41 /1999 mentioning several mandates, such as:

- Any forest concessionaire should cooperate with the local community co-operatives surrounding the forest (Article 30);
- The activity of forest and land rehabilitation should implement a participatory approach in order to empower communities surrounding the forest (Article 42.2); and
- In terms of forest management, support to communities is a key to success, so that forest management practices should be oriented towards empowering the community and not only towards timber production.



These priority policies consider also Government Regulation No. 34 /2002, mandating the empowerment of communities within and surrounding the forest in order to improve community institutional capacity in utilizing the forest (Article 51).

5.2.2. Progress with Implementation

By 1999 about 92,000 ha had been leased out to communities, mainly to encourage them to rehabilitate degraded forests. A subsequent program leased out 66,000 ha on lands without existing concessions under social forestry schemes (Klooster and Ambinakudige (2005). These leases are contingent on the submission of detailed management plans approved by the district level forestry service and require the community to register itself as a cooperative.

Perum Perutani, the state owned enterprise managing forest in Java, has started to implement a process of land sharing and sharing of rights to harvest timber and NTFPs with local farmers (Diah Djajanti, in press).

5.3. Lao PDR (adapted from Phanthanousy and Sayakoummane 2005)

5.3.1. Regulatory Framework

Community forestry is at the project stage in Lao PDR, with different models being tested to determine what modality is appropriate for Lao's conditions. There are about 10 projects dealing with community forestry in production forests, conservation areas and tree plantations.

Community forestry is called Village Forestry in Lao PDR and is defined as a partnership between the state and organised villagers for the management of designated forests in order to sustain a flow of benefits which are intended to be shared fairly by the villagers and the rest of the national community (Lao Dept of Forests, 1997). Village Forestry involves the implementation of the Forest Land Allocation Programme which has major objectives of (i) sustainable management and use of natural resources, (ii) reduction and gradual elimination of shifting cultivation and (iii) promotion of commercial production (Morris et al. 2004). The emphasis of the program is on land-use planning, land-use zoning, forest land allocation, the preparation of village development plans, and the development of forest and agricultural land management agreements.

The Forest Law (MAF 1996) provides a legal framework for the NTFP sub sector. Article 30 recognizes and authorizes "customary use" of forests and forest land:

"Which has been protected for a very long time...involving the collection of non prohibited wood for making fence, firewood, gathering of non timber forest products, hunting of non prohibited wild and aquatic animals for household use and other customary use" (1996: 8)

In addition, each household can extract up to 5m³ of timber for household use. There is evidence of substantive devolution of authority to the village level for NTFP management and use in recognition of the basic needs of communities.

Two large pilot trials have also been undertaken during the past decade to explore the possibilities of villagers becoming directly involved in the management of production forests. For these situations, villagers are involved (in partnership with Department of Forestry) in many aspects of forest management including



boundary demarcation, land use mapping and planning, forest inventory, management planning, harvesting, and selling products.

Decree 59/PM/2002 provides for the establishment and management of large, contiguous tracts of production forests as Production Forest Areas. Villages are allocated village forests mainly through the land and forest allocation program. Harvesting of trees for personal use is allowed in village production forests or village use forests (Forest Law Art 28 and MAF Reg. No. 535 on Management of Village Forest). Villagers can participate in commercial logging and other production forest management activities when a Production Forest Area exists within their boundaries.

The piloting of village forestry ended in 2000 at the end of the project period. This was followed by two years of study and debate on how the lessons from piloting village forestry should be converted into an official policy for participatory, sustainable forest management. The government effectively withdrew its support for commercial timber harvesting through village organisations through Prime Ministerial Order No.11 of May 1999.

5.3.2. Progress with Implementation

During the years when one of the major pilot projects operated, the following was achieved in pilot production forests:

- Village Forestry was introduced in 60 villages covering a total area of 145,000 ha. All villages had production forests, but only 41 villages had commercial production forests;
- In the 41 villages a total of 33 village forestry associations (VFA) was established; 29 of these associations were single-village VFAs, and three associations were multi-village VFAs; and
- Forest management plans were formulated by the 33 VFAs, based on a model, and training was provided by forestry staff. The forest management plans covered an area of about 100,000 ha of both commercial and non-commercial production forests and other forest categories.

There has been some piloting of village forest agreements (in three provinces) through an IUCN supported-NTFP Project, though this project concluded in 2002.

5.4. Nepal (adapted from Kanel 2005)

5.4.1. Regulatory Framework

The National Forest Plan 1976 was the first government document that mentioned people's participation in forest management. The Forest Act 1961 was amended in 1977 to make provisions to hand over a part of government forests to local administrative/political units or village councils called "Panchayats".

Panchayat Forest and Panchayat Protected Forest Rules were implemented in 1978, and this marked the beginning of community forestry in the country. Under these rules, forest land without trees could be handed over to local panchayats as "Panchayat Forest" for rehabilitation, and land with trees could be handed over as "Panchayat Protected Forests". In order to implement these provisions, the Government initiated several community forestry projects which eventually covered all the hill districts.



The Master Plan for the Forestry Sector, approved in 1989, provides a 25-year policy and planning framework for the forestry sector, and it remains the main policy and planning document. The Master Plan gave the highest priority to the community and private forestry programs, and some of the important elements are:

- All the accessible hill forests in Nepal should be handed over to user groups (not to the Panchayats) to the extent that they are willing and capable of managing them;
- Priority of community forests is to supply forest products to those who depend highly on them;
- Women and the poor should be involved in the management of community forests; and
- The role of forestry staff should be changed to that of extension service provider and advisor. The forestry staff should be provided with reorientation training to deliver the services needed by Community Forest User Groups.

The major recommendations of the Master Plan have been incorporated into the formulation of a new Forest Act (1993) and Forest Rules (1995). Operational Guidelines to guide implementation of community forestry were introduced in 1995 and modified in 2001 and 2004.

5.4.2. Progress with Implementation

During the last 25 years of community forest implementation, about 1.2 million ha of forests (or 25 per cent of existing national forests), mostly in the middle hills region, have been handed over to more than 14,000 local community forest user groups (CFUGs). About 1.6 million households (35 % of the country) are members of these groups.

A study was conducted in 2004 among 1,788 community forest user groups and extrapolated countrywide. It indicated that 10.9 million cubic feet of timber, 338 million-kg of firewood, and 371 million kg of grasses were harvested and used by the users during the year. Grasses were consumed locally; timber and firewood were consumed locally as well as sold outside the user groups. Box 2 gives additional information on the income that has been generated by Forest User Groups in Nepal.

5.5. Philippines (adapted from Pulhin et al. 2005)

5.5.1. Regulatory Framework

Community-Based Forest Management (CBFM) is currently the Philippines' major strategy for the sustainable development of the country's forest resources and social justice. It emerged as a major approach to the allocation of forests and forest lands to communities and indigenous peoples with the issuance of Executive Order (E.O.) 263 in 1995 and the passage of the Indigenous People's Rights Act (IPRA) in 1997. Many Timber License Agreements (TLAs) were cancelled and licenses that expired were not renewed after the 1986 revolution and the subsequent amendment of the Philippine Constitution. As a result, there are now only 13 TLAs remaining covering a total area of 543,939 ha of forest land. This represents a drastic departure from the earlier forest management



approach, which placed 8-10 million ha of forest land – around one-third of the country's total land area of 30 million ha – under the control of the social elite, particularly the relatively few timber license operators (Pulhin and Pulhin, 2003).

E.O. 263 and its implementing rules and regulations stipulate the basic policy objectives that CBFM intends to pursue. These are: 1) to protect and advance the right of the Filipino people to a healthy environment; 2) improve the socio-economic conditions through the promotion of social justice and equitable access to, and sustainable development of, forest land resources; and 3) respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies.

To achieve these objectives, the CBFM Program (CBFMP) was established through DENR Administrative Order No. 96-29 to integrate and unify all the people-oriented programs of the government.

Despite the above-cited policies and programs, there is as yet no single legislated policy that provides a stable legal framework to guide the smooth implementation of the CBFM Program. This has created a highly uncertain policy environment that continues to derail CBFM implementation. In particular, DENR's vacillation on the issuance of Resource Use Permit (RUP) to participating People's Organisations (as demonstrated in a series of national suspensions/cancellations of RUPs by three DENR Secretaries) has greatly affected CBFM operations at the field level, upsetting the major source of livelihood of the participating communities. The DENR is developing legislation for the proposed Sustainable Forest Management Act, which incorporates CBFM as the core management approach in its effort to create a more stable forest policy environment.

5.5.2. Progress with Implementation

CBFM now encompasses a total of 5.97 million ha involving 5,503 sites, with a total of 690,687 participating households. This has grown from less than 200,000 ha in 1986. Most, if not all the sites have an existing People's Organisation. The POs may also be members of local, regional, and/or national CBFM Federations.

CBFM as a strategy is a viable model to ensure sustainable forest management (Bacalla, in press). However, in a recent DENR-JICA review of 47 CBFM sites (Miyakawa et al. 2005, quoted in Bacalla, in press), it was found that DENR personnel assigned to support the POs generally lack training, and access of local communities to forest resources remains an issue. The recent total log ban policy has also adversely affected the interest of the local communities to participate in the programme (ibid).

5.6. Thailand (adapted from Wichawutipong et al. 2005)

5.6.1. Regulatory Framework

Community forestry was officially recognized as a tool for sustainable forest management in Thailand about two decades ago. The National Constitution (Article 46 on Decentralization Policy) in 1997 is clear on the rights of local people as it states that they should be involved in managing their natural resources. However, community forestry in Thailand is plagued by conflict, as indicated in the timeline of key events in the development of community forestry legislation shown below.



Table 1. Key events in the development of community forestry legislation in Thailand

Date	Event
1991	The Royal Forest Department (RFD) began a process to develop a Community Forest (CF) Bill to involve local communities in managing communal forests. The draft bill was to recognise the legal status of communities living around Thailand's National Forest Reserves and proposed the establishment of CFs by rural communities to manage forest areas in cooperation with the RFD.
1992	The concept for a draft Bill was approved by the cabinet.
1992-1995	The draft Bill was revised and reconsidered through committee and public hearings.
1993	A draft CF Bill was developed.
1994	People campaigned for the government to accept the people's version of the Bill.
1996	As a response to grassroots and NGO pressure for a community forestry law, the government assigned the National Economic and Social Development Board (NESDB) to organize and draft a new version of the CF Bill, with participation of representatives from government, NGOs, academics, and grassroots communities.
1997	<p>1) Urban conservationists lobbied against the re-drafted CF Bill and the Minister of Agriculture and Cooperative was ordered to further modify the Bill.</p> <p>2) Cabinet approved the Ministry version of the CF Bill.</p> <p>3) Local community members from across the country rallied against the Ministry version. A Joint Committee revised the Ministry version.</p>
2000	Nationwide community forestry networks announced their intention to collect 50,000 signatures to submit a people's version to the Parliament according to Article 170 of the 1990 Constitution. The CF Bill was approved by the Lower House.
2001	A new Government confirmed its intention to continue consideration of the Bill.
2002	<p>The Senate's revision deleted the most crucial clause of the Bill which would have allowed people settled in community forest protected areas to continue to use forest products. Bill was then sent to joint committee of Senators and Representatives.</p> <p>CF Bill sent back to the Lower House to consider the Senate's revision.</p>
2005	The CF Bill is still in the joint committee.



REGULATORY FRAMEWORKS FOR CF

While legislation to support community forestry has not been approved in Thailand, the Royal Forest Department (RFD) does support local community management of its forests. The Community Forestry Division was initiated in 1991 and it later became the office of Community Forest Management in 2003. Its mandate is to plan and promote community forestry, and to involve local communities, local organisations, NGOs, and other institutes in community forest management.

5.6.2. Progress with Implementation

Currently, more than 5,300 villages have registered their community forestry programs with the RFD (amounting to about 0.7 % of the total number of villages in the country). These community forests cover an area of approximately 196,667 ha in both National Forest Reserves (112,869 ha) and other forests (83,798 ha). The area under registered community forestry management accounts for about 1.16 % of the country's total forest area or 0.38% of the total land area of Thailand. In addition to these registered community forests, there are an additional 5,550 unregistered community forests.

The major benefit accruing to members of community forestry groups is that they can obtain usufruct rights to a limited range of forest resources (mainly NTFPs) without legal ownership of the land. However, there are considerable tensions between community groups and others, including the RFD, over the legitimacy of communities to have an effective role in forest management decision making. As a result, any real authority of communities to exercise effective management over the forests is severely constrained. It is unlikely that community forestry will be able to expand (i.e. to move from small projects to a national program) and make a significant impact on forest condition or livelihood improvement until there is an enabling regulatory framework (both law and supporting instruments).

5.7. Vietnam (adapted from Navie 2005)

Since the mid 1990s several projects have operated in Vietnam, piloting and testing approaches to community forestry in a variety of settings. The results have had a considerable influence on the direction of policy development.

5.7.1. Regulatory Framework

Table 2. Evolution of community forestry policy in Vietnam

Period	Recognition of community rights to manage forests
Before 1954	Community rights to access and use forests acknowledged under traditional law.
1954-1975	No attention paid to community forest, but traditional community management of forests respected.
1976-1985	Focus on planning for state and co-operative forestry, forests managed by communities was restricted.
1986-1992	First mention that villages were legal forest owners of traditional village forests.

Period	Recognition of community rights to manage forests
1993-2002	Decentralization process of forest management strengthened, focus on forestry socialization. However, policy on community forestry was still not explicit.
2003 to present	Legal basis of community forestry formulated.

According to the new Land Law approved in 2003, a village community is the entity to which the State allocates land or whose agricultural land use entitlement is recognized by the State. A new Forest Protection and Development Law (revised in 2004) has a separate item stipulating forest allocation to village communities including rights and duties of village communities.

The Civil Law (revised in July 2005) has acknowledged the concept of common ownership by the community (as property according to traditional customs, or property that has been managed and utilized jointly by members of the community in accordance with a benefit sharing agreement).

In short, Vietnam has a basic legal framework and an evolving policy on community forestry which is represented primarily in two Codes, the Land Law 2003 and the Forest Protection and Development Law 2004.

There is considerable scope for community forestry in the country, particularly in the development of mountainous areas. Initial planning perceives four categories of community forest, ranging from forest land that is under de facto local customary ownership to forest land that may be contracted to communities by State organizations.

These various categories of community forest will be managed by different types of manager, from village communities to special interest groups. Community forestry in Vietnam is thought of as being of two distinct types, i.e. subsistence community forestry and commercial community forestry.

In terms of forest ownership, community forestry in Vietnam recognizes two concepts related to the type and extent of participation by the community in forest management. These are (a) *community forest management* and (b) *community-based forest management*. Community forest management would apply where forests are owned by a community. In these situations the community is both the owner and manager. Community-based forest management refers to situations where communities participate in the management of forest that is owned by another entity such as a State Forest Enterprise or a Forest Management Board. In this situation community members may share in the benefits of forest management by being engaged in paid labour or by contract.

5.7.2. Progress in Implementation

Participatory land use planning was introduced in Vietnam in the mid 1990s and now forms the basis for forest land allocation. At the commune level, areas of forest land for community forestry can be allocated or contracted using this approach.

Forest management planning methods have also been piloted through projects (World Food Program 5233; Song Da Social Forestry Development Project, Mountainous Rural Development Program and Son La – Lai Chau Rural Development Project). Institutional mechanisms for community forestry, however, remain untested.



6. Lessons Learned from Community Forestry Implementation (Relevant to Developing Regulatory Frameworks)

One of the important lessons drawn from experience in implementing community forestry during the past several decades is that there is no one model for community forestry that will fit all situations and all countries. Every country has to develop its own modality to suit its own unique mix of historical, political and economic conditions. However, there are several generic lessons that have universal application. Some of the key ones are discussed in the following paragraphs.

In the introduction to this paper several examples were given of positive socio economic and biophysical changes coming from community forestry (see Boxes 1, 2 and 3). However, in many countries, the impact on rural communities is mixed at best. The reasons for this are:

- Lack of legitimate and effective control over resources by communities (governments often retain the major **authority** (the most power), while giving **responsibility** for sustainable forest management to communities)—responsibility without sufficient authority will not enable communities to manage forests effectively; and
- “Soft” rights are frequently offered to communities to derive specified benefits in exchange for hands-on management of a particular resource (see Box 5) and these are insufficient incentive for effective community engagement—rights and access to benefits that communities receive under such arrangements frequently are not proportional to the responsibilities they assume.

Box 5. “Soft” rights

“Soft” rights are rights that can not be defended, such as those that can be withdrawn at the discretion of the forest department. By contrast, “hard rights” are those that can be defended, such as the inalienable right to own land. Communities that only receive soft rights are unlikely to invest substantial human and financial resources in developing forest assets that can easily be taken away from them by the government.

The idea of “community” is at the heart of community forestry as this denotes the group to which prescribed authority to access and use forests is being transferred. However, the word tends to be used rather loosely. The following quote from Gilmour and Fisher (1991) explains the problems associated with the term and disaggregates “community” so that it can be seen in more of a sociological sense which is helpful for determining implementation strategies.

“Community has a number of connotations: it suggests a group of people who share a set of common interests (residence, kinship, religious affiliation, etc.) It is implied that members of a community may act jointly in respect of these common interests. Individuals may be in a number of communities, depending on which set of interests are relevant in a given situation. Thus,



a community of residence does not, necessarily, share common interests in terms of forest use-rights. Further, a community of residence is unlikely to be homogeneous in terms of wealth, landownership, occupation and religion. The interests of poor and wealthy people are likely to be divergent. Men and women form different interest groups; there are also different interest groups among women in a community of residence. In Nepal, caste and ethnic group membership are further differentiating factors. In other words, the word "community" can obscure a variety of affiliations." (p. 69)

Box 6 gives an example of how an inappropriate definition of "community" in the original regulatory framework in Nepal led to major problems during the implementation of community forestry.

Box 6. Defining an appropriate "community" for community forestry in Nepal

The first set of rules and regulations to guide the implementation of community forestry in Nepal (Panchayat Forest and Panchayat Protected Forest Rules, 1978) prescribed the Panchayat* as the community group to which forests could be transferred. Analyses of attempts to implement community forestry on this basis indicated that in many situations villagers already had self-selected groups (these came to be called "Forest User Groups") that had traditionally exercised certain controls over "their" forests. These groups were often sub-groups of the Panchayats, although they not infrequently cut across government administrative boundaries. However, these groups were extra-legal, and not recognized by government officials (who generally were not even aware of their existence). The imposition of government sponsored approaches often disrupted or destroyed the traditional systems and caused considerable confusion and conflict, with the result that community forestry essentially stalled. Recognition of the problems caused by confusing government notions of an appropriate "community" with villagers' notions of an appropriate "community" led to changes to the policy governing the definition of community for the purposes of implementing community forestry.

In this case, the local government political/administrative unit was an inappropriate "community" for implementation of community forestry. Self-selecting Forest User Groups were a more appropriate group, and these were subsequently recognized in modified regulatory frameworks.

*Prior to 1991, Panchayats were the lowest level of the government's political/administrative structure (they have since been replaced by Village Development Committees, using essentially the same physical boundaries).

This is particularly pertinent to Vietnam and other centrally planned economies that have formal administrative and party structures down to commune and village levels. Experience from other countries suggests that these may not always be the most effective institutions for community forestry.



An analysis by IUCN (forthcoming) of experience in the application of regulatory frameworks for the management of natural resources in south Asia has provided some useful guidance for consideration in developing policy for community forestry (Box 7).

Box 7. Lessons learned from south Asia in the application of regulatory frameworks for natural resource management (IUCN forthcoming)

- State policies that are inadequate or inappropriate, or are inadequately or inappropriately applied, are a greater source of inequity and conflict than resource scarcity
- Lack of rights (or the application of “soft rights”) to resources results in inefficient resource use and scarcity
- Customary law and statutory law often conflict
- Communities tend to mediate disputes over resources internally conflicts break out when outsider interests become involved
- Investments in reversing forest resource degradation will continue to under-perform until rights issues are resolved

Building on the lessons from implementation experience, it is possible to make some generic suggestions that can guide the development and refining of regulatory frameworks for community forestry.

7. Regulatory Framework for Community Forestry

7.1. Legal Instruments

Regulatory frameworks generally consist of a law plus several levels of subordinate legal instruments.

The law should:

- Define and enable community forestry;
- Clearly specify the jurisdiction and accountability mechanisms for each level of the institutional hierarchy responsible for community forestry;
- Establish rights or specify the means by which rights to forest resources under community forestry programs will be allocated, including by recognition of traditional uses and rights;
- Provide for economic valuation of timber and non-timber resources;
- Enable equitable benefit-sharing;
- Enable dispute resolution mechanisms; and
- Provide penalties for violations.

Subordinate legal instruments should provide for:

- Specific rights of all institutions, groups and individuals involved in community forestry, including incorporation of traditional uses and rights (if not already done in the law);



- Specific responsibilities of all institutions, groups and individuals involved in community forestry;
- Applying economic values of the timber and non-timber resources involved to ensure equitable benefit-sharing, incentives sufficient to encourage compliance, and penalties sufficient to deter violations;
- Decision-making mechanisms that balance interests of government and needs of communities;
- Locally-appropriate dispute resolution mechanisms.

These subordinate legal instruments generally include:

- Rules and regulations for implementing community forestry (to provide the legal basis to operationalise the law and policy);
- Guidelines to assist government staff and NGOs in the process of working with communities to re-establish or strengthen traditional institutional arrangements for managing community forests, and to merge these arrangements with government policy requirements of sustainability and equity;
- Guidelines for preparing management agreements—simple operational plans agreed between government and community partners to define and legitimize community forest management (set management objectives, agree on protection, harvesting and benefit sharing arrangements, sanctions for those who violate the rules, etc.);
- Any additional requirements, such as registering village forest user groups as legal entities (so that they can operate bank accounts, etc.).

7.2. Principles for Developing Regulatory Instruments for Community Forestry

Based on the lessons learned from policy development and implementation in many countries, the general principles to ensure that policy is capable of being implemented successfully can be summarized as:

- Ensure that community forestry policy is **enabling** rather than **enforcing**. Thus, it should **enable** rural communities to improve their own livelihood and the condition of the forests in their vicinity by removing any constraints that inhibit them from doing so. Government agencies should adopt a supportive and facilitative role to support communities in these efforts;
- Avoid over-regulation (particularly in the early stages) so that the partners in implementation (generally government officials and community members) are capable of implementing the policies;
- Provide secure and long term access or ownership rights to forest resources;
- When commencing initiatives, start simply and add complexity based on the ability of partners to adopt increasingly complex tasks;
- Make every effort to minimize transaction costs for all partners (see Box 8);



Box 8. Transaction costs

Transaction costs refer to the costs (financial and other) involved in transacting the business associated with community forestry. This includes things such as the time spent at meetings and in negotiations, as well as direct costs such as contributing labour to tree planting and other forest activities. There are economic consequences associated with transaction costs that are often quite severe, particularly for poor people who might have to forego income generating activities in order to participate in community forestry activities. For these reasons some analysts argue that, unless implementation agents are very careful, poor people can be made both absolutely and relatively worse off by participating fully in community forestry activities.

In some cases governments include in the regulatory instruments the need for communities to commit to a high level of bureaucratic record keeping and reporting, and this inevitably increases transaction costs. A careful look at these suggests that much of this reporting is to satisfy the governments' own needs rather than those of the community. Yet, the community is required to pay for the transaction costs. However, minimizing reporting and record keeping has to be balanced with the need for openness and accountability of the institutions involved (government as well as community).

There are obvious equity considerations associated with transaction costs.

- Build capacity of all partners through experiential learning (apply action-learning to build social capital—see Box 9);

Box 9. Social capital

The building of social capital among multiple stakeholders involves elements of:

- Collaboration and learning;
- Combining the learning and action that take place within a group of people (capturing both knowledge generation and the application of this knowledge in action); and
- Knowledge-sharing among group members.

- Apply adaptive management (including monitoring for biophysical and social outcomes for sustainability) to ensure continued institutional learning and to maintain flexibility and adaptability (Box 10);



Box 10. Adaptive management

It is convenient to think of adaptive management as a series of interrelated processes:

- Understanding the social and biophysical context at multiple levels; this involves identifying stakeholders and dealing with multiple (and sometimes conflicting) interests;
- Negotiating objectives and outcomes for different levels;
- Applying action learning (plan, act, observe and reflect) to facilitate the implementation process; and
- Monitoring and impact assessment.

These processes should not be thought of as a series of sequential steps in which one management task is completed before moving on to the next. Rather the processes should be thought of as interrelated and overlapping. For example, collecting and updating information to understand the context will be a process that continues throughout the life of the initiative. Likewise, monitoring and impact assessment is not just a one-off activity at the end of an initiative, but something that is an ongoing practice that feeds constantly into the action-learning cycle from the very beginning of the intervention.

Adapted from Gilmour (2005)

- Ensure early benefits flow to communities, particularly for livelihood improvement and poverty reduction (there are practical and ethical reasons for this);
- Consider equity of benefit sharing to ensure that the poor are not made absolutely or relatively worse-off, and procedural equity (e.g. in decision making procedures, attending meetings, etc.) (see Box 11);

Box 11. A note on equity

Equity is often taken to mean that all participants receive an equal share of the benefits. A better way to think of equity is in terms of fairness—what is fair under the prevailing circumstances? There are different aspects to equity that are important to consider when developing regulatory frameworks for or implementing community forestry. The first of these is equity in benefit sharing which should ensure that the poor are not made absolutely or relatively worse off. The second is procedural equity which should ensure that all sections of society have an effective voice in decision making.

Another important consideration is the notion of equity being embedded in social and cultural norms. For example, in societies such as India and Nepal, the caste system embeds inequity into all social relationships (in spite of legal settings that prohibit discrimination based on caste). In Timor-Leste, some individuals and families of inferior status in the customary hierarchy may



never claim inheritable rights of “ownership” of land and forest resources, and may also have to pay rates and taxes for their non inheritable rights of use (D’Andrea 2003).

It is very difficult for an intervention strategy such as community forestry to address equity independent from fundamental social reforms. However, it is important (in all countries) that community forestry does not further entrench fundamental inequities, but attempts to acknowledge and address them.

- Ensure continuous practice/policy feedback (apply action-learning approaches—see Box 12) so that policy can be refined and improved based on field experience;

Box 12. The action-learning cycle

The key idea behind action-learning is that a group of people with a shared issue or concern collaboratively, systematically and deliberately plan, implement and evaluate actions. It is a process of learning through experience in order to act more effectively in a particular situation and is well-suited to situations with a great deal of uncertainty and risk

Step 1: Plan

The action-learning cycle starts with planning to take action on some pre-defined issue or problem situation. The planning is built on the experience and ideas of all partners involved, because learning is enhanced when it is derived from day-to-day work and experience.

Step 2: Act

The results of the planning are put into practice, using time frames agreed to in the planning sessions.

Step 3: Observe and reflect

Those involved observe the results of the action and reflect on the impact. Reflections need to be carried out explicitly and are best done as a group, ideally facilitated by an outsider in the early stages. A series of questions can help to focus the reflection. Suitable questions could include:

What changes have taken place?

What were the strengths and weaknesses of what was done?

What could have been done better?

What problems have resulted from the changes?

Were there unintended consequences of the actions?

This reflection is very important as it enables the next steps in the cycle to benefit from the explicit learning that has resulted from the previous action.



Step 4: Draw lessons

Lessons are drawn from the previous steps of action and reflection. The experiences to date are linked back to the concepts and ideas that were used in the initial planning. This leads to re-planning for the next cycle, building on the learning of previous cycles. In this way planning and action can proceed incrementally with everyone participating in and contributing to all facets of the process. Thus, there will be a strong sense of ownership over the outcomes (both successes and failures).

Extracted from Gilmour (2005)

- Build on and strengthen existing successful approaches (traditional land management practices);
- Ensure consistency between policies and legal instruments;
- Ensure consistency between local government regulations and sector-specific rules;
- Support accountability;
- Support viable institutional arrangements (check on the existence of indigenous/traditional systems and build on them);
- Support rationalization of resource use rights;
- Support evolution of independent dispute resolution mechanisms; and
- Review and update regulatory instruments periodically;

Disputes and conflicts are common features of community forestry, because the concept involves a basic re-alignment of the authority to access and use actual or potentially valuable resources. Many issues are contested, including such things as: the boundary of forest areas to be allocated to particular community groups; the composition of communities (i.e. those who are included and those who are excluded); the relative authority of different stakeholder groups to make decisions regarding access and use rights. As a consequence of the frequency with which disputes and conflicts occur at various stages of the community forestry process, it is important that dispute and conflict resolution mechanisms are included in regulatory frameworks.

The question of incentives is often raised: what are the incentives to encourage communities to devote the time and energy to become involved in government sponsored community forestry initiatives? The answer to this question is basically to: build a relationship between government officials and the community based on mutual trust and respect (rather than the more traditional authoritarian one); minimize transaction costs for the community and government partners; maximize authority for communities to manage forests and distribute benefits; and ensure that benefits flow as early as possible. Some of these aspects can be built into regulatory frameworks while others need to be addressed through associated capacity building and reorientation activities.



8. Conclusions

Community forestry is an evolving, dynamic concept and it normally takes some time for suitable modalities to be clearly defined and applied in any particular country. It is usually expedient to carry out pilot trials of community forestry in order to refine the policy and implementation procedures based on well documented field experience. While good policy will not guarantee good outcomes, it is clear that without an enabling policy environment, community forestry is unlikely to deliver the beneficial outcomes that are its promise. If community forestry is to have a significant impact on forest condition and rural livelihoods, the initiatives need to expand to become a national program. This expansion must include three key components.

- An enabling policy environment (legislation, policy, rules and regulations, implementation guidelines, etc.) to empower local communities to exercise real authority over the management of forests in their vicinity, and thereby to obtain economic and other benefits.
- Continuing institutional reform (to support decentralization and devolution, including mandating communities as legal entities).
- Capacity building of all partners (including re-orientation of government staff to shift from a policing/licensing role to a community facilitation role).

Partnership and confidence-building for effective compliance and enforcement of a regulatory framework for community forestry takes time and requires the support of local governance institutions and processes.

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LAO PDR COMMUNITY FORESTRY IN PRODUCTION FORESTS 2005

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1. Introduction

Socio-Economic Conditions

The Lao People's Democratic Republic (Lao PDR) is a land-locked country with approximately 5.5 million people. Approximately 13% of the population lives in the capital city of Vientiane (National Statistical Center 2002). Viewed in a simplified way there are three broad ethnic/geographic/linguistic population groups in the country: the Lao Lum (Low-landers), the Lao Theung (Highlanders) and the Lao Sung (Uplanders). In order to adapt to changes and bring forth unity among various ethnic groups in Lao PDR, the Lao Front for National Construction (LFNC) has identified 49 ethnic categories and well over 160 ethnic sub-groups. Since the 1991 Constitution, the official terminology used for describing the diverse population of the Lao PDR has been "ethnic groups" while the term "ethnic minorities" is used to classify the non Lao Loum ethnic groups.

Lao PDR is located in the center of Indochina, sharing borders with China to the North, Myanmar to the North-west, Thailand to the West, Cambodia to the South and Vietnam to the East. The total area of the country is 236,800 square kilometers. Around

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70% of its terrain is mountainous, reaching a maximum elevation of 2,820 meters in Xiengkhouang Province. The Mekong River which flows through nearly 1,900 kilometers of Lao territory is the main geographical feature in the west, and forms a natural border with Thailand in some areas.

Lao PDR enjoys a tropical climate with two distinct seasons, the rainy season from May to September and the dry season from October to April. The yearly average temperature is approximately 28 degrees centigrade, rising to a maximum of approximately 38 degrees centigrade in April and May. Lao PDR has one of the most pristine forest ecosystems in Southeast Asia. It is estimated that half of its woodlands consist of tropical forests, in particular the primary forest. In addition to the fascinating vegetation, Lao PDR plays host to a very diverse animal kingdom.

Forests in Lao PDR

Lao PDR is particularly endowed with valuable, productive and ecologically unique forests which are not only vital economic resources but provide essential contributions to the nutrition and income of the rural population and, in particular, the rural poor. Forests also provide habitat for the nation's rich natural biodiversity and protect the nation's soils, watersheds and water resources. Some eighty percent of the population is heavily reliant on the forest for timber, food, fuel, fiber, shelter, medicines, condiments and spiritual protection. In rural areas, forests provide one of the few available economic activities and non-timber forest products often provide more than half of a family's total income.

Lao forests make a significant contribution to family livelihoods through benefits provided to the rural population. Most rural households, especially the poorest, depend heavily on forests not only for timber used in house construction and other purposes but also for food, fodder, fencing materials, medicines and condiments. Villagers also often derive cash income from the sale of non-timber forest products and, in many areas harvesting forest resources is one of the few available economic activities. Non-timber forest product consumption and sales often equate to more than half of family income. Lao PDR produces a number of non-timber forest products with commercial value, including cardamom, eaglewood, bamboo, rattan, yang oil, benzoin, dammar resin, sugar palm and malva nuts.

The relatively abundant forest resources of the country are disappearing rapidly. In 1940 Lao PDR had about 17 million hectares of forest resources covering about 70% of the total land area. In 1992 the forest cover was estimated at 47%, equivalent to approximately 11.2 million hectares. However, much of the remaining forest was degraded and under shifting cultivation. Slash and burn cultivation, forest fires and uncontrolled logging were the main culprits for deforestation and forest degradation, which also have adverse impacts on bio-diversity. Infrastructure and illegal hunting and trade of wildlife were also main threats to bio-diversity. However, the Lao government has made efforts to learn from the experiences of other regional developing countries to better manage and protect existing natural resources within the country. The most important step is to enable conservation, management and development to join together with the participation of local people.



2. Basic Policy and Legal Framework of Forest Management and Production Forest in Lao PDR

Ownership

Natural forests and forestlands, like other natural resources including land and minerals, belong to the national community and the State represents the national community in the management and allocation of forest and forest lands for rational use by individuals and organizations (Forestry Law 1996).

Forest Classification and Management

Production forests in Lao PDR represent a distinct legal forest category, set apart by the Forest Law of 1996 from Conservation Forests, Protection Forests, Regeneration Forests, and Degraded Forests, the other legal forest categories. The uniqueness of the Lao forest classification system lies with the latter two categories. Given the vast areas of young fallow forest and degraded forest land in Lao PDR, these categories make explicit the country's intentions to regenerate natural forests by stabilizing shifting cultivation and putting to productive use degraded forest land by encouraging investment through allocation to farmers and organizations.

Establishment and general management plans for the first three forest categories are the responsibility of the Ministry of Agriculture and Forestry (MAF) in consultation with concerned central and local organizations. Local agriculture and forestry organizations, namely the Provincial Agriculture and Forestry Office (PAFO) and the District Agriculture and Forestry Extension Office (DAFEO) carry out actual day-to-day management of each forest.

Decree 59/PM/2002 provides for the establishment and management of large, contiguous tracts of production forests known as Production Forest Areas (PFA). A PFA may cover one or more districts within a province. The part of a PFA that is located in a district is known as a Forest Management Area (FMA) which is further subdivided into Forest Management Sub-areas (also known as sub-FMA, the smallest unit of forest management in the country).

Villages are allocated village forests mainly through the land and forest allocation program and their forests are categorized into five categories or less according to the actual situation of villages in an agreement between villages and District Agriculture and Forestry Extension Offices. In village production forests or village use forests, harvesting of trees for use by the villagers is allowed (Forest Law Art 28 and MAF Reg. No. 535 on Management of Village Forests). Villagers also participate in commercial logging and other production forest management activities when a Production Forest Area exists within their boundaries.

Current Status of Production Forest

There are some 106 unofficial Production Forest Areas (PFAs) in Lao PDR with a total area of 3,207,000 hectares. The principal provinces where the unofficial production forest areas exist are Vientiane (8 PFAs, 503,000 hectares); Savannakhet



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(8 PFAs, 429,000 hectares); Bolikhamxay (11 PFAs, 359,000 hectares); and Xayaboury (13 PFAs, 350,000 hectares). Almost half of these (~1.55 million hectares) have been the subject of some kind of management planning with the largest areas in Savannakhet (7 PFAs, 327,000 hectares), Khammouane (6 PFAs, 309,000 hectares), Oudomxay (5 PFAs, 148,000 hectares) and Xayaboury (7 PFAs, 105,000 hectares).

Without a clear legal basis for boundary location and management planning, these forests, with the exclusion of a few in Savannakhet and Khammouane, are not under systematic management and there is little specific information available about them. It is known that forest fragmentation has increased, density has decreased drastically and areas dominated by large trees and pole size trees have decreased, while areas containing only small trees have increased. In general the rate of deforestation is high and seems to be accelerating. However, eight production forest areas are now in the process of official establishment according to PM Decree 59.

3. Brief History of Community Forestry in Production Forest

Management of Community Forestry or forest management based on local people's participation has been tried in many countries over the past two decades. The idea that the best way to attain sustainable forest management is by involving villagers is also catching on in Lao PDR. Altogether there are about ten projects in Lao PDR dealing with community forestry not only with production forest but with conservation and tree plantations as well (including small projects and case studies). However, this paper focuses only on community forestry in production forest and the most important community forestry related activities and projects in Lao PDR are briefly described below.

Overview of Villagers' Participation in Production Forest Management

Villagers' involvement in production forest management has already been piloted in Lao PDR in two major projects. The first project was the Lao-Swedish Forestry Programme (LSFP), which piloted in 1992-2000 for the first time with Lao PDR villagers' participation in production forest management referred to as Joint Forest Management (JFM) in Dong Kapho PFA (9,500 hectares) in Savannakhet Province. The second project was the Forest Management and Conservation Project (FOMACOP), which piloted community forestry in production forests at a much larger scale (1995-2000) in the Dong Sithouane PFA (150,000 hectares) in Savannakhet Province and in the Dong Phousoi PFA (110,000 hectares) in Khammouane Province and was supported by International Development Assistance (IDA) credit and a grant for technical assistance from Finland.

For these two projects villagers were involved in many aspects of forest management including boundary demarcation, land use mapping and planning, forest inventory work, management planning, harvesting, and selling products. Both projects trained personnel and produced a range of technical manuals and guidelines including forest survey and management manuals.



Joint Forest Management (JFM)

Since 1992, the Lao-Swedish Forestry Program (LSFP) has been testing joint forest management (JFM). LSFP intended to develop models for sustainable forest management in the villages surrounding Dong Khapo Production Forest in Savannakhet. Its main concerns include the sharing of management responsibilities, development of institutional capacity, mechanisms for involving local people in forest planning and management, and policies and procedures for sustainable forest management. Also it concerns the implementation of forest management, including protection activities in the pilot forest areas. The joint forest management component of the program cooperated with the forest extension and land-use planning components in undertaking land-use zoning, forest land allocation, the preparation of village development plans, and forest and agricultural land management agreements.

JFM tested two different models. In Model 1, villagers were contracted to form a Joint Forest Management Association (JFMA), which managed the forest according to a management plan prepared by the Provincial Agriculture and Forestry Office (PAFO). The association organized the villagers for harvesting activities. Under this model royalties and other taxes are paid to the Government. The District Forestry and Agriculture Office (DAFO) provides technical assistance in the implementation of the plan.

In Model 2, the arrangements and involved parties were the same, but PAFO organized the harvesting and sale of timber, while villagers were contracted to protect the forest and received an annual fee for their services in the form of a village development fund. Villagers were hired as labor for harvesting, nursery, and enrichment planting work.

The JFM project adopted a learning-by-doing approach, which means that the JFM concept and its implementation are evolving all the time. Originally the JFM experiment covered only state-controlled high forest. However, the village forests or village-used forests were not included in the production forest of Dong Khaphor. The management of so-called village-used forests is closely linked to land allocation. Also, the focus is not only on the management of village forests, but on all the land-uses within the village area as well as on general village development work, which is planned to be funded through timber revenues.

In terms of forest management systems, short-cutting cycles ranging from 5 to 10 years were used in the Forest Management and Conservation Project (FOMACOP) with harvesting levels calculated based on forest inventory and forest stand growth studies, whereas a cutting cycle of 50 years was used in Joint Forestry Management project of the Lao-Swedish Forestry Programme (LSFP). The cutting cycle of 50 years was arrived at based on the planning assumptions that 25 m³/ha is the economical level of harvesting and that commercial trees in the stand would grow at 0.5 m³/ha each year.

Forest Management and Conservation Program (FOMACOP)

FOMACOP was the largest project dealing with community forestry in production forests in Lao PDR in terms of resources and coverage. FOMACOP was a national program that was implemented by the Department of Forestry of the Ministry of Agriculture and Forestry, provincial and district forestry offices and organized villagers. It had two sub-programs, Forest Management and National Biodiversity Conservation Area (NBCA) management.



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The objectives of the Forest Management Sub-program during the first phase in 1995-2000 were:

- To develop village forestry (at the time of FOMACOP this type of community forestry in production forest management was called village forestry) systems and national guidelines for sustainable forest management;
- To improve villagers' and forestry staff's ability to manage forests through comprehensive training at provincial, district and village levels;
- To assist in the allocation of forest lands to villagers and promote sustainable village-based forest management in about ninety villages, covering more than 200,000 hectares in the Savannakhet and Khammouane Provinces;
- To improve the living standards in the pilot areas through village forestry and village development projects; and
- To assist in developing a policy, legal and organizational framework for village forestry and sustainable forest management.

In the adopted village forestry model villagers organize themselves and mobilize their resources and capacities to manage the designated forests in a sustainable manner in partnership with forestry staff. Villagers are the partners of forest managers and government staff; they collect information needed for planning, as well as plan and implement within the regulatory framework. Forestry staff members provide technical assistance and assist villagers in decision-making.

FOMACOP operated for five years and achieved the milestones listed below.

- Village forestry was introduced in 60 villages covering a total area of 145,000 hectares. All villages had production forests, but only 41 villages had commercial production forests.
- In the 41 villages a total of 33 village forestry associations (VFA) were established; 29 of these associations were single-village village forestry associations; three associations were multi-village village forestry associations.
- Forest management plans were formulated by the 33 village forestry associations based on a model and training provided by forestry staff. The forest management plans covered an area of about 100,000 hectares of both commercial and non-commercial production forests as well as other forest categories.

Lessons Learned from Trials

Capacity Building and Successful Implementation

- Trained and motivated forestry staff demonstrated the capacity to work with villagers in training them to conduct different forest management operations. Training proceeded in a series, with progress in successive operations held only after the knowledge and skills learned during the preceding training operations were applied successfully.
- Trained and motivated villagers demonstrated a capacity to combine indigenous knowledge with new knowledge and skills enabling them to conduct different forest management operations.



- Villagers' involvement in decision-making in all significant issues that relate to their participation in forest management operations, sharing of benefits, and generation of livelihood provided a strong motivation for participation and performance.

Contribution to Revenue Collection and Rural Development

- Village-based forest management was seen to benefit, not only the rural communities, but also the government, through more efficient collection of royalties and taxes, improved forest protection and sustainable management, and enhanced economic development.
- Empowerment and accumulation of village capital from benefit-sharing has contributed to rural development through access road building, school construction and so on.

Equity Issues between Villages and Conflict within Villages Over Fund Control

- The system produced more benefits for the villages with access to larger and better forests and disputes occurred between villages concerning equitable allocation of forests.
- Conflicts occurred within villages as different sub-groups fight for control over the association and its financial resources.
- Villagers paid most of their attention to harvesting logs and gaining revenues, and little to non-timber forest product management and tree planting.
- Villages must be responsible for planning and use of village development funds and village forest revenue, but appropriate and transparent systems must be in place for fund administration, accounting, and auditing.

Lack of Clear Legal Framework

- Lack of a clear legal framework concerning village participation in production forest management in these pilot projects often led to frequent changes in policy matters (log sales and so on). Local interpretation of various rules and regulations set out in project documents also lead to disputes between concerned parties. There must be full understanding by all parties of the nature of approved forest management plans and forest management agreements. These documents must have a legal standing; specifying the rights, roles, responsibilities, and obligations of all participants, e.g., in participatory land use planning, forest inventory, forest management, annual operational planning, timber sales, forest conservation, and participatory monitoring. These plans and agreements may only be changed by negotiated consensus.
- Compliance monitoring programs must be established that can neutrally evaluate the performance of all participants – government, villagers, and contractors – and can lead to enforcement of compliance with plans and agreements by all participants.
- Equitable, fair and transparent conflict resolution mechanisms must be established to deal with complaints and grievances from all participants, and must incorporate the legal authority to halt any disputed activity while the issue is being resolved.



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- The management agreement must specify how the partners will undertake annual negotiations on the net benefits to be shared, and what conflict resolution mechanisms are to be used if the need should arise.
- Once the forest management plans and annual operational plans have been approved, they should not be subject to further interference or change. Harvesting levels should be based on management plans and not on separate administrative quotas or permits.

Replicability Issue; High Costs of Village Forestry

- It was difficult to replicate village forestry in other villages even within the project area without continued financial and technical assistance from outside. Costs for replication in other production forests would be astronomical.

4. Participatory Sustainable Management of Production Forest

Current Policy on Participatory Sustainable Management of Production Forests

The piloting of village forestry ended in 2000 at the end of the project period of the Lao-Swedish Forestry Programme and the Forest Management and Conservation Project. What followed were two years of study and debate on how the lessons from piloting village forestry should be converted into an official policy for participatory, sustainable forest management.

PM Decree N^o 59/2002 on Sustainable Management of Production Forest

To reinforce the strengths and address the shortcomings in the past trials on village participation in production forest management, the Government issued PM Decree 59/2002 on Sustainable Management of Production Forests in May 2002. The Decree sets the basic principles for establishment and management of production forest areas and the Ministry of Agriculture and Forestry (MAF) issued regulation No. 0204/MAF in October 2003 for field implementation of the decree.

According to the Decree and Regulations, a production forest area is to be established by the Prime Minister's Office based on MAF recommendations. The Decree also mandates the MAF to lead preparation of sustainable forest management plans in coordination with local authorities, to outline detailed implementation procedures and regulations and to determine principles for preparation and approval of detailed management plans. Each Production Forest Area is required to operate under a specific management plan based on real data, covering all forest categories and meeting all sustainable management criteria.

Within the Ministry of Forestry, the Department of Forestry has the overall responsibility for coordinating preparation of production forest management plans in association with relevant sectors and local authorities. The Provincial Agriculture and Forestry Department (PAFO), together with local authorities, is required to carry out the field surveys and data collection needed for plan formulation and to guide, monitor and control implementation. District Agriculture and Forestry Extension Offices (DAFEO), (former District Agriculture and Forestry Office-DAFO) are responsible for



organizing the district Forest Management Units (FMU) that actually implement the plans.

MAF Regulation N^o 0204/MAF.2003 on Establishment and Sustainable Management of Production Forests

In order to effectively implement the PM Decree No. 59/2002, MAF has issued regulation No 0204.2003 with the aim to sustainably manage and use forests, non-timber forest products and forestlands within production forest areas with participation of local authorities and villagers. This regulation covers the principles for establishment of participatory sustainable management production forest areas; the roles and responsibilities of all stakeholders in production forest areas management; and the means of benefit sharing from logs and NTFPs harvesting and sale from production forest areas.

In terms of participation, the role of Village Forestry Organizations (VFOs) and/or Groups of Village Forestry Organizations (GVFOs) is to organize villagers' participation in implementation of forest management activities under a Village Forest Management Agreement (VFMA) signed between the VFO/GVFO and the respective Forestry Management Unit. The Village Forest Management Agreement specifies the rights and responsibilities of signatories, the scope of village participation, and the revenue sharing arrangement. Details are given in MAF Regulations N^o 221/2000 and N^o 0060/2003, which define principles and technical and legal prescriptions for logging and harvesting of forest products. It also sets the principles/criteria for log measuring and grading as well as setting cutting limits for natural trees.

In terms of benefit sharing, the MAF regulation No 0204/2003 states that log royalties from the competitive sale of timber from production forest areas shall be transferred to the Government of Lao PDR National budget. The additional revenue from the competitive sale of timber shall be distributed and used according to the budget law in order to ensure an accurate record of the accounting within the Government of Lao PDR property management sector. The revenues are divided into two portions:

- **Portion 1:** 30% of total additional revenue shall be transferred to the national budget as additional national revenue; and
- **Portion 2:** 70% of total additional revenue shall be shared amongst different funds
 - 20% for the forest development fund under forestry law, Art. 47,
 - 25% to the operation cost for implementation of annual work plans, and
 - 25% to local development funds.

Implementation of Participatory and Sustainable Forest Management

This policy puts in a permanent character the sustainable management of production forest areas drawing from lessons learned during the piloting of participatory sustainable forest management in the 1990s. Participatory and sustainable forest management (PSFM) is currently being introduced initially in the four most active timber-producing provinces in the country, namely: Khammouane, Savannakhet, Champasak, and Salavan with the Sustainable Forest Management and Rural Development Project (SUFORD).



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The target during the initial stage (2003-2007) is the official establishment by Prime Minister's Decree of eight production forest areas located in the four provinces mentioned above and placing them under sustainable management by 18 Forest Management Units with the participation of more than 400 Village Forest Organizations that are being organized into more than 70 Groups of Village Forest Organizations. The rest of the production forest areas all over the country are to be officially established in further stages from 2007 onwards, subsequently putting them under participatory sustainable forest management.

To further improve forest harvesting standards and practices, MAF (DOF) is preparing a code of harvesting practices. The implementation of the code will go some way to reducing in-forest and post-harvest losses and will also enhance sustainable forest management.

Forest management is entrusted to local forestry staff, with villagers acting as the main participants in forest management. The forest management area continues to be village-based, but is no longer primarily based on single villages, but instead on a group of villages for a more equitable distribution of benefits among the rural villages.

The table below summarizes the main differences between village forestry as piloted by FOMACOP and participatory, sustainable forest management being implemented by SUFORD.

Criteria and Indicators of Sustainable Forest Management and Forest Certification

In 1999 the Department of Forestry drafted a set of criteria and indicators for community-based forest management, industrial forestry, and forest plantations. The set of criteria and indicators for community-based forest management was pilot tested in Bakkhoumkham, one of the FOMACOP villages at Dong Sithouane production forest area, Savannakhet Province. The main finding of the test was that village forestry as practiced in the pilot village conforms well to the different criteria and indicators of sustainable forest management.

In the same year forest certification based on the system of the Forest Stewardship Council (FSC) was initiated in seven village forestry management operations located in the FOMACOP area at Dong Sithouane production forest area, Savannakhet Province. SGS, a certification organization involved in both ISO and FSC certification, conducted the pre-assessment and concluded that the seven operations were already practicing sustainable management. SGS suggested that a group of forest management operations be the base for certification in order to reduce time and cost by making use of the Forest Stewardship Council Group Certification Scheme. However, the process was aborted after the Government of Lao PDR concluded that it was too early for Lao PDR to embark on forest certification.

In 2001 the forest certification by Pilot Forest Certification Project (PFCP) ran for one year and completed another pre-assessment (scoping) and an assessment of two groups of forest management operations, one in Dong Phousoi production forest area in Khammouane Province and another in Dong Sithouane production forest area



Table 1: A Comparison between Village Forestry and Participatory Sustainable Forest Management

Elements	Village Forestry	PSFM
Forest management area	Village Forest Management Area (VFMA) (generally single villages, occasionally a complex of villages that jointly use the forest)	Production Forest Area (PFA) divided into Forest Management Areas (FMA) along district lines and further into Forest Management Sub-areas (Sub-FMA) along the lines of groups of villages
District institution	District Forestry Unit (DFU) of the former District Agriculture and Forestry Office (DAFO now DAFEO)	District Forest Management Unit (FMU) under the District Agriculture and Forestry Extension Office (DAFEO former DAFO)
Village institution	Village Forestry Association (VFA)	Village Forestry Organization (VFO) and/or Group of VFO (GVFO)
Designated management responsibility	VFA	Forest Management Unit (FMU)
Participation	VFA and its village teams were the main participants; DFU provided training and technical support	FMU is the main participant; village teams organized by VFO are responsible for conducting field operations
Forest management plans	VFA prepared the forest management plan with guidance from DFU	Forest Inventory and Planning Division (FIPD) under the Department of Forestry (DOF) prepares the forest management plan together with FMU and the Provincial Forestry Section (PFS)
Management decision-making	VFA made management decisions with guidance from DFU	FMU makes management decisions with VFO/GVFO consultation
Forest management system	Selection cutting (strictly speaking thinning) at low intensity and short cutting cycles (5-10 years)	Selection cutting at moderately low intensity and moderately short cutting cycle of 15 years, as opposed to previous practice of 50 years
Timber harvesting	Low impact logging of marked trees selected based on a 100% inventory and mapping of large trees and tree selection rules	Low impact logging of marked trees selected based on a 100% inventory and mapping of large trees and tree selection rules
Sharing of timber revenue and use of funds	VFA received the net revenue after payment of logging costs, royalty, fees, and taxes; VFA used funds for forest management operations, village development, and welfare of villagers	VFO/GVFO receives 25% of the net revenue for village development. Forest management costs are paid from a share of the timber revenue.
Forest regeneration	By natural means; tree planting was not practiced during the piloting	By natural means; tree planting is restricted to degraded areas for conversion to plantations or to multi-purpose trees in agro-forestry areas
Non-timber forest products	Collection is based on village rules that control depletion of resource bases	Collection is based on village rules that control depletion of resource bases
Forest conservation and protection	In riparian buffer zones and steep areas	In riparian buffer zones and steep areas; high conservation value forests are to be identified with management actions and monitoring



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in Savannakhet Province. (It should be noted that both Dong Phousoi PFA and Dong Sithouane PFA are included in the FAO list of exemplarily managed forests in Asia). The assessment was conducted in May 2002 by SmartWood, a certifier and member of the Rainforest Alliance, which specified five pre-conditions that the two groups must address to qualify for FSC certification.

In late 2003 the World Bank-WWF Alliance and the Tropical Forest Trust continued financial support to the Pilot Forest Certification Project so that the five pre-conditions could be addressed by the two groups. A pre-condition audit was conducted in July 2004 by SmartWood, which resulted in closing out of four pre-conditions, leaving but one pre-condition. Thus the one-year project ended short of getting the two groups certified. A new project, the Sustainable Forestry and Rural Development Project (SUFORD) took over in providing support to the process.

5. Challenges Facing the Expansion of Community Forestry in Lao Production Forests

Implementation of community forestry, or more precisely village-based, participatory sustainable forest management, has been expanded from two production forest areas in two provinces to eight production forest areas in four provinces. A donor interest has also been shown toward further expansion of PSFM to another five provinces thus effectively covering all provinces with commercial production forests. The main challenges facing the expansion of PSFM to other provinces and production forest areas are expected to be:

- **Overcapacity of the sawmilling industry.** The existing processing capacity of the Lao sawmilling industry is more than twice that of the sustainable level of wood supply from production forests. The industry is engaging in a race to deplete the forest resources of production forest areas before they can be officially declared and put into participatory sustainable forest management. Of the eight production forest areas where participatory sustainable forest management is currently being introduced, two are already devoid of large trees of the commercially attractive species. The large trees that remain are those of lesser-known species that are difficult to market. A large portion of four other PFAs are in the same state.

- **Weak governance at local levels.** Province and district authorities tend to grant harvest/logging beyond or outside the plans approved by the Government to businessmen in exchange for infrastructure or village development fees, a practice prohibited in 2002 for infrastructure not provided for in the National Socio-economic Development Plan endorsed by the National Assembly.

- **Demonstrating the benefits of sustainable forest management.** There is a need to demonstrate the benefits of sustainable forest management to decision-makers who are faced with a seemingly attractive short-term option of depleting a production forest now and then closing it from harvesting for half a century. Its attraction lies in the notion that high levels of timber revenue that can be used now for economic development are preferable to a sustained series of revenue at lower levels stretched over time.



- **Demonstrating that the tropical production forest could be managed on a sustainable basis.** Forest management systems are designed for sustainability, but technical information is often lacking to show that the management being implemented is indeed sustainable. This is made more difficult in a country like Lao PDR where there is a dearth of research on forest stand growth and yields.

- **Limited capacity of forest management participants.** Many districts have only a few forestry staff, poorly trained, usually with poor mobility, that are easily overwhelmed by the large areas of forest that they have to manage. There is a need to provide them with enough incentive to improve their management skills and to put the skills into practice. Villagers have indigenous knowledge, but lack formal training in forest management. An effective training program is needed that could train a large number of participants from the forestry staff and the villages in a short period of time to do forest management work. Training could prove difficult in areas where the villagers speak only their ethnic language.

- **Cost of introducing and nurturing the practice of PSFM.** The introduction and nurturing of participatory sustainable forest management requires a substantial investment in money, effort, and time. The country cannot afford to do it alone without assistance from donors.

- **Sustainability of project initiatives.** Donors supporting participatory sustainable forest management have to continue their support for a sufficiently long period of time. Early withdrawal of donor support could result in backsliding to former times when the production forest was being depleted.

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CAMBODIA COMMUNITY FORESTRY 2005

Sokh Heng⁽ⁱ⁾ & Ty Sokhun⁽ⁱⁱ⁾

1. Introduction to Community Forestry in Cambodia

In many countries, community forestry has proved successful in bringing about sustainable forest management (Sokh 2001). In Cambodia, handing out forests to the local communities through community forestry projects is believed to be one among a number of options available for sustainable forest management.

The number of community forestry projects in Cambodia has increased remarkably in the recent past, mainly due to the Government's supportive policy of the practice. The scope for the development of community forestry in different forest contexts in Cambodia is related to several institutional, legal, practical and functional issues of forests as occur in production forest areas, non-forest areas, concession forest areas, and protected areas. The area with the most potential for future expansion of community forestry in Cambodia is in the former concession forest areas. Most community forestry initiatives so far have been established in degraded production forests. It is also expected that more community forestry in high value production forests will be introduced.

2. Community Forestry Evolution

The concept of community forestry was introduced in Cambodia in the early 1990s. Below is a brief history of the development of community forestry both in terms of pilot projects and legal frameworks of community forestry.

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- The first community forestry project was initiated by a non-governmental organization called MCC, in collaboration with the Forestry Administration (former Department of Forestry and Wildlife) in 1994 in Takeo province.
- Using this first project as an example, a few International NGOs including Concern Worldwide and FAO also started to set up some community forestry projects in various provinces including Kampong Chhnang, Pursat and Siem Reap provinces.
- In 1996, a Community Forestry Sub-Decree was drafted by the former Department of Forest and Wildlife (DWF) and submitted to the Ministry of Agriculture, Forestry and Fisheries (MAFF). Upon receiving the draft from the MAFF, the Council Minister rejected it and ordered the MAFF to revise the draft.
- A Community Forestry Working Group was formed under the Sustainable Management of Resources in the Lower Mekong Basin Project (SMRP-MRC/GTZ) in 1998. The purpose was to facilitate all relevant institutions and organizations with community forestry implementation, and to assist with policy and community forestry technical development to make sure community forestry implementation would have official legal recognition that would support community forestry initiatives in the field and also allow for the exchange of information between involved stakeholders.
- An inter-institutional training team called the Cambodia Community Forestry Training Team (CAMCOFT) was established in 1998 involving the Ministry of Environment, Forestry Administration, Royal University of Agriculture and Concern Worldwide to organize and conduct capacity building for community forestry practitioners and government staff.
- The draft Community Forestry Sub-decree (CFSD) that was withdrawn from the Council of Ministers, was revised by the CFWG and reviewed by all relevant institutions and organizations involved in community forestry and local communities at different levels. This newly revised CFSD was again submitted to MAFF and the Council of Ministers for approval. The Sub-decree was approved by the Council of Ministers in early December 2003.
- Community Forestry Guidelines, a legal document known as Prakas, for implementing the CFSD was drafted by the Community Forestry Working Group in 2000. The Prakas included four important annexes: the CF Regulation, CFMC By-law, CF Agreement and CF Management Plans.
- The Forestry Administration organized a National Community Forestry Program Taskforce in early 2004 with representatives from organizations with experience implementing community forestry in Cambodia. The taskforce is headed by the Community Forestry Office (CFO) of the Forestry Administration and is supported by Oxfam Great Britain (Oxfam GB), The World Wide Fund for Nature (WWF), Concern Worldwide (Concern), Community Forestry International (CFI) and the Japanese International Cooperation Agency (JICA). The main responsibility of the taskforce is to gather and analyze data in order to develop an overall picture of the current state of community forestry in Cambodia, and to develop recommendations and a framework for a National Community Forestry Program.
- The draft Community Forestry Guideline Prakas was disseminated to relevant stakeholders for comments in early 2005. It is expected that the draft will be finalized and sent to MAFF for enactment by the end of 2005. Once the CF Guidelines Prakas is enacted, the CFSD can be properly implemented and officially recognized and community forestry can take place in Cambodia.



Table 1: CF Evolution in Cambodia

Year	Events	Remarks
1994	First CF project was initiated	supported by MCC, and NGOs
1996	Community Forestry Sub-Decree was drafted	Supported by several NGOs
1998	Community Forestry Working Group was formed	Supported by SMRP-MRC/ GTZ
1998	An inter-institutional training team called Cambodia Community Forestry Training Team was formed	Supported by several NGOs
2000	CF Guidelines/Prakas for implementing the CFSD drafted by the CF Working Group	Supported by several NGOs
2003	Draft CF Sub-decree (CFSD) enacted	
2004	The FA organized a National Community Forestry Program Taskforce	Supported by several NGOs
End of 2005	It is expected that the draft of CF Guidelines will be finalized and sent to MAFF	Supported by several NGOs

3. Policy and Legal Framework

The legal framework supporting community forestry is comprised of provisions in the Forestry Law of 2002 the Sub-Decree on Community Forestry Management of 2003 and the yet to be enacted draft Community Forestry Guidelines Prakas.

Forestry Law

The Forestry Law was approved by the Cambodian parliament in 2002. It came to replace the old forest law which was believed to be ineffective in practice. The new Forestry Law gives the FA and the Ministry of Agriculture Forestry and Fisheries (MAFF) the authority to grant areas of Production Forest in the Permanent Forest Reserve to local communities in order to manage and benefit from the resources therein. The Law states that there needs to be a Community Forestry Agreement which can be for a period of fifteen years, and that agreements can be renewed based on monitoring and evaluation reports of the Forestry Administration. In addition to the Community Forestry Agreement, the Law states that there needs to be a Community Forestry Management Plan which is to be reviewed at minimum every five years.

The Forestry Law states that the rules for establishment, management and use of a community forest shall be determined by a Sub-Decree on Community Forestry Management, and that the guidelines on Community Forestry shall be determined by Prakas (unpublished NCFP, 2005).



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Sub-Decree on Community Forestry

As mentioned earlier, the Sub-Decree on Community Forestry Management was enacted in 2003 after a long process of consultation with various stakeholders. It outlines the basic steps for the establishment and management of community forestry, including key definitions and the roles of various entities in the process.

This Sub-Decree aims at determining rules for the establishment, management and use of community forests throughout the Kingdom of Cambodia. The objectives of this Sub-Decree include the following:

- To implement the Forestry Law and other legislation regarding local community management of forest resources;
- To define the rights, roles and duties of the Forestry Administration, responsible authorities, CF communities and other stakeholders involved in community forestry management;
- To establish procedures to enable communities to manage, use and benefit from forest resources and to preserve their culture and traditions while improving their livelihoods;
- To ensure user rights for a CF community under a Community Forest Agreement;
- To support the Royal Government of Cambodia's policies of poverty alleviation and decentralization;
- To provide an effective means for a CF community to participate in the reforestation, rehabilitation and conservation of natural resources, forest and wildlife;
- To enable citizens to understand clearly and recognize the benefit and importance of forest resources through the direct involvement in forest resources management and protection; and
- To provide a legal framework to assist Cambodian citizens living in rural areas to establish CF communities that contribute to the sustainable management of forest resources.

Community Forestry Guidelines Prakas

At present, the Guidelines (known in Khmer as Prakas) are still in draft form. It is expected that the draft will be finalized and gain approval by the end of 2005. These guidelines will fill in many of the details for implementation of the Sub-Decree on Community Forestry Management that has yet to be clarified. In addition, the guidelines include annexes containing official templates for the Community Forestry Agreement, Community Forestry Management Plan, Community Forestry Committee By-Laws and Community Forestry Regulations. The Prakas aims at identifying overall guidelines for the establishment, formulation and functioning of community forestry throughout the Kingdom of Cambodia with the following objectives:

- Describe the basic requirements in the establishment and implementation of community forestry;
- Provide an effective working system to ensure the local participation in sustainable community forestry management;



- Provide guidelines for the improvement of local institutions in preparing operational plans and monitoring and evaluating the community forestry implementation process;
- Assist in the establishment of community forestry, especially in identifying the roles, responsibilities and organizational structure as well as in improving the relationships among stakeholders in community forestry for better cooperation and coordination with local communities; and
- Improve information and technology flow for better community forestry management

4. Supporting Mechanisms

CF Network

The Community Forestry Network in Cambodia was established in 1993 by the Cambodia Environment Management Project (CEMP). The main objective of the network was to provide a forum for communities and other community forestry stakeholders to meet and share experiences. Meetings were held on a quarterly basis and newsletters were distributed with information regarding community forestry programming and the development of legislation.

When CEMP was closed in 1997, the MoE, Department of Forests and Wildlife (DoFW) and Concern continued to support and facilitate the CFNC. In 1998 an organizing committee was formed to facilitate the CF Network activities. From 1998 through 2004, the organizing committee met regularly to organize network activities. During this time, the organizing committee was under the rotating leadership of the MoE and FA with NGO representatives from WWF, Mlup Baitong, Concern and Oxfam GB.

In late 2003, the CF sub-decree was passed and provided the legal framework for community forestry in FA administered land. As a result, the organizing committee changed the name of the CF Network in order to include and distinguish between community management in protected areas under the administration of the Ministry of Environment (MoE) and community forestry in FA administered lands.

In early 2005 the committee under the leadership of the Forestry Administration decided to divide the network into two separate entities: the CF Network and the CPA Network. The CF Network is currently seeking funding. The main objective of the CF Network according to a recent funding proposal is to build capacity and increase awareness and understanding of community forestry by contributing information and sharing the experiences of the implementers and stakeholders in community forestry.

Provincial Networks

Provincial community forestry networks have been formed in cooperation with the Forestry Administration cantonment office in five provinces: Kompong Cham, Kompong Chhnang, Kompong Thom, Pursat and Siem Reap. These networks are



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not officially recognized by the government but are those supported by several organizations and agencies, (see Table below.) Therefore, there is a need to get the local Forestry Administration involved in these activities so that the networks can be strengthened and officially recognized. Provincial networks can provide opportunities for local government, CF communities and LNGOs to interact and share experiences and also provide a forum to raise awareness of issues related to community forestry. Meetings are generally held on a quarterly or semi-annual basis and organizers report that participation has generally increased with each meeting.

Table 2 Provincial Community Forestry Networks

Provincial Network	Supported by	Participants
Kompong Cham	FA Cantonment, Concern, PLAN, Seila PLG	CFMC, Commune Councils, District government offices, Provincial government offices, LNGO
Kompong Chhnang	FA Cantonment, Concern, CFI/CFAC, LWF	Same as above
Kompong Thom	FA Cantonment, GTZ	Same as above
Pursat	FA Cantonment, Concern	Same as above
Siem Reap	FA Cantonment, FAO	Same as above

5. Basic Steps in Establishing Community Forestry

The CFSD and draft CF Guidelines Prakas provide explanations on how to establish community forestry in Cambodia. The steps for formal community forestry establishment in the Permanent Forest Reserve of Cambodia are summarized below.

1. Community Forestry Formulation - In this preliminary stage, interested communities receive basic information about community forestry from the Forestry Administration or a non-governmental organization. Interested communities submit an application certified by the village chief and the commune or district council to the Forestry Administration cantonment for approval. In this stage a working group is set up to collect information about the community and the use of forest resources and a report is developed that will serve as the basis for future management planning.

2. Development of CF Management Structure - In this stage the Community Forestry Management Committee (CFMC) is established. A temporary election committee is established and candidates are elected by the community.

3. Development of CFMC's By-Laws - CFMC by-laws are developed by the CFMC with assistance from the Forestry Administration or NGOs as needed. The by-laws are approved by the CFMC Chief and recognized by the Commune Council. The by-laws are then disseminated to community forestry members for implementation.

4. Boundary Demarcation and Planning - With the assistance of the Forestry Administration or NGOs if needed, the boundary of the community forest is demarcated

using GPS. This requires the involvement of community members as well as representatives from adjacent villages in order to avoid future conflicts over boundary locations.

5. Development of Community Forestry Regulations – Community forestry regulations are developed by the CFMC with assistance from the Forestry Administration or NGOs as needed. The regulations must be approved by the CFMC Chief and recognized by the Commune Council, district authority, and the Forestry Administration Cantonment. Approved regulations are distributed to community forest members to involve them in implementation and enforcement.

6. Development of Community Forestry Agreement - A Community Forestry Agreement outlining the roles and responsibilities of the CFMC and the Forestry Administration is drafted and approved by the Forestry Administration Cantonment.

7. Development of CFMP - The CF Management Plan is developed with technical assistance from the Forestry Administration or NGOs. The process involves community participation, training, data collection, analysis and mapping. The final draft must be approved by the Head of the Forestry Administration upon recommendation by the Cantonment Chief.

8. Monitoring and Evaluation of Implementation - Monitoring and evaluation is a critical and on-going part of the community forestry process and will ensure that community forestry activities are implemented according to the community forestry regulations, agreement and management plan.

6. Overall Achievements

There have been significant achievements in Community Forestry development in Cambodia. At the national level, with support from some NGOs, the Forestry Administration has developed legislation/policies and other related documents. At the provincial level, the Forestry Administration has worked with partners to provide technical and financial supports to Forestry Cantonments to implement a number of community forestry projects throughout the country.

- Since the community forestry guidelines have not been approved, there has been no legal framework for the local communities to reach agreement with the government. So far the CFO has identified 274 community forestry sites throughout the country. This figure includes community forestry sites which are still in the very early stages of development
- The only community forestry lands that have been formally allocated and recognized are in Takeo province with a total forest area of 500 hectares of degraded land.
- In total, there are 19 provinces and cities, 76 districts, 157 communes and 615 villages involved in community forestry activities.
- The number of households involved in community forestry in Cambodia is estimated to be 62,402 as of 2005. These households to some extent have access to or are managing about 180,000 hectares of mostly semi-evergreen natural forests.
- There are a number of international and local government organizations supporting community forestry development in Cambodia. Leading organizations include FAO, Concern Worldwide, CFI and IFAD.



7. Issues and Concerns

Based on the results of the NCFP process, CFO has identified the following issues and concerns about community forestry implementation in Cambodia.

CF Concept and Process

- There is still a great deal of confusion as to what community forestry is, where it can be implemented, and who supports its development. This is the result of a number of factors. Firstly, the CF Sub-Decree, although passed in December 2003, has not been effectively disseminated throughout the Forestry Administration or to the wider public. In addition, the implementing Prakas is still in draft form so that Forestry Administration staff and communities do not have a clear process by which to legally establish community forestry.

- Secondly, with the closing of the CGFP, the Forest Extension Unit of the Forestry Administration has operated on extremely limited resources and has been unable to keep up with demand for extension materials. As a result NGOs tend to develop materials for their own projects, but these are not always disseminated to other practitioners.

- Thirdly, NGOs and the Forestry Administration have not always worked in coordination with one another to develop community forestry models. As a result a number of models have been developed but there has been little coordination and cooperation between organizations, communities and the Forestry Administration so that lessons and experiences can be exchanged.

- Fourthly, the Forestry Administration has recently re-organized under the Forestry Law, and many Forestry Administration staff members with community forestry implementing experience were moved from community forestry areas and were replaced by staff with little or no community forestry knowledge or experience. This has meant that support for establishing community forestry has been inconsistent and capacity continually must be rebuilt.

Lack of Technical Support to Implement Community Forestry

- Consistent feedback received from all workshops is the need identified by participants to receive additional training to implement community forestry. Establishing community forestry requires specialized skills in facilitation, organizational development and technical forestry. Providing additional training has been hampered by a number of factors.

- As was mentioned above, the restructuring of the Forestry Administration has meant that many staff members skilled in community forestry implementation have been reassigned to areas where there is no community forestry and have been replaced by those with little experience. This has impacted the process of capacity building for community forestry.

- Most training in community forestry related skills has been limited to the initial steps in CF establishment, i.e. PRA, boundary demarcation, CFMC organizing, etc. While these are important steps, additional support is needed to develop and implement



management plans as well as to organize and develop CFMC capacity. Very few NGO or Forestry Administration staff members have been trained in these areas and with more than 400 currently identified existing and potential community forestry sites throughout the country, there will be a growing demand for these services.

- Lastly, few NGO or Forestry Administration staff members have advanced skills in community forestry management planning. NGOs often partner with the Forestry Administration and conduct joint training for staff of both organizations, but rarely are trainings available to other practitioners. In addition, most of the training is not related to the technical aspects of community forestry management and planning. As a result, there are very few community forestry practitioners with well developed skills in silviculture, management plan writing, forest inventory, nursery management and seedling production.

Lack of Nation-wide Coordination Between CF Stakeholders

- As stated above, there are a number of organizations supporting community forestry development in Cambodia. The clear demand for community forestry and the lack of a CF legal framework has led to a situation where community forestry projects are developed and implemented without any nationwide consistency. As a result, there are a number of different models and examples of community forestry throughout the country.

- In the early stages of community forestry development, project diversity can be a positive situation if communities and organizations share experiences, and learn from them. Networks at local, regional and national levels can facilitate this experiential learning. However, this situation has also lead to confusion over how community forestry is to be developed and implemented. Forestry Administration officials assisting a community in Siem Reap may use a very different set of skills to support community forestry development than their counterparts working with another project in Kompong Chhnang.

- Another result of this situation is that efforts are often replicated. For example, most organizations supporting community forestry develop their own extension materials for use in community forestry villages. While innovative materials are being developed, their use is limited to individual organizations' sites. Materials are not disseminated outside of the project area for use by other communities.

8. Next Steps

In order to realize community forestry development on a national scale in Cambodia, there is a lot of necessary work to be done still, including:

- Disseminate the Forest Law and Community Forestry Sub-decree to all stakeholders especially to local communities;
- Finalize the National Community Forestry Program (NCFP) and look for funds to support its implementation;
- Finalize the Community Forestry Guideline Prakas, standard model for CF Agreement, CF Management Plan, CF statutes, CFMC by-laws, and other relevant documents;



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- Capacity building of staff and interested stakeholders, especially local communities;
- Since NCFP implementation is to be launched in 2006, there is a need to strengthen cooperation between the FA and NGOs, International Organizations, donor countries and others;
- Increase research on implementation of community forestry as well as providing technical support to local communities; and
- Formally recognize existing community forestry sites (implement the CFSD) and identify additional areas to bring under CF.



INSTITUTIONAL ARRANGEMENTS FOR COMMUNITY FORESTRY IN CAMBODIA

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Community forestry was first introduced in Cambodia in 1994 and a national level community forestry program was formulated in 2004. Community forestry programs are of particular importance in Cambodia because of the fact that forest covers around 61% of the total land area in the country and there are many communities living in and around the forest lands. According to a June 2000 report funded by the Asian Development Bank, “Virtually all rural people throughout Cambodia actively use forest resources” (Sustainable Forest Management Project 2000). There are more than 400 currently identified existing and potential community forestry sites throughout Cambodia. There are a number of programs and laws instituted in Cambodia to support the sustained existence of community forestry. The purpose of this paper is to present some of the supporting institutional arrangements in Cambodia that allow for community forestry.

Institutional Framework of CF Implementation in Cambodia

Support for community forestry in Cambodia comes from many sources including laws, sub-decrees and guidelines, all within a government framework known as the “rectangular strategy.”

To guide policy change a “rectangular strategy” was first instituted in 2004, which seeks to implement broad reforms throughout the country of Cambodia. The “rectangle” refers to the four main thrusts of the program, which also includes other initiatives

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within each side of the “rectangle” that affect the agriculture and forestry sectors. Specifically “each strategic ‘growth rectangle’ has four sides: [and within] *rectangle 1 [is found the] Enhancement of Agricultural Sector* which covers: (i) improved productivity and diversification of agriculture; (ii) land reform and clearing of mines; (iii) fisheries reform; and (iv) forestry reform” (Council for the Development of Cambodia 2005). The last side, which refers to forestry reform, is particularly relevant to the institutional framework for community forestry in Cambodia.

Prior to initiating the “rectangular strategy”, the forestry law of 2002 and the Community Forestry Sub-Decree, which gained approval in December 2003, together guaranteed the rights of communities to apply for and manage community forests in areas classified as Production Forests. These rights were guaranteed under the jurisdiction of the Forestry Administration. The Sub-Decree aims at defining and explaining rules for the establishment, management and use of community forests throughout the Kingdom of Cambodia; supporting the Royal Government of Cambodia's policies of poverty alleviation and decentralization; providing an effective means for a CF Community to participate in the reforestation, rehabilitation and conservation of natural resources, forest and wildlife; and enabling citizens to understand clearly and recognize the benefit and importance of forest resources through the direct involvement in forest resources management and protection.

A Community Forestry Working Group was formed under the Sustainable Management of Resource in the Lower Mekong Basin Project (SMRP-MRC/GTZ) in 1998. The purpose was to facilitate and coordinate all relevant institutions and organizations with the process of community forestry implementation, and to assist the development of CF policy to insure official legal recognition. The Community Forestry Working Group of the Forestry Administration originally drafted a legal document of multiple guidelines known as “Prakas” which includes the Community Forestry Agreement, Community Forestry By-laws Statute and the Community Forest Management Plan. The legal document or Prakas forms the core basis of community forestry in Cambodia. The Prakas document was developed at the level of implementation, and is to be approved at the ministry level. The Prakas relevant to community forestry has many objectives: it seeks to describe the basic requirements in the establishment and implementation of community forestry; ensures local participation in sustainable community forestry management; provides guidelines for the improvement of local institutions in preparing operational plans and monitoring and evaluating the community forestry implementation process; assists in the establishment of community forestry, especially in identifying the roles, responsibilities and organizational structure as well as in improving the relationship among stakeholders in community forestry for better cooperation and coordination with local communities; and improves the flow and distribution of information and technology supportive of community forestry. The Prakas document is an essential part of implementing community forestry in Cambodia.



Community Forestry Supporting Mechanisms

In addition to the legal framework and guidelines presented in the previous section Cambodia has a number of mechanisms that contribute to the support of community forestry, including provincial networks, a national level network, a five year action plan, and supporting government units including the Forestry and Wildlife Training Center (FWTC).

In Cambodia there is a network of community forestry at both the provincial and national levels. Provincial community forestry networks have been formed in cooperation with the Forestry Administration cantonment office in five provinces. Provincial networks such as these provide opportunities for local government, CF communities and local NGOs to interact and share experiences and also provide a forum to raise awareness of issues related to CF. The national level Community Forestry Network in Cambodia was established in 1995 by the Cambodia Environment Management Project (CEMP). The main objective of the network was to provide a forum for communities and other community forestry stakeholders to meet and share experiences. When CEMP was closed in 1997, the Ministry of Environment, Department of Forests and Wildlife (DoFW) and the NGO Concern Worldwide continued to support and facilitate the Community Forestry Network in Cambodia. In late 2003, the community forestry sub-decree was passed and provided the legal framework for community forestry in Forestry Administration (FA) administered land. As a result, the organizing committee changed the name of the CF Network to the CPA Network in order to distinguish between community management in protected areas under the administration of the Ministry of Environment (MoE) and community forestry in FA administered lands. In early 2005, the committee under the leadership of the Forestry Administration decided to divide the network into two separate entities: the CF Network and the CPA Network. The CF Network is currently seeking funding. The main objective of the CF Network according to a recent funding proposal is to build capacity and increase awareness and understanding of CF by contributing information and sharing experiences of CF implementers and stakeholders.

The Community Forestry Office has four units involved in supporting roles, including the Information and Database Management Unit (IMU), the Community Forestry Facilitation Unit (CFFU), the Research, Training and Development Unit (RTDU) and the CF Monitoring and Evaluation Unit (M&EU). The main roles of the IMU are to collect and analyze data and information on community forestry, establish and maintain the community forestry database system and disseminate CF information to CF stakeholders. The RTDU's main roles are to implement the CF program and projects, prepare training materials and curricula, and conduct research on community forestry. The CFFU is in charge of coordinating with donors and NGOs to seek financial and technical support, provide technical support to local staff in community forestry development, and carry out extension work to encourage and help local communities with participating in community forestry. The roles of the M&EU are to prepare the community forestry strategic plan and program, develop CF related policy documents, evaluate the implementation on the ground and make recommendations for improving existing CF related regulations and documents. Additionally, the Forest and Wildlife Training Center (FWTC) provides trainings on community forestry to the forest administration staff.



Nature of Organizations at the Community Level

Several organizations and sectors are involved with community forestry at the local level, including the Forestry Administration, non-governmental organizations, and community Forest Management Committees.

Forest Administration officers play regulatory and support roles in community forestry at the local level. Forestry Administration approval is necessary to officially recognize a community forest and officials at the Forestry Administration have a duty to provide technical assistance to communities managing forests.

International and local non-governmental organizations are also integrated into community forestry work in Cambodia, and many provide technical assistance for community forestry management. Non-governmental and international organizations involved in forestry work since 1994 include Concern Worldwide, FAO, CFI, IDRC, MCC, Oxfam, Mlup Bilong and Santi Sena.

Local authorities at the commune, district and provincial government levels are also involved by providing authorization for community use of forests and technical advice for the management of resources.

Community Forest Management Committees are formed within local communities. The committee must be made up of an odd number of between five and eleven members to avoid tie-votes, women must be encouraged to participate and in order for the election to be officially recognized the voting process must be observed by a Forestry Administration official. Committee members serve five year terms and may be replaced or re-elected near the end of the term. To establish a community forest, 60% of the community must be involved in the process, and once a community forest is established and the committee is elected, the agreement lasts for fifteen years, assuming the community is managing the forest well. If the community is not managing the forest well the agreement will be terminated early or not renewed for a second period of fifteen years.

Management plans and rules written by the Forest Management Committee determine whether or not people from outside the community can access forest products, how to regulate the use of non-timber forest products, and what type of hunting to allow and how to harvest timber products within the community forest. The community further has the duty to patrol and stop illegal activity in the community forestry area, assisting with the investigation, prevention and suppression of forest offenses.

Basic Steps in CF Establishment

The steps for formal Community Forestry establishment in the Permanent Forest Reserve of Cambodia are summarized below. The importance of different institutional arrangements is evident, including the roles of the local Forest Administration officials, community members and NGOs.



1. Community Forestry Formulation

In this preliminary stage, interested communities receive basic information about community forestry from the Forestry Administration or a NGO. Interested communities submit an application certified by the village chief and the commune or district council to the Forestry Administration cantonment for approval. In this stage a working group is set up to collect information about the community and the use of forest resources and a report is developed that will serve as the basis for future management planning.

2. Development of Community Forestry Management Structure

In this stage the Community Forestry Management Committee (CFMC) is established. A temporary election committee is established and candidates are elected by the community, with the oversight of at least one official from the Forestry Administration.

3. Development of CFMC's By-Laws

CFMC by-laws are developed by the CFMC with assistance from the Forestry Administration or NGOs as needed. The by-laws are approved by the CFMC Chief and recognized by the Commune Council. The by-laws are then disseminated to CF members for implementation.

4. Boundary Demarcation and Planning

With the assistance of the Forestry Administration or NGOs if needed, the boundary of the community forest is demarcated using GPS. The demarcation process involves community members as well as representatives from adjacent villages in order to avoid future conflicts over boundary locations.

5. Development of Community Forest Regulations

Community forestry regulations are developed by the CFMC with assistance from the Forestry Administration or NGOs as needed. The regulations must be approved by the CFMC Chief and recognized by the Commune Council, district authority, and the Forestry Administration Cantonment. Approved regulations are distributed to community forestry members to involve them in implementation and enforcement.

6. Development of the Community Forestry Agreement

A Community Forestry Agreement outlining the roles and responsibilities of the Community Forestry Management Committee and the Forestry Administration is drafted and approved by the Forest Administration Cantonment.

7. Development of Community Forestry Management Plan

The Community Forestry Management Plan is developed with the technical assistance of the Community Forestry Management Committee or NGOs. The process involves community participation, training, data collection, analysis and mapping. The final draft must be approved by the Head of the Forestry Administration upon the recommendation of the Cantonment Chief.



8. Monitoring and Evaluation of Implementation

Monitoring and evaluation is a critical and on-going part of the community forestry process and will ensure that community forestry activities are implemented according to the community forestry regulations, agreements and management plan.

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VIETNAM COMMUNITY FORESTRY 2005

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1. General Status of Community Forestry in Vietnam

Community forestry (CF) in Vietnam has been developing since the 1970s and has now become an effective forest management practice for development. Community forestry is a vivid reality bringing out effectiveness in mountainous forest management and community development. According to statistics from the Forest Protection Department – Ministry of Agriculture and Rural Development (MARD), by June 2001, 1,203 communes, 146 districts of 24 provinces were participating in the management of 2,348,288 hectares of forest and non-forested land projected for afforestation, accounting for 15.5% of the forestry land area nationwide.

Forest and forested land managed and used by communities can be divided into the following types:

- 1) 296 hectares is bare land (barren land). Forests in this category are spirit forests, village watershed forests and forests providing traditional forest products to communities.
- 2) Forest and forestland allocated by local authorities to communities for long-term and stable management and utilization for forestry purposes, accounts for approximately 1,197,961 hectares, of which 669,750 hectares is forested land and 528,211 hectares is barren land.

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- 3) Forest and forestland (936,327 hectares) contracted to communities for protection, forest zoning and afforestation by state organizations (State Forest Enterprises, Special-use and Protection Forest Management Boards, Management Board of Projects 327, 661, etc.). Of the total forestland in this category, 494,292 hectares are protection forest, 39,289 hectares are special-use forest and the remaining 402,746 hectares are production forestland.
- 4) Forest and forestland jointly managed by community groups (groups of households) that consist of households and individuals in the community. They cooperate with each other to protect, support and exchange labor with one another in forestry activities as required under this diverse and flexible approach to forest management. There are no reliable statistics for the size of the forest areas and number of community groups within this category.

All community managed forests are run by one of the following groups:

- The village community;
- Groups of households (Interest household groups); or
- Groups of households within/ belonging to a single family name.

Forests managed by village communities and families are located in remote ethnic minority areas where traditional customs are practiced. In these areas production conditions as well as market and management methods are not well-developed. In the other two categories of managers, forests jointly managed by groups of households or groups of interested people or stakeholders are usually located in areas where timber production and markets are more developed for commercial purposes. Forest managers in this category are considered rather better qualified for the management of production forests and the potential for investment in these areas is high. Therefore, two distinct practices are emerging in community forestry in Vietnam: subsistence community forestry and community forestry for commercial purposes.

Two systems of tenure have emerged for forest ownership by communities participating in community forestry in Vietnam, namely Community Forest Management and Community – Based Forest Management. Community Forest Management refers to community managed forests that are owned by a community or over which a community has common ownership. This system of ownership whereby the community is both manager and owner, involves communities described under type one and two described in Section 1 of this paper and groups of households or individuals as described in Type 4 in Section 1. Community-Based Forest Management refers to a model in which the community is contracted to participate in the management of forests as described in Type 3 in Section 1. The community participates in the forest management process and gets benefits as a result.

2. Legal Framework and Policy Related to Community Forestry

The legal framework and government policy regarding forestry has gradually developed and created a significant legal basis for community forestry. The history of the development of the policy on community forestry is represented in Table 1.



Table 1: Evolution of Community Forestry Policy

Duration	Interpretation on policy development
Prior to 1954	<p>+ <i>Admit existence of community forest</i></p> <p>Forestry under feudal and colonial system recognized the existence of traditional community forests. Community forest management was based on village regulations and conventions as well as traditional laws.</p>
1954-1975	<p>+ <i>No attention paid to community forests, although communities managing forests by tradition were respected.</i></p> <p>In the Northern part of the country, land reform and co-operative organization policies were developed with a focus on state forestry (state forest enterprises) and group forestry (Agricultural-forestry co-operatives). The state still basically respected the fact that mountainous ethnic communities were managing forests according to traditional customs in spite of no attention being paid to household forestry and community forestry because it was classified as "sub-economy." Meanwhile, in the southern part of the country forestry policy continued the same as during the period prior to 1954.</p>
1976-1985	<p>+ <i>Focus on and planned state and co-operative forestry and forest management by communities was restricted</i></p> <p>After liberation of the southern part of the country and national unity, the government focused on two economic sectors - state and co-operatives. State and co-operative forestry developed on a large scale in line with the current planning mechanism. Community forestry and household forestry were not encouraged to develop during this period. However, there remained forests self-recognized by communities in some remote ethnic minority mountainous areas but self-management in these areas was being lost in oblivion. (The level of self-management continues to lose its dominant role. This self-management form is more and more unpopular and uncommon).</p> <p>Decision No. 184 was made by the Council of Ministers in 1982 and Decree No. 29 issued by the Board of Party Secretary in 1983 on forest and forestland allocation to the state and co-operative economic sectors where contract of forest allocation to households was first mentioned.</p>
1986-1992	<p>+ <i>Villages made legal forest owners of traditional village forests.</i></p> <p>Starting in 1986, the government launched the "Doi Moi" or all-round renovation process, stepping up the general development trend and the process of gradual globalization and regionalization. In 1988 and 1991, the Land Law and Forest Protection and Development Law were issued enabling land and forests to be allocated to organizations, individuals and households. Household forestry was initially accepted.</p> <p>On the 17th of January 1992, the Chairman of Minister Council (now called Prime Minister) issued Decree No. 17/HTBT on the implementation of Forest Protection and Development Law, in which it was confirmed that villages and hamlets owning forests before the issuance of Forest Protection and Development Law were now the legal forest owners.</p>



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Duration	Interpretation on policy development
1993-2002	<p>+ <i>Strengthen the decentralization process of forest management, focus on forestry socialization, however, policy on community forestry was not yet explicit</i></p> <p>There remained several spontaneous or pilot models of community forest management at the local level. MARD set up the National Working Group on Community Forestry (NWG-CM) with the aims of conducting research and organizing several national workshops and seminars on CF. Although many international projects and programs sought to support CF, community forestry was basically not yet explicitly institutionalized.</p> <p>The Land Law (revised) in 1993, Decree 02/CP issued in 1994 and Decree 163/ CP 1999 on forestry land allocation did not stipulate explicitly the target group of community. Civil Law in 1995 did not define the village community as a legal economic subject.</p> <p>However at this time, some legal documents of the state and forestry sectors were applied to community forestry. These included:</p> <ol style="list-style-type: none"> a) Decree 01/CP issued in 1995 on forest land contract allocation; b) Decree 29/CP issued in 1998 on regulations of democracy implementation at the commune level; c) Decision No. 245/1998/QĐ-TTg on the implementation of responsibility of the state and authorities at all levels on forest and forestry land; d) Circular 56/TT issued in 1999 by MARD guiding development of forest protection and development regulations within communities; e) Decision 08/2001/QĐ-TTg made in 2001 on management regulations of three types of forests; and f) Decision 178/2001/QĐ-TTg made in 2001 on benefit sharing entitlement and duties when participating in forest management.
From 2003 to 2005	<p>+ <i>Form basic legal framework of community forestry</i></p> <p>According to the new Land Law approved in 2003 a village community is the entity to which the State allocates land or whose agricultural land use entitlement is recognized by the State as a land user. The New Forest Protection and Development Law revised in 2004 has a separate item stipulating forest allocation to village communities including rights and duties of the village community.</p> <p>Civil Law (revised) in July 2005 has admitted the concept of “common ownership by the community” areas defined by traditional customs or property that was contributed, managed and utilized jointly by members of the community in line with a beneficial agreement.</p>

In short, Vietnam has a basic legal framework and policy on community forestry development, which is represented in the Land Law of 2003, the Forest Protection and Development Law of 2004 and other relevant legal documents. The following issues are recognized in this legal framework and policy:

1. The community is the eligible forest owner and user, contingent upon certain conditions, communities and forest types allocated or contracted.
2. The community would be allocated forest or forestland under long-term

contract as long as the following current legal regulations and policies have been enforced: *keeping the forest under the effective management and utilization of the village community; a water protection forest directly providing common benefit to the community; a forest situated at the boundary area between villages, communes or districts that cannot be allocated to organizations, households, or individuals. The area is allocated to the village community as a whole to ensure that it provides benefits to the community.*

3. The community receives the following rights as participants in forest management as stipulated in legal regulations: *forest use entitlement in a long term and stable way suitable for the forest allocation tenure ratified; ability to exploit and use forest products and other forest resources for public and domestic purposes of the community; freedom to organize forestry-agriculture-fisheries production; entitlement to enjoy the working and investment outputs from the allocated forest area; entitlement and access to guidance on techniques and support in finance in accordance with the state's policy to protect and develop forests; entitlement to benefits brought about by public structures on forest protection and rehabilitation; and lastly, the right to be compensated for outputs from working on and investing in forest protection and development in case the state reclaims the allocated forests.*
4. Communities participating in forest management have the following obligations: *to develop and implement the conventions of forest protection and development; to organize forest protection and management and to periodically report to the authorized state agency on forest resource progress and relevant activities; to undertake financial and other liabilities as regulated in the law; to hand over the forest once the state reclaims the forest or at the end of forest utilization tenure; to prevent division of the forest into parcels used amongst the village population, nor to transfer, make concessions, offer, lease, mortgage, guarantee or contribute the allocated forest value or forest use right value as business capital.*

3. Current Institutional Arrangements

Community forestry management consists of the following 11 steps:

- (1) Planning for community forest protection and development;
- (2) Allocating land and forest to communities;
- (3) Formulating plans for community forest protection and development;
- (4) Setting up the community forest management form/modality;
- (5) Developing conventions on community forest protection;
- (6) Implementing plans for forest protection and development;
- (7) Setting the main procedures for forest products exploitation from community forests;
- (8) Establishing procedures for timber harvesting for use in house building from community forests;
- (9) Developing human resources;
- (10) Developing a village forest protection and development fund; and
- (11) Monitoring and evaluating.



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The six main groups of stakeholders or institutions that collaborate with one another to implement the community forestry activities as shown in annex 2 are listed below.

- **Village community:** In Vietnam the village or hamlet is not an administrative unit, but is instead defined as a human-geographical unit. A village community is not a state organization, however the state recognizes this traditional organization consisting of village leader, village eldest leader, households and individuals, village forest management board, party organizations and public organizations, groups of households, groups of interest or public organization for forest protection, and village agro-forestry extension staff, etc.
- **Commune forestry organization:** The commune forestry board is set up at several local areas under the technical direction of the District Forest Protection Agency with the aim of implementing duties related to community forest management such as propagating law and policy, to monitor development of forest resources, to provide guidance on forest protection and fire control, to advise and support the commune level People's Committee on land and forest allocation, to manage forests and apply various measures to prevent and deal with violence in forests.
- **Authorities at provincial, district and commune levels:** Authorities have the role of state management of forestry according to Decision No. 245/1998/QD-TTg dated 21 December 1998 as issued by the Prime Minister regarding the implementation of the State management of forests and forestry land at all levels. Eight contents of the State management of forestry at the commune level, including CF are also mentioned explicitly in Decision 245.
- **Professional agencies affecting forestry at the provincial and district levels:** Provincial agencies, such as the Department of Agriculture and Rural Development (DARD), the Provincial Department of Forest Protection (FPD), or agencies at the district level such as Sub-DARD and Sub-FPD are responsible for supporting, guiding and encouraging communities to manage forests.
- **State forestry organizations:** State forest enterprises, special-use forest and protection forest management boards are in charge of making the contracts for forest allocation to communities, for technical consultancy and support, and investing capital for forest development. State organizations of forestry extension and technology transfer such as centers for agricultural and forestry extension, and research and training organizations are to provide the supporting services of training, forestry extension and technical transfer.
- **Non-State forestry organizations:** International and non-governmental projects and programs, national associations, consulting organizations, etc. are to provide supporting services, to sign contracts for training, forestry extension and technology transfer.

In principle, the impact of the State in exercising its role in community forest management in Vietnam is expressed in the following four points.

1. The State just creates a legal corridor but it is not going to show deep intervention in specific decisions on forest protection, development and utilization by communities, which is represented explicitly in the management of village or hamlet forests managed by local tradition.



2. The State allocates land and forests to communities and provides them with financial and technical support to manage, protect, zone for regeneration, plant, exploit and utilize forests.
3. The State makes contracts for forest protection, plantation and zoning for regeneration to communities through state agencies. The community serves as an employee who gets payment and a portion of outputs from contracted forestland in-line with their working time and efforts.
4. The State is responsible for coordinating and creating favorable conditions for other organizations to provide supporting services, to make contracts for training, forestry extension and technology transfer to the communities managing forests.

In addition to the above official state CF management organizations, there are various management regulations emanating from various communities depending on their local traditional customs. The village eldest leader is traditionally honored by the community to play an important role in dealing with social relationships within the community, including management of forestry activities. Groups of community members within one family also take essential roles in the formulation of the community forests of the family. Village convention, regulations and indigenous knowledge create many positive aspects in forest management. The Vietnamese State gradually recognizes and encourages conservation and development by traditional institutions and activities for community management purposes in general, and for community forest management purposes in particular.

4. Current Best Practice

Land Use Planning (LUP)

The participatory land use planning (LUP) methodology was introduced to Vietnam in the mid 1990s. Tools of participatory rural appraisal (PRA) are used by local residents for planning activities, such as conducting participatory model making or mapping, transecting, conducting semi-structured interviews, etc. PLUP has been tested in various Vietnam-based international projects, such as Participatory LUP and the Forestry Land Allocation Project in Quang Ninh province funded by FAO/Italy, Song Da Social Forestry Development Project financed by GTZ/ Germany and other projects like KfW, SNV, ADB, FSP, ADB PPTA 3818, etc.

The forestry land use planning map at the commune level with a ratio of 1:10,000 developed by local people is used to identify clearly, in the field and on the map, three types of forests, i.e. special-use forests, protection forests and production forests. Areas to become community forests will be allocated to or contracted for use by the community.

Formulation of Community Forest Management Plan (FMP)

Based on the commune forestry land use planning map, villages make plans for community forest management using PRA. The content of community FMP consists of:



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- Participatory forest resources assessment;
- Development of management objectives for each community forest;
- Technical solutions;
- Development of management regulations;
- Development of benefit sharing and obligation mechanism; and
- Formulation of plans for implementation, monitoring and evaluation.

Regarding experience in forest management planning in Vietnam, 52,000 households have been supported to make plans for forest management at the household level by PAM project 5233 (World Food Program 5233) from 1995 to 1997, which formed the basis for investment in afforestation of 52,000 hectares, with each household in charge of 1 hectare of forest planning and implementation on average. The plan for forest management of 300 villages belonging to 5 mountainous provinces in the Northern part of the nation was formulated during the Mountainous Rural Development Program (MRDP) as part of a Vietnam-Sweden collaborative project in the period 1997-2001. Song Da Social Forestry Development Project has developed procedures for making a village development plan (VDP) and Son La – Lai Chau Rural Development Project funded by the EU has developed a community management plan. The lessons of experience from all of the above projects show that forest management planning at village, groups of household and household levels should be done following the completion of LUP, which serves as the basis for land and forest allocation.

Basis for Land and Forest Allocation to Communities

Land and forest allocation to a community should be done based on two important bases, namely the LUP map and community forest management plan. Participatory methodology of land and forest allocation has been successfully applied as well. Allocation of forestry land has been conducted in 170 communes of Son La province from 2001 to 2003 to four target groups:

- 140,468 hectares have been allocated to 48,684 households,
- 367,060 hectares have been allocated to 2,021 village communities,
- 31,014 hectares have been allocated to 4,168 groups of households and
- 120,374 hectares have been allocated to 1,742 organizations in communities.

The above four target groups are allocated land and forest for long-term use and issued Red Books (certificates of forestry land use rights), and their benefit enjoying entitlement was ratified. The results show that besides households, the above stakeholders all conducted forest management, protection, exploitation, use and development in a good manner. No proof was found that communities or groups of households were not qualified enough in forest management as was initially of concern. Some forests, such as in Na Nga village, Chieng Hac commune, and Son La province managed by a community were recovered and protected better than other forests managed by individual households.

Community Organizes to Manage Forests

Experience in the organization of forest management by communities varies considerably. Every community has its own experience according to its traditional



customs and culture. Below are some good examples of forestry management traditions in Vietnam.

- ***Traditional Forest Management by Community:***

Examples of traditional forest management by a community include the Mong people community at Huoi Cay hamlet, Mun Chung commune, Tuan Giao district, Dien Bien province which self-organizes to manage 310 ha of ancient forests, 170 hectares of which was recovered from areas of rice fields, then zoned for regeneration naturally to serve as water protection forest. These two types of forest are self-recognized by the village community, managed and used effectively for common public purposes such as wood provision for house building, water source protection, bamboo shoots and other non-timber forest product exploitation. Forest protection and utilization is stipulated by local convention. Local authorities and forestry management agencies therefore recognize the community's management and utilization entitlement of this forest area.

- ***Community Manages Forests Through Groups of Common-Using Households***

A model of a group of common-using households has been developed in Chieng Hac village, Yen Chau district, Son La province. The District People's Committee allocated land and forest to a group of common-using households and issued a certificate of forestry land use rights with Red Books in which forest plots of each group of households are identified. Common use also carries the responsibility that each household will be entitled to manage, utilize, invest and exploit the same volume of forest as other households, and all households will be responsible for forest fire protection and monitoring members of the household. Each household is to be allocated an equal area of forest to conduct agro-forestry production or to harvest wood and forest sub-products, and to be responsible for forest production. Products gained from major harvesting and thinning should be divided equally amongst households. Forest transference as heritage within one household must be approved by the group.

- ***Community Manages the Forest by Self-Development of Benefit Sharing Mechanisms Based on Forest Growth and "Timber advance"***

The Kinh people community in Thuy Yen Thuong village, Phu Loc district, Thua Thien Hue province was allocated 404.5 hectares of critical protection forest, supported by Phu Loc Sub-FPD to conduct forest assessments by simple methods. Results show that forests have an average reserve of 75.5 m³/ha, and a total reserve of 31,829m³. The average growth is 1.5 m³/ha/year and overall growth of the entire forest is 606 m³/year. The average density of regenerated trees is 3,000 trees/ha (according to the results of a case study in Thua Thien Hue province). The benefit sharing mechanism is based on the following projections of forest growth:

- If forest growth > 2%/year, equivalent to > 1,5m³/ha/year, village will get 50% of timber grown in forest.
- If forest growth ≥ 1m³/ha/year, village will get 30%.
- If forest growth > 0.5 m³/ha/ year, village will get 20%.
- If forest growth > 0.5 m³/ha/ year, village will get 10%.
- If no growth is recorded, the village receives no benefit and the forest will be reclaimed.



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In order to meet the immediate demand for timber, a planned “Timber advance” has been made by the community. In the first 10 years, the village gets an advance to exploit a maximum of 50m³ of timber/year by carefully selected cutting to meet the actual demand of the community. Three years after being allocated natural forest, Thuy Thuong Yen village began to get benefits from the natural forest as long as the forest was well protected and developed. The Provincial People’s Committee has allowed the village to harvest 92m³ of timber in advance in 2002 and 2003. This is the first achievement when applying benefit sharing mechanisms based on forest growth and a “Timber advance.”

Extension and Training in Community Forestry:

The Extension and Training Support Project (Helvetas Vietnam) for Forestry and Agriculture in the Uplands (ETSP) has recently initiated a Training of Trainers (TOT) cycle including participants from the three partner provinces of Dak Nong, Hoa Binh and Thua Thien Hue. Two of three consecutive training modules have been successfully implemented to date. Participants are actively carrying out pilot CFM schemes in their provinces as the training cycle includes both theoretical training and practical implementation in the field. Intensive exchange and reflection among participants has provided some preliminary conclusions and has pointed out the most pressing shortcomings.

Participants of the TOT training confirmed the suitability of the CFM methodology presented and re-emphasized previous positive experiences with this methodology. Likewise, the proposed technical procedures were determined to be adequate for working with farmers at village level. The main difficulty that gave rise to many discussions is the complex and confusing situation concerning benefit-sharing.

Given the pilot character of the CFM introduction process, coordination among stakeholders from different state agencies was not always easy, as clear mandates and respective responsibilities have yet to be defined. In this situation, the proposal of a simple administrative framework and procedures required for the effective implementation and monitoring of CFM could greatly facilitate spreading the concept of CFM in Vietnam.

Another topic brought forward by the TOT participants is the current situation in which local communities are not allowed to claim compensation and issue fines when detecting violation cases in their communal forests. This results in low incentives for local villagers to become actively involved in forest protection. Discussion with policy makers could lead to a situation in which local communities are granted the right to claim direct compensation and therefore properly enforce their defined forest protection and development regulations.

5. Lessons Learned

Many achievements have been made in the development of community forestry in Vietnam in the fields of policy, modalities, implementation methods and actual results. Despite such achievements, several constraints remain. Lessons learned from community forestry development are outlined below.



- **Policy and mechanisms:** To develop CF, it is necessary to have a legal framework stipulating that the community is a legal subject in forestland management and utilization. Furthermore, a sufficient system of policy should be developed to encourage communities to uphold available internal competence and make full use of external support to community management. Since 1991, after 15 years of research, testing, summary and reviews, Vietnam basically has an explicit legal framework and a policy system under the process of finalization to serve as a fundamental premise for community forestry development.
- **Setting of forest and forestland use entitlement:** The former LUP/LA process (Land use planning and forestry land allocation), has been revised to involve three components in LUP and LA. LUP deals with what forest land is allocated for which purposes and how will it be managed and the LA process is used to answer the question of who.
 - LUP at commune and village level: The objective of land use planning (LUP) also known as the land use planning process is to answer the questions “**What**” forest and land would be allocated, “**Where**,” and for “**Which**” purposes.
 - The objective of forest management planning is to answer the question: “**How**” would the forest be managed by a community? The forest management plan consists of three main pieces: 1) management objectives; 2) management methodology; and 3) time. Of these three the management objectives (MO) are seen to be the most important.
 - The forestry land allocation (LA) process is used to answer the question of “**Who**” meaning what target groups are to be allocated forestland.

If forest and forestland allocated are to have a chance of being used effectively, then LA must be based on LUP as well as management plans (MO).

The process of **LUP-MO-LA** that is used to answer the questions of : **WHAT, WHERE, HOW, and WHO** is being piloted with the aim of dealing with shortcomings in the current LUP/LA processes and to increase forest and forest land area used and managed well in accordance with the LA process.

- **Subsistence community forestry and community forestry for commercial purposes:** Due to community diversity, there is not any one community forestry model available, and thus different models of community forestry are required for the various conditions. Two models of community forestry are set up in Vietnam at the moment - subsistence community forestry and community forestry for commercial purposes.
 - Subsistence community forestry focuses on the allocation of fragmented areas of natural forest and tracts of denuded forestland to local communities for sustainable management and rehabilitation. Forest products can be used for subsistence purposes, and for local and regional markets. No taxes or land rent have to be paid. Benefit sharing between individual households, villages, and communes will be decided by the communities involved. Central and provincial governments will provide guidance on technical, organizational and financial aspects of subsistence



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community forestry. Legislation presently under preparation will focus on community forestry for subsistence

- Community forestry for commercial purposes is expected to become increasingly important in the future. As economic diversification continues in rural areas, it is expected that on the one hand fewer and fewer farm households will be interested in being directly involved in forestry. On the other hand, commune administrations will, as a result of decentralization and public administrative reforms, be further strengthened and will - in forest areas - increasingly be able to provide professional forest management practices. It is foreseen that in several years communes will create Commune Forest Enterprises, or even Commune Association Forest Enterprises owned by several neighboring communes, which will manage larger forest areas allocated to local communities and individual households in an economically profitable and sustainable way. If and when such features of "commercial" community forestry emerge, the government is likely to apply a set of rules and regulations similar to those for private and state-owned forest companies.
- **Participation and cooperation of stakeholders in CF development:** Collaboration amongst the six target groups mentioned earlier (and in annex 2) is important to promote the participation of communities in forest management.
- **Method of forest resources statistics:** The method of producing forest resources statistics is one of the challenges of community forestry development. Forest resource statistics form the basis for forest and land allocation and contracts for forest utilization (contracted allocation) to communities. Identifying the rate of enjoying benefits from forests and evaluating the results of forest management will be conducted based on the results of forest resource statistics. Experience shows that forest resource statistics should be carried out by communities using the simplest methods. One good example is a case of Song Da Social Forestry Project where local residents did forest resources statistics through the simple and straightforward method of counting the number of trees.
- **Development of pilot community forestry models and promotion by Government and local forestry projects and programs:** Most of the community forestry achievements gained to date result from pilot activities by international projects and programs. Such success is limited to a small scale and publicizing the results is also limited. Experience shows that in areas where collaboration amongst governmental and local forestry projects and programs and international projects and programs is encouraged, community forestry development could be more widespread and stable.
Development of human resources and community organization: It can be seen in Thuy Yen Thuong commune (Thua Thien Hue) and also in other places that additional important factors for successful community forestry include the points below:
 - A qualified and strong community leader is needed for the forests to be protected from encroachment, and to motivate the villagers;



- The allocated forest should provide an opportunity to generate employment and income for villagers;
- The village's political system should be adequate and strong enough to promote cooperation and good governance; and
- Villagers should be fully aware of the importance of forest protection and management.

6. Challenges and Recommendations

• Challenges Ahead

- **International integration for community forestry development:** The forestry sector is in the process of decentralizing management tasks and reforming administrations to allow for greater integration with international development networks. In order to facilitate this process it is necessary to finalize the legal framework and policy system relating to forestry, to develop human resources and to improve the capacity of relevant organizations from national to local levels with the aim to enable community forestry in particular and forestry in general to integrate into regional and international development networks. This is both an opportunity and a challenge to the forestry sector.
- **Legal, institutional and policy aspects:** Although a system of legal framework and basic policy on community forestry development has been developed, this system is considered to be insufficient. Further development needs to take place on the legal, institutional and policy aspects of community forestry.
- **National Forestry Strategy 2006-2020 and community forestry:** The forestry sector is developing a new National Forestry Strategy, in which community forestry also is recognized as one of the practices to manage forests at the local level. The challenge facing local authorities at the provincial, district and commune levels is how to integrate community forestry into its forestry development program when local management competence and capacity is limited.
- **Difficulty in community forestry operations in under-developed areas:** The main challenges facing community forestry development is that community forestry developed in remote and difficult areas where there remains a high level of poverty and hunger, low-level of education, inadequate infrastructure, limited capital, technology and knowledge.
- **Economic advantages of community are limited:** Normally, income gained from forests is low and the forests allocated to communities are generally degraded forests with low reserves making the benefits from these forests very limited, which leads to decreased interest in and concern by local residents for the forest. The immediate income generated from the forest does little to aid poverty reduction, hunger alleviation and livelihood development. Moreover, the possibility of forest-fed-forests and forest re-investment and development is not high. The current level of economic advantage offered by community forests is a long-term challenge.



- **Recommendations to Develop Community Forestry**

- **Policy on community forestry development:** Add to, revise, and gradually finalize the policy system of the government and forestry sector. First institutionalize the policy on community forestry development at the sector level by issuing a document guiding community forestry implementation so that authorities at all levels have a basis to conduct relevant activities.
- **Verifying management and utilization rights of community forests:** Undertake an inventory of community forests throughout the whole country and evaluate the effectiveness of community forest management that will serve as the basis for community forest planning and rationalization of forest areas managed and used by communities according to the new policies on land and forests.
- **Development of a Program or Project for community forestry at the national level:** Community forestry development is mostly conducted in remote and difficult areas with poor infrastructure, low education levels, and high levels of hunger and poverty. In order to support community forestry in these types of areas the forestry sector must provide a lot of resources and be supported by the state, relevant sectors at all levels, and related organizations, especially by international organizations and foreign countries. In order to mobilize these resources, the state should develop a national community forestry program.
- **Integration of community forestry development into 5MHRP (Program 661):** From now until 2010 Vietnam will continue to implement the 5MHRP, so there should be a project to integrate community forestry development into 5MHRP. At the national level an explicit policy system should be developed, and the provincial and district levels should include community forestry components when implementing Program 661.
- **Form community forestry development fund and community credit fund:** This initiative has been conducted by several projects funded by the UNDP and ORGUT in some local areas, initially showing good results and the potential for more widespread use.
- **Increase the size and responsibility of NWG-CFM:** Through the Department of Forestry, NWG-CFM should be an advisor to MARD on policy and institutions for community forestry development, review and adjustment of community forestry management systems from national to local levels and on support provisions to local areas to conduct potential pilot programs in community forestry. In order to provide more services in community forestry the human resources of NWG-CFM should be enhanced to include representatives of Vietnam-based international organizations implementing community forestry, such as FAO, IUCN, SNV, ETSP and RECOFTC. NWG-CFM should cooperate with and be supported by the Forest Sector Support Program and Partnership (FSSP&P) to formulate the Provincial Forestry Advisor Group, supporting the development of additional pilot programs in community forestry.
- **Change the means of providing ODA support:** Vietnam is in the process of transitioning from project approaches to sector-wide approaches, however, there should be supporting funds directly provided to community forestry development, leading towards gradually replacing



loan budgets for community forestry development with grant budgets, especially for subsistence community forestry.

- **Activity orientation:** Based on current and potential status, DoF-MARD proposes a tentative framework of community forestry activities summarized in annex 1.
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Annex 1: Tentative Mid-Term Time Schedule for CFM Development in Vietnam

Time Period	Activity	Remarks
October and November 2005	Inventory and evaluation of community forestry in period 2001-2005	<ul style="list-style-type: none"> ▪ Best practices of selected ODA projects in Vietnam properly reflected through working groups on individual aspects
September-December 2005	Formulate and issue a ministerial decision by MARD on a guiding framework for community forestry (covering aspects of land use planning, forest management planning, land allocation, organizational and institutional arrangements including benefit sharing, training & extension, and financial management)	<ul style="list-style-type: none"> ▪ International experiences properly reflected through cooperation between NWG-CFM & RECOFTC
January 2006 - August 2007	<p>Implementation of a CFM pilot program in up to 80 communes in 10 CFM key provinces</p> <p><i>(CFM activities outside the pilot program are implemented in line with policies and priorities of local governments, and involved parties and target groups)</i></p>	<ul style="list-style-type: none"> ▪ With financial assistance from the multi-donor "Trust Fund for Forests" (TFF) ▪ Focus on resource management planning, organizational, and regulatory aspects, no investments ▪ Provinces in executing functions ▪ Support for provinces in the formulation of provincial CFM legislation
September - October 2007	Evaluation of pilot program	<ul style="list-style-type: none"> ▪ MARD, other related ministries, NWG-CFM, RECOFTC
November-December 2007	<ul style="list-style-type: none"> ▪ Revision of ministerial decree, if necessary ▪ Creation of a unit for CFM within DoF/MARD 	<ul style="list-style-type: none"> ▪ Linked with a principle review and adjustment of the organizational structure of the forest administration likely to take place during 2006-2010
January 2008 onwards	Creation and implementation of a CFM support program	<ul style="list-style-type: none"> ▪ Domestic funding partially from re-targeting of 5MHRP budgets ▪ Suited to allow for sector-wide approaches (SWAP) and direct budget support mechanisms in ODA funding



Annex 2: Tentative institutional Arrangements for Village-based Community Forestry

Organization / Task	1. Planning for forest protection and forest development of the village community forest	2. Forest and forest land allocation to village communities	3. Making a plan for community forest protection and development	4. Forms for community forest management
Village	Management board for village community forest to develop with participation of villagers	<ul style="list-style-type: none"> - Make an application for forest with the plan for forest management attached - Request commune PC to review and submit to district 	Management board for village community forest to develop with participation of villagers	<ul style="list-style-type: none"> - Establish community forest management board - Management board selects its community forest management practice. - Establish teams and groups for forest protection
Commune	Review and approve the project	Review and submit to district PC for approval	Review and approve the plan for community forest protection and development	Guideline for establishment of forest management board
People's Committee	Give guidance and instruct villagers to develop the project for community forest protection and development	Review and decide on the allocation of forest and forest land to villages	Assist communities in development and implementation of forest protection and development plan	Give guidance to commune PC to organize community forest management practices.
	Dep. for Agr. & Rural Dev.	Appraise document and submit to district PC for approval	Consult communities in development of development plan	
Forest protection	In coordination with district DARD to instruct villagers.	In coordination with district DARD to appraise document for forest and forest land allocation to communities	In coordination with district DARD to consult communities in development of plan for community forest protection and development	Consult communities in development of community forest management practices
People's Committee	Issue the document regarding the development of planning for community forest protection and development	Issue the document regarding forest and forest land allocation to communities	Issue policies for communities to implement their forest protection and development plans	Issue document regarding the development of regulations on village forest protection
	Dep. for Agr. & Rural Dev.	Provide consultations to the provincial PC for issuing guiding document for development of project for community forest protection and development	Provide consultations to the provincial PC for issuing the guiding document on forest and forest land allocation	
Dep. for Natural Res. & Env.	Coordinate with DARD in consulting provincial PC	Coordinate with DARD to consult provincial PC in forest and forest land allocation		
Forest protection	Coordinate with DARD in consulting provincial PC	Coordinate with DARD to consult provincial PC in forest and forest land allocation	Coordinate with DARD to develop policies supporting communities to implement their forest protection and development plans	Give guidance to district forest protection in order to help villages in development of forest protection regulations
	Other organizations	Provide consultations to village communities to develop the project	Assist communities to implement their forest protection and development plan	



Annex 2: Tentative institutional Arrangements for Village-based Community Forestry (cont'd.)

Organization / Task	5. Development of regulations on community forest protection	6. Fund credit for investment	7. Procedures for main harvesting of forest products from community forests	8. Procedures for harvesting housing timber from community forests
Village	- Community forest management board to develop with participation of village communities - Request commune PC to review and submit to district	Make application for getting loan with a plan for forest protection and development attached	Village forest management board to develop a set of documents for timber harvesting.	Household makes application with certification by the head of village, then sends to commune PC for consideration. Forest management board checks and supervises harvesting activities when the household is allowed to harvest.
Commune	Review and submit to district for approval	Certify that there is no conflict on community forest	Check and request DARD to approve.	Control harvesting activities
People's Committee	Review and approve	Agree on the policy on credit for communities	Regulate harvest of forest products from community forests.	Regulate harvest of forest products from community forests
Dep. for Agr. & Rural Dev.	Assist commune PC to give guidance to villages	Instruct village to apply for loan to invest in forest protection and development	Give instructions for harvesting activities.	Give instructions for harvesting activities.
Forest protection			Control harvesting activities.	Check harvesting activities in coordination with commune PC.
People's Committee	Issue document regarding the development of regulations on village forest protection	Agree on the credit policy for villages to invest in community forest protection and development	Issue regulations on harvesting forest products from community forests.	Issue regulations on harvesting forest products from community forests.
Dep. for Agr. & Rural Dev.			Review and issue license	
Forest protection	Give guidance to district forest protection in order to help village in development of forest protection regulations		Give guidance to district forest protection to control harvesting activities in community forests.	Give guidance to district forest protection to control harvesting activities in community forests.
Other organizations		Appraise, review and release funds for loan	Support communities in consumption of their products	

Annex 2: Tentative institutional Arrangements for Village-based Community Forestry (cont'd.)

Organization / Task	9. Capacity Building	10. Establishment of funds for village forest protection and development	11. Monitoring and evaluation
Village	Propose the needs for capacity building	Village forest management board develops regulations on management and use of the fund with the participation of villagers, appoints a person to monitor transactions of this fund, and periodically reports on the fund	Forest management board itself carries out M&E activities with participation of communities.
Commune	Prepare plan for capacity building or human resource development	Control and supervise the fund	
District	People's Committee	Agree on the establishment of forest protection and development funds by communities	Give guidance on M&E of community forest management
	Dep. for Agr. & Rural Dev.	Instruct villages to establish the fund	Coordinate with district forest protection to review the implementation of village forest protection and development plan
Province	Forest protection		District forest protection to check the implementation of village forest protection and development plan
	PC	Agree on the establishment of forest protection and development funds by villages	Develop criteria and targets for M&E of community forests
	DARD	Give guidance to district DARD to instruct communities to establish the fund	Consult PC in development of criteria and targets for M&E of community forests
	Forest Protection		Coordinate with DARD to consult PC in development of criteria and targets for M&E of community forests
Other organizations	Provide expertise, training materials or funds	Provide financial supports for the funds	Consult communities in M&E

Source: Proceedings of the National Workshop on "Guidelines on Implementation of Community Forestry Management in Vietnam", Annex 3. Hanoi, 30th December 2004





THAILAND COMMUNITY FORESTRY 2005

Janesak Wichawutipong⁽ⁱ⁾

1. Policy

Forest dependence, to a certain extent, creates a relationship between community and resources, which responds to ecological and socio-economic changes. A self-defined community creates local forest management groups who negotiate and assign members equitable sharing of resources, and claim the right to share resource management power and responsibility with the state to assure community access and use of the resources (McCay and Acheson, 1987). The community also develops a set of rules and regulations both formal and informal, and enforces such rules and regulations to ensure that user rights and benefits are fairly distributed among members and are not reaped by outsiders or members who do not contribute to the group's activities.

Community forests (CFs) have long been a part of Thailand's rural communities. Forests are considered life-supporting in terms of community settlement, socio-cultural development, and life maintenance. Simultaneously, forest systems are sustained by community practices e.g., respect and reciprocity. Villagers believe that community subsistence is not possible if the forest is not well taken care of. In Thailand, community forestry was officially recognized as a tool for sustainable forest management about two decades ago. A community forestry timeline of key events and legislated policies relating to CF management is presented below.

(i) *Janesak Wichawutipong, Director Forestry Extension & Management Division, Community Forestry Office, RFD, Thailand.*



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1979	Peak of deforestation in Thailand (1.12 million ha/year).
1987	Policy supporting private plantation.
1989	Logging Ban resulting from natural disasters e.g. flooding in southern part of Thailand.
1991	The Royal Forest Department (RFD) began a process to develop a Community Forest (CF) Bill to involve local communities in managing communal forests. The draft bill recognizes the legal status of communities living around Thailand's National Forest Reserves and proposes the establishment of CFs by rural communities to manage forest areas in cooperation with the RFD.
1992	The draft bill was first approved in concept by the cabinet, and then passed through for legislative review by the office of the Council of the State.
1992-1995	The draft bill had been revised and reconsidered through appointed committee and public hearings.
1993	People drafted CF Bill.
1994	People campaigned for government to accept the Bill.
1996	The government assigned the National Economic and Social Development Board (NESDB) to organize and draft a new version of the CF Bill, with participation of representatives from government, NGOs, academics, and grassroots communities.

A joint committee meeting comprising representatives from RFD, governmental agencies, academics, lawyers, NGOs and villagers was organized to draft a CF Bill at Suan Bua, Chiang Mai. This NESDB version was approved subsequently by the Parliament, but remained controversial among NGOs principally with respect to issues related to permitting community forests within protected forest areas. This led to a public hearing concluding that CFs in the protected areas were allowed on condition that communities proved that they settled before 1993 (using large scale aerial photographs as evidence of residence) and showed their ability to protect forests.

1996	1) Urban Elite Conservationists movement against Suan Bua CF Bill and the Minister of Ministry of Agriculture and Cooperative ordered to modify the Suan Bua version. Constitutional reform. 2) Cabinet approved CF Bill, the Ministry version. 3) Local communities all over the country opposed the Ministry version. A Joint Committee revised the drafted Ministry version. Prime Minister assigned Ministry of Agriculture and Cooperatives to submit the CF Bill, the drafted that recently revised to cabinet for consideration.
2000	The nationwide community forestry network announced the intention to collect 50,000 signatures to submit a people's version to the Parliament according to Article 170 of the 1990 Constitution.
2001	CF Bill was approved by the Lower House. New Government confirmed to continue the consideration of CF People's version.
2002	CF Bill was revised by the Senate on 15 March.



The Senate's revision is to delete the most crucial clause of the Bill to allow people settled in protected areas. Implementation of CFs and use of forest products in CFs must follow the existing forest laws. CF Bill sent back to Lower House to consider the Senate's revision.

Current Status of Policy

To date (2005) the CF Bill is almost approved by the joint committee. Debates remain focused around issues of people settled in protected areas. While CF legislation is not yet available in Thailand, the RFD has been working to support local community management of its forests. The Bureau of Community Forest Management was designated in 2003 to serve the RFD in regard to CFs' issues outside of protected areas. The Bureau comprises three major sections including the Administration Section, the Community Forestry Promotion and Management Division, and the Community Forestry Development Division.

The Community Forestry Promotion and Management Division is responsible for:

- 1) Planning and promoting community forestry, and involving local communities, local organizations, NGOs, and other institutions in community forest management;
- 2) Developing Thailand's CF database;
- 3) Establishing, expanding, and withdrawal of CFs outside of protected areas;
- 4) Improving community forestry procedures and sustainable use of forest resources according to local conditions, providing recommendations for community forestry promotion and management;
- 5) Monitoring and evaluating CFs; and
- 6) Working in cooperation with other CF agencies.

Currently, over 5,331 villages have registered their CF programs with the RFD (2000-2005 record, 0.7% of the total number of villages in the country). These villages are managing CFs, which in total cover an area of approximately 1,229,170.49 rai or 196,667.28 hectares in both National Forest Reserves (~705,432.34 rai or 112,869.17) and other forests according to the Forest Act B.E. 2484 (1941) (~523,738.15 rai or 83,798.10 ha). The area under CF management accounts for about 1.16% of total forest areas (RFD's 2003 record) or 0.38% of total country land area.

Key Policy Documents on Community Forestry and Related Legislation

The Tambon Council and Tambon Administration Organization (TAO) Act 2537 (1994), was developed to strengthen the role of village government in managing local natural resources, forest use, and planning and decision making under the relevant laws and regulations. All Tambon Councils will be upgraded to Tambon Administration Organization (Or-Bor-Tor). The Or-Bor-Tor is an elective body drawn from the village level from which two representatives are elected. The organization plans activities to spend local taxes that the Or-Bor-Tor is mandated to collect, part of which (it is hoped) will go towards resource management and protection activities. The Tambon council,



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although its members can sit with the Or-Bor-Tor, is a separate body and cannot decide how taxes are spent locally at the district and sub-district level. Only 3% of the revenue collected by the Or-Bor-Tor will go to the central government with the remainder to be used locally.

The National Constitution 2540 (1997) The National Constitution was a landmark event which promoted local management for resources. For example Article 46 on Decentralization Policy states that local people and organizations should be involved in managing their natural resources, in a way that does not conflict with existing laws.

The Decentralization Act of 2541 (1998) provides a guideline for the election of community representatives to the Tambon Council.

Forest Act B.E. 2484 (1941) concerns logging operations and non-wood forest products collection, timber stamp, wood and non-wood forest products during moving, sawn wood control, forest cleaning, miscellaneous, penal provisions and transitory provisions.

National Park Act B.E. 2504 (1961) covers the determination of National Park Land, National Park Committees, Protection and Maintenance of National Parks, Miscellaneous, Penal Provisions and Transitory Provisions.

National Reserved Forests Act B.E. 2507 (1964) includes the determination of National Reserved Forests, Control over and Maintenance of the National Reserved Forests, Penal Provisions and Transitory Provisions.

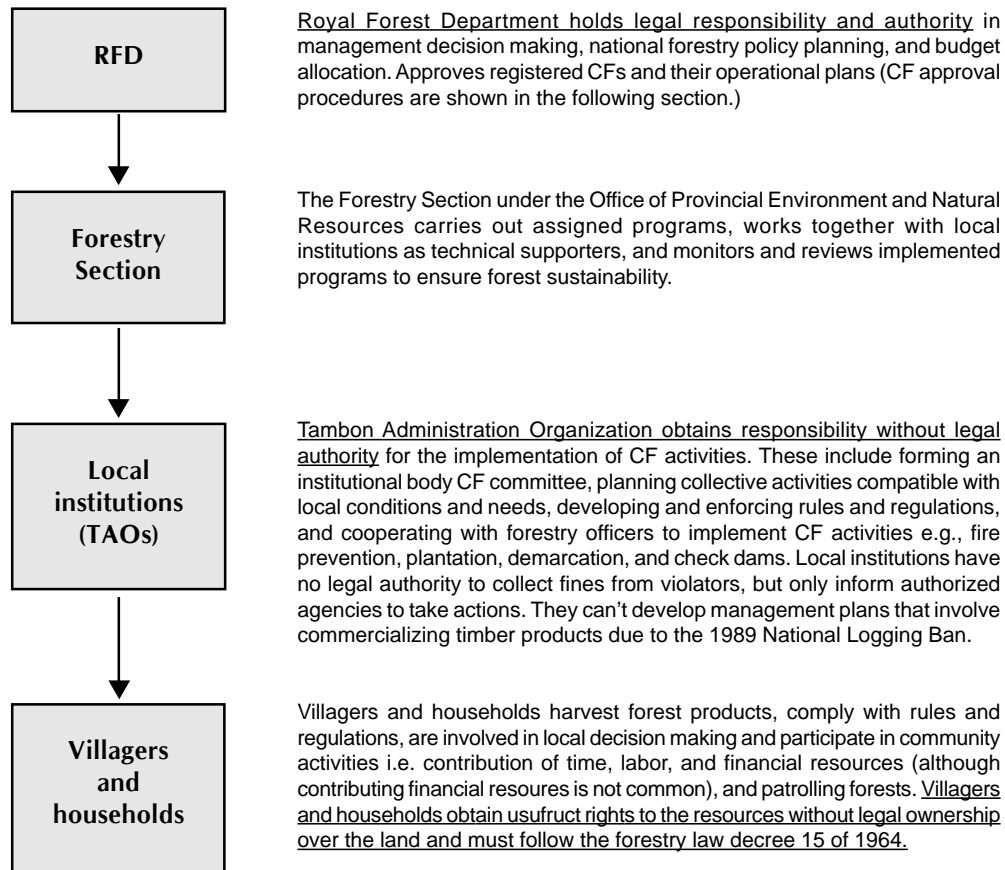
Wildlife Preservation and Protection Act B.E. 2535 (1992) concerns General Provision, the National Wildlife Preservation and Protection Committee, Hunting, Propagating, Possessing and Trading in Wildlife, Wildlife Carcasses and Carcass Products, Importing, Exporting, Passing Through, Moving Wildlife and Wildlife Check Points, A Public Zoo, Areas and Places under Prohibition of Wildlife Hunting, the Competent Officer, Penal and Transitory Provisions.

Reforestation Act B.E. 2535 (1992) covers the determination of Reforestation Land Registration of Private Reforestation Rights, and Ownership and exemption of Royalty on forest products



2. Current Institutional Arrangements

Roles of key institutions involved in CFs



Institutional structure—CF Committee basically includes:

- 1) Community leader—→ Head of the CF committee, coordinating with forestry officers.
 - 2) Assistant community leaders and (~2) TAO's representatives.
 - 3) Administrative body e.g., secretary, treasurer, and public relations.
 - 4) Field acting committees i.e. forest guards, fire prevention teams, and forest demarcation teams.
- } Advisory board

Operational Plan includes:

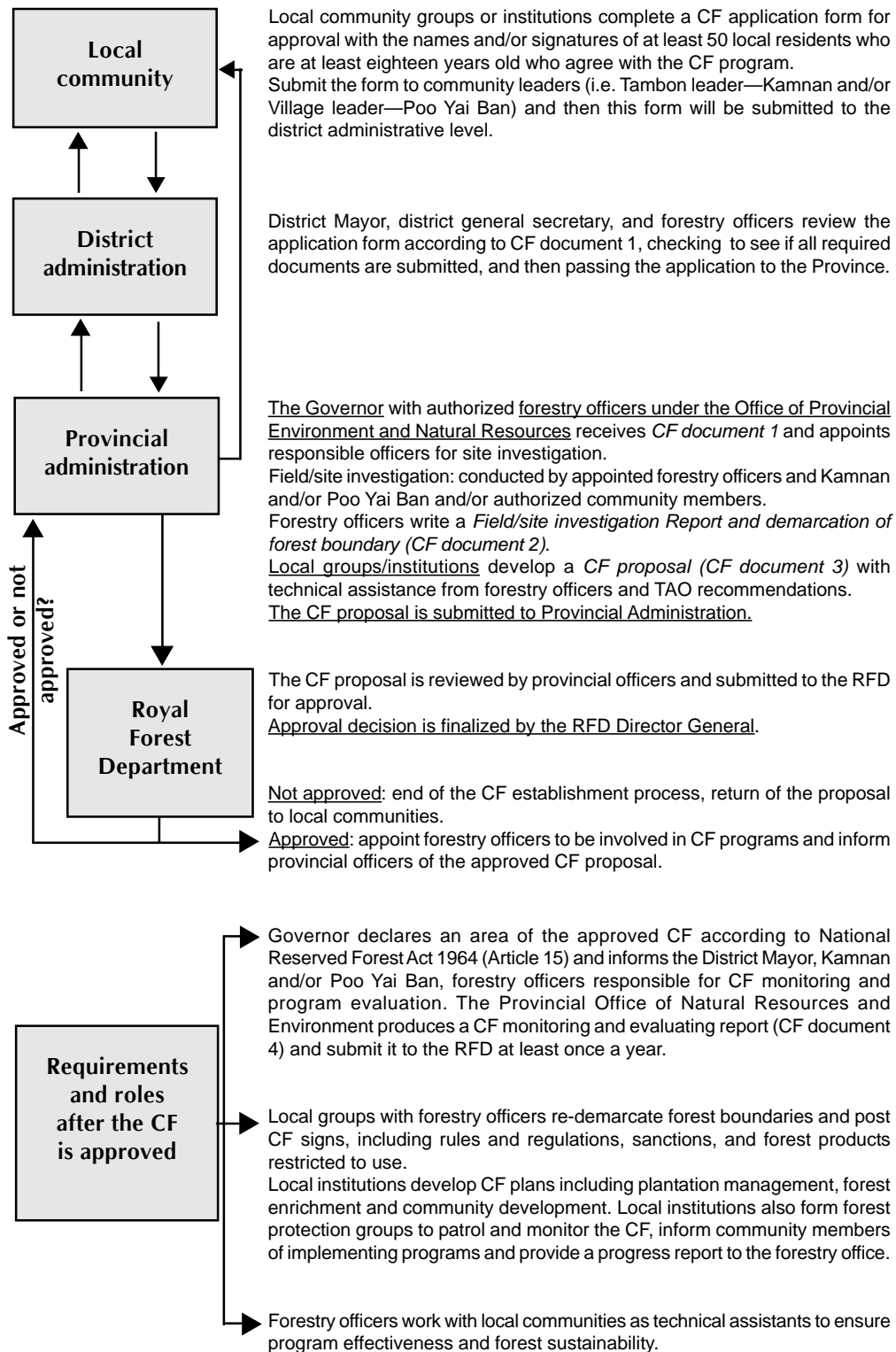
- 1) Rules and regulations i.e. timber product extraction is prohibited although a permit for household and communal use may be granted on a case-by-case basis. Decisions are made by the CF committee. Non-timber forest products (NTFPs) e.g., mushrooms, wild vegetables, bamboo shoots, resin, and insects are open to all users. Fuelwood collection is regulated in that only gathering dead trees and dry branches is allowed.
- 2) Sanctions i.e. verbal warning for first violation and fines (usually Baht500/tree cut or bullet shot) for the second violation. Third offenders will be turned in to police officers.

Role of NGOs and private sector is to provide assistance such as job training, seedlings, and necessary technical information. Examples of NGOs and the private sector working in community forestry are the Phu Khieo Conservation Foundation, the People Federation, the Northern CF Network, the Northeastern CF Network, the Central CF Network and the Southern CF Network.



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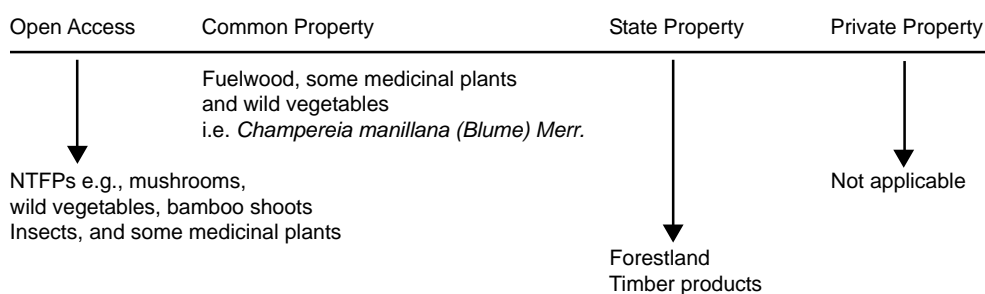
CF approval procedures: activities and responsible/acting parties.



Land and forest tenure arrangements

- The majority of community forested lands are state property, legally managed by authorized agencies such as the RFD. Villagers obtain usufruct rights to share benefits and costs derived from the forests and management activities. Community benefits include some harvesting of forest products in CF outside the national forest whereas costs are born in collective activities requiring time, labor and financial contributions.
- Within a CF various forest products represent spectral property rights regimes.

Property rights regimes spectrum



3. Current Best Practice

According to the draft CF Bill (1992 version), establishment of CFs is not allowed on the following land categories: 1) areas in which use permits are given to individuals and/or any governmental agencies for residential purposes, afforestation, other types of use according to Forest Act; 2) governmental afforestation areas, state parks, and botanical gardens; and 3) protected areas declared by the Cabinet. Current CFs fall into two types of legally categorized forests: National Reserved Forests (112,869.17 ha or 705,432.34 rai), and other forests according to the Forest Act B.E. 2484 (1941) i.e. any forests not yet occupied or developed for any use by Thai citizens e.g., for agriculture, grazing or residential use (83,798.10 ha or 523,738.15 rai).

Area (sq.km) of forest types according to the RFD 2003 statistics is shown below:

Forest types	North	Northeast	Central unit	East	South	Total type
Tropical evergreen forest	19,887.6	7,666.4	4,306.8	6,190.0	14,628.2	52,679.0
Mixed deciduous forest	63,498.6	8,351.8	14,365.6	1,226.0	2.7	87,444.7
Dry Dipterocarp forest	9,655.4	8,185.5	704.1	24.5	--	18,569.5
Swamp forest	4.9	--	1.4	1.8	295.9	304.0
Pine forest	331.4	130.7	--	--	--	462.1
Bamboo forest	200.8	397.3	733.6	156.6	15.1	1,503.4
Mangrove forest	--	--	125.5	233.9	2,093.1	2,452.5
Others	2,691.5	1,795.2	1,224.8	605.5	378.4	5,669.5
Total Forest Area	96,270.2	26,526.9	21,461.8	8,438.3	17,413.4	170,110.6



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Forest types used as CFs range from moist and dry evergreen forests (North and South CFs), mixed deciduous forests (North and Northeast CFs), dry Dipterocarp forests (Northeast and North CFs) to swamp and mangrove forests (East and South CFs).

Community forests can be categorized according to forest use and management objectives as the following.

1) Forest Protection Community Forests (Paa Anurak) such as watershed protection CFs (Paa Tonnam), especially in highland, upland, and lowland communities in the North e.g., Mae Khan Watershed in Chiang Mai. This type of CFs basically involves hill tribes e.g., Hmong, Karen, and Khon Muang ethnic groups. Indigenous traditions of management e.g., check dams, crop rotation, and homestead gardens are traditional practices that help improve ecosystem conditions and maintain its productivity.

2) Subsistence/utilized CFs are classified into two major types. 1) Life sustaining CFs (Paa Chaisoi, Paa Satharana) used for community food-banks, grazing, and plantations. This type of CF is common in Thailand. Community settlement depends on availability of forestlands because they are considered life-supporting systems providing food, fuel, construction materials, and medicines. Communities set aside a forest zone that has easy access and use it as a community food-bank, and for grazing and plantation areas. 2) Spiritual CFs (Paa watthanathum) e.g., Don Phu Ta in the Northeast, Pa Duta (Karen) and Dong Seng (Hmong) in the North. These are fortified forests serving as homes of the spirits that are believed to look after community subsistence and prosperity. It is believed that if community members misbehave with the spirits unfortunate phenomena such as family sickness, drought, and chaos will occur.

Management Planning

Steps involved in planning for CF include the following:

- Identification of community groups to which the Community Forest will be allocated or transferred.
There is no clear identification process for the CF group to which CFs will be allocated or transferred. CFs in the protected areas will be allowed on condition that communities prove they have settled in the area before 1993 (using large scale aerial photographs as evidence) and demonstrated their ability to protect forests. A local group in agreement and with the support of at least 50 local residents who are at least eighteen years-old is eligible to establish and organize a CF. The CF approval procedures are outlined earlier in this paper.
- Identification of forest for community use.
All CF areas approved by the RFD will be marked off by local groups called a forest demarcation team, with assistance from forestry officers. The team recognizes forest boundaries based on topography e.g., drainage lines, streams and mountain ridges, roads, and electricity lines. Socioeconomic factors are also used to indicate CF boundaries e.g., community territories determined by a walking distance from the village and forests adjacent to villager rice fields.



- Negotiation of management arrangements (rules and regulations for group management and forest operations).
Timber collection, especially for commercial purposes is prohibited according to Thailand's logging ban in 1989. Harvesting of some trees by villagers is possibly allowed for community use under the relevant laws. The TAOs and forest protection groups enforce rules, regulations and penalties in accordance with the relevant laws. For villagers the first violation results in a verbal warning. For a second violation, a fine is imposed (e.g., Baht500-2,500) per tree. Finally, a third offender is turned over to the police department. Only dead trees and/or dry branches can be collected for fuelwood, and hunting is prohibited. Violators will be treated as similar to those committing timber rule infractions, paying a fine for each of the bullets used to hunt (e.g., Baht500/bullet, Dong Keng CF.) Other NTFPs such as mushrooms, wild vegetables, bamboo shoots, medicinal plants and insects, can be harvested without any regulations. Usually, villagers are asked to harvest only the necessary parts of NTFPs and not to take the whole plant, especially for medicinal plants, as an attempt to prevent overexploitation and encourage regrowth. Community meetings are regularly organized (at least once a month) to provide a place for community negotiation and communication regarding forest management.
- Benefit sharing for government, and within and between community forestry groups.
No legal system is set for benefit distribution e.g., CF use taxes and direct budget allocation for CF administration. Even within CF groups, benefit distribution is not assigned. However, local/ indigenous people are somewhat given first priority to utilize the CF according to their close sociocultural connections. Therefore, forest use competition, especially between local and outside users is likely to occur. Many CF communities have been trying to set up a benefit sharing structure among users e.g., harvesting quotas, forest entry fees, and forest product distribution depots (FPDDs) where collectors are asked to bring and weigh their harvested products; then the products will be bought by CF FPDD groups and finally sold at the FPDDs to other villagers and outsiders. These systems are an attempt to control forest product collection and to differentiate local users from outsiders.
- Monitoring and review.
Local CF groups/institutions must monitor and evaluate CF plans and activities and provide a progress report to the appointed monitoring and review body (i.e. provincial and district agricultural and cooperative officers and forestry officers.) The monitoring and review body will finalize the report and submit it to the RFD for considerations if such CF programs function effectively and meet CF's objectives e.g., increase forest plantation zones, development of forest rules and regulations, and improvement of local living standards, reduction of conflicts among users and working agencies, and improvement of forest conditions. The monitoring and review body is required to provide the report at least once a year to the RFD. Communities that fail to conform to these rules can have their CF withdrawn.

Technical Support Arrangements From Relevant Service Providers



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While formal adoption of the Community Forestry Bill is still in the Parliament, the RFD has been providing a number of technical pilot projects to help local communities manage their forests and to prepare the department for when the Bill is officially passed. These projects include:

Community forest and buffer zone pilot projects: Implemented in national forest reserves surrounding national parks and wildlife sanctuaries. The projects aim to increase understanding of local tools and processes for developing collaborative management arrangements between local organizations and the RFD to manage forests in buffer zones.

Small-scale forest plantations: Aim to support TAO in its role as primary local manager and encourage small-scale enterprises and employment. Areas of 10-20 ha are allocated to the TAO for reforestation e.g., eucalyptus and teak plantations. The RFD works with the TAO to ensure stability.

Forest and forest fire protection: Initiated in 1997, the project promotes people's involvement in forest fire protection. The RFD aims to support TAOs in developing forest fire protection plans to reduce the impact of forest fires on local economies and ensure that fires do not devastate national parks and other sensitive forest areas.

Forest management and the TAO: Covers all 75 provinces and aims to develop procedures for local forest officers to work effectively with the TAO administration to manage forestland in their territories. TAOs develop forest management plans and activities, while forest officers play a crucial role in providing extension support to plan and implement forest management activities.

One Tambon One Product (OTOP): The government program that supports local communities to develop value-added products that have potential to become commercialized. For example, products from medicinal plants e.g., wine, wild fruit juice, and medicinal tea are promoted in many villages in the Northeast.

Financial Disbursement Mechanisms to Support Community Forestry. (including those mechanisms from decentralised government)

No financial support is directly disbursed to community forests. However, TAOs are supposed to allocate a certain amount of money to support local forest management programs, including CFs as part of TAO's natural resource management responsibility. Although local budget allocation for CFs is not yet effective, some TAOs have funded CF activities. For example, Dong Keng TAO, Nong Song Hong, and Khon Kaen allocate its budget of Baht60,000 a year to pay wages for forest protection groups (Poo Pitak Paa forest guards), responsible for forest patrols at least 2-3 times a week. Currently, each forest guard receives a Baht 500 monthly wage.

4. Overall Progress and Achievements

The RFD's 1987-2004 regional records show the following numbers of villages registered and involved in community forestry: 1) North: 3,359, 2) Northeast: 4,809, 3) Center: 1,621, and 4) South: 1,059, with a total of 10,848 villages.

There are approximately 20-25 million forest dependent people. There is no governmental/ official federation organized specifically for CF matters alone. Only a



certain number of environmental and/or social NGOs e.g., Phu Khieo Conservation Foundation, Northern CF Network (733 northern CFs), Northeastern CF Network, Central CF Network, Southern CF Network, and People Federation work on local issues, especially rural development and are therefore involved in community-based forest management. These organizations provide local communities with technical support e.g., job training, production of forest products and marketing, and background information.

Income Generated Through Community Forestry

There are two major types of uses of forest products - household consumption and income generation. Household consumption is the chief use of NTFP's, but the income generated from NTFP's is not insignificant. Use of forest products, specifically timbers for commercial purposes is prohibited due to the 1989 National Logging Ban. NTFPs are harvested by villagers in order to supplement diets, especially during family hard times. NTFPs harvested vary from village to village but can be identified as mushrooms, wild vegetables, wild fruits, insects, resin, bamboo and bamboo shoots, rattan, fuelwood, medicinal plants, and wildlife and parts (e.g., amphibians, reptiles, mammals, and birds.) Annually villagers gather great amounts of forest products from CFs. A rough estimate indicates that about 1,277,964.85 kg of NTFPs are harvested by villagers at Dong Keng CF (a dry Dipterocarp forest covering an area of 287 ha), Nong Song Hong, Khon Kaen in 2004. About 81.7% of villagers indicated that these NTFPs were primarily used for household consumption such as food, fuel and medicines. Only a minor portion of the villagers (18.3%) reported selling NTFPs. Approximately Baht283,663.70 (US\$7,181.36) was brought into Dong Keng's local economy in 2004 from exporting NTFPs. The money earned by each household from selling NTFPs accounted for 5.26% of an average annual family income. This pattern is common in the Northeast, about one third of its harvested products are sold for income generation.

The Thailand Environment Monitor Series 2004 biodiversity conservation reports that local village communities extensively harvest forest products. Villagers obtain forest products equivalent to 1-4 million Baht per village a year. With about 73,467 villages in the country, this portion of forest resource value may contribute as much as 75-300 billion Baht per year or 1-5% of GDP.

5. Lessons Learned

- Great diversity of CFs: in terms of background concepts including management types, management purposes, and local practices. Management types include participatory-based management, common-pool resource management, cultural forest management, and spiritual forest management. Management purposes include resource protection of watersheds, CFs, subsistence utilized/village CFs, and cultural inheritance/spiritual/sacred CFs. Local practices vary too.
- Administrative arrangements: are basically semi-formal and structural but without legal assignment.
- Decentralization without devolution of power: Local communities are currently granted access rights and responsibilities over their CFs, but management authorities



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rely on existing administrative structures and budget. TAO can authorize local rules that do not conflict with existing laws.

- Benefit distribution: benefits should be proportionately distributed to contributors. Currently, none of the benefit sharing mechanisms differentiates local users who participate in CF activities from outsiders who have access to the forest without making any contributions. Furthermore, lack of conflict negotiation and mechanisms to reduce conflict causes CF debates, especially over resource benefit distribution, creating a never-ending process. Throughout Thailand's CF evolution, there is constant debate over who should have rights to claim access to and responsibility over the forestland.

- Cost-benefit incongruence: investment from local institutions i.e. allocating budgets to cover CF management expenses e.g., wages, office supplies, and construction materials does not generate monetary returns or if it does so, the returns are considered very limited.

- Community understanding and roles: local people often do not clearly understand their roles as users, contributors, and planners in CF management. They usually perceive their roles as recipients of top-down decision making and therefore only put assigned projects into practice – they cooperate but not actually participate. Although mostly the registered CFs are clear about their roles.

- Property rights regimes: complicated PRRs of forest resources require triangulated dimensions of rules and regulations. Protection of timbers is necessary but not sufficient to maintain forest diversity as long as all users have access to NTFP's.

- Ecological sustainability: forest health indication. The majority of CF activities focus on increasing forested areas and improvement of local livelihoods. A limited number of studies examine forest health and ecosystem resilience. In fact, CFs can possibly be developed as an ecological connector between local community forests and protected forests. If CFs are promoted beyond community subsistence forests, they can positively contribute to sustainable forests. Over 71 plant species (36 families, mostly in Dipterocarpaceae) were recorded of which 28 species were identified bird food plants at Khoa Noi-Na Pang community forest (a dry Dipterocarp forest with, to some extent, mixed deciduous forest covers an area of approximately 88 ha), Phu Waing, Khon Kaen. These plants can introduce wildlife e.g., birds into the area to make the forest more livable and ecologically diverse. Admittedly, though, there is no clear monitoring and evaluation to ensure CF will be managed sustainably.

6. Challenges.

- Ensuring sufficient and consistent governmental financial support: is the government going to allocate sufficient funds to organize and promote CFs? Does RFD have sufficient workforce to carry on with CF registration and implementation?

- Making quality control mechanisms effective to ensure CF programs provide equitable benefits to the majority of participants.

- Establishing conflict reduction mechanisms among users, within agencies, and between local groups.



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PHILIPPINES COMMUNITY-BASED FOREST MANAGEMENT 2005¹

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1. The Evolution of CBFM

Community-Based Forest Management (CBFM) is currently the Philippines' major strategy for the sustainable development of the country's forest resources and social justice. Its evolution as a policy and practice in forest management may be gleaned from the major government policies and programs that were initiated by both the colonial and independent Philippine Government. Building on Rebugio and Chong-Javier's (1995) classification, the historical development of CBFM may be viewed using four loosely defined periods: 1) the colonial period, 2) pioneering period from 1971 to 1981, 3) integration and consolidation from 1982 to 1994, and 4) institutionalization and expansion starting from 1995 up to the present. Table 1 presents a timeline of these policies and programs as well as their brief descriptions.

1 A country report presented during the Community Forestry Forum organized by the Regional Community Forestry Training Center (RECOFTC) held on 24-26 August 2005 in Bangkok, Thailand.

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Table 1 Evolution of community forestry policies and programs in the Philippines

Year	Policy/Program	Features
Colonial Period		
1863	Establishment of the <i>Inspeccion General de Montes</i>	The state's forest agency declares the right to control forest access and utilization
1889	Definitive Forest Laws and Regulations (Royal Decree of the King of Spain)	Slash-and-burn cultivation or <i>kaingin</i> in the upland areas was prohibited with heavy penalties awaiting violators.
1901	<i>Kaingin</i> Law (Act No. 274)	<i>Kaingineros</i> and other forest occupants were to be punished and evicted from forest areas.
1917	Forest Law of 1917 or Act No. 2711.	Established communal forests and pastures for the use of communities, but still under state control.
1941	Revised Communal Forest Regulation (Forestry Administrative Order No. 14-1)	The Secretary of Agriculture and Commerce set aside communal forests, upon the endorsement of the Director of Forestry and the request of municipal councils. The residents of the municipality were granted the privilege to cut, collect and remove free of charge, forest products for their personal use.
Pioneering Period		
1971	<i>Kaingin</i> Management and Land Settlement Regulations (Forestry Administrative Order No. 62)	Focused on the containment rather than punishment of forest occupants. <i>Kaingineros</i> or slash and burn cultivators were allowed to remain in the public forestland provided they undertake soil conservation and tree farming activities in fixed sites.
1973	Family Approach to Reforestation (BFD Circular No. 45, Series of 1973)	The Bureau of Forest Development entered into short-term contracts with families to set up tree plantations in public land.
1975	Forestry Reform Code (Presidential Decree No. 705)	<i>Kaingineros</i> , squatters, and other occupants who entered forest zones before May 1975 shall not be prosecuted provided that they do not expand their clearings and that they undertake forest protection activities.
1976	Forest Occupancy Management Program	Allowed bona fide forest occupants to develop the lands they were occupying or cultivating but with specific provision that the subject land should not exceed 7 ha per occupant. Renewable two-year forest occupancy permit issued to participating <i>kaingineros</i> .
1979	Communal Tree Farming Program (Ministry Administrative Order No. 11, Series of 1979)	Every city and municipality on the country was expected to establish tree farms. Reforestation in open and denuded forestlands was to be undertaken through the involvement of forest occupants, civic organizations, and municipal government units.



Year	Policy/Program	Features
Integration and Consolidation		
1982	Integrated Social Forestry Program (Letter of Instruction No. 1260)	Participants in the program are granted the right to occupy and develop forest areas for a period of 25 years, renewable for another 25 years, through the issuance of stewardship agreement.
1989	General Rules and Regulations on the Participation of NGOs in Department of Environment and Natural Resources Programs (DENR Administrative Order No. 120)	The Department of Environment and Natural Resources shall encourage and promote the participation of NGOs in natural resources development, management and protection. A National NGO Desk is tasked to accredit NGOs qualified to participate in Department of Environment and Natural Resources programs.
1989	Community Forestry Program (DENR Administrative Order No. 123)	The Community Forestry Management Agreement (CFMA) is awarded to organized upland communities for a period of 25 years, renewable for another 25 years. Forest utilization privileges are given to the communities which are expected to prepare a development plan and adhere to the principles of sustained-yield management.
1991	Local Government Code (Republic Act No. 1760)	The implementation of social forestry and reforestation initiatives, the management of communal forests not exceeding 5,000 ha, the protection of small watershed areas, and the enforcement of forest laws are devolved to local government units.
1993	Delineation of Ancestral Lands and Domain Claims (DENR Administrative Order No. 2)	Provincial Special Task Forces on Ancestral Domains are mandated to meet with indigenous communities for the purpose of verifying ancestral domain claims and identifying forest boundaries. Once their claims are approved, indigenous communities are granted Certificates of Ancestral Domain Claims
Institutionalization		
1995	Adoption of Community-Based Forest Management (CBFM) as the National Strategy for the Sustainable Development of Forestlands (Executive Order No. 263)	CBFM is the national strategy to achieve sustainable forestry and social justice. Organized communities may be granted access to forest resources under long-term tenure provided they employ environment-friendly, ecologically sustainable, and labor-intensive harvesting methods. CBFM integrates all people-oriented forestry programs and projects of the government.



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Year	Policy/Program	Features
Institutionalization		
1996	Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the CBFM Strategy (DENR Administrative Order No. 96)	Local communities shall prepare their respective Community Resource Management Frameworks with the assistance of Department of Environment and Natural Resources, local government units, NGOs, and other government agencies. The CBFM program shall apply to all areas classified as forestlands including allowable zones within protected areas. It integrates all people-oriented forestry programs of the government.
1997	Indigenous People's Rights Act (Republic Act No. 8371)	Mandated the State to protect the rights of indigenous cultural communities and their ancestral domains to ensure their economic, social and cultural well being. Also recognizes the property relations in determining the ownership and extent of ancestral domains. Indigenous peoples whose ancestral domains have been officially delineated and determined by the National Commission on Indigenous People shall be issued a Certificate of Ancestral Domain Title in the name of the community concerned, containing a list of all those identified in the census.
1998	Manual of Procedures on Devolved and other Forest Management Functions (DENR-Department of Interior and Local Government (DILG) Joint Memorandum Circular No. 98-01)	This manual operationalizes and makes effective the devolution of forest management functions from the Department of Environment and Natural Resources to the local government unit. It also seeks to strengthen and institutionalize DENR-DILG-local government unit partnership and cooperation on devolved and other forest management functions.
2003	Strengthening and Institutionalizing the DENR-DILG-local government unit Partnership on Devolved and other Forest Management Functions (DENR-DILG Joint Memorandum Circular No. 2003-01)	Guidelines and instructions for Department of Environment and Natural Resources, DILG and local government units in accelerating collaboration, partnership, coordination and institutionalization of its working relations on forest management and related environmental concerns.
2004	Promoting Sustainable Forest Management in the Philippines (Executive Order No. 318)	Prescribed for the pursuit of sustainable management of forests and forestlands in watersheds based on six key principles including community-based forest conservation and development. CBFM shall remain the primary strategy in all forest conservation and development and related activities.
2004	Revised Rules and Regulations for the Implementation of the CBFM Strategy (DENR Administrative Order No. 29)	Improve on the 1996 CBFM Implementing Rules and Regulations by allowing more flexibility to participating communities such as the requirement of a Five-Year Work Plan instead of Annual Work Plan, etc.

Source: Rebugio and Chiong-Javier (1995); Pulhin (1987); Guiang et al. (2001) Magno (2003).



It is clear in the timeline that CBFM emerged as a major approach to the allocation of forests and forestlands to communities and indigenous peoples with the issuance of Executive Order (E.O.) 263 in 1995 and the passage of the Indigenous People's Rights Act in 1997. To date, close to 6 million hectares of forests and forestlands are in the hands of local communities compared to less than 200,000 hectares in 1986. On the other hand, many erring Timber License Agreement holders were cancelled while those whose licenses expired were no longer renewed after the 1986 EDSA Revolution and the subsequent amendment of the Philippine Constitution. As a result, there are now barely 13 Timber License Agreements remaining covering a total area of 543,939 hectares of forest land. This represents a drastic departure from the earlier forest management approach, which placed 8-10 million hectares of forest land – around one-third of the country's total land area of 30 million hectares – under the control of the social elite, particularly the relatively few timber license operators (Pulhin 2003).

E.O. 263 and its implementing rules and regulations stipulate the basic policy objectives that CBFM intends to pursue. These are to: 1) protect and advance the rights of the Filipino people to a healthy environment; 2) improve socio-economic conditions through the promotion of social justice and equitable access to and sustainable development of forestland resources; and 3) respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies.

To achieve these objectives, the CBFM Program was established through Department of Environment and Natural Resources Administrative Order No. 96-29 that integrated and unified all the people-oriented programs of the government including the Integrated Social Forestry Program; Upland Development Project; Forest Land Management Program; Community Forestry Program; Low Income Upland Communities Project; Regional Resources Management Project; Integrated Rainforest Management Project; Forestry Sector Project; Coastal Environmental Program; and Recognition of Ancestral Domains/Claims.

Despite the above-cited policies and programs, there is as yet no single legislated policy that provides a stable legal framework to guide the smooth implementation of the CBFM Program. This has created a highly uncertain policy environment that continues to derail CBFM implementation. In particular, Department of Environment and Natural Resource's vacillation on the issuance of Resource Use Permits to participating People's Organizations as demonstrated in the series of national suspensions/cancellations of Resource Use Permits by three Department of Environment and Natural Resources Secretaries has greatly affected CBFM operations at the field level, upsetting the major source of livelihood of the participating communities. The Department of Environment and Natural Resources is continuously working towards the legislation of the proposed Sustainable Forest Management Act which incorporates CBFM as the core management approach in its effort to create a more stable forest policy environment.



2. Institutional Arrangements

Formal Arrangements

There are at least three major institutional stakeholders formally involved in CBFM implementation: the local communities or People's Organizations; the Department of Environment and Natural Resources; and the local government units.

Local Communities

At the community level, CBFM is being implemented by duly organized communities, known as People's Organizations. As the major CBFM stakeholder, People's Organizations are entitled to certain incentives and privileges as stipulated in the Community-Based Forest Management Agreement which serves as a land tenure instrument issued by Department of Environment and Natural Resources. Foremost of these are the rights to occupy, possess, utilize and develop the forest lands and resources in a designated Community-Based Forest Management Agreement area and claim ownership of introduced improvements. Other privileges include exemption from paying land rental for use of the CBFM areas and the right to be properly informed and consulted on all government projects implemented in the area.

The People's Organizations' major responsibilities include planning, implementation, monitoring and evaluation of all activities in accordance with the agreed upon Community-Based Forest Management Framework and Five-Year Work Plan geared to promote the sustainable management of the Community-Based Forest Management Agreement area. Specifically, People's Organizations are expected under the Community-Based Forest Management Framework and Five-Year Work Plan to protect, rehabilitate and conserve the natural resources in the CBFM area and assist the government in the protection of adjacent forest lands. They should also develop and implement equitable benefit-sharing arrangements among People's Organization members, observe transparency in financial transactions, and promote participatory management and consensus building in all CBFM-related activities.

Department of Environment and Natural Resources

The Department of Environment and Natural Resources is the primary government agency responsible for the management, development and administration of the country's forestlands and resources. The Department of Environment and Natural Resources Secretary is in charge of the issuance of various Administrative Orders, Memorandum Circulars and related regulations that guide the implementation of CBFM. At the operational level, Department of Environment and Natural Resources in partnership with the concerned People's Organizations and local government units, facilitates the smooth implementation of CBFM following a four-stage process: the preparatory stage, the People's Organization formation and diagnostic stage, the planning stage, and the implementation stage. The over-all management of the CBFM program including its monitoring and evaluation is also the main task of Department of Environment and Natural Resources field units, including the Regional Environment and Natural Resources Office, Provincial Environment and Natural Resources Office, and the Community Environment and Natural Resources Office.



The Department of Environment and Natural Resources is also the sole government agency with the legal mandate to issue land tenure instruments in all classified forest lands. Under CBFM, two types of tenure instruments are issued: Community-Based Forest Management Agreement and Certificate of Stewardship. The Community-Based Forest Management Agreement is entered into, by and between the government and the local community, represented by the People's Organization as forest managers, which has a term of twenty-five (25) years and is renewable for another twenty-five (25) years. On the other hand, Certificate of Stewardship is an agreement entered into, by and between the government and individuals or families actually occupying or tilling portions of the forest lands covered by a Community-Based Forest Management Agreement.

Under the Department of Environment and Natural Resources Administrative Order No. 2004-29, the Forest Management Bureau which is one of the staff bureaus of Department of Environment and Natural Resources, is mandated to serve as the National Coordinating Office of the CBFM Program. It is tasked to review CBFM programs, projects and activities; draft CBFM policies, guidelines and procedures; prepare and monitor implementation of the national CBFM program; and liaise with the government and NGOs for support and/or participation in the program. The Forest Management Bureau is also expected to assist in the development and preparation of project proposals for financial support by donor agencies; develop and maintain improved management information systems on the CBFM Program within Department of Environment and Natural Resources; and provide other technical support for smooth program implementation.

Local Government Units

The enactment of Republic Act 7160, otherwise known as the Local Government Code of 1991, led to the active involvement of Local Government Units in CBFM implementation. The Code "devolved" certain environmental functions of Department of Environment and Natural Resources to local government units including the implementation of community-based forest management projects, particularly the Integrated Social Forestry projects. The local government units in turn include forest management and protection in the formulation of their local ordinances and or policies (Pulhin 2004).

In pursuance of the Local Government Code, the Department of Interior and Local Government (DILG) issued three circulars in the period of 1995 to 1996, enjoining all local government units to help strengthen the forest devolution program of the government. In addition, two memorandum circulars were issued jointly with Department of Environment and Natural Resources in 1998 and 2003 to strengthen the implementation of forest devolution. To date, some local government units in Luzon and Mindanao have passed provincial/municipal resolutions appropriating funds to finance CBFM projects in their localities. Some of the successful initiatives on forest devolution that have been backed up by local government unit legislation include those established by the provincial governments of Nueva Vizcaya in Northern Luzon and Bukidnon in Mindanao.

Department of Environment and Natural Resources Administrative Order No. 2004-29 reaffirms the role of local government units in CBFM implementation. The Order stipulates that it is the responsibility of the Department of Environment and Natural Resources to collaborate with local government units (as well as



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other agencies and entities) to provide the enabling environment to support and strengthen local communities involved in CBFM activities.

Informal Arrangements

It should be noted that in addition to formal arrangements that characterize government-initiated CBFM projects, self-initiated CBFM initiatives also exist at the local level independent of government formal arrangements. Some of the noted examples are the *muyong* system of the Ifugaos and the *saguday* of the municipality of Sagada, both located in Northern Philippines (Guiang, *et al.* 2001).

The *muyong* system of the Ifugao is a land ownership and forest management system unique to the Tuali tribe of Ifugao Province in the Cordillera Region of the island of Luzon. The term “*muyong*” is the general Ifugao word for “forest.” Most *muyongs* are located in the upper portion of the stratified agricultural lot and are generally thought of as an extension of the *payoh* (rice field.) The forested areas help conserve water for the *payoh* and serve as source of firewood for cooking the harvest from the field (IRDC 1996), and of raw materials for house construction and woodcarving.

The Ifugao customary laws confine the cultivation of the *muyong* to clan members as it is considered to be clan or family-owned (See 2000), owners are expected to maintain their *muyong*. To the users of this system, it is a disgrace to pass the *muyong* to their heirs with few trees. Maintenance practices include weeding, tree thinning or release cutting, enrichment planting, and stem bending. The Ifugao also employ sprouting/pruning, rejuvenation, compost piling, root cutting, and collapsing. Moreover, trees are girded and thinned to regulate the intensity of light reaching the undergrowth (Serrano 1990). Huge trees in a *muyong*, especially those near creeks and large rocks, are not cut because these are believed to be the homes of the Ifugao earth spirits (IRDC 1996). To date, the remaining forests in the Ifugao and Banaue areas are managed mostly under the *muyong* system.

On the other hand, the *saguday* involves the management of a piece of forestland by a clan with a land size between 0.5 to 10 hectares and a clan size ranging from 1 to 20 families. Big clans may include members from several generations. Only the clan members have direct access to the *saguday*, and they share equal rights to the resources found therein. Five objectives of living govern the management of the *saguday*, namely, health, prosperity (*gabay*), abundance (*sika*), nature, and peace. The *saguday* is maintained not only for the wood requirements of the owners but also for food, medicine, clean water, and cultural values.

Decision-making concerning the *saguday* is the sole responsibility of the council of elders and their designated caretakers. The caretakers manage the *saguday* and implement the indigenous rules concerning its use. In exchange, they are free to use the resources and stay in the area. However, the elders can replace them if they are deemed to not be doing their jobs. The elders and caretakers allow the use of trees based on necessity. If the need is for fuel, only the branches and dead trees can be harvested. If the wood will be used for house construction, the caretaker chooses the tree to be cut, usually the mature trees and the ones that bear fewer cones. The number of trees cut also depends on the caretaker’s assessment of the wood requirements of the requesting party.

Both the *muyong* and the *saguday* systems are living testimonies that demonstrate that learning from informal arrangements can help point the way towards sustainable forest management.



3. Current Management Practices

Forest Land Allocation

The Department of Environment and Natural Resources has the sole authority to allocate classified forest lands for various purposes. In accordance with DENR Administrative Order 2004-29, Department of Environment and Natural Resources in coordination with the local government units may designate, using updated control maps, suitable areas in uplands and coastal lands of the public domain as CBFM sites except for the cases described below.

1. Areas covered by existing prior rights except when the lessee, permit or agreement holder executes a waiver in favor of the People's Organization applying for the CBFM Agreement. Upon termination of any pre-existing permit for non-timber forest products however, the permit shall not be renewed and any new permit shall be given to the Community-Based Forest Management Agreement holder.
2. Protected areas as mandated in Republic Act 7586 (National Integrated Protected Area Systems or NIPAS Law) and the implementing rules and regulations.
3. Forest lands which have been assigned by law under the administration and control of other government agencies, except upon written consent of the government agency concerned.
4. National Council for Indigenous Peoples certified ancestral lands and domains, except when the Indigenous Cultural Communities/Indigenous Peoples opt to participate in CBFM.

CBFM projects are designated in areas where there are communities residing within or adjacent to forest lands and who are largely dependent on forest resources for their livelihood. Areas adjacent or adjoining to existing CBFM projects are also given priority in the selection process to promote more effective management and protection of these sites, including the possibility of future integration.

Management Planning

The principal participants in the CBFM Program are the local communities as represented by their organizations otherwise known as the People's Organizations. In order to qualify to participate in the Program, People's Organization membership should be restricted to Filipino citizens. In addition, members should possess the following qualifications: 1) actually tilling portions of the area to be awarded with Community-Based Forest Management Agreement; 2) traditionally utilizing the resource for all or a substantial portion of their livelihood; or 3) residing within or adjacent to and developing portions of the areas to be awarded.

The identification of land uses within the Community-Based Forest Management Agreement area, including the designation of forest for community use, depends on the CRMF developed by the People's Organization with the assistance of the Department of Environment and Natural Resources and local government units. The CRMF is a strategic plan of the community on how to manage and benefit from the forest resources on a sustainable basis. It describes the community's long-term vision, aspirations, commitments and strategies for the protection, rehabilitation, development and utilization of forest resources.



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Rules and regulations for group management and forest operations may be formally defined such as those stipulated in the People's Organization's Constitution and By-Laws including the roles of People's Organization Officers and members in forest management. Management arrangements may also be informally negotiated and agreed upon by the officers and members especially those pertaining to the day-to-day CBFM operations.

Forest products harvested from forest plantations established using government funds or plantations established by former Timber License Agreement holders are subject to a sharing agreement negotiated between the Community-Based Forest Management Agreement holder and Department of Environment and Natural Resources pursuant to existing rules and regulations. In general, 70% of the proceeds go to the People's Organization and the remaining 30% goes to the government. Within People's Organizations themselves, different types of sharing arrangements exist. In general however, certain percentages of the benefit are divided among People's Organization members; some are allocated for livelihood projects, and some for forest rehabilitation and protection. Some People's Organizations may also allocate part of the income from forest utilization for infrastructure development such as road maintenance.

In terms of monitoring and evaluation, the recently issued Department of Environment and Natural Resources Administrative Order No. 2004-29 stipulates the creation of a composite team to conduct an annual participatory monitoring and evaluation of CBFM sites to assess the various issues, problems and constraints related to the development and strengthening of the CBFM implementation. The composite team includes representatives from Regional Environment and Natural Resources Office, the Provincial Environment and Natural Resources Office and the Community Environment and Natural Resources Office as well as from the local government unit, Assisting Organization/NGO, and other concerned sectors. In addition, regular monitoring and evaluation is being conducted by the CBFM staff of the mentioned Department of Environment and Natural Resources units. Some People's Organizations also conduct their own internal monitoring to keep track of the progress of their CBFM activities. In almost all cases, however, the conduct of regular monitoring and evaluation activities at various levels is constrained by the limited budget available for this purpose. In reality, due to limited funds CBFM staff at the Department of Environment and Natural Resources field level can hardly visit all the CBFM sites once a year to conduct monitoring and evaluation.

Technical Support Arrangements

Other than the Department of Environment and Natural Resources and local government units, thirteen other government agencies are also mandated under Executive Order No. 263 to constitute the National CBFM Steering Committee to be headed by the Department of Environment and Natural Resources. The Committee was tasked to formulate and develop policy guidelines that will create incentives and conditions necessary to effectively carry out CBFM strategy. However, owing to the respective priorities of the different agencies, the Committee has met only a few times since its creation and hence was not able to achieve its purpose. At the field level, however, some government agencies like the Department of Agriculture, Department of Science and Technology, and Cooperative Development Authority are able to provide some technical assistance and support to CBFM participants within their institutional



mandate and priorities. For instance, some local Department of Agriculture offices provide technical and financial assistance to CBFM sites in terms of agro-forestry development and livestock dispersal. On the other hand, the Department of Science and Technology assists in the establishment of forest-based livelihood projects like small-scale furniture and handicraft making. Likewise, the Cooperative Development Authority assists in the registration of People's Organizations into cooperatives.

Non-government organizations also perform vital roles in providing various forms of assistance to CBFM participants. These include community organizing and training, establishment of livelihood projects, and technical support in actual forestry activities like plantation establishment and maintenance. Some NGOs also provide assistance in conducting monitoring and evaluation of CBFM activities as well as in linking People's Organizations with government and other service-providing institutions.

Moreover, international organizations also provide considerable technical and financial support to advance CBFM policy and practice, and hence the achievement of its objectives. The current policies, strategies, procedures and methods being employed under the national CBFM program are to a large extent refinements of the ideas from the technical assistance provided by key international organizations that supported the implementation of different CBFM projects. One example is the use of community organizing and the various participatory techniques including agro-forestry farm planning pioneered by the Upland Development Program of the Ford Foundation, which has been continuously refined and is now being widely applied in different CBFM sites. Another example is the idea of providing the local communities the right to commercially utilize timber through the issuance of resource use permits, a concept that evolved from the 1982 World Bank-supported social forestry project in the Central Visayas Region and was further developed through the technical assistance of the United States Agency for International Development under its Natural Resources Management Program.

At present, the Government of Japan, under its bilateral agreement with the Philippine Government, is implementing a five year technical cooperation in CBFM through the Department of Environment and Natural Resources and Japan International Cooperation Agency (JICA). Commencing in June 2004, the Department of Environment and Natural Resources-JICA Project for Enhancement of Community-Based Forest Management Program (DENR-JICA E-CBFMP), has four major components: model site development, training, information management, and policy recommendations. These components also build on the experiences of previous CBFM programs and projects such as the Integrated Social Forestry Program and the Community Forestry Program.

Financial Support and Disbursement Mechanisms

Over the last five years (2000-2004,) CBFM has had a total budget allocation of PhP388.128 million (around US\$ 7,187,555) from the General Appropriation of the Philippine Government (Forest Management Bureau). This constitutes only around 5.13% of the total allocated budget of the Forest Management Sector. Over the last couple of decades, the CBFM budget has been largely provided by the different donor organizations under bilateral or multi-lateral agreements. Eight of the ten government programs and projects integrated and unified under the CBFM Program which were implemented between 1982 and 2003 were foreign-funded, either in the form of loans or grants. Among the past major international CBFM donors are the Ford Foundation,



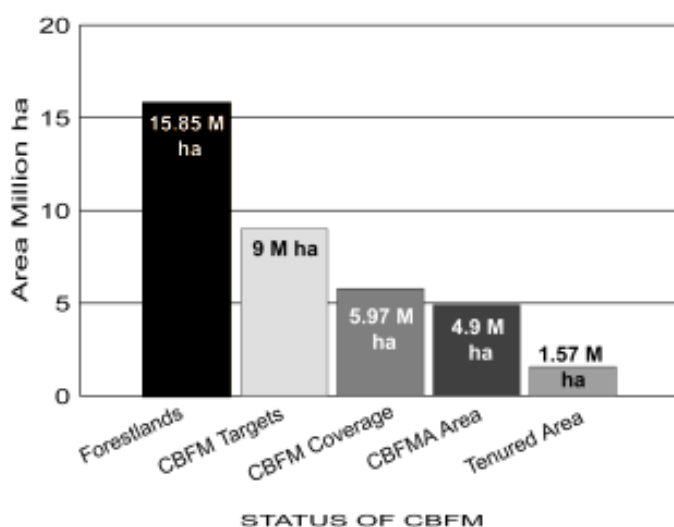
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United States Agency for International Development, German Society for Technical Co-operation or GTZ, the Asian Development Bank, the World Bank, and the Japanese Bank for International Cooperation.

Financial disbursement mechanisms to support CBFM vary depending on the source of funds. For funds provided by the Government of the Philippines under the General Appropriations Act, finances are disbursed following the normal government channel from the Department of Budget and Management, to the Department of Environment and Natural Resources Central Office, to the Regional Environment and Natural Resources Office, then the Provincial Environment and Natural Resources Office, and finally to the Community Environment and Natural Resources Office. Almost the same funds flow is observed for loan money from multi-lateral funding institutions like the ADB, World Bank and JBIC. Grant monies such as those provided by United States Agency for International Development, GTZ and JICA have some flexibility in the sense that they could be directly disbursed by the granting institutions to the project office or to a certain entity that can manage the funds without going through the normal bureaucratic channels. Similarly, projects implemented by NGOs from non-government sources have some flexibility in terms of disbursement mechanism in the sense that money can flow from the funding agency directly to the NGO to be used directly for CBFM implementation.

4. Overall Progress and Achievements

Figure 1 presents the overall status of CBFM implementation in terms of coverage and area under various forms of land tenure instruments. In terms of area coverage, CBFM now encompasses a total of 5.97 million hectares that constitute 66.33% of its 9 million hectares target for 2008 as stipulated in the Department of Environment and Natural Resources Strategic Plan for CBFM. The 5.97 million hectares involved 5,503 sites, with a total of 690,687 participating households. Most, if not all the 5,503 sites



Source: FMB 2004

Figure 1. Status of CBFM implementation



have an existing People's Organization. The People's Organizations may also be a member of a local, regional, and/or national CBFM Federation.

In terms of CBFM's performance vis-a-vis achieving its stated policy objectives, findings from the previous CBFM assessments and studies reveal several important points.

1. The degree to which socio-economic objectives have been achieved varies from one site to another. Socio-economic improvement has been attained in some areas especially when CBFM received external financial support, although only a selected group of People's Organization members have so far benefited.
2. The issue of promoting social justice has been addressed by CBFM at the national level by transferring management rights and responsibilities over 5.97 million hectares of forestland to local communities, a privilege which used to be the monopoly of the well-off Timber License Agreement holders. At the local level, however, social equity/benefit sharing continues to be a major concern requiring strategic interventions.
3. CBFM, if properly implemented, has the potential to realize the objective of sustainable forest management. An FAO-supported assessment of six case studies on CBFM (Pulhin 2005) reveals an increase in forest cover at most sites, the practice of sustainable farming technologies like agro-forestry, and sustained collective action in forest protection. However, threats to sustainability also exist including: 1) continuing pressure to engage in destructive practices in the absence of consistent policies that enable sustainable forest utilization; and 2) the pressing need to install effective local management and institutional support systems that contribute to sustainable forest management.
4. There are some indications that CBFM contributes to a healthy environment in a number of sites. Positive signs include the adoption of soil and water conservation and the provision of other environmental services like improved water supply, soil fertility and good microclimate. However, while detailed studies on the CBFM-environment link are still limited, it is clear that the positive contributions that CBFM can make to the environment can be further enhanced across the CBFM sites nationwide with appropriate support and incentives (Guiang *et al.* 2001, Pulhin and Pulhin 2003, Rebugio 2001, and Pulhin 2005).

5. Lessons Learned

Some of the major lessons that may be gleaned from the Philippine experience in its more than two decades of CBFM implementation are presented below.

1. Sustainability of livelihood is the core issue of CBFM. Unless a level of sustainable livelihood is achieved by participating forest-dependent communities, State and externally-initiated CBFM initiatives will not work on the ground.



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2. The externally-initiated CBFM process takes time and requires sufficient support-systems to succeed, including enabling policies, commitment and political will from the different key actors, sufficient knowledge base and appropriate resources to initiate and sustain the process, presence of CBFM champions, strong social capital and local organizational capacity, and visible positive outcomes are some key ingredients for success.
3. Considering the multiple stakeholders and their varied interests and priorities, there is a need to develop responsive institutions that will promote collective action to advance the CBFM objectives. Such institutions should develop acceptable rules, implement and enforce sanctions, and forge workable conflict resolution mechanisms.
4. Some communities such as the Ifugaos and the Sagadas already have successful traditions of forest management and some degree of control over their forest resources. Externally-initiated CBFM processes should enhance these systems.
5. Strong social capital and local organizational capacity are needed to enable local communities to mobilize resources and negotiate better benefits.
6. Provision of land tenure security is necessary but not a sufficient condition for success. The presence or absence of stable policy on forest utilization that guarantees that communities can use the trees that they have planted and protected is of paramount importance and will ultimately determine the success or failure of the entire CBFM program.
7. Past CBFM initiatives have focused on tenure reform and other support services but neglect to integrate principles of good governance (i.e., transparency, accountability and participation) in forest management. Such principles should now be operationalized and institutionalized at all levels to ensure the success of the CBFM program.
8. Capacity building should not be limited to local communities but should also include efforts to enhance the capacity of Department of Environment and Natural Resources and local government units to better serve the needs of local communities.

6. Key Challenges

The following are some of the key challenges confronting the implementation of CBFM at the policy, program and field operations levels:

1. At the policy level, there is a need to: a) strengthen the political capacity of the People's Organizations including the National CBFM Federation and democratize the policy-making process to enable meaningful and active participation in CBFM-related concerns; b) urgently pass a law which embodies the philosophy, objectives and methods of CBFM; c) continue to simplify policies and procedures and provide for stable policy implementation especially in the aspect of timber use; and d) put more emphasis on the monitoring and evaluation of existing policies rather than simply focusing on policy formulation.
2. At the program level, it is important to: a) promote a common understanding and appreciation of the philosophy and concept of CBFM among the various



sectors and actors and correct the seemingly widespread view of CBFM as a Department of Environment and Natural Resources “project” instead of a forest management strategy; b) prioritize CBFM objectives since they are hard to address concurrently; c) direct more human and financial resources towards the implementation of the CBFM strategy; d) seek financial and technical support from different sectors by activating the multi-agency CBFM Steering Committee; e) strengthen the CBFM Program monitoring and evaluation, including the existing management information system; f) promote the principles of good governance such as participation, transparency, and accountability in all levels of CBFM implementation; and g) actively engage the academic and research institutions to support CBFM through relevant studies.

3. At the field operations level, challenges include: a) for Department of Environment and Natural Resources to strengthen collaboration with the local government units and other institutions/sectors to provide support for livelihoods and other needs; b) to sustain flow of socioeconomic benefits and spread benefits to a greater number of the people particularly the poor; c) replicate success with fewer financial inputs especially from external sources; d) enhance capability building through training of Department of Environment and Natural Resources staff, local government units and People’s Organizations; and e) incorporate learning from indigenous management systems to improve the implementation of the different CBFM projects.

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DEVELOPING OPERATIONAL GUIDELINES IN COMMUNITY-BASED FOREST MANAGEMENT: THE PHILIPPINES EXPERIENCE ¹

Marcial C. Amaro, Jr.⁽ⁱ⁾

Introduction

Community forestry has come a long way in the Philippines. It started in the 1970's with community forestry and people-oriented programs that included Forest Occupancy Management (FOM) Communal Tree Farming (CTF), Family Approach to Reforestation (FAR), Integrated Social Forestry (ISF) Program, National Forestation Program (NFP), Forest Land Management Program, Community Forestry Program (CFP), etc. All these programs were consolidated under the Community-Based Forest Management (CBFM) Program. In July 1995, then President Fidel Ramos issued Executive Order (EO) No. 263 adopting CBFM as the national strategy to ensure the sustainable development of the country's forestlands. The issuance of EO 318 in June 2004 on the promotion of sustainable forest management affirmed the importance of CBFM as an overarching strategy in sustainable forest management.

CBFM aims to improve the well-being of forest-dependent communities, both indigenous and migrant groups and ensure the sustainable management, rehabilitation and protection of the country's forestlands and forest resources. Fundamental to CBFM are the principles of social equity, sustainability and community participation in forest

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management. Through CBFM, partnerships involving forest communities, local government units (LGUs), the private sector and other stakeholders are initiated to strengthen their capacities to develop, protect and manage forest resources. Such being the case, these partners play an important role in the different stages of formulation of policies.

Implementing rules and regulations are formulated principally through Department Administrative Orders (DAO). DAO No. 96-29, for instance, operationalized the CBFM strategy. The latest revision was DAO No. 2004-29. Between these issuances are several other DAOs, and Department Memorandum Circulars (DMCs) and Memorandum Orders (DMOs) relating to the implementation of CBFM. Some were issued to strengthen, amend, and provide clearer and more detailed procedures while some supplied clarifications/justifications on certain valid issues and concerns raised by field implementers, partners and stakeholders.

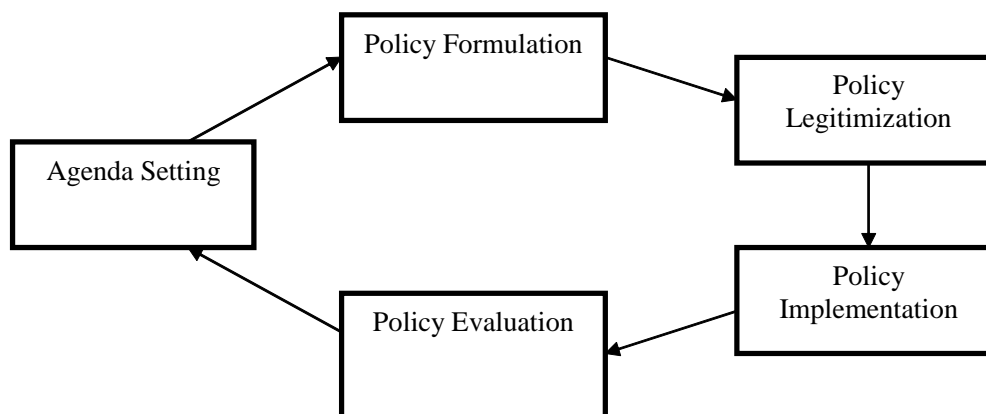
The development of policies or guidelines goes through the cycle of agenda setting, policy formulation, policy adoption/legitimization, policy implementation, and policy evaluation. The initiative for policy change or the need to craft new policies may emanate from multiple sources. One source of policy changes emanates from mandates of law such as Implementing Rules and Regulations (IRR) of Republic Acts/Executive Orders (RAs/EOs) and or from the provisions of law. Another source of change is priorities of management such as the President's policy thrusts and or the Secretary's priority agenda or flagship program. A final source of change comes from feedback from stakeholders. The responsibility for deciding on policies and securing their implementation largely rests with the government. However, the participation of the different stakeholders such as organizations from the private or commercial sector, development organizations, LGUs and local communities is crucial in the crafting of responsive policies. The government needs to take into account the views of those who may influence or are affected by any of the policies through the consultation process. Consultation with those outside the government demands that opportunities for communication with the administration are available. Consultation should be undertaken at appropriate times in the policy formulation process. It is important that those consulted understand their roles in the process. Further, getting the different partners and stakeholders into the picture requires that they have the capacity to do so.

Developing Operational Guidelines: The Process

In general, the process of forestry policy making in the Philippines is precedent-bound, based on laws and forged by such structures and mechanisms provided in the Philippine Constitution and other laws of the land. Such institutions include the bicameral legislative body, composed of the Senate and the House of Representatives in the Philippine Congress, the executive branch of government through the Department of Environment and Natural Resources (DENR) headed by a Department Secretary who takes orders from the President of the Republic; and the Judiciary headed by the Chief Justice of the Supreme Court. The latter has review powers over the decisions of the executive and legislative branches, particularly on such questions as constitutionality and statutory construction.



The process is visualized more specifically as follows:



Agenda setting is the first step in policy making. It involves the identification of problems, crises and advocacy. Problems trigger the policy formulation process when these exhibit one or more of the following characteristics: a) a problem has widespread applicability and affects many people; b) a specific event or policy becomes spotlighted and there is widespread public concern about it; c) a problem affects a small, but powerful group; and or d) a problem is related to another issue that already has a secure place on the agenda. The primary agency involved in this process relating to forest management is the Forest Management Bureau (FMB), a staff bureau under the DENR. The FMB receives feedback from internal and external stakeholders and later discusses and analyzes issues through its Executive Committee (Execom) composed of senior staff members.

The Community-Based Forest Management Division (CBFMD) is tasked to set the agenda on policies pertaining to the implementation of CBFM. Feedback is gathered from field implementers, partners and other stakeholders through the conduct of fora, consultation and assessment workshops, case studies, and monitoring and reporting mechanisms. The issuance of EO 263 was based on the need to unify efforts and programs in addressing forest degradation, poverty in the uplands, rapidly increasing upland population, proliferation of different types of tenure instruments for qualified upland communities and people's organizations (POs) and the increasing recognition of the roles of communities in forest management. The subsequent guidelines that were formulated to implement CBFM were based on lessons learned in the implementation of the various community forestry and people-oriented programs and through the conduct of consultations among the POs, assisting organizations and field implementers coming from national government agencies and the LGUs.

Policy formulation is the stage in which proposals or a series of alternative proposals are developed in response to the emerging crises. Proposals usually emanate from the FMB and are recommended to the DENR where these undergo further studies and analysis. In the course of these actions, public hearings are conducted by the DENR through its Policy Technical Working Group (PTWG). The PTWG is composed of the heads (or representatives) of the different DENR offices



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e.g. planning and policy, legal, field operations, other staff bureaus, etc. The group meets regularly and acts as a clearinghouse and irons out conflicts between and among concerned sectors. In this forum, various stakeholders are given the opportunity to air their views on the proposed policies and contribute to the improvement of the proposals.

The draft policy proposals submitted to the PTWG must be supported by a completed staff work (CSW), a matrix showing the existing and proposed provisions of the guidelines when applicable, and a flowchart of activities, if necessary. The proposed policy should also have undergone public consultation.

Calls for the revision of DAO 96–29, the implementing rules and regulations of EO 263 started as early as 2001. The initial draft of the proposed revision was based on the results of the evaluation of project implementation which highlighted the current policy's inadequacies and deficiencies. The draft has undergone the FMB Execom's review process. It has gone through consultations with different stakeholders during a PO Federation summit, CBFM assessment workshops and a series of review sessions by the PTWG. The DENR Senior Officials further deliberated on the proposal and the final draft of the revised CBFM guidelines was submitted for the approval of the Secretary.

Policy legitimization involves the mobilization of support and enactment in the form of administrative regulations and legislation. In the case of the former, the final drafts of proposed issuances are forwarded by the PTWG to the DENR Secretary for approval. Copies of the approved orders, i.e., DAOs are published for a prescribed period before dissemination for implementation by the concerned DENR units. The final draft of the proposed amendment of DAO 96-29 was approved by the DENR Secretary in August 2004 as DAO 2004–29.

Policy implementation involves mobilization and application towards goal achievement. The DENR field offices, from the regional offices down to the Community Environment and Natural Resources Offices (CENRO), are tasked to implement the approved guidelines. The FMB being a staff bureau provides support to operations by developing procedure manuals, providing technical assistance when needed, conducting further policy studies and assessments, and monitoring and evaluation.

Orientation meetings among field implementers and stakeholders are conducted to ensure a common understanding and interpretation of the provisions of the CBFM guidelines and procedures. Manuals of procedures (sometimes translated into local dialects) are also formulated to guide field implementation. Information, education and communication (IEC) materials such as brochures, pamphlets or leaflets on the guidelines are produced for dissemination to all concerned. Non-government organizations such as the International Institute of Rural Reconstruction (IIRR), in coordination with the CBFMD initiated the orientation of POs, field implementers and LGUs in some CBFM project sites in Quezon Province in northeastern Philippines using the new guidelines. IIRR also facilitated a workshop to define the roles and responsibilities of the various key CBFM stakeholders in the various stages of CBFM implementation. IIRR also developed simplified IEC materials translated into the local dialect which were reviewed by CBFMD.



The DENR–JICA Technical Cooperation on the Enhancement of CBFM(E-CBFM) Implementation provides training on participatory rural appraisal, community profiling and the formulation of community resource management framework (CRMF) to improve the capabilities of DENR field implementers and their LGU counterparts in providing assistance to the POs in the framing-up and implementation of their respective CRMFs.

The implementation of the new guidelines, however, is beset with problems and concerns including shrinking budgetary support from the government, lack of capacity, knowledge, skills and resources of field implementers as well as LGU partners and local communities. Further hindering matters is the need to streamline the government workforce at the central and field levels. Also problematic is policies that are unstable particularly those relating to harvesting and utilization of forest products and a lack of adequate incentives to motivate stakeholders to participate in CBFM implementation. The lack of communication and information sharing between the different levels of the DENR and the partner stakeholders further exacerbates the slow implementation of CBFM policies.

Policy evaluation is the review and determination of whether or not policies and programs have worked and should be continued. Policies are evaluated based on needs, ease in implementation, coverage (scope) and impacts on the stakeholders' socio-economic conditions.

CBFM policy is being evaluated in different venues. These include the conduct of periodic assessment workshops, monitoring and evaluation by implementers, commissioning of in-depth case studies, and the conduct of socio-economic surveys, among others. Results of these mechanisms are used to revise strategies in CBFM implementation and or revise the CBFM policy altogether. The conduct of M & E is an essential requirement in the policy making process. In the case of the CBFM experience, its implementation suffers from an underdeveloped M & E system that should have included appropriate criteria and corresponding indicators. There is also inadequate compliance with the financial and personnel requirements necessary to undertake the prescribed activities.

Enhancing Participation from Partners

The whole process of policy formulation is a long, tedious and expensive endeavor. It does not only require the crafting of a sound policy based on the perspectives of key stakeholders; the process also needs the building of capacities (i.e. individual and institutional skills and knowledge) in policy formulation, implementation and evaluation. An open communication and information sharing mechanism is also necessary to provide an effective feedback mechanism in all facets of the process. In the context of community forestry, several options to improve the process of developing operational guidelines are described below.

1. The consultation process through different venues should be taken at appropriate times to allow the stakeholders/partners to articulate their views on government proposals and allow the government to listen to the stakeholders' proposals.



DEVELOPING OPERATIONAL GUIDELINES IN THE PHILIPPINES

2. Devolution of management responsibility has a potential benefit in terms of increasing opportunities for greater participation in policy formulation. Decentralized systems can provide quicker information on practical experiences with policy implementation. It can also alert the national government to emerging needs and changes in the circumstances.
 3. Involving the different actors in the process requires commensurate standards of capacity both at the individual and institution levels. Capacity building concerns more than simply acquiring or enhancing skills and knowledge, and enhancing organizational systems and procedures. It involves also the mobilization and use of available capacities to maximize effects (i.e., Achievement = competencies and commitment.)
 4. The roles and responsibilities of actors and stakeholders in the policy formulation process need to be understood and accepted by all parties involved to create the necessary trust-imbued working relationship.
 5. The need to install transparency requires a well-developed system for communications.
 6. Establish a set of criteria in evaluating policies and regulations. (See Annex 1, on checklist adopted from policy evaluation frameworks and processes in Australia.)
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ANNEX

Checklist for Policy Evaluation

1. Minimum requirements to achieve objectives
 - Overall benefits to the community justify costs
 - Keep simple to avoid unnecessary restrictions
 - Targeted at the problem
 - Not imposing unnecessary burdens to those affected
 - Does not restrict competition, unless demonstrated net benefit
2. Not unduly prescriptive
 - Performance and outcomes focused
 - General rather than overly specific
3. Accessible, transparent and accountable
 - Readily available to the public
 - Easy to understand
 - Fairly and consistently enforced
 - Flexible enough to deal with special circumstances
 - Open to appeal and review
4. Integrated and consistent with other laws
 - Addresses a problem not addressed by other regulations
5. Communicated effectively
 - Written in plain language
 - Clear and concise
6. Mindful of the compliance burden imposed
 - Proportionate to the problem
 - Set at a level that avoids unnecessary costs
7. Enforceable
 - Provides minimum incentives needed for reasonable compliance
 - Able to be monitored and policed effectively





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COMMUNITY FORESTRY 2005

Keshav Raj Kanel⁽ⁱ⁾, Ram Prasad Poudyal⁽ⁱⁱ⁾ & Jagadish Prasad Baral⁽ⁱⁱⁱ⁾

1. Introduction

Community forestry has had a significant beneficial impact on forest cover and slowed rates of deforestation in Nepal. The area covered by national forests and protected area systems, which includes national parks, wildlife reserves, hunting reserves, conservation areas and buffer-zones (BZs) is about 5.83 million hectares, representing 39.6% of the total land area of the country. (DFRS 1999) The forest area has decreased at an annual rate of 1.7%, whereas forests and shrub-land together decreased by an annual rate of 0.5% during the period 1978 to 1994 (DFRS 1999). A recent study of twenty Terai in the plains region of Nepal shows that the rate of deforestation has substantially decreased (from 8,000 to 800 hectares per year) due mainly to the implementation of community forestry.

2. Policy History of Community Forestry

The Department of Forests was established in 1942 for the scientific management of forests under state ownership (HMGN 1976). During the period from 1942 to the mid 1970s forest management was exclusively protection oriented. Because people live near and are dependent on forests, management must include local people as

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they fulfill their needs for firewood, fodder and timber. Although the forests have been nationalized and forest officials made very powerful as a result, deforestation continued and forest management was practiced in vain. Forest management as practiced exclusively by the Department was not successful. Including local people in forest management and providing an incentive for local management became a crucial issue. The National Forest Plan of 1976 was highly committed to initiate people's participation in forest management and made provisions to hand over a part of government forests to local political units or village councils called "Panchayats."¹

Panchayat Forest Rule 1978 and Panchayat Protected Forest Rule 1978

The Panchayat Forest and Panchayat Protected Forest Rules officially initiated the implementation of a community forestry program in Nepal. Forest lands without trees were handed over to local panchayats as "Panchayat forest" and with trees as "Panchayat protected forests." Once the forests were handed over as Panchayat Forest (PF) and Panchayat Protected Forests (PPF), political bodies were required to conduct the following tasks:

- Sowing of seeds and planting of seedlings;
- Protection and maintenance of forests;
- Implementation of a scientific forestry management plan prepared by the forest division in consultation with the Panchayat;
- Protection of forest products against theft and smuggling;
- Protection of forests against fire hazards;
- Protection of the forest from girdling, lopping, resin tapping, debarking or any other kinds of damage; and
- Protection against removal of stones and gravel, soil or sand from the forest area (Manandhar 1980).

The Panchayat and Panchayat Protected Forest Rules of 1978 had the following inherent problems.

- Forests were not handed over to actual users who were protecting the forests or who could protect the forests. The local people did not feel that they were the owners of the forests because the forests were handed over to the lower level political units.
- Village leaders elected in the Panchayats had no incentive to better manage the forests because most of the forests were too far away for them to monitor.
- Because the forests were highly degraded, there were no initial benefits and incentives for long-term management. Similarly, since the Panchayats used to get a portion of the income from the PPF, the villagers lacked incentive for managing the PPF.

The PF and PPF legislation was subsequently annulled and replaced by policy and legal frameworks that placed primacy on the group of forest users as the management unit.

1 Village Panchayats were the lowest level of administrative-political unit before the reinstatement of a multiparty democracy in 1989. The Village Development Committee has now replaced the Panchayat.



Master Plan for the Forestry Sector

The Master Plan for the Forestry Sector (MPFS 1989) was approved in 1989 providing a 25-year policy and planning framework and remains the main policy and planning document for the continuing development of the forestry sector. The long-term objectives of the Master Plan include:

- Meeting the people's basic needs for forest products on a sustained basis;
- Conserving ecosystems and genetic resources;
- Protecting land against degradation and other effects of ecological imbalance; and
- Contributing to local and national economic growth.

Regarding community forestry programs, some of the important highlights of MPFS are:

- All the accessible hill forests of Nepal should be handed over to user groups (not to the Panchayats) to the extent that they are willing and capable of managing them;
- The priority of community forests is to supply forest products to those who depend on them;
- Women and the poor should be involved in the management of community forests; and
- Forestry staff should act as extension service providers and advisors. Forestry staff should be provided with reorientation training so as to deliver the services needed by the Community Forest User Groups.

Forest Act and Forest Rules

The major recommendations of the Master Plan have been incorporated in the Forest Act (1993) and Forest Rules (1995). The act and the rules have given substantial rights to local people in managing their community forests². The codification of these rights in the national legislation is one of the unique features of community forestry in Nepal. Further elaboration of these rules is made in the community forestry directives and guidelines. The focus of this legislation is on institutionalizing CFUG as an independent and self-governing entity, nationwide expansion of community forestry, providing utilization and management rights to the local community, and creating an accountability forum for community development. It has also limited the role of the district forest office to that of supporter, facilitator, monitor and regulator of community forestry. The main features of community forestry according to the forest act and forest rules are as follows:

- Any part of government forests can be handed over by the District Forest Office (DFO) to the communities who are traditional users of the resource. The right of forest management and use is transferred from the Forest Department to the users, not the ownership of land itself;
- A part of the national forest can be handed over to the Forest User Groups irrespective of the size of the forest and number of households in the CFUG;

2 Community forests are the parts of national forests, which are managed and utilized by local users organized as Community Forest User Groups (CFUGs), legitimized as independent and self-governing institutions by the government



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- Handing over national forests to communities has priority over leasehold forests;
- CFUGs have to manage the CF as per their Constitution and Operational Plan (OP)³ which are subject to approval by the DFO;
- CFUGs are recognized as independent and self-governing entities with perpetual succession;
- CFUGs are allowed to plant short-term cash crops including non-timber forest products such as medicinal herbs;
- CFUGs can fix prices for forestry products under their jurisdiction, and sell the forest products;
- CFUGs can transport forest products under their jurisdiction anywhere in the country;
- CFUGs can accumulate their fund from grants received by HMG and other local institutions, from the sale of CF products and money received from other sources such as fines. CFUGs can spend funds in any kind of community development work;
- CFUGs can amend operation plans by informing the DFO;
- In cases of forest offences, CFUGs can punish their members according to their constitution and operational plan; and
- If forest operations deviate from the operational plan resulting in damage to the forests, then the DFO can withdraw the community forests from the users. However, the DFO must give the forest back to CFUG, once the committee is reconstituted.

Forest Sector Policy 2000

Forest policy 2000 withdraws some of the rights of local forest users in the plains area of Terai, with the intention that the forests would be better managed by the active involvement of the government. The principle features of forest policy 2000 are described below.

- The barren and isolated forestlands of the Terai, inner Terai and the Churia hills will be made available for handing over as community forests. Community forest operational plans will be prepared and forest products will be used based on annual increments.
- As the main objective of community forests is to fulfill the basic needs of local communities for fuelwood, fodder, and small timber, 40% of the earnings from the sale of surplus timber coming from the community forests of the Terai, Siwaliks and Inner Terai will be collected by the government for program implementation.
- The large patch of forests in blocks in the Terai and Inner Terai will not be handed over to local communities as community forests. They will instead be managed by the collaborative solidarity of local users, local political bodies and the government.

3 Operational Plan is a legal document prepared by user groups for the management of a particular forest area under their jurisdiction and approved by the District Forest Office. The plan guides the management of a particular CF normally for five to ten years.



- The collaborative solidarity of users and the local political bodies will get 25% of the income from the sale of surplus forest products, while the government will get 75% of the income.
- Since the Churia forests are important in recharging the terai underground water, and for conserving soil, they would not be handed over to the users. Instead, they would be managed as protected forests for watershed conservation.

The new policy has created antagonism between the Terai users and the government, and the government has not been able to manage the forests better. Presently, the government is trying to pilot an approach called “collaborative forest management” in the three Terai districts with the financial support of the Dutch government. The outcome of this pilot program has yet to be seen in the field. As per this cabinet decision, the government imposed 40% revenue sharing on the sale of timber from the CF of the Terai and Inner Terai. However, the Supreme Court annulled this decision. The government, then, started to collect this revenue through the promulgation of finance act. The finance act was later revised in the last and this fiscal year. As per the revised finance act, the government collects only 15% of the sales proceeds from the sale of surplus timber of only two commercial species of the Terai.

The Tenth Five-Year Plan

Following the policy statement of 2000 was the “Tenth Plan.” The Tenth plan was prepared in the context of Millennium Development Goals, and is also considered as the Poverty Reduction Strategy Paper (PRSP). The plan has as its target the reduction of poverty in Nepal from 38% to 30% by the year 2007. It has four pillars for intervention - broad based high economic growth, social sector development, social inclusion/targeted programs, and good governance. In line with the overall objectives of the PRSP, the Forestry Sector under the Tenth Plan also has goals of reducing deforestation, soil erosion and the degradation of biodiversity as well as solving the problems of poverty and unemployment. Sustainable management and conservation in this case includes managing a supply of forest products while conserving the environment through management and enterprise development of forests, watersheds, plant resources and biodiversity. Poverty alleviation includes providing employment and income opportunities for the poor, women and disadvantaged groups using participatory approaches and expanding forest development activities, as well as providing greater access to decision making in CFUGs. The plan also allows farming of NTFP and medicinal plants within community forest areas. Finally, the user group formation process will be monitored and improved to address the challenge of achieving equitable forest product distribution among community forest users.



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The major targets of the Tenth Plan related to community forestry are listed in the following table.

Community Forestry Targets in the Tenth Plan

Community Forestry Targets in the Tenth Plan		
Targeted Activities of Tenth Plan in Community Forest Management		
Community and private forest development	Unit	Target
		Normal case
CF User Group Formation	Number	2500
Operation Plan Preparation and handing over	Number	3000
Operational Plan revision	Number	4000
Forest Management Support to user groups	Number	2500
Silviculture demo plot establishment and operation	Number	425
Forest enterprise dev. For poverty alleviation	Number	500

Other community forestry related policies include:

- Initiating biodiversity registration to maintain rights of local people in local natural resources;
- Initiating integrated agriculture and forestry conservation farming in Churia watershed;
- Initiating participatory forest management in buffer zones around the protected areas;
- Providing governance training to community forest user groups; and
- Providing training in gender mainstreaming in forest management.

3. Current Institutional Arrangements

Institutions directly involved in national forest management in Nepal are the Ministry of Forests and Soil Conservation (MFSC) and the Department of Forests (DoF). The Ministry has four technical divisions – the Foreign Aid Co-ordination Division, the Planning and Human Resource Development Division, the Monitoring and Evaluation Division, and the Environment Division. The joint secretary level forest officials head each of these divisions. The ministry is responsible for the overall policy coordination, monitoring, and planning of activities related to the forestry sector. The ministry has five departments, which are responsible for program implementation. The Department of Forests is responsible for the management of national forests outside the protected areas. The Department of National Parks and Wildlife Conservation (DNPWC) is responsible for the implementation of national parks and the genetic conservation program. These two departments are the largest public land management agencies of the government. The other three departments, namely the Department of Soil Conservation and Watershed Management (DSCWM), the



Department of Plant Resources (DPR) and the Department of Forest Survey and Research (DFSR) are more involved in service provision in the field of watershed management, research and development related to tissue culture and Non-Timber Forest Products (NTFPs), and surveys and research related to the management of forests in Nepal.

The Department of Forests is the largest department of the ministry, and employs more than 7,000 staff. It is responsible for the implementation of Community and Private forestry, and the National and Leasehold Forestry programs. It has three technical divisions, the National Forest Division, the Community Forest Division, and the Planning and Monitoring Division. Field level forest management activities are implemented through seventy-four District Forest Offices (DFOs). Each District Forest Office has a number of Illakas (Sub-district units) and a number of range posts under them. There are up to three Illaka Offices, and eight to fifteen range posts in a district forest office.

The Community Forest Division (CFD) under the Department of Forests is responsible for policy guidance, implementation support, and monitoring of the community forest program and projects in Nepal. A joint secretary level division chief heads the division.

Different multilateral and bilateral development partners have supported community forestry programs in Nepal since 1979 including the World Bank, Danish International Development Association (DANIDA), Department for International Development (DFID) of the UK, United States Agency for International Development (USAID), Australian Aid (AusAid), Swiss Development Corporation (SDC), German GTZ and lately the Dutch government, and non governmental organizations such as CARE and WWF.

The Main Institution at Community Level is the Community Forest User Groups.

The Community Forest user groups (CFUGs) is an independent and self governing entity formed by a number of households living near a particular forest area and legally recognized by the Forest Act of 1993. The group is responsible for the management of a particular community forest handed over to them. The constitution of the user groups controls the democratic functioning of the user groups. The community forest user group members have the rights given by the legislation and as mentioned in the operational plan. They can use the forest products internally at a price fixed by the groups themselves, and also sell the surplus forest products to outsiders at market prices. They also have their own group fund, and the income from the sale of forest products and any other source has to be deposited in that fund. The fund can be utilized for forest protection and community development activities.

A committee of CFUGs is normally formed by election or selected by the user members for effective implementation of day-to-day activities. The committee is comprised of about 11 members and they constitute the executive wing of a CFUG. The committee has no particular rights according to the forest act and rules. However, they exercise the rights as authorized by the user groups and as mentioned in the operational plan. It has been reported that most of the executive members of the CFUGs are elites or wealthy, and they do not necessary represent the interests of the poor, women and socially disadvantaged members of the group.



Box3: Brief Description of Ghorlas Community Forest

The community forest was established in 1993, and has an area of 27.64 hectares. There are 130 families using the forests and they are members of forest user groups. The executive committee members are elected for two years. For the management of the forests, it is divided into compartments. The community forest user group has initiated many income-generating activities, which include making agricultural tools and handicrafts from bamboo, and sawing timber, etc.

The user group is distributing forest products on the basis of equity. Loans are given at low interest rates to poor members of the user groups. Fifty-seven user group members have benefited from these activities. Income generation programs are continued, and the loan is recycled amongst the poor households. The user group is also supporting other user groups in preparing constitutions and operational plans of other CFUGs. (Ghorlas CFUG 2004).

4. Current Best Practices

The methodology for community forestry has been developed over 25 years, is robust, sophisticated and operationalized across the country.

Process of Handing Over Community Forests to User Groups

The following major steps are carried out in the process of handing over community forests to CFUGs.

- Letter of Interests to DFO - First, the local community members living around the forest has to give an application to the DFO expressing their interests to manage the particular forest around them.
- Investigation for handing over - Once the DFO receives the letter of interests, it sends a ranger (forest technician) to help the community in identifying the traditional users of the forests so that they are not excluded from the user group. The ranger also helps the users in preparing the constitution of the user group.
- User group formation.

Once all the traditional users are identified, a constitution to form a CFUG is prepared. Then the users in a group have to submit an application to the DFO according to the format mentioned in the Forest Rule of 1995. With the information on the user group, the constitution will have (i) Objective of forest management, (ii) Rights, duties and responsibility of the user group (iii) Forest protection measures (iv) Fund utilization measures, etc. Once the user group is formed and their constitution is registered, they are officially legitimized by the DFO. A certificate of registration is given to users as a proof of user group formation.

Operational Plan Preparation

As per the need of the users, and depending upon the productivity of the forest, the users prepare a simple management plan of the forest, and the local ranger helps



them in this process. Operational plan preparation is a very important process for the users, because the users will have to follow it in managing the forest, and extracting the forest products from it. Estimation of annual yield is mandatory for preparing an operational plan. An operational plan will contain information, including the objectives of forest management, a rough map of the forest, division of the forest into compartments, and silvicultural prescriptions to be followed in managing the forest. After preparing an operational plan, users have to submit it to the DFO for approval.

Handing Over the Forests

If the DFO finds that the operation plan conforms to the required rules and procedures, then s/he approves it, and a certificate handing over community forests is given to the user group in the format described in the Forest Rules of 1995. The users then have to manage the forests and utilize the forest products according to the approved operational plan. If the operational plan has to be amended, the user group can do so by informing the DFO, according to Forest Rules 1995. If the operational plan is not followed, the government may take the community forests back, but the forest then has to be handed over to a reconstituted CFUG. In other words, once a forest is handed over to a community, the government cannot take it as a government-managed forest. Instead, it has to remain as a community forest.

5. Overall Progress and Achievements of Community Forestry in Nepal

During the last 25 years of community forest implementation, about 1.2 million hectares or 25% of national forest lands have been handed over to more than 14,000 local community forest user groups (CFUGs). About 1.6 million households or 35% of the country are members. The achievements of community forestry can be seen in terms of better forest conditions, social mobilization and income generation for rural development and institutional building at the grass roots level. This model of local peoples' participation in natural resource management has also been expanded to watershed management and buffer zone management, where conservation of watersheds and biological diversity is the prime objective. The last Forestry Sector Coordination Committee (FSCC) meeting stressed the need for resolving second generation issues in three thematic areas - sustainable forest management, livelihood promotion and good governance (Kanel 2004).

The achievements made through the community forestry program in terms of three focused thematic areas are explained below.

Sustainable Forest Management

Regeneration of forests

Micro level studies and anecdotal evidence show that as a result of the community forest program denuded forests have regenerated and the condition of forests have improved to a large extent. A study in four eastern hill districts showed that the total number of stems per hectare has increased by 51%, and basal areas of forests has increased by 29% (Branney and Yadav 1998). In the Kabhre and Sindhupalchok districts of central Nepal, a study found that shrub land and grassland have been converted into productive forests increasing forest area from 7,677 hectares to 9,678 hectares (Jackson et al 1998). A study in a



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mountain watershed covering three different time periods (1976, 1989 and 2000) spreading over 25 years showed that small patches of forest have enlarged and merged, reducing the number of forest patches from 395 to 175 and increasing the net forest area by 794 hectares (Gautam et al 2003). Thus, there is an overall improvement in forest protection contributing to local environmental conservation and increased greenery.

Production of Forest Products

The Community Forest Division (CFD) conducted a study among 1,788 community forest user groups in 2004 that was then extrapolated to countrywide user groups. The study revealed that 10.9 million cubic feet of timber, 338 million-kilograms of firewood, and 371 million kilograms of grasses were harvested and used during a year. Grasses were consumed locally whereas timber and firewood were used locally as well as being sold outside the user groups (Kanel and Niraula 2004).

Livelihood Promotion

Community forestry is contributing to livelihood promotion in many ways. These include fulfilling the basic needs of local communities, investing money in supporting income generation activities of the poor people and providing access to the forestland for additional income or employment.

Fulfilling Subsistence Needs

From the community forests, 8 million cubic feet of timber, 336 million kilograms of firewood and 371 million kilograms of grasses were used by the local people for their internal consumption (Kanel and Niraula 2004). The use of these products has helped to support the livelihood of local people.

Financial Support in Livelihood Promotion

The same study shows that CFUGs earned 416 million rupees annually from the sale of forest products outside the groups. Earnings are used for different purposes including 12.6 million rupees for pro-poor community forestry, (Kanel and Niraula 2004) loans to poor families and training in forest based income generation activities.

Access to Forests for Income Generation

As a pilot program, the users groups Ghorlas of Mayagdi and Jhauri of Parbat are making sub-user groups of the poorest of the poor, who have no alternative employment or income opportunities. These sub-user groups are given access to community forests to produce NTFP or medicinal plants and are allowed to share the income generated. If this mechanism is replicated on a large scale, there is a tremendous potential for community forests to improve the livelihoods of more people in Nepal.

Good Governance

Establishment of Robust Legislation

The Forest Act of 1993 and Forest Rules of 1995 provide robust legislation for community forestry. The laws allow community forest user groups to be defined as self-sustained independent entities recognized by the District Forest Office (DFO). The legislation gives full authority to user groups to manage community forests as per the operational plan approved by the District Forest Office. 25% of the income from CFUGs has to be spent on the protection and management of community forests. The remaining 75% of income can be spent on other activities



including community development. Presently, all the elected bodies such as the parliament and the local level political units have either been dissolved or are not elected, but this has not disallowed community forestry. CFUGs are grass-roots organizations, with elected committees responsible for forest management and other local-level development activities. The forest act and related regulations grant the freedom to undertake local development activities as well as provide a continuing forum in which local people exercise democracy.

Participation of Local People

According to the legislation itself, local people have both rights and duties to manage community forests. Local users spend more than 2.5 million person days of voluntary labor in forest-related activities in a year. The value of this voluntary labor contribution is about 164 million rupees calculated using a conservative value for opportunity cost of 65 rupees per person per day (Kanel and Niraula, 2004). Out of the total labor contributed for community forestry programs, 42% is spent in community forest protection, 19% is spent in meetings and assemblies, and 19% is spent in forest product harvesting.

Establishment of Networks

There are networks of user groups established at range post, district, and national levels. In addition to serving as networks for user groups they also work as pressure groups in order to promote good governance within community forestry programs. The Federation of Community Forest Users Nepal (FECOFUN) has the largest network of user groups at different levels, with more than 70% of CFUGs affiliated. A second large network of forest users is known as NEFUG. The 14,000 user groups in Nepal are also a good example of networks of local communities.

Participation of Women and Other Minority Groups

Increasing participation of women, poor and disadvantaged groups is an important, yet difficult issue in community forestry. Participation of those groups has been improving and the national database maintained by the Community Forestry Division shows that the participation of women is about 25% now, with about 600 CFUGs operated by committees made up entirely of women.

Local Level Capacity Building

The community forestry program has built capacity among many local people. About 7.7 million people or 35% of the population is involved with CFUGs and about 170,000 local people are working as committee members. Some local people in the user groups and committees have received training in many topic areas including silviculture, gender equity and record keeping. These trainings have strengthened local capacity to a large extent. As a result of these local level democratic exercises and trainings, many CFUG members were elected in different positions of local government such as District Development and Village Development Committees.

6. Challenges

Nepal's community forestry program was initially formulated with the objective of forest protection and to fulfill the basic forest products needs of local people. After twenty-five years of program implementation, most of the community forests have regenerated, but many new issues related to social aspects have emerged. These



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issues, which need further discussion and resolution, include selling surplus products from community forests, value additions of these products through enterprise development, multiple forest management, and better coverage of the program, use of community forests for income generation and poverty alleviation, and better fund utilization by CFUGs.

In order to tackle these issues, HMG/N and development partners jointly agreed to an overall review of community forestry so as to make timely improvements in the formulation of strategies and implementation of community forestry program in Nepal. A joint Technical Review Committee was formed in 2000. The committee included members from the government and development partners. The process of review was initiated in March 2000 and it was finalized in February 2001. Eleven thematic papers addressing various issues, strategies and recommendations were written to analyze the issues. Based on the analysis of those papers, JTRC came up with a number of major recommendations such as redefining community forestry for livelihood support, using income of community forest for poverty reduction, giving more CF access to the poor as sub-user groups, allowing CFUGs to establish enterprise in the vicinity and increasing the involvement of local government in CF.

7. Conclusions/Lessons Learned

The community forestry program implemented over the last 25 years has made substantial contributions in terms of increased forest cover, income generation and rural development, as well as social mobilization and institutionalization of democracy at the grass roots level. The program emerged as a solution in 1978 to reduce and halt deforestation and forest degradation. However, it gradually evolved into a participatory forestry program based on institutional development. The forest act of 1993 and the forest rules of 1995 have further elaborated the concept and practice of community forestry, and the differences between community as an institution, and forest management as activities for both conservation and income generation. Now CFUGs are robust institutions, and are also the entry point for many other rural development activities. Therefore, the main thrusts of community forestry in Nepal today are on institution building and alleviating poverty.

The reconfiguration of forest policy and operational rules is a prerequisite for sustainable forest management and livelihood promotion, but the legal framework must be developed over time to meet the specific local needs. There is a converging view that community forestry has brought a fundamental shift in the forest management paradigm - that institutional innovation or reform should precede technical innovation, because technical change cannot be brought within an institutional vacuum. This is the reason why we consider that governance reform or creation of appropriate institutions to manage emerging problems, and the reconfiguration of forest policy and operational rules is a prerequisite for sustainable forest management and livelihood promotion. The evolution of community forestry in Nepal attests to these reforms in an incremental fashion. Community forestry or any social reform program is less a linear and more of an iterative and "muddling through" process. Other countries planning to involve people in resource management should know that there are country specific pathways, which need to be customized rather than copied from another country.



Building successful innovations and reforms are slow processes, as the major stakeholders or power holders have to agree on the implications of these reforms. Every innovation or reform will have differential cost and benefit impacts on different individuals and groups, necessitating a lot of transaction and transformation costs. These costs can be reduced if stakeholders are involved from the inception to implementation of new programs or innovations. The success of community forestry lies in the engagement of various stakeholders from the very beginning of program formulation.

Community forestry has brought about significant change in the condition of forests and in some cases the area of forests has also expanded. A recent study conducted by CFD shows that community forests annually generate about Nrs 747 or US\$12 million from the sale of forest products among themselves and to outsiders. If other sources of income such as grants from the government, fines etc are included, the total CFUGs of Nepal annually generate more than Nrs 913 million. Annually, they spend Nrs 457 million on forest development (28%), community development (36%), and CFUG operations (14%). Only 3% of the total expenditure is directly allocated to pro-poor program. The institutional building of CFUGs is also significant, as they are the only democratically elected bodies in Nepal. Presently, about 25% of the executive members of CFUGs are women. These groups have been successful in mobilizing household members in local development, and also act as accountability and public hearing platforms. About 2.5 million person day equivalent of voluntary labor is annually mobilized to undertake forest and community development, and to generate social capital in the rural areas.

Despite these achievements, the contribution of community forestry for poverty alleviation as targeted by the Tenth Plan or PRSP and millenium development goals is limited. Besides, challenges also lie in increasing the productivity of forests, and strengthening good governance for equitable sharing of benefits. Therefore, the government is implementing programs to tackle second generation reforms in three thematic areas, namely sustainable forest management, livelihood promotion and good governance. Appropriate design of institutions to manage different types of forests in different socio-economic context of the Terai and the mountains is also a challenging task, as forestry issues are being increasingly considered as institutional issues rather than technical issues. These challenges and their resolutions are also further elaborated in the Proceedings of the recently held Fourth National Workshop on Community Forestry in Kathmandu (Kanel et al 2004).

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REGULATORY FRAMEWORKS TRENDS, CHALLENGES & ISSUES

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Introduction

Community forestry programs commonly have laudable goals that include poverty alleviation, equitable benefit sharing and the sustainable management of natural resources. Success or failure in achieving these goals, however, is affected by more than the conditions of the forests and the capacities of the communities involved.

Frequently one of the limiting factors for success is a gap between national forestry policy and national regulatory frameworks. A study done in support of the revision of the Asian Development Bank's Forest Sector Strategy indicated that countries in South Asia had progressive forest sector policies and strategies that promoted community forestry, but that in many cases national laws had not been reformed to implement the policies (Moore 2002).

Because of these gaps between policy and legislation, the regulatory frameworks themselves are arguably the most important factor determining the success or failure of community forestry. Work supported by IUCN in South Asia since 2003 indicates that regulatory frameworks and state policies that are inadequate or inappropriate in design or application are a greater source of inequality and conflict than resource scarcity itself (IUCN *in press*).

Until issues of community rights to access resources are resolved through well designed and executed legal frameworks, investments made by national governments and international organizations to reverse forest resource degradation will not achieve

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results commensurate with the time and money invested. This paper reviews a few of the trends, challenges, and issues that governments should consider as they create legal frameworks to enable community forestry, and minimize conflicts over forest resources.

Regulatory trends

A general, global trend over the last fifteen or twenty years has been a shift from public sector control to varying degrees of private and community rights to forest resources. A study published by Forest Trends in 2002 reported that approximately 420 million hectares or 11% of forests globally are legally owned or administered by communities. This means that approximately 22% of developing country forests are under community ownership or management – three times more than is owned or managed by individuals or the private sector (White and Martin 2002). A 2004 Forest Trends study estimated that, world-wide, 370 million hectares of forests are being conserved by indigenous communities, with almost half of that area, approximately 170 million hectares, in Asia. That compares with approximately 470 million hectares of forest conserved in government protected areas (Molnar, Molnar, Scherr and Khare 2004).

The extent to which this shift benefits forest communities appears to be linked to the quality of the rights they are given. In many cases the transaction costs are too high and the use rights are too weak for the communities involved to derive any meaningful benefits. In others, the rights and benefits that communities receive under community forestry arrangements are not proportional to the responsibilities they assume. Experience with Joint Forest Management (JFM) in India indicates that forests under JFM do well, which in turn reflects well on the government agency involved. The results for the local communities involved in JFM are less positive (White and Martin 2002). Recent reforms in forest regulation in two other South Asian countries – Bangladesh (Social Forestry Rules, 2004) and Pakistan (North-West Frontier Province Forest Ordinance, 2002) – introduce the concepts of “social forestry” and JFM, but community involvement and rights remain at the discretion of the responsible government agency. Both of the Forest Trends studies indicate that secure tenure rights and resource access for forest-dependent communities are required for successful community-based forest management and conservation.

Important Issues to be Addressed in Community Forestry Regulatory Frameworks

There are several issues that policy makers should keep in mind while reviewing and reforming regulatory frameworks. Of particular importance is the need to clearly define the terms “community” and “forest,” rationalize statutory with customary laws, and mitigate the limitations of granting “soft rights” to communities.

One of the initial, necessary and perhaps obvious steps towards providing an enabling framework for community forestry is to define both “forest” and “community.” The definition of “forest” in the jurisdiction’s primary forest legislation should be reviewed



to determine whether it is adequate in the context of contemporary forest management and particularly in terms of community forestry. If the jurisdiction regulating community forestry decides to update its primary definition of “forest”, references are available from, among other sources, the United Nations Food and Agriculture Organization and the Convention on Biological Diversity.

Regulators need to bear in mind that the process for defining “community” is as important as the definition itself. To the extent possible, it is best to allow communities to define themselves rather than impose a definition from outside the community. When a community defines itself it is much more likely that the forest management decisions made will be sustainable.

In addition to carefully defining “forest” and “community”, regulators must also understand the nature of rights to forest resources in order to structure a successful regulatory regime for community forestry. A community may recognize rights based in customary law that have been observed for generations or centuries but which may or may not be recognized by statutory law. Where communities are granted statutory rights to forest resources, the quality of those rights varies. In some cases, communities have full ownership rights to forests and their resources. More often, statutory rights for communities are “softer”, giving a community certain rights to use forest resources, but not full tenure.

Statutory laws and customary laws may compliment each other, converge or conflict. Statutory laws often overlay customary laws that may not be written down but are broadly understood and used by members of a community. The people of a community may live day-to-day according to their customary laws and be confronted with statutory laws only when government officials or outsiders become involved in an issue. Or, as is the case in one area of one South Asian country, customary laws tend to be followed for non-timber forest products while statutory laws are applied to timber.

Many countries in Asia have active customary law systems in the areas in which community forestry is being practiced. With more than 170 million hectares of Asian forest under indigenous community management, it is particularly important in this region to be aware of and understand local customary laws.

A study of customary laws governing natural resource management in one South Asian country revealed that customary law in the territory studied has most of the fundamental features of a formal statutory regulatory regime: fees for the equivalents of licenses and permits to access and use natural resources, including forest resources; the equivalent of administrative sanctions, including fines and other penalties; enforcement of compliance by an adjudicating authority; and the equivalent of criminal penalties. In a few limited cases, customary law dispute resolution mechanisms were acknowledged and their decisions honored by statutory courts. Customary authorities have also referred offenders to the statutory system (Bilal, Haque and Moore 2003). Honoring a community’s customary laws with the state court’s imprimatur in these cases has had the added benefit of increasing the community’s respect for the legal system. In effect the state has given the community a tangible demonstration of respect, and receives greater community “buy-in” to the statutory dispute resolution system. This suggests that harmonizing customary and statutory law could be feasible and may offer a way to resolve existing conflicts between customary and statutory regimes.



REGULATORY FRAMEWORKS, TRENDS, CHALLENGES & ISSUES.

One challenge in the task of attempting to harmonize statutory and customary laws within a jurisdiction is the fact that customary laws may vary from one community or region to another. In order to rationalize and harmonize customary law with statutory laws, an effort first must be made to find out what customary laws operate in the jurisdiction. Such an effort may involve social anthropologists as well as legal experts and require several months of field work in communities to gather and systematize information about customary laws and rights.

“Soft” rights are frequently the basis of community forestry co-management schemes. They are given to community members in exchange for hands-on management of forest resources, but legitimate and effective command over the resources is retained by a government authority. Such “soft” rights provide communities no guarantee or assurance that their ability to access and use forest resources will not be revoked. This lack of clear and continuing rights to the resource gives the community a limited incentive to manage the forest resource well and results in inefficient resource use and resource scarcity. “Soft rights” enjoyed at the discretion of a governmental authority may be part of an enabling legal framework for community forestry, but should not be the only option available to forest communities. This is particularly important in view of current initiatives to develop legal regimes supporting payment for the environmental services provided by forests. For communities to be able to benefit from such payments, they will need to have secure, rather than soft, rights (White and Martin 2002).

Valuation of forests and their resources is an indispensable tool for managing forest resources and should be enabled in a community forestry regulatory regime. Trees are a slow growing crop to invest in and it is difficult for people in communities with unreliable sources of income to wait for harvest. It can be hard for a community or other stakeholders to see the advantage of planting today for logging benefits to be reaped 10-50 years later. When the benefits are seen as remote and the forest is easily liquidated, it may seem to make more sense to liquidate a forest asset and use the money for purposes unrelated to either the forest or community development. Valuation of all of the benefits of a forest – soil conservation, flood control and access to non-timber forest products, to list only a few – will often demonstrate that the short-term gain of harvesting a forest for timber is not in the longer-term interest of the community, which needs the other, continuing benefits.

Valuation can provide the basis for incentives that will help forest resource users to understand the advantage of managing forest resources sustainably. Valuation will also provide the basis for equitably sharing the benefits of forest resources among forest communities and other stakeholders such as private investors and the government, as the value of forest resources to a local community may be vastly different than the value of the resource as viewed from the perspective of the national economy. Equitable benefit sharing of forest resources can, of course, be an issue within a community too. It is necessary to consider all aspects of forest resources and the perspectives of all stakeholders to arrive at the true value of the resource.

Regulatory regimes for community forestry depend on representative and accountable institutions and authorities at the local as well as central and intermediate levels of national government. Where soft rights are used in the regulatory regime, there should be provisions for balancing decision-making responsibility and authority



between communities and governmental authorities. Where co-management arrangements are established, the regulatory regime should also make explicit provisions for dispute resolution between the community and the governmental authority.

Regulatory Instruments

In most jurisdictions, there is a hierarchy of legal instruments. The constitution of the country is normally at the top of the hierarchy, followed by legal instruments that are usually adopted by an elected legislative body. The terms used for these legal instruments varies from jurisdiction to jurisdiction – they may be called “laws” or “acts” or another term particular to the jurisdiction. Ideally, the legal instruments that are highest in the hierarchy will implement government policy on the issue they govern. In some jurisdictions, however, the law or act itself may be the expression of government policy¹. Legal instruments adopted by a legislative process are usually intended to remain in force if not indefinitely, then for the longer term, as the legislative process is time-consuming and relatively expensive. If community forestry is to be authorized by means of such a legal instrument, it is advisable that the legal instruments enable community forestry and establish its fundamental principles, leaving operational detail to subordinate legal instruments – which may be called “regulations”, “rules”, “decrees”, “circulars” or other terms specific to a particular jurisdiction – issued by the executive branch of the government. These subordinate legal instruments can be revised more easily as experience with community forestry indicates the need for changes. This is not the practice in all jurisdictions, however.

It is important to use the legal instruments available at each level of the regulatory hierarchy in a jurisdiction to enable and implement community forestry. The degree of detail in each type of legal instrument and the coherence and consistency among legal instruments at all levels of the national hierarchy should be carefully considered as a country’s regulatory regime for community forestry is designed or updated.

The legal instrument that is highest in the national hierarchy should, at a minimum:

- Define “community” and “forest” and enable community forestry;
- Clearly specify the jurisdiction and accountability mechanisms for each level of the institutional hierarchy responsible for community forestry;
- Establish rights or specify the means by which rights to forest resources under community forestry programs will be allocated, including by recognition of traditional uses and rights;
- Provide for economic valuation of forests, of timber and of non-timber resources;
- Enable equitable benefit-sharing;
- Enable dispute resolution mechanisms; and
- Provide penalties for violations.

1 Laws of the Philippines, for example, may stipulate that they are the official expression of the policy of the government on the issue they govern.



Subordinate legal instruments should provide for more specific application of the rights and responsibilities involved in community forestry, including but not limited to:

- Specific responsibilities of all institutions, groups and individuals involved in community forestry, including incorporation of traditional uses and rights (if not already done in the law);
- Specific responsibilities of all institutions, groups and individuals involved in community forestry;
- Applying economic values of the timber and non-timber resources involved to ensure equitable benefit-sharing, incentives sufficient to encourage compliance, and penalties sufficient to deter violations;
- Decision-making mechanisms that balance interests of government and needs of communities; and
- Locally-appropriate dispute resolution.

Recommended Approaches

Within Asia there is a variety of legal systems, derived from different historical experiences. Among Asian states there are federal systems of government, centralized systems, and many governments undergoing processes of decentralization. These country-specific variations means that there is no single legal framework that will enable community forestry in all countries and no single way to address a country's challenges to alleviating poverty and at the same time managing forests sustainably.

There are, however, some guiding principles which can be applied generally in any jurisdiction, including:

- Making a long-term commitment to recognizing customary rights and to devolving statutory rights and responsibilities to forest communities;
- Developing laws that enable community forestry and empower communities;
- Avoiding over-regulation;
- Ensuring consistency between policies and legal instruments;
- Ensuring consistency between local government regulations and resource/sector-specific rules;
- Supporting accountability;
- Supporting viable institutional arrangements;
- Supporting rationalization of customary and statutory resource rights;
- Supporting evolution of independent dispute resolution mechanisms; and
- Reviewing and updating regulatory instruments periodically.

The urgency of the needs and problems of forest-dependent communities increases the temptation to adopt situation-specific, pre-existing solutions to pre-defined problems. But creating and maintaining an effective regulatory framework for community forestry requires, above all else, a long-term focus and commitment. There are no quick fixes or off-the-shelf solutions. Appropriate legal frameworks evolve over long periods of time. Partnership and confidence-building for effective compliance and enforcement of a regulatory framework for community forestry also takes time and requires the support of local governance institutions and processes. No law is truly effective until community members and the officials charged with implementing it understand it, and achieving the depth of understanding required demands time and



commitment by all those involved. Forest communities, all levels of government hierarchy, and the donors involved all must make a long term commitment to the process.

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