



ADDRESSING FOREST GOVERNANCE CHALLENGES in the Greater Mekong Subregion

Policy brief



Summary

RECOFTC – The Center for People and Forests, working with civil society partners as part of the European Union funded Voices for the Mekong Forests (V4MF) project, is seeking to better understand and address the governance challenges and opportunities facing forest landscapes in the five countries of the Greater Mekong Subregion (GMS) as well as putting forward a programme to address these through strengthening the role of non-state actors (NSAs). To this end, forest governance and capacity needs assessments were conducted in late 2017 and early 2018 in all five countries and three transboundary landscapes.

Several challenges were found to permeate all areas of forest governance in the region. While there is a reasonable legal foundation in place in most of the countries, it was felt this is greatly undermined by systematic failures in implementation, enforcement and compliance.

This brief puts forward various recommendations including the need for:

- A system to monitor and strengthen forest landscape governance, with emphasis on transboundary cooperation, is required.
- A systematic and coordinated capacity development programme around forest landscape governance, including a programme to increase the knowledge and skills of civil society.

The project partners are working with various stakeholders, particularly non-state actors (including civil society), to implement a programme to address the challenges and opportunities identified for improving forest governance in the region.

Forests in the GMS countries

The forests of the GMS are changing in a multitude of ways (Table 1), causing significant impacts for local communities, biodiversity, national economies and for our climate. At the national level, for example, Cambodia and Myanmar are experiencing traumatic forest loss, while Lao PDR and Viet Nam are experiencing an increase in forest area but a dramatic loss of primary forests.

Table 1. Forest cover and forest cover change in the Greater Mekong Subregion¹

	Forest area 2015 (1,000ha)	land area (1,000ha)	Forest area as % of land area (2015)	1990-2000 Area change 1,000ha/yr (%)	2000-2010 Area change 1,000ha/yr (%)	2010-2015 Area change 1,000ha/yr (%)	1990-2015 Area change 1,000ha/yr (%)
Cambodia	9,457	17,652	53.6	-139.8 (-1.1%)	-145.2 (-1.3%)	-127.4 (-1.3%)	-139.5 (-1.2%)
Lao PDR	18,761	23,080	81.3	-111.9 (-0.7%)	129.0 (0.8%)	189.2 (1.0%)	44.7 (0.2%)
Myanmar	29,041	65,755	44.2	-435.0 (-1.2%)	-309.5 (-0.9%)	-546.4 (-1.8%)	-407.1 (-1.2%)
Thailand	16,399	51,089	32.1	300.6 (2.0%)	-76.2 (-0.5%)	30.0 (0.2%)	95.8 (0.6%)
Viet Nam	14,773	31,007	47.6	236.4 (2.3%)	240.1 (1.9%)	129.0 (0.9%)	216.4 (1.8%)
Total for GMS	88,431	188,583	46.9	-149.7	-161.8	-325.6	-189.7 (-5.1%)

The most prevalent drivers of forest loss in the region are agricultural expansion, infrastructure development (especially hydropower dams and road construction), illegal and unsustainable logging, mining operations and forest fires². On the other hand the reasons for forest area increase in some areas include increased investment in forest conservation, afforestation and reforestation, supported by an improved policy environment³.

1--FAO. 2015. Global forest resource assessment. FAO.

2--FAO. 2017. Forest change in the Greater Mekong Subregion (GMS): An overview of negative and positive drivers. Bangkok, FAO.

3--Ibid

Arguably the key underlying driver for forest cover changes in the region is governance. Each of the GMS countries face numerous challenges regarding this issue. This is reflected in their poor rating in the corruption perception index (Table 2). The impacts of weak or good governance are manifested in various forms. Weak governance deters sustainable investments in forest landscapes, undermines protection and conservation efforts, erodes the viability of good business practices, and increases the number of forest-related conflicts as the rights of forest peoples are ignored. Good governance on the other hand creates an enabling environment for sustainable management of forest resources, attracting stable and long-term investments, opening up markets, promoting the conservation of natural forests and safeguarding the rights of forest peoples.

Table 2. Corruption perception index: Score 0 indicates highly corrupt and 100 is very clean. For the ranking, 1 is least corrupt globally, with higher numbers indicating a lower ranking⁴

	2012		2013		2014		2015		2016		2017	
	Score	Ranking (/177)	Score	Ranking (/177)	Score	Ranking (/175)	Score	Ranking (/168)	Score	Ranking (/176)	Score	Ranking (/180)
Cambodia	22	157	20	160	21	156	21	150	21	156	21	161
Lao PDR	21	160	26	140	25	145	25	139	30	123	29	130
Myanmar	15	172	21	157	21	156	22	147	28	136	30	135
Thailand	27	88	35	102	38	85	38	76	35	101	37	97
Viet Nam	31	123	31	116	31	119	31	112	33	113	35	107

Numerous ongoing efforts are directly or indirectly working to strengthen forest governance in the GMS. At the international level, these include the EU's Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan and the UN's Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+). Regionally, there is the Lancang-Mekong Cooperation, and the Association of Southeast Asian Nations (ASEAN) Forest Law Enforcement and Governance (FLEG) programme, while at country level are, for example, the national community forestry programmes (Table 3).

Table 3. Examples of forest governance initiatives in the GMS countries and their progress

	FLEGT Voluntary Partnership Agreement (VPA)	REDD+ Readiness Status (/100) ⁵	CF development as of 2016 Area (% of forestland) Target (year)
Cambodia	No plan to move to negotiation phase	54.5	296,240ha (2.8%) 2,000,000ha (2020)
Lao PDR	Negotiating (started April 2012)	45.0	N/A
Myanmar	In discussions to move to negotiation phase	38.0	113,765ha (0.6%) 919,000ha (2030)
Thailand	Negotiating (started Sept 2013)	58.5	750,457ha (3.4%) 1,600,000ha (2025)
Viet Nam	Negotiations started Nov 2011 VPA agreed May 2017	76.0	4,254,375ha (31.7%) 4,000,000ha (2020)

*Criteria: 1. National and international policy framework, 2. Management of REDD+ Readiness, 3. National REDD+ Strategy Development, 4. Monitoring, MRV, FREL/FRL, 5. Benefit distribution and financial management, 6. Social and Environmental safeguards. Average among the GMS countries was 59.5/100

4-Transparency International. 2018. Corruption perceptions index 2017.

5-UN-REDD. 2014. Asia-Pacific REDD+ Analysis: Lower Mekong. Asia-Pacific UN-REDD Programme.

Assessing forest governance in the GMS countries

RECOFTC – The Center for People and Forests, working with the World Wide Fund for Nature (WWF) and NGO-Forum Cambodia, Lao Biodiversity Association (LBA), Myanmar Environment Rehabilitation-conservation Network (MERN), Raks Thai Foundation and the Center for People and Nature Reconciliation (PanNature), conducted a forest governance assessment to better understand the challenges and opportunities for strengthening forest governance in the five countries of the Greater Mekong Subregion. The work was carried out as part of the EU-funded V4MF project. Based on this increased understanding, the project is putting forward a programme for addressing the identified issues.

The starting point of the assessments is the Enabling Environment Assessment Tool (EEAT) developed by WWF, based on PROFOR/FAO's Forest Assessment and Monitoring Framework for good governance.⁶ This framework assesses a series of indicators, divided among six cross-cutting principles and three pillars of governance (Figure 1).

The work in each country involved various steps at national and project landscape levels (Figure 2). Firstly, the assessment teams assessed all indicators to gain a comprehensive overview of the forest governance constituents, and then tailored them to the country and landscape contexts. Secondly, the teams conducted the assessment by gathering the inputs of various stakeholders, including representatives of government departments responsible for forestry, agriculture, mining and other related sectors, civil society organizations (CSOs) active at both national and landscape levels, as well as from local communities, local authorities, the judiciary, and local academic institutions. In total nearly 1,000 individuals across the five countries participated in the assessment.

Participants were asked to give their perception of the strengths of various institutions, frameworks, policies and implementation measures connected to forest governance, on a scale of 1 to 5, where 1 is "failing" and 5 "close to best practice". Qualitative comments were also collected.

A capacity development needs assessment was then conducted on the capacities of institutions to address the challenges and opportunities identified. These first two rounds of assessments were then used as the basis for the development of a capacity development programme particularly focusing on non-state actors, mainly CSOs.



Figure 1. Framework for forest governance assessment and situational analysis⁷

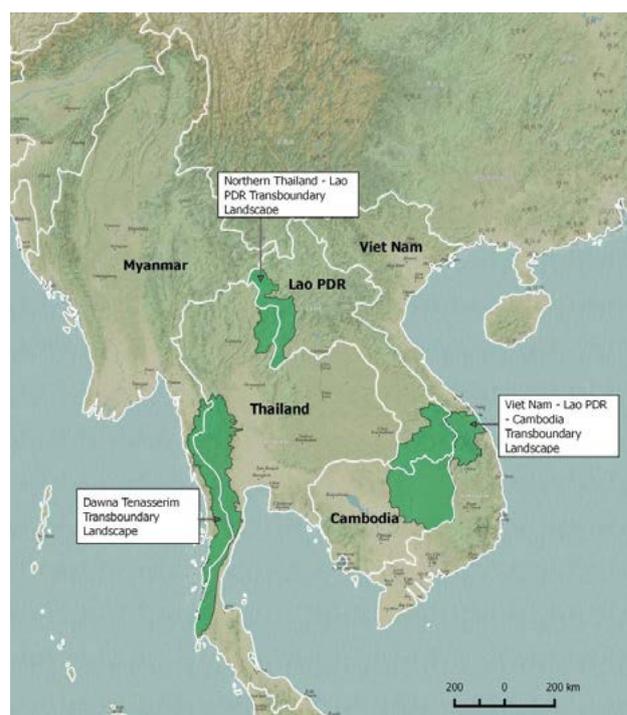


Figure 2. Project target countries and transboundary landscapes⁸

6--PROFOR & FAO. 2011. Framework for assessing and monitoring forest governance.

7--PROFOR. 2017. Assessing forest governance in Mozambique: Identifying key challenges and interventions to strengthen governance

8--Project landscapes are 1. Dawna Tenasserim Transboundary Landscape - covering Tanintharyi Nature Reserve (Myanmar) and Western Forest Complex (Thailand), 2. Northern Thailand - Lao PDR Transboundary Landscape - covering Doi Phu Kha National Park (Thailand) and Nam Pouy National Protected Area (Lao PDR), & 3. Viet Nam - Lao PDR - Cambodia Transboundary Landscape - covering: a) Eastern Plains Landscape (Cambodia bordering with Viet Nam); b) Quang Nam province, Central Annamites; Kon Tum province, Central Highlands (Viet Nam bordering Cambodia and Lao PDR); and, c) Xe Pian and Dong Amphan National Biodiversity Conservation Areas (Lao PDR).

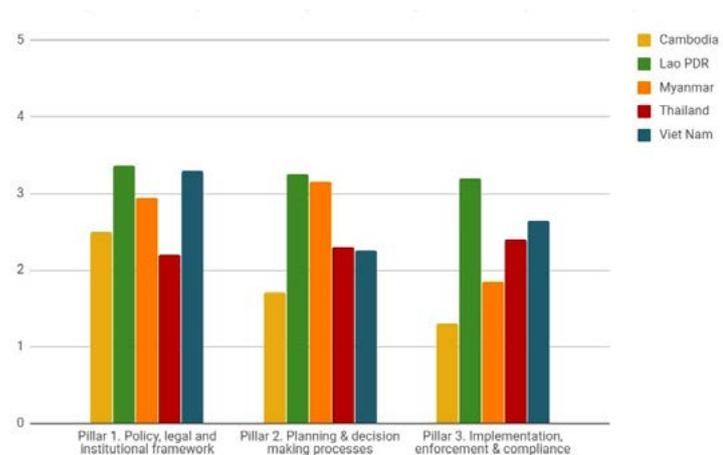
Results

The forest governance assessment in the five GMS countries produced notable and at times unexpected results.

The use of a quantitative assessment method allowed for comparison between countries (Figures 3 - 6), revealing significant differences. These scores should be treated with care as there was great variation in the processes and the stakeholders, including in their ability to provide opinions on a sometimes sensitive subject. Nonetheless, the results provide some insights into the perceived strength of forest governance across the GMS region.

The relative ratings of the three pillars varied between the different countries (Figure 3). Across the region, the average scores were 2.8 out of 5 for Pillar 1 (policy, legal and institutional framework), 2.4 for Pillar 2 (planning and decision-making processes) and 2.2 for Pillar 3 (implementation, enforcement and compliance). This is broadly in line with previous ASEAN, GMS and national-level assessments that the most significant challenges lie in implementation.⁹

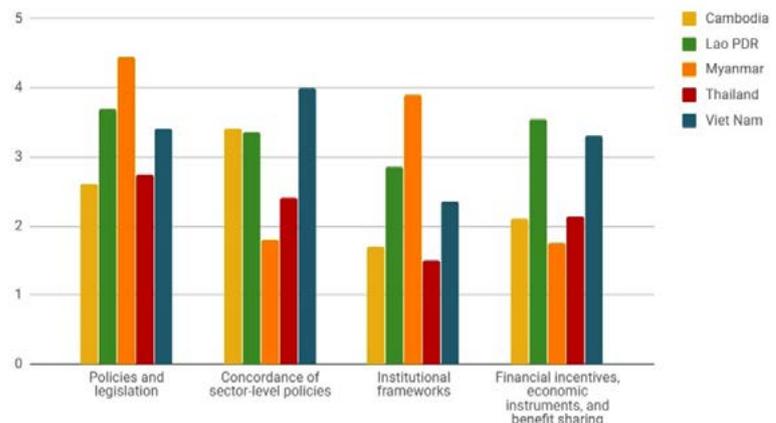
Figure 3. Average score for each country for each pillar



Pillar 1. Policy, legal and institutional framework

The average score under Pillar 1 was 2.8, at the upper end of “weak”, approaching “fair”. Some individual areas scored 4 or higher, such as “policies and legislation” in Myanmar and “concordance of sector-level policies” in Viet Nam – a score indicating “good conditions/performance in this area”. The most critical scores in the pillar were given to “institutional frameworks” for Cambodia and Thailand, and “concordance of sector-level policies” for Myanmar (Figure 4).

Figure 4. Average score per component of Pillar 1 for each country



Lao PDR, Myanmar and Thailand all rated their “policies and legislation” as stronger than other components in the pillar. Participants referred to several examples of recent progress. In Lao PDR, for example, they cited efforts to align regulations and laws with the Forest Strategy 2020. Cambodia and Viet Nam, on the other hand, gave higher scores to “concordance of sector-level policies” than to other components in this pillar. In Cambodia, participants emphasised efforts by the government to seek synergies in policies, laws and regulations in relation to climate change mitigation, and sustainable livelihood development. In Viet Nam, emphasis was placed on the Viet Nam Forests Protection and Development Law (2004), the forthcoming Forestry Law and the Viet Nam Forestry Development Strategy 2006-2020, among others, which all lay out synergies and work towards integrating and promoting sustainable forest management.

9-- e.g. PROFOR. 2014. Forest Governance Assessment for REDD+ in Lao PDR.

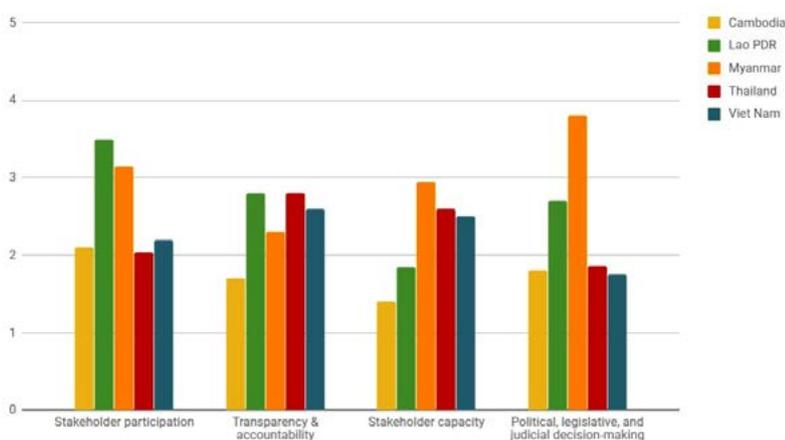
The component of “institutional frameworks” was clearly viewed as being challenging in all countries except Myanmar. For all countries, participants said there was often a lack of incentive or clarity regarding collaboration between state agencies from different sectors. One reason given was that budget constraints can create an environment of competition and territoriality, compounded by sectoral thinking, with a negative impact on landscapes across the region.

The participants from Lao PDR and Viet Nam were more positive towards the “financial incentives” component than other countries. For example, in Lao PDR the legal framework encourages the private sector, villagers and other organizations to develop commercial plantation forests, including rubber, via forestland concessions or on their own private lands. The other three countries gave lower scores to this component, citing concerns including over the weakness of benefit-sharing arrangements.

Pillar 2. Planning and decision making processes

The average score under pillar 2 was 2.4 with clear challenges. Areas of strength include “political, legislative, and judicial decision making” in Myanmar, and “stakeholder participation” in Lao PDR and Myanmar. Several components were more of a concern than others, namely: “political, legislative and judicial decision making” for Cambodia, Thailand and Viet Nam; “stakeholder capacity” for Cambodia and Lao PDR (Figure 5).

Figure 5. Average score per component of Pillar 2 for each country



The average across the countries for “stakeholder participation” was 2.6, with concerns being raised on the limited roles of CSOs and perceived marginalization of minorities, and the lack of recognition of the rights and needs of rural communities, especially ethnic groups. All countries, however, stressed that progress has been made in recent years, especially with the development of community forestry, with its implications for supporting participatory processes.

The “transparency and accountability” component was clearly a concern in all countries. In Cambodia the main concern was the lack of transparency in the allocation of land concessions. In Thailand there is a feeling that, while processes exist to monitor the forest sector, it is too easily sidestepped. A further issue in all countries was the fact that the general public, as consumers of forest products, are poorly informed about the (un)sustainability of forest practices, and have little concern about the provenance and legality of the products they buy.

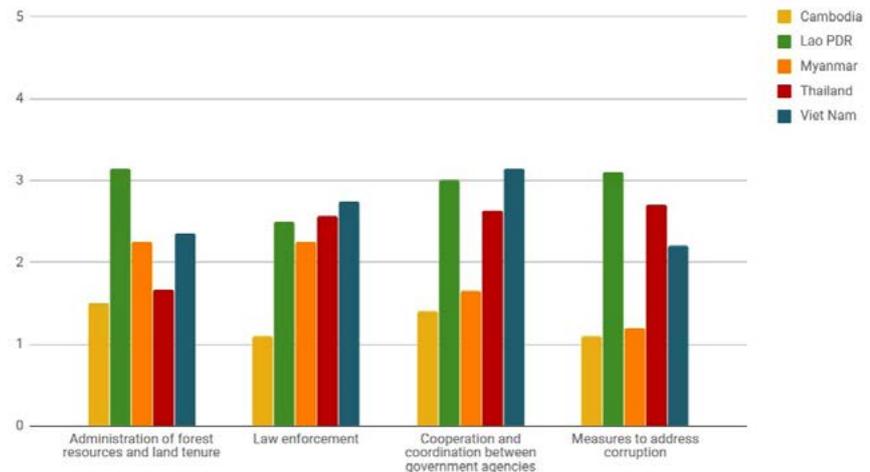
The component of “stakeholder capacity” had the lowest score in this pillar, with different issues raised in each of the countries. In Cambodia, emphasis was placed on poor public awareness of government decisions, this is compounded by CSOs having low capacity to effectively step in and influence the process. In Myanmar, however, many recognized that stakeholder capacities are improving greatly as a result of the recent increase in the growth of community forestry, supported by the government and development organizations.

In the fourth component, “political, legislative, and judicial decision-making”, there was again wide divergence in scores. A concern in Viet Nam was particularly linked to the “politics” part of the component, namely the power of the Party over all institutions and decision making. Participants in Cambodia and Thailand also mentioned strong political influence. All countries raised the concern about the continued prevalence of top-down decision making across the board, despite progress in participatory processes in recent years. In Myanmar, however, decision making was seen as relatively free of political interference, and legislative activity on the whole was perceived as increasingly transparent and participatory.

Pillar 3. Implementation, enforcement and compliance

The average score across this pillar was 2.2 making it the lowest-scoring pillar of the three, with only a handful of component-level scores being over 3 (Figure 6). The poorest perceptions were for “measures to address corruption”, while the highest was for “cooperation and coordination between government agencies”, although again there were notable differences across the countries.

Figure 6. Average score per component of Pillar 3 for each country



The average score across the countries for “administration of forest resources and land tenure” was 2.2, reflecting the many tenure and rights issues facing forest communities across the region.

The average score for “law enforcement” was in the same range. In Cambodia, existing sanctions were seen as not strong enough deterrents, compounded by the limited law enforcement capacities. This concern was also mentioned in other countries, even where the actual score for this component was not as low.

“Cooperation and coordination” between government agencies was also an issue in all the countries, though the average score (2.4) was better than the other components in this pillar. In Myanmar participants mentioned the poor information sharing and distrust among stakeholders at the landscape level. This is partly based on the history of civil conflict in the landscape in question, but also due to the lack of incentive to improve cooperation and coordination among key stakeholders.

Corruption is a challenge across the GMS. This is illustrated by the region’s poor showing on the annual Corruption Perception Index (CPI) (Table 2), and by this component’s lowest score of any across all pillars. In all countries there were feelings that the laws are in place to address the issue, but they are poorly enforced.

Priority issues and ways forward

The work not only highlighted numerous challenges for strengthening forest governance in the GMS countries, but also areas of progress in recent years, as well as opportunities for up-scaling, including on VPA and REDD+ synergies. Following is an outline of the main interlinked recommendations for addressing the issues raised, with many activities cutting through all levels, from regional to national and down to landscape level.

Development of a forest governance monitoring system

- **Issue:** Poor access to information at the landscape, national and regional levels is facilitating illegal forest activities, ill-informed decision making and poor monitoring of forest management practices.
- **Action:** Development of a forest governance monitoring system that is accessible to all stakeholders at landscape, national and regional levels, for inputting and accessing information. The system should be designed to build on the numerous projects and programmes at international level (e.g. Land Portal, Forest Legality Initiative, FLEGT and REDD+ facilities), national level (e.g. national VPA and REDD+ programme) and landscape level (community forest monitoring).
- **Anticipated impact:** By enabling all stakeholders, particularly non-state actors, to be more effectively involved in monitoring, planning, managing and reporting on forest landscape use, a significant resource can be mobilized in strengthening forest governance.

Capacity development programme for non-state actors

- **Issue:** Non-state actors, particularly CSOs and news media, are key to ensuring good governance. There is a great deal of goodwill among these stakeholders, but their capacities are often low. Furthermore, the working environment for advocates and watchdogs for good governance is sensitive and often dangerous in the GMS region.

- **Actions:**
 - Capacity development for operational management for CSOs, including project design, monitoring and evaluation, conflict and risk management, and strategic communication.
 - Capacity development on technical issues to support good forest governance for CSOs including their roles in the VPA and REDD+.
 - Capacity development programme for news media to report forest governance issues effectively, including coverage of technical issues related to deforestation and forest degradation, as well as initiatives such as VPA and REDD+.
- **Anticipated impact:** Improving the ability of CSOs to design, implement, monitor and report on their activities will increase their impact. More effective reporting by news media will increase public awareness, and in turn create a more enabling working environment for good governance.

Informed decision making of forest product consumers in GMS

- **Issue:** The general public in the GMS pays little attention to the source of the forest products they consume. This greatly undermines the work of non-state actors in improving forest governance.
- **Actions:**
 - Research is needed on the drivers of purchase habits for forest products of the general public. Research results will guide strategies for marketing and advocacy campaigns.
 - Advocacy and awareness raising campaigns should support regional, national and/or local initiatives to strengthen forest governance. These may be related to policy proposals, investment and development projects, land-use decisions, the adoption and support of certification schemes, and purchasing from sustainable sources. Campaigns may include social media, video, photography, promotional material, educational material, policy briefs, competitions or other appropriate channels and materials.
 - A capacity development programme for CSOs could help advocate more effectively for more sustainable purchasing practices by the general public and suppliers.
- **Anticipated impact:** Consumers who understand the importance of purchasing products from sustainable sources will want options that reflect their demands, thereby supporting sustainable forest management initiatives.

The Voices for Mekong Forests (V4MF) is a 5-year project funded by the European Union that aims to strengthen the voices of non-state actors (NSA) to improve the governance of the forests in the Mekong region, particularly in the context of FLEGT-VPA and REDD+ processes. V4MF is implemented by RECOFTC – The Center for People and Forests with eight regional and national partners in three trans-boundary landscapes across the five Mekong countries.



RECOFTC's mission is to enhance capacities for stronger rights, improved governance and fairer benefits for local people in sustainable forested landscapes in the Asia and the Pacific region.

RECOFTC holds a unique and important place in the world of forestry. It is the only international not-for-profit organization that specializes in capacity development for community forestry. RECOFTC engages in strategic networks and effective partnerships with governments, nongovernmental organizations, civil society, the private sector, local people and research and educational institutes throughout the Asia-Pacific region and beyond. With over 30 years of international experience and a dynamic approach to capacity development – involving research and analysis, demonstration sites and training products – RECOFTC delivers innovative solutions for people and forests.

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