ASSESSING FOREST GOVERNANCE IN CAMBODIA

IDENTIFYING KEY CHALLENGES AND INTERVENTIONS TO STRENGTHEN GOVERNANCE

Policy brief

Summary

The natural forests of Cambodia are at a critical juncture. The country's forest sector is seeing major changes at policy and institutional levels, while on-the-ground implementation of related policies and laws faces great challenges, among them, weak governance that is facilitating the destruction of forests. This is having devastating impacts on the lives of millions of people, destroying the country's important biodiversity, and jeopardizing its development. The country is working to improve forest governance through the empowerment of forest communities, but concerns persist regarding implementation capacity and effectiveness. 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 the governance challenges and opportunities in Cambodia's forestry sector, as well as putting forward a programme to address these through the strengthening the role of non-state actors (NSAs). To this end, a participatory forest governance assessment was carried out in late 2017 and early 2018. The findings, outlined in this brief, include a need to improve the monitoring of forest landscape governance, and to strengthen coordination between the different administrative levels as well as with NSAs. The project partners will work with various stakeholders, including civil society, to implement a programme to address the challenges and opportunities identified.

Cambodia's forest sector

Cambodia's forests cover about 9 million hectares, or roughly 50 percent of the country. The total forest area is smaller than those of its Mekong neighbours, but Cambodia retains among the largest individual tracts of forest left in the region, as well as some fauna species and forest types that have mostly disappeared elsewhere, such as dry forests, lowland evergreen forests, and flooded forests.

The forests provide a number of critical services to communities in or near forest areas, which account for around half the country's population, and who use its resources to sustain their livelihoods. However, forest quality has been declining, and forest cover is shrinking at one of the fastest rates in the world[1], from 75 percent of the national territory in 1990 to 54 percent in 2015[2], with some sources estimating it has fallen below 50 percent at the time of writing[3].

The government acknowledges a number of direct and indirect drivers of deforestation and forest degradation[4]. These include: increased accessibility to remote forest areas; expansion of agro-industrial concessions; widespread illegal logging; and unsustainable harvesting of other forest products.

Some of these drivers could be mitigated if the responsible authorities had adequate capacity, resources and commitment to manage the forest estate. In this context, it is clear that the status of forest governance is a pivotal issue driving the fate of Cambodian forests.

The government has taken steps to respond to emerging issues and challenges in forest management. In 2002, it committed to improving governance in the forest sector through its Forest Sector Policy Statement. A number of strategies and legislative instruments were adopted including the Forestry Law (2002), the Protected Area Law (2008), various sub-decrees and guidelines (e.g., CF sub-decree [2003]), and the National Forest Programme 2010-2029. In addition, there are ongoing processes to improve policies that impact the forest sector, e.g. the development of the Environment and Natural Resource Code, as well a series of changes in responsibilities between ministries and departments that was initiated in 2016[5]. There has also been a decentralization of state functions and devolution of power to sub-national levels, including in areas that affect forest governance. This marks a significant shifting of authority over forest resources towards the sub-national level, with provincial, district, and commune authorities becoming key institutional actors in forest governance.

Cambodia has made significant achievements in conservation, included doubling the size of its protected area and establishing biodiversity conservation corridors. At present, over 80 percent of the forest area falls under the protection system to be managed for conservation; the remaining 20 percent is for production purposes. The country has also banned exports of logs and rough timber, as well as any logging within the Permanent Forest Estate since 2002, while in 2016 an embargo was introduced on all timber exports to Viet Nam.

Several forthcoming international initiatives provide opportunities to strengthen forest governance, notably the EU Forest Law Enforcement, Governance and Trade (FLEGT) action plan, and the UN Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+).

Regarding the FLEGT, progress on Cambodia's Voluntary Partnership Agreement (VPA) has stalled in recent years. However, the readiness phase of REDD+ has been completed, with the development of the National REDD+ Strategy (2016) and the establishment of the National REDD+ Programme, as well as the creation of a multi-stakeholder REDD+ Consultative Group.

1–NASA, 2017. Cambodia's Forests Are Disappearing. [online] at <https://earthobservatory.nasa.gov/IOTD/view.php?id=89413&> [Accessed 12 June 2018].
2–FAO, 2017. Forest change in the Greater Mekong Subregion (GMS): An overview of negative and positive drivers. Bangkok: FAO.
3–Ministry of Environment, 2016. Cambodia National REDD+ Strategy 2017-2026
4–Ministry of Environment, 2016. Cambodia National REDD+ Strategy 2017-2026
5–Ministry of Environment, 2016. Sub-decree No. 69 on the Transfer of the Protected Forest, Forest Conservation and Production Forest Areas, and Economic Land Concessions, from the Ministry of Agriculture, Forestry and Fisheries to the Ministry of Environment.

Assessing forest governance in Cambodia

RECOFTC – The Center for People and Forests, working with the World Wide Fund for Nature (WWF) and NGO-Forum Cambodia, conducted a forest governance assessment to better understand the challenges and opportunities for strengthening forest governance in the country and the Greater Mekong Subregion as a whole. 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 assessment used the Enabling Environment Assessment Tool (EEAT) developed by WWF, based on the PROFOR Framework for Assessing and Monitoring Forest Governance[6]. This framework assesses a series of indicators, divided among six cross-cutting principles and three pillars of governance (Figure 1).

Figure 1. Forest Governance Assessment and Situational Analysis Framework[7]
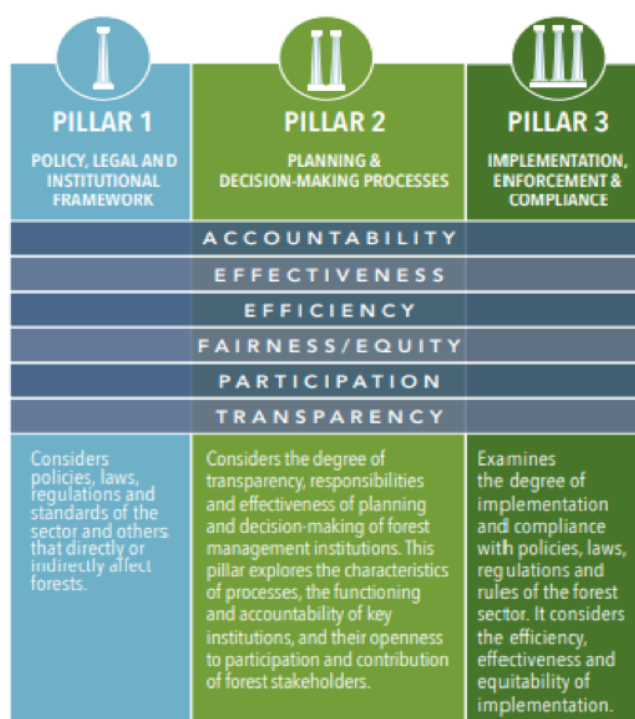
First, the assessment team reviewed the indicators and tailored them to the situation of forestry in Cambodia, in particular in light of the ongoing REDD+ development. Then the team conducted the assessment by collecting inputs of various stakeholders from national civil society organizations (CSOs) and the private sector. Assessments were also conducted with representatives from local communities and networks, protected area officials and local authorities, providing the perspective from the Eastern Plains Landscape (EPL), the transboundary landscape identified and targeted by the V4MF project.

Participants were asked to give their perception of the strength or success of various institutions, frameworks, policies and implementation measures connected to forest governance, on a scale of 1 to 5, where 1 is "failing", 2 is "weak", 3 is "fair", 4 is "good" and 5 is "close to best practice". Qualitative comments were also collected.

Following this, the capacity development needs of relevant institutions were assessed. The challenges and opportunities identified were then used as the basis for a capacity development programme, with a focus on NSAs, mainly CSOs.

More than 130 individuals participated in the research. Emphasis was on a participatory and consensus-based process. This aimed to create an environment of shared understanding for the research, and also to secure stakeholder buy-in for the subsequent capacity development programme.

6--PROFOR and FAO, 2011. Framework for Assessing and Monitoring Forest Governance. Rome: FAO.
7--PROFOR, 2017. Assessing Forest Governance in Mozambique: Identifying Key Challenges and Interventions to Strengthen Governance.
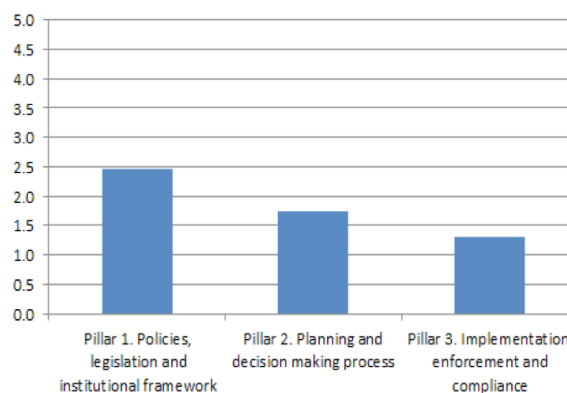
Results

General findings across pillars

Participants agreed that the challenges facing forest governance in Cambodia are many, and vary between and within the pillars. However, there are numerous opportunities to address them.

Pillar 1, "policies, legislation and institutional frameworks" received the highest scores for good governance, followed by Pillar 2 "planning and decision making", while the lowest scores appeared in relation to Pillar 3, "implementation, enforcement and compliance" (Figure 2).

**Figure 2**. The average score for the three pillars of governance

The results highlight the gap between the quality of the country's forest governance on paper and its implementation in real life. They call primarily for interventions to focus on improving the performance of government, but also the supporting role of civil society and other stakeholders.

Pillar 1: Policy, legal and institutional framework

The scoring based on the perceptions of assessment participants for Pillar 1 was average, within the band categorized as "weak". There were however notable differences among the four components of the pillar (Figure 3).

Figure 3. Average score per component of Pillar 1
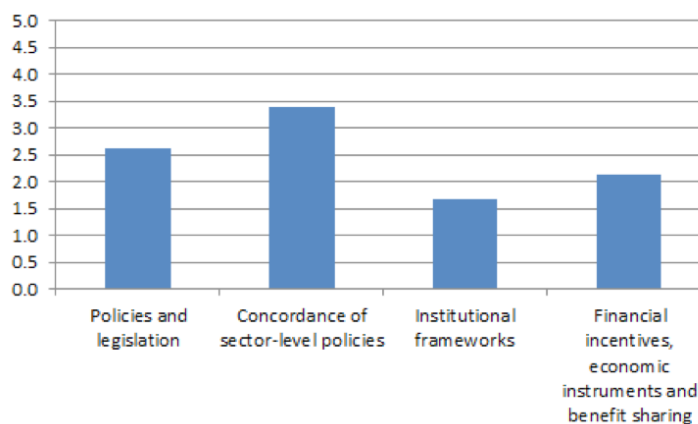
Policy and legislation

Forestry legislation in place: This component received an average score, the second-highest of the components in this pillar. Participants cited the existence of several forestry-related pieces of legislation, including anti-corruption laws and the ratification of international conventions. However, public awareness of the contents of these was felt to be very low.

Concordance of sectoral-level policy

Central government initiatives on climate change, livelihoods: This component was given the highest score in the pillar, indicating "fair with room for improvement". Participants referred to government-led mechanisms of forestry policy development and planning in relation to climate change, sustainable livelihoods, and other sustainable forest management uses. However, the qualitative angle of the assessment raised greater concerns regarding levels of concordance between individual sectors.

Institutional framework

Poor coordination between institutions: This component was categorized as "weak". Each agency's duties for forest management are clear, but inter-ministry coordination is not spelled out. There is no legal requirement for government agencies to work together, especially in areas that may overlap. Often, the laws give authority to a single agency and only encourage coordination, collaboration with relevant institutions and the participation of stakeholders. For instance, the Environment Protection Law just says that the Ministry of Environment "needs to work with other stakeholders" on environment impact assessments.

Financial incentives, economic instruments, and benefit sharing

Poor compensation for extraction, somewhat better for community uses: This component gained a score corresponding to "weak with definite problems". Within the component, stronger scores were given to aspects relating to community-based and traditional forest use. Participants mentioned, for example, the incentives for small-scale enterprise development in Community Protected Areas. The component's overall score was dragged down by the lack of adequate benefit sharing for stakeholders affected by the commercial extraction of forest products. All forest revenue including from timber is directed first to the Ministry of Economy and Finance, to be then re-distributed to line ministries.

Pillar 2: Planning and decision-making processes

The average score for this pillar was low, or "failing", which highlights definite problems across the pillar. (Figure 4)

Figure 4. Average score per component of Pillar 2
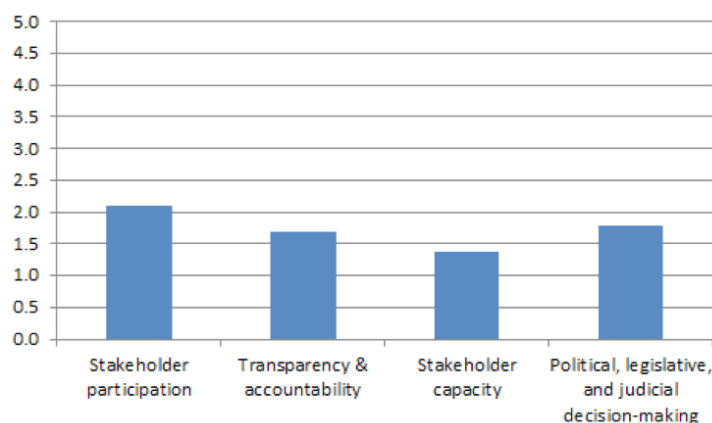
Stakeholder participation

Consultation procedures in place, but not always adequate: Participants said procedures to review official decisions were somewhat acceptable. Concerns were expressed over the lack of opportunity for civil society to participate effectively over the granting of economic land concessions. Where there was public participation, minority and marginalized groups were not felt to be equally treated. One consideration was the language barrier for some monitoring communities, when relevant material is in Khmer.

Transparency and accountability

Opaque processes around concessions: Transparency was felt to be "failing" across both planning and decision-making processes. This applied to the allocation of concessions for the conversion of state lands, access to information before and after decision making, and disclosure of financial information and audit results.

Stakeholder capacity

Poor stakeholder capacity: The capacity of stakeholders to meaningfully participate and influence government planning and decision making received the lowest score of this pillar. Public awareness of government decisions is limited, as is the capacity of NSAs to effectively step in and influence the process. Some NSAs might find ways to intervene, but any leverage depends on the wider political situation at the time. Also, the general public, as consumers of forest products, is little informed about the (un) sustainability of the forest practices, and shows little concern about the provenance and legality of products consumed.

Political, legislative, and judicial decision making

Judicial system clear, but politically influenced: The clarity of mandates and procedures in the judicial system received a score at the upper end of the band. There was a perception of pervasive political interference in technical decision-making processes in the forest sector, and a deficit of quality environmental and socio-economic data for decision makers.

Pillar 3: Implementation, enforcement and compliance

This pillar is viewed as the weakest of the whole forest governance, with the lowest scores corresponding to "failing". Participants felt the country needs to put more efforts to implement and enforce its own forest governance policies and legislation (Figure 5).

Figure 5. Average score per component of Pillar 3
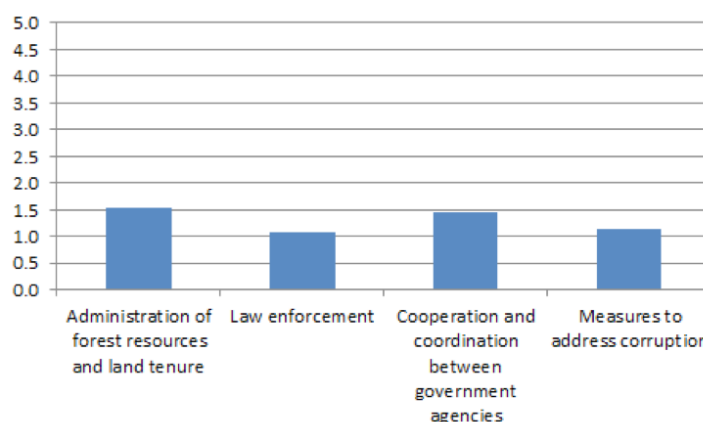
Administration of forest resources and land tenure

No sustainable practices by agencies or private sector: The weakest elements of the component were the implementation of sustainable forest management by mandated agencies, and the failure of agro-industrial and extractive companies to guarantee zero deforestation in their operations.

Burdensome requirements for community use: From a community perspective, state requirements for the licences to harvest and trade forest products are excessively strict, discouraging locally driven responsible forest management.

Some support for small-scale extraction: Slightly higher scores were given to areas related to access to financial credit for small-scale forest enterprises and forest smallholders, and for the promotion of appropriate technologies for forest products harvesting, processing and use.

Law enforcement

No real deterrent against illegal logging: This component scored the lowest of the assessment. Participants said sanctions for illegal logging, when given at all, are nowhere near effective as a deterrent. Law enforcement bodies were said to be generally ill-equipped to fulfil their duties, and there was a reported lack of vigour in pursuing criminal offences, with only few cases going all the way through prosecution. It was also noted that communities are granted inadequate rights to participate in law enforcement in community-based management areas, namely Community Forestry (CF) zones and Community Protected Areas (CPAs).

Cooperation and coordination between government agencies

Coordination weak but improving: Issues in forest governance are complex and often require a cross-sectoral approach that poses its own challenges. Participants acknowledged that a number of inter-ministry mechanisms for forest management exist, for example the Technical Working Group on Forestry Reform and the Cambodia REDD+ Task Force, but their functions need to be improved. There is a reform under way to clarify and better manage the development and conservation functions of various government agencies. On the ground, clearer delineation between protected areas and production forests would allow for a more sustainable long-term management of forest resources.

Measures to address corruption

Corruption effectively unchecked: "Measures to address corruption" scored very low, only just better than the component "law enforcement". Income from rents, fees and taxes does not trickle down to the relevant stakeholders, the local guardians of the forest. There are no official standards or managerial tools to discourage bribery, kickbacks, conflicts of interest, and other forms of corruption. Cambodia does have legal provisions against corruption with a government unit mandated to implement them. But participants said it rarely if ever investigates reports from the public.

Priority issues and suggested interventions

The results of this participatory assessment conducted together with an accompanying capacity development need assessment (CDNA) highlighted a number of priority issues and targeted interventions to improve forest governance.

Integrate sustainable forest management in the development of policies and plans
- Ensure consistency between the priorities of the forest sector and those of other sectors such as mining, water, and transportation, in all government strategies.
- Include provisions for intra-sectoral participation in forest-related legislation.

Clarify mandates and improve cooperation between actors in the forest sector
- Review and clarify the respective forest management roles and responsibilities of the Ministry of Agriculture Forestry and Fisheries and the Ministry of Environment.
- Strengthen inter-ministry coordination in relation to forest management, such as the REDD+ Taskforce and the Technical Working Group on Forestry Reform (TWG-FR). Circulate agreements, and monitor follow-up actions.
- Review the respective roles of line ministries and sub-national authorities, including provincial departments (in environment and agriculture), and ensure they are mutually supportive.

Improve stakeholder participation
- Support stakeholder platforms to inform and sharpen the government's position regarding forest-related international agreements. Establish a mechanism to provide feedback on the impact of these inputs on negotiation outcomes.
- Foster public participation in government decision making as required by relevant laws and policies. Ensure that public inputs are appropriately considered, and provide feedback on how they were addressed: The REDD+ Consultation Group may be the ideal entry point to pilot such a two-way mechanism.
- Create provisions for minorities and marginalized groups including women to voice their concerns during public participation processes, and to obtain special access and management rights over forest in the corresponding guidelines. Design and implement a capacity development programme to enhance communities' forest management.
- Raise awareness among local communities and minority groups about government policies that may directly affect them, as well as their opportunities to influence them. Support community-based national resource management networks (CF and CPA networks) to promote the representation of communities and minority groups.

Improve processes related to land-use planning and allocation of land units
- Facilitate inter-sectoral participatory process for forest area designation through mechanisms such as commune-level land-use planning and the district and provincial spatial planning exercises. This builds on the delegation of authority to the sub-national level, to ensure engagement and cross-departmental coordination.
- Consult effectively with the private sector, civil society and local communities over the designation of protected areas or biodiversity conservation corridors. Ensure that the process to designate protection forest and production forest zones is inclusive and technically sound, and considers scientific information and local knowledge.
- Improve transparency and accountability in the allocation of concessions and other land-use categories that affect forested areas. Make the processes open to public access. Reactivate the online database of economic land concessions and include other forms of land use types and update the information, including a referral contact.

Secure forest tenure
- Raise public awareness of policies and legislation that acknowledge traditional and customary rights of local communities. Support initiatives to implement this (e.g. CF, CPAs).
- Advocate for local communities' rights over the forest resources they depend on. Extend the duration of the tenure rights on CF and CPA forests from the current 15 years, and reduce the technical requirements that hamper community use of forest resources.
- Secure long-term land tenure and security of access to land, trees, and forest products, to encourage public and private investments in forest management, in particular CF and CPA.

Review the value chains and licensing of forest products
- Initiate a dialogue between community and business representatives to build socially equitable and environmentally sustainable solutions.
- Promote a forest-product harvesting and licensing system adapted to community smallholders and small businesses. Possible measures include: expanding legal harvesting sources to include CF, CPA, and private wood lots; reducing legal barriers in transport and trade; and simplifying the technical requirements for licensing.

Improve law enforcement
- Enhance enforcement of legislation around forests and protected areas. Establish a system to detect criminal activity and track prosecution. Promote the participation of local communities (CF, CPA) in law enforcement, and formalize this role in the Environment and Natural Resource Code.
- Provide training and capacity building to concerned agencies, local authorities and rural communities on relevant legislation, including: management of forests and protected areas; relevant legislation and its enforcement; community rights and responsibilities; and opportunities to improve local livelihoods while contributing to the overall management of the forest estate.
- Provide training to local communities (CF and CPA) to increase their involvement in patrolling activities. Support the development of local informant networks and explore better incentives for communities to pursue illegal activities in forest areas.

Foster the exchange of forest information and the monitoring of forest activity
- Foster the implementation of legislation on information access, namely in the environment and natural resource code, regarding proposed actions, policies, laws, programmes, and projects of the government.
- Invest in a robust information-sharing and real-time alert system that could be part of a national forest monitoring system, as well as in a REDD+ safeguard information system, and an online platform for forest governance discussions.
- Improve communication and information sharing between central and local levels of administration by establishing an effective reporting system.
- Build the capacity of professional and citizen journalists and environmentalists to improve forest governance through information, monitoring and communication. This will also boost the media's role of informing the wider public.

Scale up human resources, materials and technology
- Design and implement a capacity development programme for government officials, civil society and local community representatives on the application of information and communication technology for monitoring forest governance.

Audit and evaluate performances
- Streamline national forest monitoring systems to allow the grievances of NSAs to be heard, be processed, and contribute to the effectiveness of government operations in the forest sector. Encourage a mechanism to provide feedback on provincial- and district-level institutions, such as an accountability box.

Support anti-corruption drive
- Establish clear and official standards and tools to discourage corruption in the forest sector, building on existing legislation and enforcement agencies.

Improve forest actors' capacity to invest and engage in forest governance
Build the capacities of forest actors on forest governance. Key topics could include the following:
- Understanding of forest governance concept, pillars, principles and practices.
- Awareness of policies and laws related to forest governance.
- Institutional and managerial strengthening of community-based natural resources management areas such as CF, CPA, and Community Fisheries (Cfi).
- Knowledge and understanding of roles of local communities and civil society in forest law enforcement and forest conservation.
- Skills in the application of adapted information and communication technologies for the gathering and monitoring of forest information.
- Skills in advocacy and facilitation for policy dialogues, participatory stakeholder processes and conflict resolutions.
- Understanding of the customary rights of traditional and indigenous people with regards to forest management.
- Knowledge and skills in the application of the principles of free, prior and informed consent.
- Awareness of REDD+ development with particular emphasis on stakeholder roles.

Promote non-state actors as forest stewards
- Establish a tracking system that would enable public and consumers to verify the supply chain of forest products. This could form the precursor of a fully-fledged Timber Legality Assurance System (TLAS) for production forests. The FLEGT process could be a catalyst to achieve this, if the government would reconsider its withdrawal from that process.
- Document best practices and lessons on CF and CPA, and identify the obstacles to promoting the role of community in forest stewardship. Propose simplified modalities to improve communities' rights over forest management, and include them in revised CF guidelines, collaborative management operationalization procedures, and zoning guidelines for protected areas.

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.

This project is funded by the European Union