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**Initial findings on Institution and Context Analysis (ICA) for the Participatory Governance Analysis (PGA) to inform REDD+ in Lam Dong province**

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Lam Dong province - 6/3/2013*

**Main sectors of forest land and forest management taken for Institution and Context Analysis (ICA)**

Two main sectors of forest land and forest management taken for analysis

- 1) Forest protection and Development (Focus on Forest Degradation and Deforestation – D&D)
- 2) Forest land Planning, Forest land Allocation, Forest land Renting and Forest protection contract.

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## Governance axes for Institution and Context Analysis (ICA)

Three main axes for ICA

1. Governance component: Policy, Decision Making Process and Policy Implementation
2. Governance issues
3. Governance principles: Equality and Inclusiveness, Transparency, Rules of laws, Participation, Accountability.

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## Concept of some characteristics of governance for analysis

- Equity and Inclusiveness
- Participation
- Transparency
- Accountability
- Rule of law

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## Equity and inclusiveness and Rule of law ?

- **Equity and inclusiveness:** A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being
- **Rule of law:** Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force

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## Transparency ?

- **Transparency** means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media

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## Participation?

- **Participation** by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized.

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## Accountability?

- **Accountability** is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law

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## Governance issues identified in Lam Dong after consultation

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## Governance issues identified in Lam Dong after consultation

1. Existing management mechanism of forest land management is not ensuring opportunities for improving or maintaining local people's livelihood/well being
2. Government agencies' management over the private companies' performance, especially on using of the rented forest land has not complied properly with the law/policies/contract
3. Law enforcement to prevent illegal forest degradation and deforestation is not effective
4. Commune authorities, local people almost marginalized from the forest/forest land use and management in their locality.
5. Inter-sectoral coordination in management of forest land is not effective

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**Governance issue 1:** Existing management system of forest land management is not ensuring opportunities for improving or maintaining local people's livelihood/well being

- Local people do not access the forest land use right in long-term base as the state policies (just piloting on community based forest in small scope)
- At grassroot level, it is a common knowledge that there is not equal opportunity for local people in accessing to and benefiting from forest land/forest among (compared with, private companies and state forest owners) → illegal forest land encroachment by local people for livelihood or selling as there is a forest land gathering by some individuals, the farmers who sold forest land then works as hired worker in their sold forest land.

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**Governance issue 1:** Existing management mechanism of forest land management is not ensuring opportunities for improving or maintaining local people's livelihood/ well being (continued)

- A part of poor households benefiting from the forest protection contract in 12 month base do not have the ownership → not yet create sense of responsibility in forest protection and development
  - State forest owners managing large forest area short of resources to prevent illegal forest degradation and deforestation.
  - Existing policies support private sector to rent forest land for mining, hydropower for the economic growth
- Number of households face with the shortage of land (according to province criteria) to maintain their livelihood

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**Governance issue 2:** Government agencies' management over the private companies' performance, especially on using of the rented forest land has not complied properly with the law/policies/contract

- Number of the private companies renting the forest land is successful is low; some get bogged down with the substantial investment at the beginning, some do not fulfil the contract, especially social and environment duties, keep land unused or just timber logging → almost companies have not yet treated as laws/policies wanted.
- Monitoring system do not work or work weakly

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**Governance issue 3:** Law enforcement to prevent illegal forest degradation and deforestation is not effective

- The understanding of local people on law is not good enough or knowing clearly but still break laws (Illegal timber logger)
- Local people voluntarily work for illegal timber logger just to earn a precarious living.
- Local people encroach illegally forest land for livelihood
- Local people ignore or weakly cooperate with law enforcement agencies to prevent illegal timber logging even having the incentive as policy
- Local authorities often ignore the illegal timber logging and forest land encroachment actions

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**Governance issue 3:** Law enforcement to prevent illegal forest degradation and deforestation is not effective (continued)

- Forest rangers complaint that there is a shortage of human resource, shortage of vehicle and low salary
- Forest rangers are interfered by “legal but illegal order” from powerful officials, hence they have to release the illegal timber while performance
- Illegal timber loggers resist violately

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**Governance issue 4:** Commune authorities, local people almost marginalized from the forest/forest land use and management in their locality.

- Local authorities do not have opportunities to participate in decision making process as policy, there is a trend that they automatically obey the orders from the higher level; they are not strong enough in raising voice to protect the local people's legal interest in forest planning, forest land renting or allocation and benefit from forest
- Local people do not have opportunities to participated in decision making process as policy in forest planning, forest land renting or allocation as defined in Grassroot Democracy Ordinance
- Local people's concern and complaint are not responded or sold accordingly
- Local authorities and people seriously lack of relevant information

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### Governance issue 5: Inter-sectoral coordination in management of forest land is not effective

1. At provincial level
  - Data on forest land differ from Department to Department
  - The coordination among relevant provincial department is not close enough that causes the gap and overlapping in an irregular way in managing the natural resources
2. At district level
  - Interdisciplinary coordination between Forest Ranger – Police – Military – State Forest Owner is not effective. The checking organized in operational phases is not really effective.


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### Governance principles needs serious consideration for REDD+

Governance issues	Governance principles
Existing management mechanism of forest land management is not ensuring opportunities for improving or maintaining local people's livelihood/well being	Equity and Inclusiveness Participation
Government agencies' management over the private companies' performance, especially on using of the rented forest land has not complied properly with the law/policies/contract	Participation Transparency Accountability
Law enforcement to prevent illegal forest degradation and deforestation is not effective	Rule of law
Commune authorities, local people almost marginalized from the forest/forest land use and management in their locality	Participation Transparency
Inter-sectoral coordination in management of forest land is not effective	Accountability

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 <h2>Framework for ICA</h2>				
Governance issues		Governance Component		
	Policy	Decision making process	Policy Imp	Governance Principles
Existing management mechanism of forest land management is not ensuring opportunities for improving or maintaining local people's livelihood/well being	<b>Two main sectors of forest land and forest management taken for analysis</b>  1) Forest protection and Development (Focus on Forest Degradation and Deforestation – D&D)  2) Forest land Planning, Forest land Allocation, Forest land Renting and Forest protection contract			Equity and Inclusiveness Participation
Government agencies' management over the private companies' performance, especially on using of the rented forest land has not complied properly with the law/policies/contract				Participation Transparency Accountability
Law enforcement to prevent illegal forest degradation and deforestation is not effective				Rule of law
Commune authorities, local people almost marginalized from the forest/forest land use and management in their locality				Participation Transparency
Inter-sectoral coordination in management				Accountability



### Governance principles needs serious consideration for REDD+ in Lam Dong province

@Equity and Inclusiveness

@Participation

@Transparency

@Accountability

@Rule of law



Thank you for listening!

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