Equity in forests and REDD+

An analysis of equity challenges as viewed by forestry decision-makers and practitioners in Cambodia, Lao PDR and Viet Nam

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Acknowledgements

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Executive summary

Considerable debate has developed in recent years over the potential of Reducing Emissions from Deforestation and Forest Degradation (REDD+) to either rectify or exacerbate social inequities in tropical forest countries. Despite agreement on the importance of equity issues in REDD+, few studies have considered differences in equity and equitable outcomes as understood at national and local levels, and related context-specific barriers that frustrate the achievement of equitable outcomes. This paper surveys perceptions of REDD+ related challenges to equity and potential solutions of forestry decision-makers and practitioners in three Mekong countries.

Responses were analyzed from two sets of workshops conducted at the national and subnational levels in Cambodia, Lao PDR, and Viet Nam from 2013 to 2015. The paper draws on a framework for analysis of equity developed in recent REDD+ research, and eight "equity elements" developed in the course of the first set of workshops. Participant responses were compared across workshops in the same countries (i.e., national level versus local level) and across countries. Responses also were compared with recent literature on equity in REDD+ and forest governance in each country.

The results show that perceptions of equity differ deeply on international, national, and subnational levels. Participation, access to information, and benefit sharing were the most common equity challenges cited across groups, with tenure also seen as important. Workshop participants' concerns regarding equity were highly interrelated, suggesting that work on equity is mutually reinforcing. Participants' views on key equity challenges largely supported external research findings. However, feedback also suggested participation and access to information (at least in Cambodia and Viet Nam, respectively) are more important equity issues than seen in literature.

Recommendations based on the work include:

- Further research to better understand the local level perceptions on equity, enabling more targeted capacity development efforts.
- Capacity development initiatives should include further efforts to increase awareness among forest communities of forest governance and REDD+ related rights and mechanisms. The awareness raising should include utilizing the potential of increasing internet and mobile communication coverage.
- Current capacity development programs for subnational level government officials, on a wide range of technical skills (e.g., training on relevant laws, policies, and regulations) and 'soft' skills (e.g., participatory facilitation and communications with local communities), needs to be revisited and strengthened.

1. Introduction

As the Paris Conference of the UN Framework Convention on Climate Change (UNFCCC) approaches, countries are formulating an agreement that should include a high-level framework for Reducing Emissions from Deforestation and Forest Degradation (REDD+), with significant implications for tropical forests in developing countries.[1] In addition to forest emissions reductions, REDD+ could have significant equity impacts vis-a-vis the rights and livelihoods of forest dependent people in implementing countries.

In the forest areas in which REDD+ activities are planned, the treatment of land and forest rights, benefits, procedures and participatory processes raises key equity concerns of fairness and justice. Many REDD+ countries have had long histories of inequitable treatment of populations living in or near forests, which makes it especially important that REDD+ programs be used to reverse and redress historical patterns of marginalization, not exacerbate them.

1.1 Justification for equity in REDD+

Action to reduce forest emissions is vital to meet the internationally agreed target of limiting global warming to less than two degrees Celsius, and REDD+ programs have been designed with that primary aim in mind. At the same time, concerns have grown regarding the equity implications of REDD+ for people living in and nearby forests.[2] Arguments for embedding equity considerations into REDD+ programs include the following:

1. **REDD+ programs should *do no harm*.** The traditional *do no harm* principle embedded in international development requires REDD+ programs to not negatively impact forest communities.[3] This principle is the basis for the UNFCCC 'minimum standard' social safeguards currently required for REDD+ programs (discussed in Section 0 below).

2. **REDD+ programs should promote net benefits.** Sometimes referred to as a *rights-based approach*[4] or *pro-poor REDD*,[5] this position contends REDD+ should support wider sustainable development goals alongside mitigating forest emissions.

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[1] UNFCCC. 2009. *Warsaw Decision. Decision 1/CP.19, para.2.b,* URL: http://unfccc.int/resource/docs/2013/cop19/eng/10a01.pdf.

[2] *See generally,* Franks, P. Equity Issues in REDD+. IIED. 2014. URL: http://pubs.iied.org/pdfs/13575IIED.pdf.

[3] *See e.g.* Roe, S., Pritchard, L., Streck, C., and Costenbader, J. 2013. Safeguards in REDD+ and Forest Carbon Standards: A Review of Social, Environmental and Procedural Concepts and Application. Climate Focus, at 5. URL: http://www.climatefocus.com/sites/default/files/safeguards%20-%20paper%203.pdf.

[4] *See generally* Campese, J., T. Sunderland, T. Greiber, and G. Oviedo, editors. 2009. Rights-based approaches: exploring issues and opportunities for conservation. Center for International Forestry Research and International Union for Conservation of Nature, Bogor, Indonesia and Gland, Switzerland. *See also,* Humphreys, S. Introduction: Human rights and climate change. In *Human Rights and Climate Change*; Humphreys, S., Ed.; Cambridge University Press: Cambridge, UK, 2010; pp. 1–134. (Explaining that right-based approaches should guarantee "benchmarks of acceptable outcomes based on widely agreed principles and legal structure.")

[5] *See generally*, Huberman, D and Peskett, L. Making REDD Work for the Poor. Overseas Development Institute. 2008. URL: http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3451.pdf.

Proponents of this view argue that since forests are the ancestral lands of many forest communities, there is a moral imperative to acknowledge the rights of communities who have lived on and managed the land for centuries. This includes their right to determine how REDD+ programs on their lands are designed and who benefits.

3. **Inequitable REDD+ programs will fail.** The degree of equity in the design and implementation of forest protection programs has a correlation with their overall effectiveness.[6] Accordingly, efforts to engage local communities and operate with their support and participation are not optional REDD+ program features, but vital enabling factors for program success,[7] alongside efficiency and effectiveness (sometimes termed the REDD+ 'triple bottom line').[8]

Nevertheless, despite broad agreement on the importance of equity considerations in REDD+, there has been limited research into: (1) how equity and equitable outcomes are understood by affected individuals, and whether this differs between countries; and (2) the context-specific barriers that frustrate the achievement of equitable outcomes.[9] As this paper will show, perceptions of equity differ radically between the international, national and subnational levels (vertical diversity), and perceptions further differ between local contexts of different countries (horizontal diversity).

1.2 Goals and overview of paper

This paper has three primary goals. First, it sets out main REDD+ related equity challenges as perceived by forestry decision-makers and practitioners in consultation workshops conducted in Cambodia, Lao PDR and Viet Nam from 2013 to 2015. Second, this paper outlines internationally accepted views of equity, as expressed at the treaty level and in academic literature. Third, it analyzes how local perceptions can differ from internationally accepted understandings of equity, and explores the steps that could be taken to bridge gaps in understanding.

The paper is structured in four sections. The first section outlines how equity concepts have evolved in discussions in the UNFCCC and COP decisions on REDD+. It also establishes an analytical framework for the discussion of equity in the three focus countries. The second section presents the findings from pre-COP country workshops held at the national level in the three focus countries. The third section analyzes these findings and compares the pre-COP workshop feedback with that from previous workshops held at the local level in the same countries by the Grassroots Equity and Enhanced Networks in the Mekong (GREEN Mekong) Program, a regional project

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[6] *See* Martin, A. Gross-Camp, N. Kebede, B., McGuire, S., Munyarukaza, J. Whose environmental justice? Exploring local and global perspectives in a payments for ecosystem services scheme in Rwanda, Geoforum, Volume 54, July 2014, Pages 167-177, URL: http://www.sciencedirect.com/science/article/pii/S0016718513000419.

[7] Olson, N. and Bishop, J. 2009. The Financial Costs of REDD: Evidence from Brazil and Indonesia. Gland, Switzerland: IUCN. ("Although the unit costs of carbon abatement via REDD would most likely increase with efforts to integrate equity and poverty concerns, these increased costs need to be met in order to ensure the delivery of project or program outputs – indeed this expenditure is likely to be highly cost-effective.")

[8] *See e.g.* Angelsen, A., 2009. "Introduction," at 5. *In* Angelsen, A.; Brockhaus, M.; Kanninen, M.; Sills, E.; Sunderlin, W.D.; Wertz-Kanounnikoff, S.; (eds.). Realising REDD+: national strategy and policy options. Center for International Forestry Research (CIFOR), Bogor, Indonesia. 361 pp. URL: http://www.cifor.org/publications/pdf_files/Books/BAngelsen0902.pdf. *See also,* Stern N (2008). Key elements of a global deal on climate change. London School of Economics, at 4. URL: http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2014/04/key-elements-global-deal.pdf.

[9] Klein, C., Madeleine C. McKinnon, Becky Twohey Wright, Hugh P. Possingham, Benjamin S. Halpern, Social equity and the probability of success of biodiversity conservation, Global Environmental Change, Vol. 35, Nov. 2015, pp. 299-306, at 305. URL: http://www.sciencedirect.com/science/article/pii/S0959378015300431.

supported by USAID and implemented by RECOFTC – The Center for People and Forests. The fourth section provides recommendations and considerations for the integration of equity into the design and implementation of REDD+ programs. Finally, a concise overview of forest governance and REDD+ in the focus countries is set out in Annex II to this paper.

2. Background and analytical framework

This section describes how equity considerations have been integrated into the international climate regime and presents a framework to structure the discussion around equity and its various elements.

2.1 International level: main issues & principles

Under the UNFCCC, discussions on equity largely focus on the allocation of responsibilities, e.g. financial commitments and mitigation targets, between countries rather than within countries. In the Convention, the guiding principle of equity in climate actions is expressed in Article 3(1), which states: "Parties should protect the climate system for the benefit of present and future generations of humankind, *on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities...*"[10] Article 3(1) addresses responsibilities on a high level with respect to international relations of countries, but it does not account for actors at the national and local levels.

Focus on safeguards and reporting

The reference in Article 3(1) to equity according to "common but differentiated responsibilities and respective capabilities" (CBDR/RC) is frequently repeated as a guiding tenet of COP Decisions.[11] At the national level, several COP decisions in recent years have articulated the basis for equity in REDD+ in light of the CBDR/RC principle. At the 2010 COP in Cancun, the Parties decided on a set of seven safeguards for REDD+ actions.[12] Of these, "respect for the knowledge and rights of indigenous peoples,"[13] and the "full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities" are most relevant to equity concerns in forest sector actions.[14]

With regard to the latter safeguard, the Cancun Agreement refers indirectly to Free, Prior and Informed Consent (FPIC),[15] though neither the UNFCCC nor the Kyoto Protocol expressly refer to or require FPIC in any of their programs. FPIC has been upheld as a

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[10] UNFCCC, Article 3(1).

[11] *See e.g.* UNFCCC Decision 2/CP.15 paragraph 1; Decision 1/CP.16, I paragraphs 1, 4; Decision 2/CP.17, II(A).

[12] UNFCCC Decision 1/CP.16 ("Cancun Agreement"), appendix I.

[13] Id. 2(c).

[14] Id. 2(d).

[15] Id. The Cancun text noted "that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP]." UNDRIP has widespread (though not unanimous) support of UNFCCC Parties and enshrines FPIC as a central theme. However, it is not a legally-binding treaty and simply "reflects the commitment of the UN's member states to move in certain directions." *See* United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc.A/RES/61/295 (Sept. 13, 2007), 46 I.L.M. 1013 (2007), Art.10 (no relocation without FPIC), 11(2) (redress and potentially restitution if taking of property or violation of customs without FPIC), Art.19 (FPIC before legislative or administrative decisions affecting them), Art. 28 (right to redress for land or resources taken).

best practice by various programs for working with affected forest communities in REDD+ projects and programs.[16] However, critics argue that subjective understanding of FPIC terms and requirements, and weak integration of FPIC into political, social, legal and institutional frameworks,[17] means that FPIC implementation often leads to ambiguous outcomes.[18] For this reason, FPIC has come to be regarded by some as a mere procedural hurdle that lacks consideration of local contexts.[19]

At the 2013 COP in Poland, Parties agreed on what came to be known as the Warsaw Framework. This Framework underscores the importance of the safeguards established in Cancun and requires implementing countries to report periodically on how safeguards are being addressed and respected in order to qualify for REDD+ finance.[20] At COP 20 in Lima, Peru in November 2014, Parties discussed the need for further guidance on safeguards, but deferred this work until 2015 due to disagreement among countries.[21] The COP also established the Lima Work Program on Gender, which aims to promote gender equity in all areas of the climate negotiations.[22]

In the lead-up to Paris in 2015, Parties have worked to finalize the REDD+ framework. At the 42nd meeting of the Subsidiary Body for Scientific and Technological Advice (SBSTA 42) in June 2015, SBSTA worked to develop draft conclusions for consideration and adoption by the COP,[23] including two draft decisions relevant to equity in REDD+. The first, a draft decision on safeguard information systems, encourages REDD+ Parties to provide relevant information on how safeguards accord with national circumstances[24] and how "each of the safeguards has been addressed and respected."[25] The SBSTA 42 proposed decision stated there was "no need for further guidance … to ensure transparency, consistency, comprehensiveness and effectiveness" in safeguard reporting.[26] If accepted by the COP, the SBSTA decision should be understood in conjunction with the original Cancun safeguards[27] and the Durban COP 17 Decision

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[16] *See e.g.* Laughlin, J. (2013). UN-REDD Guidelines on Free, Prior and Informed Consent.(Working Final Version). 60 pp. URL: http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=8717&Itemid=53.

[17] Baker, R.; Carillo, J.C.; Silverman, A. (2014). The Development of a National Safeguard System for REDD+ in Mexico: A Case for the Value of International Guidance. pp. 4-8. ("Although FPIC applies to indigenous peoples and agrarian communities in Mexico, there are no existing procedures indicating how to implement FPIC."). URL: http://www.ciel.org/Publications/REDD_Mexico_Dec2014.pdf. *See* Szablowski, D. Operationalizing free, prior, and informed consent in the extractive industry sector? Examining the challenges of a negotiated model of justice. *Rev. Can. Études Dév.* 2010, *30*, 111–130.

[18] *See* Rodríguez-Garavito, R.C. Ethnicity.gov: Global governance, indigenous peoples, and the right to prior consultation in social minefields. *Ind. J. Glob. Leg. Stud.* 2011, *18*, 263–305.

[19] Pham, T.T.; Castella, J.-C.; Lestrelin, G.; Mertz, O.; Le, D.N.; Moeliono, M.; Nguyen, T.Q.; Vu, H.T.; Nguyen, T.D. Adapting Free, Prior, and Informed Consent (FPIC) to Local Contexts in REDD+: Lessons from Three Experiments in Vietnam. Forests**2015**, 6, 2405-2423, at 2408.*citing*Forrester, J.M.; Hicks, K.; Kuylenstierna, J.C.I.; Simon, J.; Snell, C.J.; Chadwick, M.; Schwela, D.H.; Emberson, L.D. Governance of Air Quality and Stakeholder Engagement. In *Governing the Air: Science-Policy-Citizens Dynamics in International Environmental Governance*; Lidskog, R., Sudqvist, G., Eds.; MIT Press: Cambridge, MA, USA, 2011. *See also,* Hanna, P.; Vanclay, F. Human rights, indigenous peoples and the concept of free, prior and informed consent. *IAPA* 2013, *31*, 146–157.

[20] UNFCCC Decision 12/CP.19 paragraph 1.

[21] Disagreement at Lima on REDD+ safeguards occurred in Subsidiary Body for Scientific and Technological Advice (SBSTA) negotiations, with Norway, the European Union, and the United States arguing for safeguard guidance, and developing countries (e.g. the African Group, Guyana, the Coalition for Rainforest Nations, India, Fiji, Indonesia, Brazil and China) arguing REDD+ implementation was needed rather than further safeguard guidelines. *See* COP-20 Lima Highlights, Day 3 (2 Dec 2014). Earth Negotiations Bulletin. International Institute for Sustainable Development. Vol. 12 No. 610, at 3. URL: http://www.iisd.ca/download/pdf/enb12610e.pdf.

[22] UNFCCC Decision 18/CP.20, FCCC/CP/2014/10/Add.3. URL: https://unfccc.int/files/meetings/lima_dec_2014/decisions/application/pdf/auv_cop20_gender.pdf.

[23] UNFCCC SBSTA Draft Conclusions (June 2015) Agenda Item 4.URL: https://unfccc.int/documentation/documents/advanced_search/3594?rec=j&priref=600008488#beg.

[24] Id., Add.1. par (4)-(7), at 5(b). URL: http://unfccc.int/resource/docs/2015/sbsta/eng/l05a01.pdf.

[25] Id. at 5(d).

[26] Id. at par (8).

[27] UNFCCC Decision 1/CP.16 ("Cancun Agreement"), Appendix I.

establishing guidance on provision of information on safeguards,[28] both of which it references.[29] From the Cancun Agreement, the draft decision requires the provision of information on participatory processes,[30] and from Durban safeguards guidance it requires "transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis."[31]

In another draft decision, SBSTA proposed that information on non-carbon benefits, i.e. issues contributing to the long-term sustainability of REDD+ actions, potentially including equity-related governance and livelihood issues,[32] need not be included in safeguards reporting, though Parties are encouraged to incentivize non-carbon benefits.[33] This decision, if adopted by the COP, potentially weakens social equity considerations under the UNFCCC.

To summarize, currently the international climate regime looks set to agree to leave issues related to equity and REDD+ to the national level, to be addressed by reporting on the Cancun safeguards.[34] The sovereign nature of political and social affairs at national and subnational levels prevents the UNFCCC from intervening directly in issues of social equity related to REDD+, (e.g. issues such as sharing of benefits and costs, tenure, governance and livelihoods, not addressed by safeguards). Nonetheless, reporting on safeguards may encourage participation, access to information and respect for the knowledge and rights of indigenous peoples. Further protections on issues not covered are likely to come from bilateral and multilateral financiers of REDD+ as work progresses.

2.2 Meaning of equity in REDD+

What is meant by equity can differ dramatically between countries and between different cultural contexts within countries.[35] This is exemplified by the Equity Game exercise described in Box 1.

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[28] UNFCCC Decision 12/CP.17. URL: http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf.
[29] UNFCCC SBSTA/2015/L.5/Add.1. Preamble &pars (1)-(2), (4).
[30] UNFCCC Cancun Agreement, supra, paragraph 2(d).
[31] UNFCCC Durban Decision, 12/CP.17, paragraph 2(b).
[32] *See* Submission on Non-Carbon Benefits by the African Group of Negotiators. (June 2015). URL: http://www.climdev-africa.org/sites/default/files/DocumentAttachments/AGN%20Submission%20to%20UNFCCC%20on%20NCBs%20of%20REDD%2B.pdf.
[33] UNFCCC SBSTA Draft Conclusions, supra, Add. 3. URL: http://unfccc.int/resource/docs/2015/sbsta/eng/l05a03.pdf.
[34] Note that some observers have suggested guidance on the establishment of a national level grievance mechanism and creation of international grievance mechanism at the UNFCCC level, which could be modeled after such mechanisms for REDD+ projects in the World Bank and voluntary carbon markets. However, this proposal has not attained any strong support and does not seem likely at the time of writing. *See* Carbon Market Watch, Sept 2015. Environmental Accountability of Climate Finance Instruments. URL: http://carbonmarketwatch.org/wp-content/uploads/2015/09/Social-and-Env-Accountability-of-CLIs_final.pdf at 5-6.
[35] *See e.g.* Fisher, R.J. 1989. Indigenous Systems of Common Property Forest Management in Nepal. Working Paper, 18. East-West Center, Honolulu. *Cited in* Mahanty, S., Fox, J., Nurse, M., Stephen, S., and McLees, L. 2006. Hanging in the Balance: Equity in Community-based Natural Resource Management in Asia. R., at 2.

Box 1: Different perceptions of equity at local levels: the equity game

Cambodia was one of the focal countries in which local level consultations on equity in forest governance with implications for REDD+ were held. Consultations took place in three separate Community Forestry (CF) and Community Protected Area (CPA) sites of the Prey Long forest complex. An initial part of the consultation was ensuring a basic understanding of the concept of equity among community forest members. To facilitate this, an interactive game was used in all the sites. In this game, participants were divided into groups and allocated mock forest resources in the form of 25 individually wrapped snacks. Several group members were assigned community member identities including a poor widow, typical community forest member, local businessman and village chief. Participants were then invited to assign a given number of forest resources to the community members on the basis of equity, factoring in roles, responsibilities and contributions of each stakeholder.

From the exercise, it became clear that the concept of equity was quickly grasped and appeared intuitive and universal. However, the interpretation of equity in practice was highly dependent on factors like culture and education. In comparison to mixed gender groups, male groups with greater exposure to international standards allocated the poor widow the greatest quantity of assets and the businessman and village chief the least. This was reversed in female-only community member groups, which allocated the least assets to the poor widow and the most to the businessman and village chief, respectively. As later explained, their interpretation of equity and fairness was based on contributions to the community rather than need. Though concepts of equity may be universal, its application can be remarkably different, even among members of the same community.

This paper follows a generally accepted framework for analyzing equity in payments for ecosystem services (PES) and REDD+.[36] The framework conceives of equity issues according to distributive, procedural and contextual parameters, as defined in Table 1.

Table 1: Definitions of three equity parameters[37]

Equity Parameter	Definition
Contextual	Pre-existing economic, social, and political conditions
Distributive	Allocation of costs and benefits
Procedural	Participation, recognition and representation

Many who argue for greater attention to equity have emphasized **distributive equity**, in the form of equitable distribution of benefits in conservation initiatives.[38] Indeed, distributive equity has special relevance in initiatives like PES and REDD+, given their incentive-based nature. From a distributive viewpoint, there are four distinct but overlapping approaches to equity:

- **Equitable compensation**: participants' contributions match incentives, without regard to starting situations;
- **Equal opportunity**: the poor and marginalized are guaranteed an equal chance to participate;
- **Poor targeted**: poor communities are actively recruited, trained and/or otherwise supported, e.g. positive discrimination, though equal incentives are provided to all participants and programs are not exclusively for the poor; and

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[36] McDermott, M., Mahanty, S. and Schreckenberg, K. 2013. 'Examining equity: A multidimensional framework for assessing equity in payments for ecosystem services', Environmental Science and Policy, Vol. 33, Nov. 2013, Pages 416-427, at 419-420. *See also,* Pascual, U., Muradian, R., Rodríguez, L., Duraiappah, A. 2010. Exploring the links between equity and efficiency in payments for environmental services: a conceptual approach. Ecological Economics, 69, pp. 1237–1244.

[37] Id.

[38] *See,* e.g. Di Gregorio, M., quoted in CIFOR blog (31 March 2014) URL: http://blog.cifor.org/21926/equity-remains-low-on-the-redd-policy-agenda?fnl=en.

- **Poverty alleviation**: participation and incentives are prioritized to those in greatest need, potentially irrespective of ability to perform or contribute.[39]

Development and reform of **procedures,** e.g. laws, policies, and rules, is an important equity parameter. However, as a recent study of a REDD+ project in Kenya shows, REDD+ implementation can reinforce pre-existing inequities notwithstanding fair procedures and benefit sharing.[40] As this study illustrates, despite the need for fair rights, benefits and rules, **contextual equity** cannot be ignored in program design.[41] However, as Box 2 illustrates, the capacity of REDD+ finance to redress contextual inequities is limited by the scale of REDD+ flows relative to the far larger investments in agricultural commodities that drive forest loss and determine local social and economic contexts.

Box 2 The scale of REDD+ finance and contextual equity

The initial expectation that REDD+ would function primarily as a market-based mechanism has not been realized, with a forest carbon market not materializing at-scale and unlikely to do so in the near future. To date, the vast majority of REDD+ finance has been delivered as Official Development Assistance (ODA) from a small number of donor countries. The public fund-based REDD+ that developed in recent years and is likely to continue is likely to merge multiple objectives including social goals such as equity. Taken together, investments in agricultural commodities that are the key drivers of forest loss vastly overshadow public and private flows of REDD+ finance (together representing 0.06% of driver-related exports alone, as shown below). This somewhat limits the expectation that REDD+ finance on current scales can be used to redress contextual inequities in forest countries.

Comparison of Deforestation and REDD+ Finance Flows
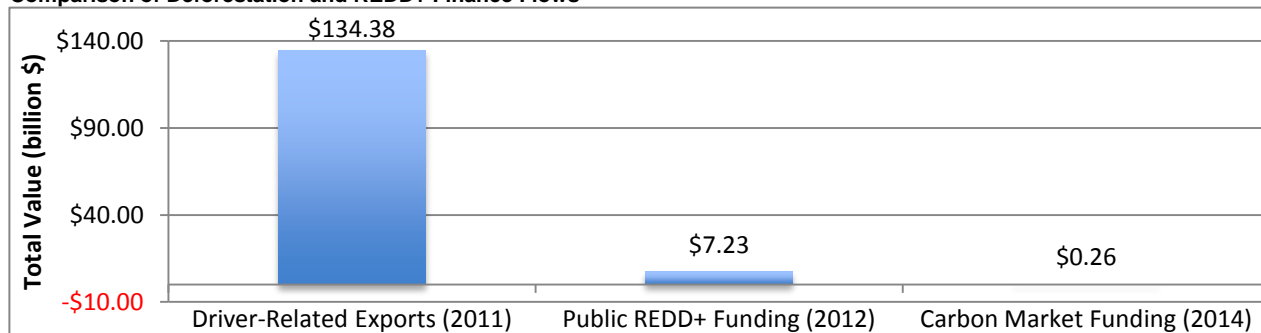
Data from: Boucher, D. 2015. "The REDD/Carbon Market Offsets Debate: Big Argument, Small Potatoes." Journal of Sustainable Forestry Vol. 34, Issue 6-7.

In addition to the three equity parameters set out above, some suggest as a goal *participatory parity,* i.e. that all stakeholders have equal rights to engage in meaningful decision making.[42] Although participatory parity is not a standard in itself, its higher goals

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[39] Costenbader, J. 2011. REDD+ Benefit Sharing: A Comparative Assessment Of Three National Policy Approaches. UN-REDD. p. 10. URL: http://theredddesk.org/sites/default/files/resources/pdf/2011_redd_benefit_sharing_-_a_comparative_assessment_of_three_national_policy_approaches.pdf.

[40] Chomba, S., Kariuki, J., Lund, J.F., Sinclair, F. 2015. Roots of inequity: How the implementation of REDD+ reinforces past injustices. Land Use Policy 50 (2016) 202–213. URL: http://www.sciencedirect.com/science/article/pii/S0264837715002926.

[41] Martin, A., Akol, A. & Phillips, J. 2013. Just conservation? On the fairness of sharing benefits. In: Sikor, T. (ed.). *The Justices and Injustices of Ecosystems Services.* Abingdon: Routledge. p. 69-91. *See also,* Martin, A. et al., 2014 supra, pp. 167-177. ("Our findings challenge …the fallacy of the rising tide that lifts all boats.")

[42] McDermott et al., 2013, supra, at 419, *citing* Fraser, N., 2009. Scales of Justice; Reimagining Political Space in a Globalising World. Columbia University Press, New York.

of enabling fair participation across social strata can be distinguished from minimum do no harm standards such as Free, Prior and Informed Consent.[43]

The above three equity parameters (Table 1) and the overarching goal of participatory parity for *setting the playing field even* can be seen as aspirational positions on a continuum rather than absolute standards. The utility of such a framework for this paper lies in its ability to compare equity priorities across the three focus countries and between local, national and international levels.

2.3 Main equity elements in REDD+

Tenure, benefit sharing, participation and access to information are the most frequently discussed elements in connection with equity in the literature on PES and REDD+.[44] These are also the most prominent elements in national programs and at local levels, as evidenced by the feedback from participants discussed in the following chapters. As a cross-cutting issue relevant to all of the above, governance (including policy and regulatory frameworks) is also discussed heavily in literature[45] and seen as highly relevant to equity by stakeholders at all levels.[46] Other elements, e.g. gender, livelihoods and grievance mechanisms, all are closely interrelated with the above elements and feature less prominently in discussions on equity. Though rarely discussed in the literature on forest conservation, studies have found social and economic inequality highly correlated with biodiversity loss,[47] forest loss[48] and institutions and other social outcomes (in turn impacting elements such as governance).[49]

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[43] Id., *citing* Szablowski, D., 2010. Operationalizing free prior, and informed consent in the extractive industry sector? Examining the challenges of a negotiated model of justice. Canadian Journal of Development Studies 30 (1–2), 111–130.

[44] *See, e.g.* Lyster, R., REDD+, transparency, participation and resource rights: the role of law, Environmental Science & Policy, Vol. 14, 2, March 2011, pp. 118-126, URL: http://www.sciencedirect.com/science/article/pii/S1462901110001632. *See also,* Gebara, M.F. 2013. Importance of local participation in achieving equity in benefit-sharing mechanisms for REDD+: a case study from the Juma Sustainable Development Reserve. International Journal of the Commons, Vol. 7, no. 2.

[45] *See, e.g.* Corbera, E., Schroeder, H. Governing and implementing REDD+, Env. Science & Policy, Vol. 14, 2, March 2011, pp. 89-99, URL: http://www.sciencedirect.com/science/article/pii/S1462901110001449); Thompson, M.C., Baruah, M., Carr, E.R. *See*ing REDD+ as a project of environmental governance, Env. Science & Policy, Vol. 14, 2, March 2011, pp. 100-110, URL: http://www.sciencedirect.com/science/article/pii/S1462901110001619; Kanowski, P.J., McDermott, C.L., Cashore, B.W. Implementing REDD+: lessons from analysis of forest governance, Env. Science & Policy, Vol. 14, 2, March 2011, pp. 111-117, URL: http://www.sciencedirect.com/science/article/pii/S1462901110001620.

[46] *See, e.g.* Ituarte-Lima, C., McDermott, C.L., Mulyani, M. Assessing equity in national legal frameworks for REDD+: The case of Indonesia. Environmental Science & Policy. 44 (2014) 291 – 300.

[47] Holland, T., et al. 2008. A Cross-National Analysis of How Economic Inequality Predicts Biodiversity Loss. Conservation Biology. Volume 23, No. 5, 1304–1313.

[48] Klooster, D. 2000. Institutional choice, community, and struggle: a case study of forest co-management in Mexico. World Development. 28:1–20 (finding community norms motivated members "to apply sanctions and to struggle over institutional change").

[49] *See, e.g.* Ross, N., Dorling, A.D., Dunn, J.R., Henriksson, G., Glover, J., Lynch, J., and Weitoft, G. R. 2005. Metropolitan-income inequality and working-age mortality: a cross-sectional analysis using comparable data from five countries. Journal of Urban Health – Bulletin of the New York Academy of Medicine 82:101–110. *See also,* Wilkinson, R. G., and Pickett, K.E. 2006. Income inequality and population health: a review and explanation of the evidence. Social Science and Medicine 62:1768–1784. *Cited in* Holland et al., 2008, *supra*.

Table 2: Categorization of equity elements in REDD+[50]

	Distributive Equity	Procedural Equity	Contextual Equity
Equity Elements	- Tenure & resource rights - Benefit & cost sharing	- Community participation and decision-making - Access to information - Grievance mechanisms	- Governance & regulations - Livelihoods - Gender equity - Social and economic inequality - Treatment of poor, indigenous, and/or minority populations

Land and forest resource rights

Land tenure and equity are closely correlated, as more powerful members of society can monopolize forest resources and associated benefits where tenure is weak or complex. Such situations typically arise where existing customary rights are not recognized in land law or national land registries, which are often colonial constructs, or where tenure is strong but unequally distributed. Tenure reform and land allocation are often complicated and politically fraught processes, and particularly so in developing countries with large agricultural sectors.

Traditional access, ownership and use rights systems present a challenge for incentive payments where such rights are vested in entire communities (often with overlapping hierarchies of rights) rather than a single landowner.[51] In many developing countries, all land vests with the government, with individuals only receiving use rights.[52] Often, tropical forest countries have a complex mix of colonial and post-colonial legislation, combined with customary laws that may lack full recognition.[53] Once land ownership is privatized, they can then be excluded from accessing the land or its resources. Consequently, forest inhabitants risk being displaced from traditionally held land, or may struggle to repel intruders. Though often essential, tenure recognition and reform may take decades of struggle to achieve.[54]

Sharing of costs & benefits

Clarification or creation of land tenure alone is not sufficient to ensure that landowners can share equitably in costs and benefits from associated forest resources.[55] In the case of REDD+, benefits may also depend to varying degrees on access to carbon markets,

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[50] Adopted from DiGregorio, M., et al. 2013.

[51] Knox, A. et al., 2010. "The Interface of Land and Natural Resource Tenure and Climate Change Mitigation Strategies: Challenges and Options," FAO, Rome, at 10.

[52] For example, a 2014 study of 71 villages in five REDD+ countries found that over half of those surveyed said at least some part of their land faced insecure land tenure. *See* Sunderlin, W. et al. 2014. "How are REDD+ Proponents Addressing Tenure Problems? Evidence from Brazil, Cameroon, Tanzania, Indonesia, and Vietnam." *See also* Joireman, Sandra F. "Entrapment or Freedom: Enforcing Customary Property Rights Regimes in Common-Law Africa." *In* The Future of African Customary Law, edited by Jeanmarie Fenrich, Paolo Galizzi, and Tracy E. Higgins, 295-311. Cambridge, UK: Cambridge University Press, 2011.

[53] *See generally* FAO Office of Director-General, "Law and Sustainable Development since Rio: Legal Trends in agriculture and natural resource management." 210 et seq. URL: ftp://ftp.fao.org/docrep/fao/005/y3872E/y3872E00.pdf.

[54] As an example, Mexico's land tenure reform took 77 years, and though its tenure regime greatly improved, indigenous communities still risk insecure land rights based on social inequities and external pressures. *See* IDLO, FAO & UN-REDD (2011). "Legal Preparedness for REDD+ in Mexico". Country Study, 12. URL: http://www.idlo.int/Publications/LegalPreparednessREDDMexico.pdf.

[55] *See generally*, Sturgeon, J.C. and Sikor, T. 2004. "Post-socialist Property in Asia and Europe: Variations on 'Fuzziness'." Vol. 2, No. 1, 1-17. *See also,* Sikor, T. and Nguyen, T.Q. 2007. "Why May Forest Devolution Not Benefit the Rural Poor? Forest Entitlements in Vietnam's Central Highlands," World Development Volume 35, Issue 11, November 2007, 2010-2025.

social networks, knowledge and information and enforcement capabilities, e.g. for sanctioning encroachment and illegal logging. In order to ensure equitable REDD+ benefit sharing, a broader suite of governance reforms in and beyond the forest sector will therefore be needed in addition to tenure reforms. Many PES and REDD+ transactions take place on rural lands in developing countries. As a result, equity considerations support the sharing of benefits with poor and indigenous populations and measures to prevent the wealthiest, best positioned or most influential members of society (who are likely to have the most land) from capturing the ES market.

Benefit sharing actually entails both vertical and horizontal streams of finance, each with related equity implications. *Vertical* benefit distribution concerns methods for receipt of fund inflows from donors or markets into a national fund or other financial mechanism and transmission via various domestic government agencies or other entities to local-level actors. *Horizontal* distribution concerns the internal distribution of benefits among groups responsible for REDD+ activities. In both horizontal and vertical benefit distribution, community participation (in their establishment and ongoing management) and safeguards (to ensure sharing of costs and benefits reflects what is agreed) are key.

Sharing of costs with local populations from PES or REDD+ has closely related equity implications.[56] Opportunity costs, the most important cost for landholders, are the estimated net income lost due to not pursuing activity that would have been pursued without the intervention, e.g. logging, converting forest for livestock or agriculture.[57] If local populations are excluded from sustainably using forests, their opportunity costs could be far higher than payments, making projects unfeasible and inequitable if continued.

Community participation and decision making

Recent research demonstrates that community participation in forest management and decision making correlates with more equitable outcomes and greater achievement of forest conservation.[58] Despite many developing countries passing legislation to devolve forest management to local populations, implementation is rare. For example, a 2008 survey of property rights associated with community forest management in fourteen Asian countries found that in every country except one, the state maintained ownership.[59] According to some researchers, those lacking recognized forest resource tenure rights are likely to be left out of decisions regarding those resources.[60]

Community forestry initiatives hold promise to reduce emissions from forest loss in many countries. Recent research in Africa has shown community-based projects on low-quality forest areas create and sell forest carbon offsets successfully, often outperforming private, for-profit projects.[61] With more complete access rights, potentially with

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[56] Olsen, N. and Bishop, J. 2009. The Financial Costs of REDD: Evidence from Brazil and Indonesia, at ii. IUCN, Gland, Switzerland. URL: http://cmsdata.iucn.org/downloads/cost_of_redd_full_final_jan2010.pdf.

[57] White, D. (2012) Transaction and Implementation Costs of REDD+, at 18. FCPF.

[58] Persha, L., et al. 2011. "Social and Ecological Synergy: Local Rulemaking, Forest Livelihoods, and Biodiversity Conservation." Science 25 March 2011: Vol. 331 no. 6024, 1606-1608. *See also,* McDermott, M.H., Schreckenberg, K. Equity in community forestry: Insights from north and south (2009) International Forestry Review, 11 (2), pp. 157-170. (Finding community forestry projects to reduce social inequity if changes generated at the community and higher levels).

[59] Mahanty, S. and Guernier, J., supra note 80, at 5.

[60] Di Gregorio, M., quoted in CIFOR blog (31 March 2014) URL: http://blog.cifor.org/21926/equity-remains-low-on-the-redd-policy-agenda?fnl=en.

[61] Reynolds, Institutional Determinants of Success Among Forestry-Based Carbon Sequestration Projects in Sub-Saharan Africa, World Development, Volume 40, Issue 3, March 2012, Pages 542-554, ISSN 0305-750X, URL: http://www.sciencedirect.com/science/article/pii/S0305750X11002233 (study of 42 forest carbon projects).

restrictions on deforestation and degradation, community forestry could encourage better protection of standing forest and restoration of degraded forest. By empowering locals to help manage and benefit sustainably from forests, management may be improved and conflicts avoided.

Access to information

As defined under various multilateral environmental agreements, access to information includes both a *passive* duty of states to respond to public requests for information and an *active* duty of states to publicly disseminate accurate environmental information.[62] In the context of forest governance, this duty includes information regarding REDD+ strategies and benefit sharing proposals. Such information needs to be made easily accessible to the public in relevant languages to account for the special circumstances of poor and indigenous communities in remote forest lands.[63]

As with benefit sharing, access to information may be conceived of as including vertical and horizontal elements, both of which are necessary for information to be shared effectively. Vertical information sharing corresponds to feeding current information from national or provincial authorities to local communities. Horizontal information sharing implies disseminating information in local languages, using an appropriate level of discourse, i.e. not overly technical, and communication tools to ensure target audience understanding.

Though the above four elements form the core of forest governance equity concerns, a host of secondary elements play important roles as well. As the following sections demonstrate, stakeholders can perceive these elements quite differently across national and local contexts, even among neighboring countries.

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[62] *See* Rio Declaration, Art 10. *See also,* Aarhus Convention, Arts. 4, 5. For comprehensive resources on the legal right to information and initiatives underway, *see* right2info.org, "Publications" URL: http://right2info.org/resources/publications.
[63] Lyster, R. 2011*, supra.* at 10.

3. Pre-COP country workshops

As part of regional preparatory work for the UNFCCC COP 21 negotiations, RECOFTC – The Center for People and Forests conducted pre-COP workshops in Cambodia, Lao PDR and Viet Nam in August and September 2015. During each workshop, RECOFTC gathered feedback from between 20 and 30 government, civil society, development partner and academic participants on equity issues.

3.1 Overview and methods

Workshop purpose

RECOFTC pre-COP workshops had three main goals:

1. facilitate awareness raising and discussion on the current UNFCCC process and the implications for countries in a Post 2020 agreement under negotiation ahead of the UNFCCC COP 21 in Paris in December;
2. present main equity dimensions under the newly finalized REDD+ framework; and
3. allow participants to discuss and reflect in small groups with their responses on key questions related to equity.

Methodology

Each workshop lasted two days, with presentations, questions and answer sessions, plenary discussions and wrap up meetings each day. Day two included group discussions and presentations in response to three study questions on equity. A moderator facilitated each workshop plenary discussion while facilitators supported in small group discussions. Participants mainly came from government agencies and institutions, with some participants from academic institutions, local and international NGOs and development partners.

Figure 1: Background of participants attending pre-COP country workshops
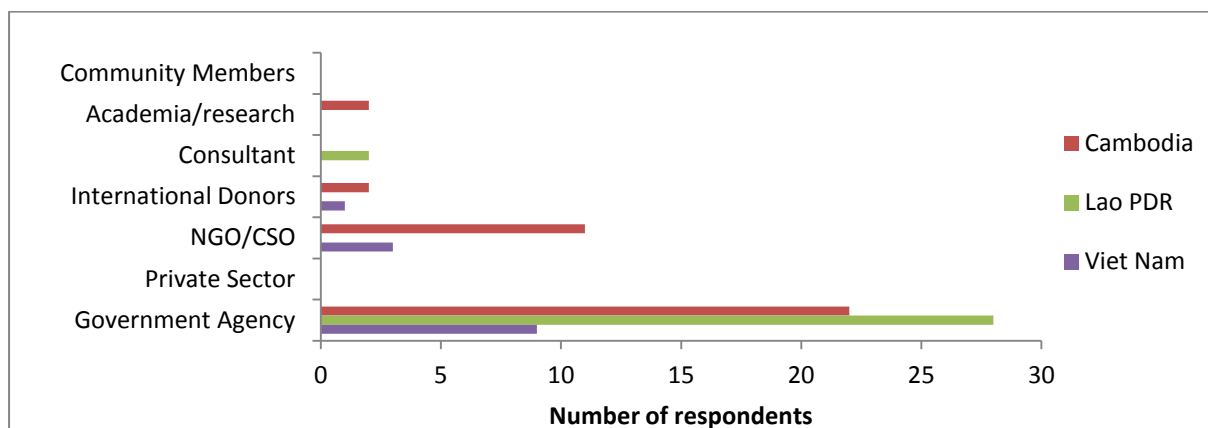
Participants at each pre-COP workshop were presented a framework of eight equity elements and their corresponding definitions (see Table 3). This selection of elements and corresponding definitions had been developed and used with participants in earlier GREEN Mekong project workshops discussed in the next chapter.

Table 3: Framework of 8 main elements for equity in forest governance

Element	Definition
Tenure and resource rights	Security of rights and tenure necessary for the sustainable management of forests, including rights of access and extraction of forest resources.
Participation	Procedural equity related to engagement with local communities in the forest landscapes where they live, including Free Prior and Informed Consent (FPIC) in decisions relating to inhabited forest landscapes.
Benefit-sharing	Requires deciding upon an incentive distribution mechanism that rewards inputs fairly (while recognizing that REDD+ is results-based) and not penalizing those who have historically managed their forests well.
Access to information	As forest-based communities are typically isolated and lack access to basic information, additional efforts often are needed to ensure information reaches communities in a timely fashion and in a form (including language) that they can easily understand.
Governance, policies, and rules	The transparency and accountability of government to respond to requirements of rights-bearers. Corruption, inaccessibility, and political insecurity all hamper implementation of policies, but policies and rules are themselves often inequitable.
Livelihoods	The needs of local communities for food security, access to water or development activities, which result in higher household incomes and must be balanced with addressing drivers of forest loss.
Gender	Women generally represent at least 50 percent of the population, and bear disproportionate burdens of labor, poor health, illiteracy, and social barriers to equity. Including women leads to responses producing greater impacts, benefiting society at large.
Grievance mechanism	Even if policies are supportive and officials cooperative and effective, prompt and non-partisan judicial or other recourse mechanisms should be easily accessible to forest populations to ensure the above elements are upheld.

Following presentations and discussions of the equity framework, participants were asked to break into smaller groups and answer the following three questions:

- *What are the highest priority equity elements in your national/sub-national context?*
- *What are significant equity challenges being faced with regards to these priorities?*
- *What solutions do you propose for responding to these priority equity challenges?*

Reporting

Responses from participants were captured from each workshop breakout group plenary discussion of the three questions presented. These responses were later summarized in donor reports for each overall workshop, and a series of shorter briefs published in appropriate national languages on the findings from each country workshop for global dissemination. Analysis in this report was based on breakout group notes, workshop donor reports and equity briefs.

Analysis

Responses to the questions above were tabulated from each workshop, forming the basis for this study.[64] As groups within each workshop chose varying numbers of *high priority* equity elements as challenges, each group's responses were weighted by the overall number of responses from the group in order to keep voting proportional per group. For example, if one group gave two responses, each response would receive a half point, whereas each response from a group with seven responses would receive one-seventh of a point. Where elements were merged into a single option, e.g. governance and gender, these were split into two responses, adding to the overall number of responses. Responses that did not fit within the scope of the equity framework provided were ignored, e.g. participants identified drivers of deforestation in Cambodia. However, group responses that split an equity element into parts, e.g. both transparency and rules and regulations in Lao PDR, were treated as two votes for that element (in the Lao PDR case, 'Governance, Policies and Rules').

3.2 Findings from pre-COP country workshops

Cambodia

As shown in Figure 2, top equity challenges from the eight-element framework in Cambodia included participation, grievance mechanisms, governance and gender. Access to information and participation were also found important, but surprisingly benefit sharing was not found critical to equity.

Figure 2: Cambodia pre-COP workshop responses on top equity elements
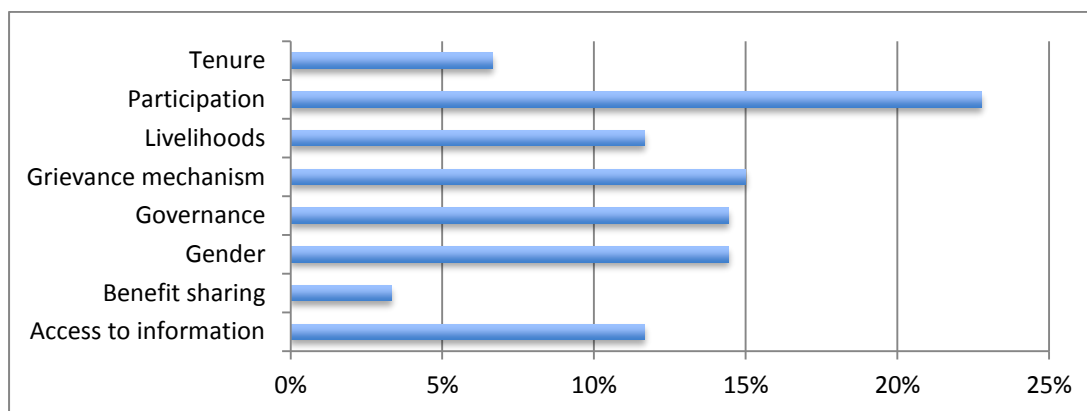
Participants cited poor **community participation and decision making** as a primary obstacle to equitable forest management. Participants thought this occurred in large part due to limited knowledge about community forestry management-related policies, regulations and initiatives, i.e. this was seen as linked closely with access to information. In addition to a lack of access to information, they thought community members suffered from a lack of opportunities for dialogue on such issues between themselves and Community Forestry Management Committees (CFMC). They recommended addressing both issues by providing community forestry (CF) members with more frequent

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[64] Workshop participants initially were asked to define equity as a means to stimulate them to think about equity in their country context, but their responses are not analyzed here.

opportunities to meet and discuss equity issues, especially in the context of CF Management Plans.

The Cambodia pre-COP workshop was the only one to identify **grievance mechanisms,** i.e. appeals processes, as a top challenge deserving attention in their country. Workshop respondents cited mistrust in the existing mechanisms and thought members needed feedback mechanisms to better ensure outcomes reflected community interests.

Cambodia participants saw **weak governance and regulation** as a challenge to equitable forest management in the country. Participants expressed the view that institutional fragmentation and a lack of coordination diminish the effectiveness, transparency and accountability of agencies such as the Ministry of Agriculture, Fishery and Forestry (MAFF), the Ministry of Environment (MOE) and the military. Similarly, participants noted that such institutional arrangements also resulted in complex and conflicting legal frameworks, and they recommended harmonizing regulatory frameworks to clarify government agency roles and responsibilities. At the community forestry level, complex guidelines and bureaucratic processes for the approval and legal recognition of CF management plans were blamed for slow formation processes. Participants recommended simplifying the CF formation guidelines and the processes for management plan approval and legal recognition.

Gender received more attention from the Cambodia pre-COP workshop participants than any other group surveyed. Participants noted a general exclusion of women and youth in CF management decisions, which they thought could be resolved largely by scheduling meetings and activities when both groups could participate.[65] Participants also thought poor community members were excluded from meaningful participation in CF management due to their lack of free time, requiring CF reforms to improve such members' livelihoods and enable their participation.

Closely connected to participation and governance, Cambodian participants regarded a **lack of access to information** on CF management, laws and regulations as a main challenge to equity in forest management (community forestry in particular) and REDD+ in Cambodia. Without information on their basic rights to manage community forests and share related responsibilities and benefits, communities were seen to already be at a disadvantage. Participants identified both *vertical* information sharing, i.e. information coming from forestry agencies and non-governmental organizations, and *horizontal* information sharing, i.e. sharing among community members and stakeholders active in forestry management. To address this perceived gap, participants recommended developing and distributing information better through informal community chains and tasking a local focal point with ensuring relevant information is received and circulated.

Participants noted that community members lack understanding on many central topics, and where information is presented it is often overly technical for them or otherwise not presented clearly and simply. Moreover, language barriers inhibit understanding in many cases.[66] The remote location of community forests and lack of effective infrastructure was also seen as preventing access to information for many community forests. Further,

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[65] This was not explained in detail, but presumably participants inferred that meetings were held when women and youth were working or otherwise busy due to societal roles.
[66] Though Khmer is the main language spoken in Cambodia, other languages (e.g. Mondulkiri and Ratanakiri) require translators when working with ethnic communities.

many community forest groups lack the equipment necessary for accessing and sharing information. As participants noted that social media was popular throughout the country but not a reliable source of information, presumably they meant forest management and governance-related information. Participants recommended strengthening existing community forestry networks and infrastructure to share information among members.

Lao PDR

In the Lao PDR workshop, participants found issues related to **sharing of costs and benefits** to pose the largest challenge to forest management in the country, followed closely by community participation in decision making. As shown in Figure 3, respondents also noted other issues such as access to information, tenure and livelihoods.

Figure 3: Lao PDR pre-COP workshop responses on top equity elements
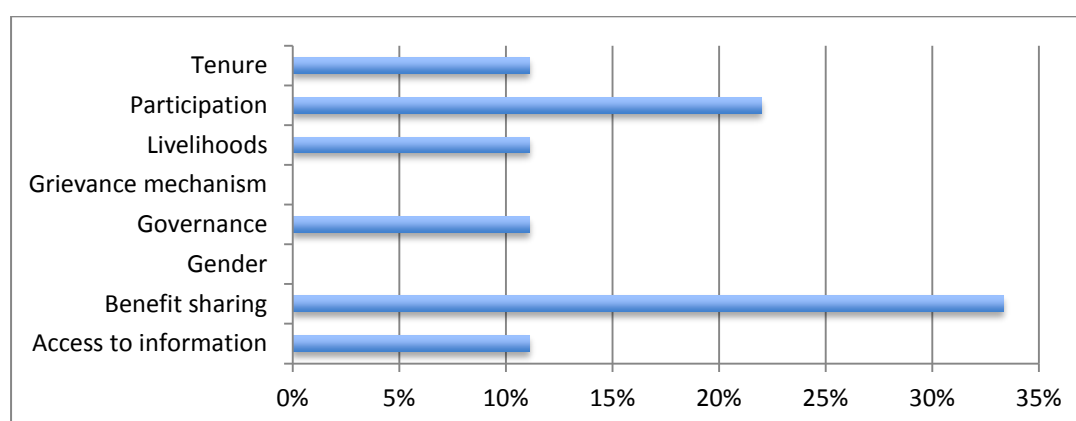
With regard to **cost and benefit sharing**, participants agreed that insufficient regulations had been developed to date. In particular, existing regulations did not sufficiently address inputs and contributions, compensation in case of loss and damage or prevention of unfair treatment and discrimination. Here, participants recommended developing new regulations and improving existing regulations. Even in areas where regulations existed, participants regarded many as inadequately implemented and enforced. To improve implementation, participants agreed that increased efforts were needed to publicize and explain new and existing regulations to communities. Participants thought such dissemination should include training based on religious beliefs to combat *immoral attitudes and practices* such as illegal logging and theft from community funds. Additionally, they agreed that the government needed to increase enforcement of regulations, including mechanisms to monitor cost and benefit sharing systems more closely and routinely. They also agreed that relevant government authorities needed to be given clearer mandates to ensure the implementation of various regulations.

As in Cambodia, Lao PDR workshop participants agreed that **community participation and decision making** was insufficient and posed challenges to equity in the country. This was seen as due partly to a lack of attention to appropriate norms specific to participation, e.g. related cultural and gender differences. To correct this, participants thought community forest management should be trained in and use culturally appropriate methods with different groups. For example, more interactive or non-formal

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approaches based on customary knowledge sharing styles such as storytelling, visual depiction or segregated focus groups may diminish constrictions resulting from language, education and power dynamics. They thought this was especially relevant for facilitating greater engagement of women, provided that it is conducted in conjunction with gender mainstreaming.[67]

Additionally, participants explained that factors such as distance and rural marginalization impeded **access to information** and effective participation. As examples of such issues, participants noted that many forest-based communities are remote and poorly connected to provincial or national capitals as a result of insufficiently developed infrastructure systems. Rural, and overall national, levels of poverty both cause and compound weak urban-rural linkages. Ecological and climatic challenges such as flooding and landslides are exacerbated by weak infrastructure and lead to breakdowns in information flow and participation. Participants recommended improved development of information dissemination systems and local facilitators to act as liaisons between government agencies and communities, especially in remote areas and/or where language differences were a concern.

Tenure, **livelihoods** and **governance** also were all found to be important challenges to equity in Lao PDR.

Viet Nam

Participants in the Viet Nam workshops found tenure, benefit sharing and access to information to be their top three, in fact only, equity challenges, as shown in Figure 4 below.

Figure 4: Viet Nam pre-COP workshop responses on top equity elements
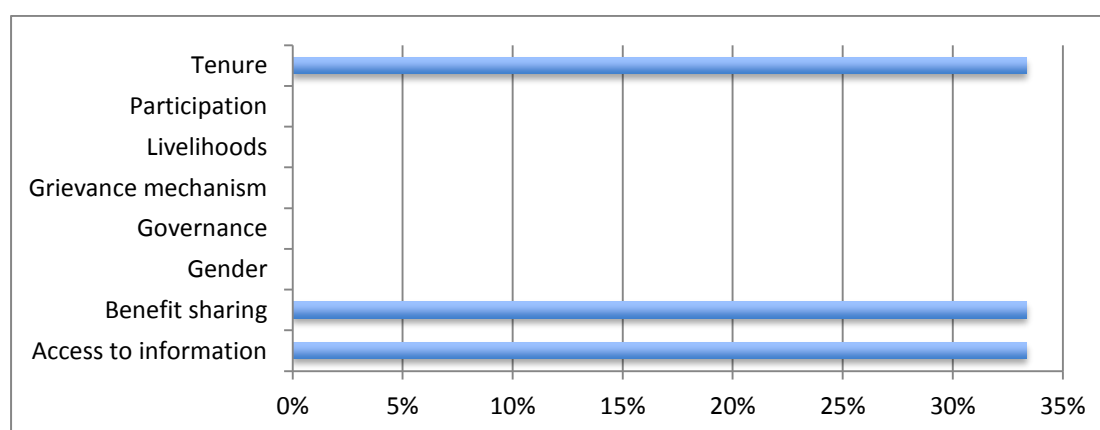
Viet Nam participants found **access to information** a challenge to equitable forest management. They reported that information is often unclear, overly complex and presented inappropriately for community audiences. Participants further related that this was because government officials often do not completely understand information, e.g. policies and regulations, and thus are not able to effectively disseminate and explain

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[67] The United Nations Economic and Social Council (ECOSOC) has defined gender mainstreaming as a "process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels so that women and men benefit equally, and inequality is not perpetuated." UNECOSOC, "Gender Mainstreaming." (September 1997). URL: http://www.un.org/womenwatch/daw/csw/GMS.PDF.

such information. Moreover, they explained, officials often lack the funding to distribute information effectively and have insufficient infrastructure and communication channels available to them to communicate with communities. In particular, participants noted that ethnic minorities in communes often lack access to information.

To address these deficits, participants suggested a combination of capacity building and financial support. Capacity building was found necessary for government extension officials to improve their training and facilitation methods, e.g. interactive communication. Participants also suggested that improved communications systems, infrastructure and information dissemination be funded by and made available from government budgets.

Participants also found **sharing costs and benefits** to pose significant challenges to equity. Participants cited the difficulties in creating a mechanism to share costs and benefits at the local level that is both feasible and appropriate. Due to a lack of transparency and information provided at the local level, they noted that community members are unable to quantify costs and benefits correctly, and large differences in capacity, expectations and understanding exist between community members, especially regarding payments for forest ecosystem services (PFES).

Participants also cited perceived problems with the current PFES benefit sharing mechanism (BSM), which they said is inflexible and poorly adapted to the local level. Due to its inflexibility, the BSM payments are too small and vary without explanation. The BSM formula, which uses a coefficient (known as co-factor K) is not fully explained or accepted at the community level. Additionally, participants noted that the formula's different components are not balanced, e.g. value provided downstream, labor inputs, total forest area and poverty alleviation goals.

Provincial officials agreed that benefits provided in laws and regulations do not reflect the actual contributions or responsibilities of landowners in forest protection and management, often resulting in inconsistent treatment of land use planning and forest protection planning. Officials argued that regulations needed supplementing beyond their focus on timber and paper products to address the rights and benefits accruing to forest owners from non-timber forest products (NTFPs), PFES and REDD+.

Provincial officials noted that benefits are not shared equitably between different areas of the country. In particular, they noted that highland and remote forest owners receive more benefits and support than those in lowland areas, despite the fact that more capital and resources are required for protection of forests in the lowlands. Officials recommended policies to ensure capital flows are made proportionally equivalent depending on needs and in line with overall objectives.

Finally, Vietnamese workshop participants agreed that **tenure and resource rights** presented significant challenges to equity for community forestry initiatives. Many community members, especially in upland areas, lack awareness of their land and resource rights. They also observed that land and resource regulations overlap and conflict with one another, confusing and preventing implementation. According to participants, the confusing state of land and forest regulations in Viet Nam is exacerbated by unclear forest and land classifications.

Participants noted that official statutory law often is often not implemented or enforced. For example, women have equal rights by law but in practice the system makes it difficult to gain access to their land and resource rights. Furthermore, they noted that communities' land rights are often limited in comparison to the full ownership rights of forest corporations or enterprises, e.g. *Red Book* land use certificates cannot be used as collateral by communities, limiting the full use of land. Participants also pointed out that most forestland is under state forestry enterprise management, which has limited private sector investment.

To address the numerous perceived regulatory deficiencies impeding tenure and resource rights, participants recommended extensive reforms to streamline and integrate land and forest-related policy frameworks. Participants recommended a single institution take responsibility for developing policies, as currently different institutions develop sectoral policies in isolation. They also suggested trainings and information dissemination to improve the understanding of community members and government officers involved in forestry initiatives.

4. Comparative analysis

Findings from the three pre-COP workshop participant groups demonstrated the variety of equity challenges that sustainable forest governance and REDD+ face at the local level. When compared with findings from a similar set of earlier workshops on forest governance equity, a broader picture of equity priorities emerges. In general, countries show greater commonalities in views on equity at the national level than at the local level.

4.1 Comparison of pre-COP country groups

Common equity challenges

As shown in Figure 5, benefit sharing, access to information, participation and tenure were the top equity elements found to be challenging by pre-COP participants.

Figure 5: Overview of pre-COP workshop responses on top equity elements
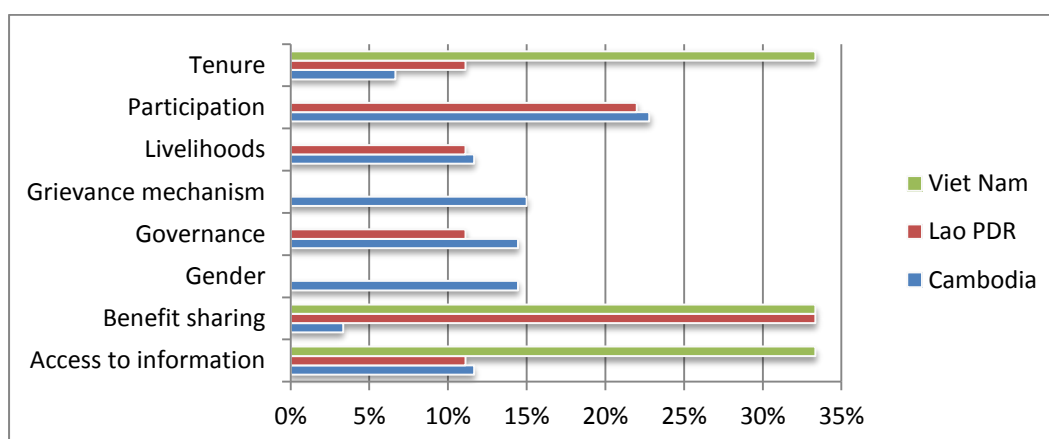
Lao PDR and Viet Nam participants found **benefit and cost sharing** to be a main obstacle to equity. In both countries, the problem was closely related with governance and regulations, and insufficient access to information, leaving community members unable to quantify costs and benefits correctly.

Participants in Viet Nam reported **access to information** to be a main challenge, with participants in Cambodia and Lao PDR mentioning it as a secondary obstacle. Viet Nam participants described the problem in terms of weak information distribution mechanisms and poor government capacity.

Community participation and decision making was a central issue according to participants in Cambodia and Lao PDR. In both countries, participants noted key groups were not included, e.g. women, youth, the poor and various ethnic groups. In Viet Nam, participants noted the need for government and community capacity building to better enable participation in decision making processes.

Perhaps surprisingly, given its focus in global REDD+ discourse as a central equity issue, only participants in Viet Nam listed **tenure and resource rights** as a top priority equity challenge. This suggests that government officials in Cambodian and Lao PDR workshops may have found tenure more sensitive a topic to discuss in open fora than Viet Nam.

Whether directly or in the context of other issues, all participants discussed **governance and regulation** as a central equity challenge. Only participants in Cambodia explicitly chose governance as a main area of inequity requiring attention. However, Lao PDR and Viet Nam working groups listed governance as a secondary concern, and other issues noted by participants contained underlying connections to governance and regulations.[68]

Only Cambodia participants explicitly listed **gender** or **grievance mechanisms** as challenges to equity. However, all three countries' participants noted gender in the context of other key issues, e.g. in the context of participation in Lao PDR and tenure in Viet Nam. Similarly, only Cambodia and Lao PDR participants mentioned **livelihoods** as a secondary priority.

Common capacity gaps

The pre-COP workshops revealed three main capacity deficiencies that contributed to inequitable outcomes for forest communities. Above all, participants in the three countries noted a **lack of local-level awareness and understanding** of forest management issues, laws and regulations. In Lao PDR and Viet Nam, participants emphasized that benefit sharing regulations were especially poorly understood at the local level and required better information dissemination.

Workshop participants all agreed that a **lack of government capacity** was also to blame for much inequity in community forests. Participants in all three countries thought local level government officials and law enforcement authorities required better training on relevant laws, policies, and regulations. Cambodian participants focused largely on the need for clarifying and enabling institutional arrangements, responsibilities and technical capacities. Lao PDR and Viet Nam participants meanwhile emphasized training officials on outreach techniques for sharing relevant information with local populations and conducting consultations and assessments.[69]

Participants also all agreed on the **need for improved governance resources and infrastructure** relevant to community forestry initiatives. Cambodia and Viet Nam participants emphasized the need for improved information networks that could better communicate with rural communities. In this regard, Viet Nam participants specified the need for official channels to communicate information regarding tenure and resource rights in particular. Both Lao PDR and Viet Nam participants noted the need for improved governance and regulations on benefit sharing.

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[68] For example, Lao PDR participants recommended developing new regulations and improving implementation and enforcement of existing regulations, and Viet Nam respondents recommended improving regulations on benefit and cost sharing, and tenure rights.
[69] Both Lao PDR and Viet Nam respondents thought such training was especially needed on benefit-sharing regulations, which they found so complicated that many officials could not understand enough to conduct outreach.

Common implementation issues

The largest implementation challenge according to pre-COP workshops across all three countries was **information sharing and communication**. In Cambodia and Lao PDR, respondents recommended the government work to improve the existing information sharing mechanism, focusing on benefit-sharing information in Lao PDR. Viet Nam participants recommended improved dissemination of information on tenure and resource rights.

Workshops in Lao PDR and Viet Nam emphasized a lack of **implementation and enforcement of regulations**. In Lao PDR, participants thought that poor transparency and weak communications, especially at local levels, undermined the efficacy of existing regulations. In Viet Nam, participants noted that important differences existed between tenure and resource rights on paper and in practice.

4.2 Equity issues in GREEN Mekong workshops

Pre-COP workshops were too small to make broad generalizations about the state of equity issues in the three countries, however, when compared and integrated with findings from a larger set of GREEN Mekong workshops held in the same countries in 2014 and 2015, a more complete picture may be presented of forest equity in Cambodia, Lao PDR and Viet Nam.

Study purpose

The Grassroots Equity and Enhanced Networks in the Mekong (GREEN Mekong) Program is a three-year USAID-funded project to promote equity in community forest management and REDD+ in Cambodia, Lao PDR, Myanmar, Thailand and Viet Nam. A core component of the GREEN Mekong Program activities has been consultations with grassroots and civil society stakeholders, conducted to gain understanding of core local-level equity issues encountered by the stakeholders and share insights with policy makers and government officials responsible for forest management. The objectives of the GREEN Mekong Program consultation component is to collect, formulate and consolidate grassroots stakeholders' perspectives on equity in forest management and forest-based climate change mitigation.

Methodology

Consultations were conducted in four of the program's focal countries: Cambodia, Lao PDR, Thailand and Viet Nam in 2013 and 2014.[70] Meetings consisted of up to three one-day national consultations or focus groups in each of the countries with about 30 representatives from community forestry networks, civil society and academia in each country (totaling roughly 80 in each country). Most local focus groups consisted of community forestry members while national consultations had a mixture of government and civil society representatives, as shown in Figure 6.

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[70] To facilitate comparison, this study does not include Thailand in the analysis.

Figure 6: Background of participants attending GREEN Mekong country workshops[71]
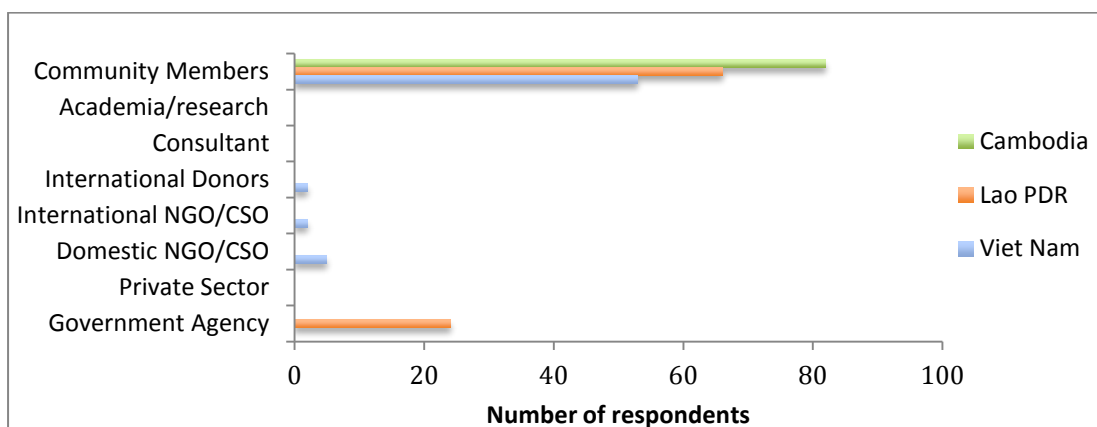
Representatives were invited to share perspectives on the relevance and significance of various equity elements, drawing from the eight-element equity framework established at the onset of the program (see Table 3 above). Equity elements were adapted to the local context in a participatory way in each country. This allowed participants to identify gaps and equity issues facing them, and to propose potential measures and recommendations to address them.

In each national consultation and focus group, participants discussed and identified several main equity elements they perceived to be important and later ranked them based on their priorities. Next, focus group participants analyzed strengths and weakness of each prioritized element and provided recommendations to resolve the main challenges.

Reporting

Notes were taken on participant's responses in the form of breakout groups from each workshop, which were compiled into an unpublished summary report for all four countries. Findings presented here are based on breakout group notes and the summary report.

Analysis

Responses to the questions above (main equity challenges and recommended solutions) were compiled from each workshop, forming the basis for this study. As with pre-COP workshop findings, groups within each workshop chose varying numbers of *high priority* equity elements as challenges, so each group's responses were weighted by the overall number of responses from the group in order to keep votes proportional. Where elements were merged into a single option, these were split into two responses. Responses that did not fit within the scope of the equity framework provided were ignored, e.g. drivers of deforestation in Viet Nam. However, group responses that split a single equity element into parts were treated as two votes for that element. As detailed information was not available for the participants from two Lao PDR workshops, participants were estimated using the same number of participants as in the workshop that submitted participant information.

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[71] Two Workshops for Lao PDR (Xaysomboun on 24-25 November 2014, and Attapeu 27-28 November 2014) had to be estimated using the same numbers from the workshop in Bokeo on 16-17 October 2014 as records were missing.

In addition to collating the findings from GREEN Mekong participants alone, the findings from GREEN Mekong groups were merged with pre-COP workshops to present a single overview of combined findings from each country. In order to balance out the pre-COP workshop participants' votes with those of the GREEN Mekong workshops (the latter of which had roughly three times more participants), a weighted average was used (see Figure 9 below). Data including weighted averages is presented in Annex I.

## 4.3 Findings and comparison of workshop results

Summary of results from GREEN Mekong workshop

Side-by-side comparison of responses from national pre-COP groups with those from more local GREEN Mekong groups shows several key differences. In Lao PDR, local participants thought governance was a top challenge to equity rather than benefit sharing chosen at the national level. Vietnamese participants found the same issues of tenure, benefit sharing and access to information important, but added participation as a fourth element. Both sets of Cambodian workshop participants found participation to be the most important challenge to equity, followed closely by livelihoods, tenure and access to information.

**Figure 7: Overview of pre-COP workshop responses**
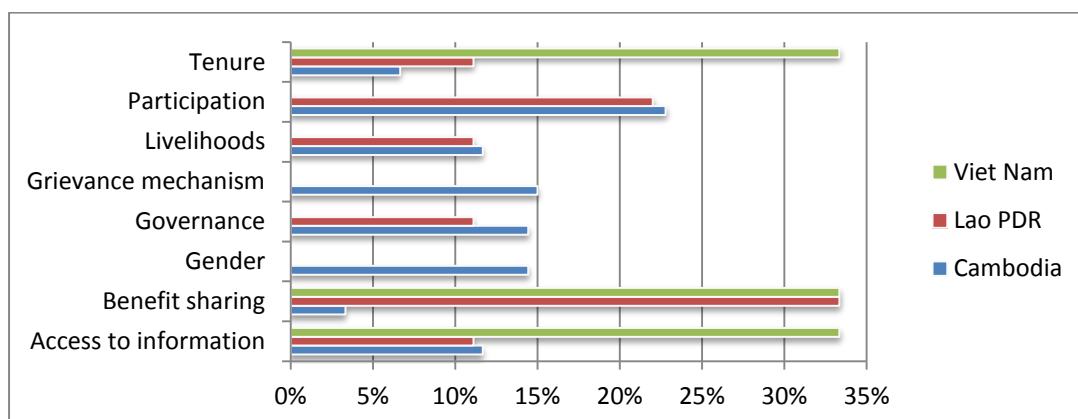
Figure 8: Overview of GREEN Mekong equity workshop responses
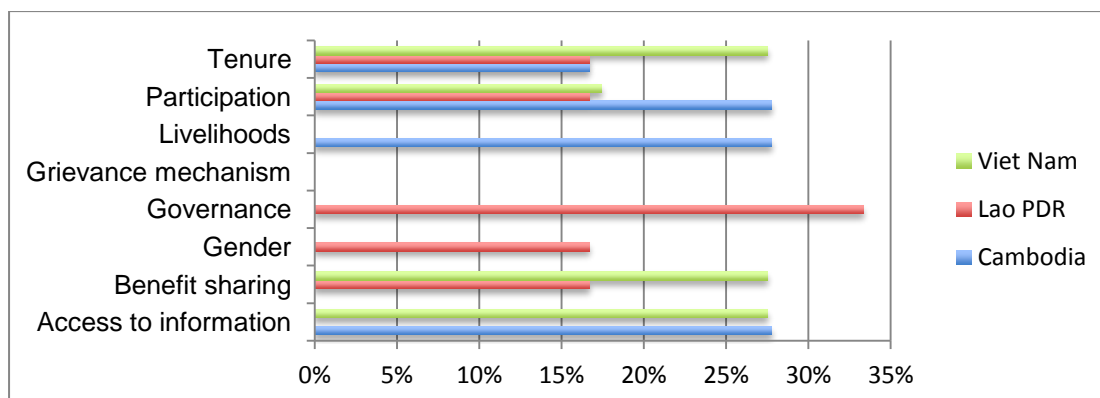
When feedback from the two workshops is combined, tenure and participation emerge as the two strongest points of agreement across the groups, followed by benefit sharing and access to information (with the exception of Cambodia and Lao PDR, respectively).

Figure 9: Combined results - weighted average across workshops
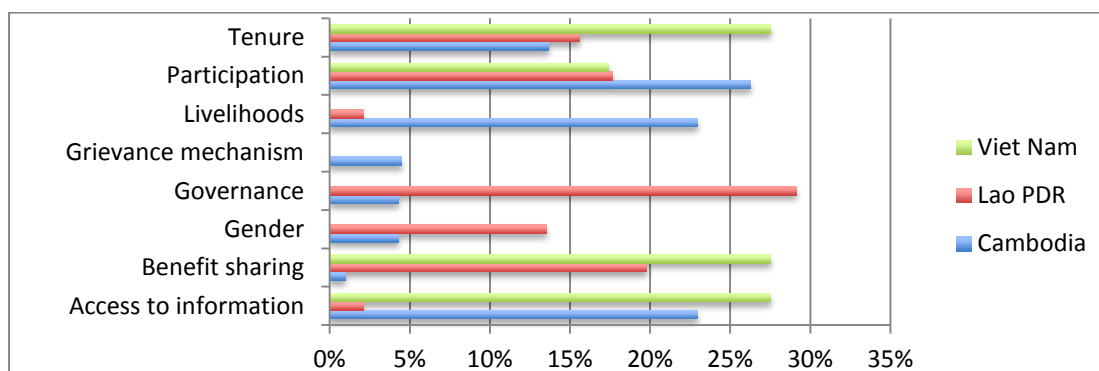
As shown in Table 4 below, participants identified relatively few contextual elements as top priority challenges. In the Cambodia pre-COP workshop, participants chose just one contextual element as a top challenge (governance and regulations). From the GREEN Mekong groups, Lao PDR participants identified two contextual elements (gender and governance). Instead, most pre-COP groups focused on procedural elements (access to information and participation in two countries each) and distributive elements (benefit sharing in two countries and tenure rights in one country).

4.4 Comparison of group views with literature

Participants' views from the pre-COP and GREEN Mekong sessions on top equity-related issues in sustainable forest management and REDD+ generally corroborated literature on each country presented in Annex II (compare Table 5, Table 6 and Table 7, as summarized in Table 4).[72]

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[72] The literature survey conducted in Annex II looked at research articles published in the last decade (as generally available online and via sciencedirect.com), and is therefore suggestive rather than conclusive of the extent to which external research is focusing on issues found relevant at the national and local level in each country.

Table 4: Top responses from groups, combined results and comparison with literature

	Cambodia	Lao PDR	Viet Nam
Literature	Contextual: - Governance - Livelihoods Distributive: - Tenure	Contextual: - Governance - Livelihoods Procedural: - Participation - Tenure	Contextual: - Gender - Governance - Livelihoods Distributive: - Benefit Sharing - Tenure Procedural: - Participation
National Level Pre-COP 21 Workshops	Contextual: - Gender - Governance & Regulations Procedural: - Access to Information - ***Participation***	Distributive: - ***Benefit Sharing*** Procedural: - Participation	Distributive: - Benefit Sharing - Tenure Procedural: - Access to Information
GREEN Mekong Workshops	Distributive: - Livelihoods Procedural: - Access to Information Participation	Contextual: - Gender - ***Governance*** Distributive: - Benefit Sharing - Tenure Procedural: - Participation	Distributive: - Benefit Sharing - Tenure Procedural: - Access to Information - Participation
Common Elements across Workshops (Weighted Average)	Distributive: - Livelihoods Procedural: - Access to Information - ***Participation***	Contextual: - ***Governance & Regulations*** Distributive: - Benefit Sharing Procedural: - Participation	Distributive: - Benefit Sharing - Tenure Procedural: - Access to Information

[Where applicable, bold and italicized elements represent the top choice in each group.]

However, a few exceptions were found, suggesting areas ripe for further research on forest-related equity issues in at least some of the focus countries.

- In support of the literature in Cambodia, pre-COP groups confirmed that governance was a key equity challenge, and the GREEN Mekong group confirmed the importance of livelihoods as a key equity issue in the country. Unlike the literature surveyed, however, in which no recent research was found directly addressing the topic, Cambodia pre-COP and GREEN Mekong groups both identified participation as top priorities. In comments, both groups linked participation closely with access to information, governance and grievance mechanisms.

- In Lao PDR, both groups confirmed the literature in identifying participation as a main equity-related concern, citing similar needs for cultural sensitivities discussed in literature. In addition, the pre-COP group confirmed the literature in finding benefit sharing to be a key issue, citing the same lack of benefit sharing provisions noted by external research. The GREEN Mekong group strongly agreed with literature, highlighting governance as a top issue, also confirming challenges such as illegal logging and a lack of transparency. The pre-COP group confirmed the secondary importance of tenure and livelihoods as well.

- In Viet Nam, both groups corroborated literature surveyed in finding benefit sharing and tenure as key challenges to equity, noting similarly that statutory rights were not translated into actual rights on the ground. The GREEN Mekong group further confirmed the literature's finding of participation as a central equity challenge, and the

pre-COP group found livelihoods to be a secondary equity challenge. Surprisingly, however, given the relatively large amount of research on forest and REDD+ related issues in Viet Nam, no research was found directly addressing access to information there, a key equity issue according to both pre-COP and GREEN Mekong groups.

4.5 Research limitations

Several limitations to the study should be noted. Most importantly, the study is limited by the survey design, level of detail in responses, and information on workshop participants. This limits overall confidence of the results and comparisons between group responses.

Pre-COP and GREEN Mekong workshops served dual purposes: to conduct capacity development and research stakeholder views on equity in forest governance. Though this allowed the projects to more efficiently accomplish their two main objectives, the dual nature of the workshops as designed may have influenced the findings, e.g. by facilitators emphasizing certain equity elements in introducing them.

Additionally, there were differences in questions posed between GREEN Mekong and pre-COP groups, with different facilitators in workshops, which may have influenced the findings. In the GREEN Mekong workshops, the groups each worked to develop a list of equity elements, resulting in some differences in equity elements discussed and some elements that overlapped with others, e.g. livelihoods, making comparison difficult. In order to address this, only results from the final GREEN Mekong equity framework that were adopted for use in the pre-COP workshop were used in the standardized methodology for the workshop responses (see Sections 0 and 0).

In some workshops, groups were not limited to a constant number of *top equity elements* that they found challenging. This resulted in variations in the number of groups' choices of top elements, complicating the ability to tabulate responses accurately. Furthermore, some groups merged and/or split equity elements in their responses. These variations were addressed using the methodology described in Sections 0 and 0.

Due to the tight schedule for workshops, participants did not have time to provide detailed explanations for all of their responses. For many issues, more specific explanations for participants' responses would have better enabled the study to understand responses and to analyze and compare differences in groups' views.

A lack of complete information on some participants from the GREEN Mekong workshops limits the ability to analyze differences due to participant backgrounds. Nonetheless, a general idea of the background of participants was gathered from workshop notes, enabling the basic comparison of groups according to backgrounds, e.g. GREEN Mekong is largely composed of community forestry members, in contrast with largely national level government officials in the pre-COP workshops.

Underlying *contextual* equity issues are not easily captured in a survey with a limited number of choices, as these are generally a much wider list of pre-existing socioeconomic and political issues that do not fall into simple categorization using the contemporary lexicon of REDD+ issues. Moreover, contextual issues may have been too sensitive for respondents to bring up in the course of an open forum, and could be better addressed via other research methods, e.g. an anonymous survey. As government

officials dominated all pre-COP workshops and even some GREEN Mekong workshops, it is likely there was apprehension to discuss controversial issues such as tenure or mistreatment of local populations.

The interrelations between elements challenge attempts to neatly prioritize issues in a given country. The sheer volume of challenges with which communities have to contend in their forestry and REDD+ initiatives also precludes simple identification of areas for future work. For example, respondents often would identify one equity element as a priority issue, only to describe it in terms of other elements that were part of the challenge or solution.

Finally, it is likely that the international development and/or research communities could have influenced perceptions of issues highlighted as top challenges by participants. For example, benefit sharing has received considerable attention from international development partners and research organizations in Viet Nam and Lao PDR in particular, with IUCN, CIFOR, SNV and UN-REDD, all funding papers and workshops on the topic in the last five years. Such focus likely has brought benefit sharing to the top of national REDD+ program priorities in these countries, where the issue was discussed significantly more than in Cambodia. As Cambodia began its REDD+ program more recently, development partners may have deemphasized benefit sharing, likely learning from previous stakeholder disappointments where benefits failed to materialize despite considerable public discussion.[73]

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[73] Personal communication with Jeremy Broadhead, Nov. 14, 2015.

5. Conclusions and recommendations

5.1 Main conclusions

Agreement on main issues and equity as common challenge

The composition of pre-COP and GREEN Mekong workshops differed as the former consisted largely of government officials and national-level stakeholders while the latter had strong representation from community forestry groups experiencing equity issues more directly. Comparison of feedback suggests that participation-related issues are more important to community than to national-level stakeholders. Regardless of the differing opinions expressed regarding key challenges and solutions, all participants agreed that equity was an essential component of REDD+, both from a practical and moral perspective.

Participation, benefit sharing, and access to information were cited with the greatest prevalence in country feedback. Tenure and governance also were seen as top challenges in several countries, yet occurred with less frequency. As described in Section 5.5, it was likely easier for participants to discuss procedural and distributive issues than long-standing contextual inequities related to livelihoods, gender, socioeconomic equality and treatment of poor, indigenous, and/or minority populations.

Inter-connectedness of equity elements

From the cross-referential way in which participants discussed each of the individual elements, it is clear that their concerns regarding equity are interconnected (as also noted in Section 5.5). This suggests that work on equity is mutually reinforcing, e.g. that improved access to information would likely help improve participatory processes, which could be correlated with improved governance and recognition of land and forest rights. Participant feedback underscored the interconnected and overlapping nature of the different equity elements examined. This can be characterized as follows:

- land and resource tenure rights determine who may participate in land and resource decisions, and consequently share in costs and benefits;
- benefit sharing, participation and governance all require timely access to clear and accurate information;
- participation is only meaningful if it can influence governance or rules;
- governance and rules should be simple and clear, guarantee fair distribution of costs and benefits and procedures should be implemented and enforced (including for ensuring that women, youth and marginalized groups are included in decisions and receive their statutory rights).

Though these interrelations challenge prioritization of equity issues in each country, the findings may be useful to better understand the full range of obstacles to equity and their interdependence at the local level in community forestry and REDD+.

5.2 Regional ASEAN level

Practitioners and policy makers should not assume that the specific national level equity priorities and solutions emerging from pre-COP and GREEN Mekong consultations reflect stakeholder priorities from other nations in the ASEAN region, as demonstrated in Box 3.

Box 3: ASEAN regional work on equity in forest governance

Results from a five day ASEAN level consultation on forests, equity, and climate change, convened by RECOFTC under the auspices of the ASEAN-Swiss Partnership on Social Forestry and Climate Change (ASFCC) in August 2015, demonstrated that throughout the region a number of equity elements are understood to be national priorities other than those most commonly cited in the focal countries of this report. Perhaps unsurprisingly, participants prioritized equity concerns that responded specifically to their national contexts and legal frameworks. For example, participants from the Philippines recognized the need to clarify and expedite processes to secure community resource rights, in light of longstanding policies permitting community forest management and titling ancestral forestlands. Similarly, Indonesian participants noted a need to strengthen community level land tenure in light of recent national decentralization policies. However, the pre-COP and GREEN Mekong consultations' emphasis on the interconnectedness of equity concerns was echoed at this session, along with a recognition that equity issues should be addressed across scales and sectors.

5.3 Recommendations

National level of focus countries

As described in Section 5.4 above, participant views on key equity challenges largely supported external research findings. However, feedback also suggested participation and access to information (at least in Cambodia and Viet Nam, respectively) are more important equity issues than research suggests. This could recommend more detailed research on local-level perceptions of equity, potentially in conjunction with capacity building, which could provide a richer understanding of perceptions on equity in each country. Additionally, such differences could suggest the need to conduct greater capacity building in REDD+ countries in order to help community forestry practitioners and policymakers understand the various dimensions of equity.

Findings also suggest the need to raise awareness among community forestry members of forest governance and REDD+ related rights and mechanisms. Participants consistently noted the lack of access to relevant information on, and participation in, forest governance and REDD+ decisions. As many participants described having internet access, some part of the solution could entail developing clear and simple websites (either by the government or civil society facilitators) to provide a one-stop information source and enable public participation. For those lacking internet access, information and participation could be enabled via government or civil society liaisons with funding from multiple objectives (see points below in connection).

5.4 Further considerations for countries

Capacity development for equity

Country groups overwhelmingly recommended capacity building in order to rectify many equity-related challenges identified. Participants mainly recommended capacity development for subnational and local level government officials, on a wide range of technical skills, e.g. training on relevant laws, policies and regulations, and *soft* skills, e.g. participatory facilitation and communications with local communities. However, they also suggested community members would benefit from improved equity-related capacity, e.g. understanding of forest-related law, processes and initiatives such as REDD+.

Participant responses suggest that many people living in or nearby forests are interested and somewhat aware of relevant forest equity issues, but simply lack the time or ability to follow issues consistently. To address this, a liaison could be funded at the community level to track relevant issues, e.g. government regulations, procedures and other issues relevant to community forestry initiatives. Additionally, the liaison could conduct outreach by reporting developing issues to and gathering feedback from communities to share with the government. The liaison could work with the entire community but focus in particular on assisting those unable to participate or access information, e.g. those living in remote areas and/or those marginalized due to poverty, gender or age. As the liaison would require both government and community trust, s/he could be chosen from each community with joint government approval.

Equity and REDD+ international negotiation/funding implications

As described in Section 3.1.1 above, the UNFCCC does not seem likely to develop further guidance on safeguards or a clear international, detailed framework addressing national and local level equity issues. Consequently, countries will need to take the lead in guaranteeing equity in REDD+ program design and implementation.

As REDD+ is currently funded largely from official development assistance, as it is likely to remain for the immediate future, few direct threats to equity exist. For example, it is unlikely that publicly funded projects would result in *land grabs* with tenure rights stolen or communities evicted from their ancestral funds. Lesser inequities however remain a ubiquitous possibility, especially among issues relating to pre-existing contextual issues, e.g. unclear governance issues, information provision challenges. In many countries, such smaller inequities could be difficult, if not impossible, to overcome, and programs will need to accept a certain level of inequity that REDD+ cannot overcome alone, and which trying to overcome would be too costly. Should carbon markets expand significantly, equity issues are likely to become far more relevant. In the meantime, publicly funded REDD+ efforts should promote outcomes that are more equitable than the *do no harm* standard of earlier public funding and could ensure stronger frameworks are in place to address distributive, procedural and contextual equity issues.

Considerations for REDD+ program design and implementation

Given that international and domestic funding for REDD+ is tight, efforts to improve forest governance equity could be achieved by joint funding with other development

issues. For example, funding for rural water and sanitation, education and related public services could be combined with REDD+ and forest governance funds. This could reduce administrative and implementation expenses for common needs, saving funding for actual initiatives to research, build capacity and improve relevant mechanisms, such as those related to participatory processes, benefit sharing and information availability. Over time, these combined programs could help decrease waste in administrative costs, unnecessary government bureaucracy and improve local-level governance capacity.

Annex I: Workshop data and weighted averages

	Cambodia					Lao PDR					Viet Nam				
	Pre-COP 21 Responses (Avg.)	No.	Green Mekong Responses (Avg.)	No.	Weighted Average across Workshops	Pre-COP 21 Responses (Avg.)	No.	Green Mekong Responses (Avg.)	No.	Weighted Average across Workshops	Pre-COP 21 Responses (Avg.)	No.	Green Mekong Responses (Avg.)	No.	Weighted Average across Workshops
Access to information	12%	35	28%	82	23%	11%	19	0%	72	2%	33%	27	25%	62	28%
Benefit (and cost) sharing	3%	35	0%	82	1%	33%	19	17%	72	20%	33%	27	25%	62	28%
Gender	14%	35	0%	82	4%	0%	19	17%	72	13%	0%	27	0%	62	0%
Governance, policies and rules	14%	35	0%	82	4%	11%	19	33%	72	29%	0%	27	0%	62	0%
Grievance mechanism	15%	35	0%	82	4%	0%	19	0%	72	0%	0%	27	0%	62	0%
Livelihoods	12%	35	28%	82	23%	11%	19	0%	72	2%	0%	27	0%	62	0%
Participation	23%	35	28%	82	26%	22%	19	17%	72	18%	0%	27	25%	62	17%
Tenure and resource rights	7%	35	17%	82	14%	11%	19	17%	72	16%	33%	27	25%	62	28%

Annex II: Focus country context

Cambodia

Cambodia's economy is growing rapidly at 7% annually,[74] and the proportion of the population living below the poverty line dropped by 30% between 2007 and 2012.[75] Nonetheless, the majority of Cambodia's rural poor are dependent on forest resources for a portion of their livelihoods.

Nearly half of the country's greenhouse gas emissions in 2011 were estimated to come from the land use and forest sector.[76] Recent satellite-based forest cover assessments show Cambodia's rate of increased forest loss between 2001 and 2014 to be the highest in the world at 14.4 percent.[77] Increasing regional demand (predominantly from China and Viet Nam), as well as global demand, for raw materials is leading to greater pressures on the extraction of national timber and conversion of forestland to agriculture or other land use.[78]

The Royal Government of Cambodia has taken strides in recent years to address and reverse forest loss, such as developing REDD+ programs and projects. In 2010, Cambodia finalized its REDD+ Roadmap,[79] which suggested various policy interventions now being implemented in the country. The potential outcome of the implementation of the Cambodia REDD+ Roadmap is to produce a National REDD+ Strategy, which it expects to finish by the end of 2015.[80] Cambodia is developing a UNFCCC submission in accordance with the Warsaw Framework in order to establish reference levels, Results-Based Actions and a Safeguards Information System.[81] Cambodia applied for funding from the (Forest Carbon Partnership Facility) FCPF/Carbon Fund of the World Bank with an *early idea note* in June 2013 at the 10th Carbon Fund meeting,[82] and FCPF support for Cambodia's REDD+ program began in March 2014.[83]

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[74] The World Bank, Cambodia Overview (last updated 23 December 2013) http://www.worldbank.org/en/country/cambodia/overview [accessed 03 March 2015].
[75] The World Bank, Data by country: Cambodia - Poverty headcount ratio at national poverty line (% of population) http://data.worldbank.org/indicator/SI.POV.NAHC/countries/KH?display=graph [accessed 03 March 2015]; and, United Nations Development Programme (UNDP) About Cambodia: http://www.kh.undp.org/content/cambodia/en/home/countryinfo/ [accessed 03 March 2015].
[76] FAO 2011, supra.
[77] *See* "Cambodia *See*s World's Fastest Acceleration of Forest Loss," URL: https://www.cambodiadaily.com/news/cambodia-*See*s-worlds-fastest-acceleration-of-forest-loss-94318/.
[78] Pak, C., Leng, C., and Leang, H. (2010). *Global Forest Resources Assessment 2010*, Country Report, Cambodia. Forestry Department, FAO.
[79] Kingdom of Cambodia, 2010. REDD+ Roadmap in Cambodia. URL: http://theredddesk.org/sites/default/files/8_redd_roadmap_cambodia_v4_0_official_222_5.pdf.
[80] The final REDD+ Strategy was not available at the time of writing, but an initial draft has been developed. *See* Gapare, N., Thuon, T. (June 2015) Final Evaluation of the UN-REDD Cambodia National Programme Report, Prepared for UN-REDD and the Government of Cambodia, at 60. http://www.unredd.net/index.php?view=download&alias=14808-cambodia-final-evaluation-report&category_slug=cambodia-1&option=com_docman&Itemid=134.
[81] *See* UN-REDD Programme, 2014 "Preparing for Cambodia to enter the Warsaw Framework," URL: http://www.cambodia-redd.org/wp-content/uploads/2014/09/Sup-Doc-6-Concept-Note-of-National-Meeting-of-Warsaw-Framework.pdf.
[82] "Cambodia Early Ideas on ER-PIN," Carbon Fund Tenth Meeting (CF10), June 17, 2014, Bonn, Germany. URL: https://www.forestcarbonpartnership.org/sites/fcp/files/2014/June/CF10%20Cambodia%20Early%20Idea%20Presentation.pdf.
[83] FCPF, 2015. REDD+ Annual Country Progress Reporting, Country: Cambodia, at URL: https://forestcarbonpartnership.org/sites/fcp/files/2015/August/FCPF_August2015_Cambodia.pdf.

Cambodia has looked to community forest development to help implement its REDD+ program. The 2000 National Community Forestry Strategic Plan, 2002 National Forestry Policy, provisions in the 2002 Forestry Law, 2003 Sub-Decree on Community Forestry and 2006 Guidelines on Community Forestry all support community forestry. The National Forest Programme 2010-2030 has set a goal of creating two million hectares of community forest by 2029 from the 329,587 hectares of approved community forestry area in 2015.

The government has also avowed its commitment to equitable outcomes for forest communities. Cambodia's 2011 REDD+ Preparation Proposal (R-PP) states that its REDD+ pilots have 'made maximizing transparent and equitable local benefit-sharing to communities an explicit policy priority.'[84] Similarly, the first objective of its National Forestry Program is to 'maximise sustainable forest contribution to poverty alleviation, enhanced livelihoods and equitable economic growth.'[85] Additionally, in 2001 the Royal Cambodian Government recognized rights of indigenous communities to collective ownership of their land and the right to assert and enforce interests against third parties on both residential and agricultural land.

Despite government aspirations, recent research suggests that community forestry and REDD+ in Cambodia face equity challenges in the areas noted in Table 5.

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[84] Cambodia R-PP (March 2011), at 5. URL: https://forestcarbonpartnership.org/sites/fcp/files/2013/July2013/RPP%202013.pdf.
[85] Id. at 119.

Table 5: Forest-related equity challenges in Cambodia

Element	Challenge
Governance	• Legal frameworks are unclear, and small-scale illegal forestry actors are targeted while major illegal operations with political connections go unpunished.[86] • Weak capacity to enforce forest laws and control drivers of deforestation.[87] • Unclear demarcation of forestland.[88] • Extent of illegal logging remains unknown.[89] • Illegal land enforcement, illegal logging, and agricultural expansion by local members all threaten community forestry management.[90]
Livelihoods	• Illegal logging resulting from 1997 and 2002 ban on timber, and conflict between foresters and locals.[91] • Poorest households typically experience the greatest impacts from deforestation and the least benefits from community forestry and REDD+, due to being blocked from forests and lacking information and resources.[92] • Community forestry lacks incentives from government for rehabilitation and reforestation activities.[93]
Tenure	• Forest tenure and carbon rights are insecure.[94] • Incomplete devolution of rights under community forestry policies, including short forest concession leases that restrict timber harvest potential.[95] • Protected areas cross human settlements and areas with unclear tenure rights.[96] • Limited consistent implementation of land-use planning or land allocation causes unclear land tenure in practice.[97]

Lao PDR

Lao PDR has maintained one of the highest levels of forest cover among countries in mainland Southeast Asia, though its forests have diminished rapidly in just over the last half-century. Massive deforestation from large-scale conversions to agriculture, industrial tree plantations, mining, hydropower and other infrastructure and unsustainable logging nearly halved forest cover between 1940 and 2010.[98] In addition, forest degradation has become a significant cause of forest loss. As in Cambodia, neighboring Viet Nam and China import the most timber.[99]

The Government of Lao PDR and civil society are taking steps to reverse the continuing loss of the country's natural forests. Such efforts include the 2005 launch by the Ministry of Agriculture and Forestry (MAF) of the *Forest Strategy 2020*, which plans for 500,000

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[86] Colchester, M. et al., et al., 2006. Justice in the Forest: Rural Livelihoods and Forest Law Enforcement. Forest Perspectives 3, CIFOR, p. 63. URL: http://www.cifor.org/publications/pdf_files/Books/BColchester0601.pdf.

[87] Bradley, A., 2011. Review of REDD Readiness: Progress and Challenges. Forest Conservation Project, Occasional Paper No. 4. Institute for Global Environmental Strategies. URL: http://redd-database.iges.or.jp/redd/download/link?id=4. p. 7-9.

[88] Id.

[89] Tuan, D.A., 2015. Drivers of Forest Change in the Greater Mekong Subregion: Viet Nam. USAID-LEAF and FAO, at 37.

[90] USAID, 2013, Country Profile: Property Rights and Resource Governance, at 6. URL: http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Cambodia_Profile.pdf.

[91] *See e.g.* McKenny B. and Tola, P., 2002. Natural Resources and Rural Livelihoods in Cambodia: A Baseline Assessment. Working Paper #23, Cambodia Development Resource Institute.

[92] Pasgaard, 2013.

[93] Beang, L.C. and Sethaphal. L., (n.d.) Community forestry in Cambodia. FAO. URL: http://www.fao.org/docrep/007/ad511e/ad511e0a.htm.

[94] Bradley, A., 2011, supra.

[95] Oberndorf, R.B., 2006. Legal Analysis of Forest and Land Laws in Cambodia. Community Forestry International.

[96] Clements, T. A. et al. 2010. "Payments for Biodiversity Conservation in the Context of Weak Institutions: Comparison of Three Programs from Cambodia" *in* Ecological Economics 69(6): 1283–91. URL: http://linkinghub.elsevier.com/retrieve/pii/S0921800909004595.

[97] Beang, L.C., and Sethaphal. L., *supra*.

[98] *See* UNEP, 2012. Lao Environment Outlook, at 46. URL: http://www.unep.org/pdf/Lao_EO_2012.PDF (reporting a drop of 42% in forest area as a percentage of total land area in the country).

[99] Thomas, I., 2015. Drivers of Forest Change in the Greater Mekong Subregion Laos Country Report. USAID-LEAF, at iv.

hectares of tree plantations, allocation of community forest areas, development of production forest area management plans and forest area demarcation.[100] Land allocation and land use planning has been conducted in over 70% of all villages nationwide. Despite such Government efforts, the country continues to experience widespread forest loss. Continued illegal logging activities suggest that enforcement and monitoring will need to be high priorities for the Lao PDR forest agenda.[101]

In recent years, Lao PDR has joined REDD+ programs and negotiations under the UNFCCC. In 2008, it became a member of the FCPF and established a national REDD+ Task Force.[102] Lao PDR submitted its Readiness Program Idea Note (R-PIN) in 2008 and began developing a national REDD+ strategy.[103] Subsequently, the FCPF accepted the National REDD+ Readiness Preparation Proposal (R-PP) submitted by Lao PDR in late 2010.[104] With the establishment of the Ministry of Natural Resources and the Environment (MoNRE) in 2011, institutional transformations and confusion between MoNRE and MAF delayed Lao PDR's momentum on REDD+.[105] In September 2015, the Lao PDR Government submitted its Emission Reductions Program Idea Note (ER-PIN) to the Carbon Fund under the FCPF in order to receive results-based finance for its forest sector emissions reductions in the northern area of the country.[106]

With regard to equity in Lao PDR, observers have cited as a main concern a lack of meaningful participation in decision making, in addition to other concerns noted in Table 6.

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[100] Forest Strategy to the Year 2020 of the Lao PDR. July 2005. URL: http://theredddesk.org/sites/default/files/fs_2020.pdf
[101] Thomas, I., 2015 *supra*, at iv.
[102] MAF Decree No. 1313 (November 2008) established the REDD+ Task Force.
[103] FCPF, 2008. Lao PDR's Readiness Plan Idea Note (R-PIN). [Online]. URL: http://www.forestcarbonpartnership.org/fcp/LA.
[104] FCPF. 2012. Lao PDR Readiness Preparation Proposal (R-PP). URL: http://theredddesk.org/sites/default/files/resources/pdf/2011/lao_r-pp_final_draft_revised_21_dec_2010-clean.pdf.
[105] Institutional conflicts arose in Lao's forests as the MoNRE Department of Forest Resource Management (DFRM) took responsibility for REDD+ implementation in Protection and Conservation Forests, while Department of Forestry (DoF) within the Ministry of Agriculture and Forestry (MAF) gained responsibility for REDD+ implementation in Production Forests and in non-state forest areas under village management. *See* Lao PDR PM Decree, November 2011 and PM Decree, June 2012.
[106] FCPF. 2015. Lao PDR Emission Reductions Program Idea Note (ER-PIN). 11 September 2015. "Promoting REDD+ through Governance, Forest landscapes and Livelihoods in Northern Lao PDR."

Table 6: Forest-related equity elements and challenges in Lao PDR

Element	Challenge
Governance	• Enforcement of illegal logging is weak.[107] • Lack of accountability by regional authorities to national forest laws, moratorium on land concessions not enforced.[108] • Land use planning largely focused on ending small-scale swidden agriculture practiced by ethnic minorities.[109]
Benefit Sharing	• No national REDD+ program or benefit sharing mechanism is in place, and future mechanism is unclear.[110] • The few benefit-sharing provisions existing are for sharing benefits from production forest revenues.[111]
Livelihoods	• Viet Nam companies control timber extraction & processing in Laos, with impacts on local populations.[112]
Participation	• Participatory land use planning (PLUP) had little impact on land use decisions,[113] and local populations have been excluded from REDD+ consultations under the World Bank FCPF and FIP.[114] • Land and Forest Allocation (LFA) Policy has focused on preventing swidden agriculture, and has re-designated village lands as other types.[115]
Tenure	• Land and forest allocation policies restrict villagers' access to land. • Ambiguities persist over statutory and informal land and forest rights, in addition to unclear rights to carbon.[116]

Viet Nam

Though Viet Nam's total forest cover has, according to official government data, increased nearly 2% in the last 25 years, much of this growth is due to expansion of commercial forest plantations. Remaining natural forests are still decreasing and have become increasingly degraded due to a variety of causes. Rising demand for agricultural crops to meet local food needs and plantation cash crops, e.g. rubber, coffee, for international markets drive the majority of deforestation and forest degradation in Viet Nam. Forest loss, both deforestation

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[107] Fisher, R. 2014. Lessons Learned From Community Forestry in Asia and Their Relevance For REDD+. USAID-supported Forest Carbon, Markets and Communities (FCMC) Program.

[108] Thomas, I., *supra,* at 35. *See also,* LAO PDR. 2010. Strategy for Agricultural Development 2011 to 2020. p. 17.

[109] Robichaud, W., et al. 2009. Stable Forest Cover under Increasing Populations of Swidden Cultivators in Central Laos: the Roles of Intrinsic Culture and Extrinsic Wildlife Trade *in* Ecology and Society 14(1): 33. *See also,* Fox, J., et al., 2009. Policies, Political-economy, and Swidden in Southeast Asia *in* Human Ecology*,* 37(3): 305–322.

[110] Pham, T.T., Brockhaus, M., Wong, G., Dung, L.N., Tjajadi, J.S., Loft, L., Luttrell, C. and Mvondo, A.S. 2013. Approaches to benefit sharing: A preliminary comparative analysis of 13 REDD+ countries. Working Paper 108. CIFOR, Bogor, Indonesia, p. 8.

[111] Id.

[112] Yasmi, Y. et al. 2010. Forestry Policies, Legislation and Institutions in Asia and the Pacific: trends and Emerging needs for 2020, Asia-Pacific Forestry Sector Outlook Study II. USAID, RAFT, TNC, RECOFT, FAO, at 12-13. *See also,* Forest Trends. 2012. The Lao-Viet Timber Trade: Current Practices and Strategies to Promote Sustainability. Workshop Summary Report. URL: http://www.forest-trends.org/documents/files/doc_4147.pdf.

[113] Fox, J., et al. 2009. Policies, Political-economy, and Swidden in Southeast Asia *in* Human Ecology*,* 37(3): 305–322. *See also,* Robichaud, W., et al. 2009. Stable Forest Cover under Increasing Populations of Swidden Cultivators in Central Laos: the Roles of Intrinsic Culture and Extrinsic Wildlife Trade *in* Ecology and Society 14(1): 33.

[114] Lestrelin G, Trockenbrodt M, Phanvilay K, Thongmanivong S, Vongvisouk T, Pham T.T, Castella JC. 2013. The Context of REDD+ in Lao People's Democratic Republic: Drivers, agents and institutions. CIFOR Occasional Paper no. 92. Bogor, Indonesia: Center for International Forestry Research (CIFOR). (Noting only national level officials included in consultations.)

[115] Fujita, Y. and Phengsopha, K. 2008. "The Gap Between Policy and Practice in Lao PDR" in Lessons from Forest Decentralization: Money, Justice and the Quest for Good Governance in Asia-Pacific. Earthscan/CIFOR, London.

[116] Thomas, I. 2015. Drivers of Forest Change in the Greater Mekong Subregion: Cambodia. USAID-LEAF and FAO, at 21.

and forest degradation, has been exacerbated by generally weak recognition of local communities' rights to forestlands and ineffective governance.

Fortunately, the Government of Viet Nam is working to halt and reverse its forest loss. Viet Nam is the first country in Asia to initiate a nationwide payments for forest ecosystem services (PFES) scheme. PFES is considered a breakthrough policy in Viet Nam's forestry sector and underwent numerous refinements during its pilot phase. It created a legal framework for adequate evaluation of the total economic value of forest environment services, which aims to increase income from forest management for forest owners.

Viet Nam began its national REDD+ program in 2008, and Viet Nam is one of nine countries initially identified for country programming under the UN-REDD Program. It is also one of the first countries to receive approval for the Readiness Plan Idea Note (R-PIN) under the World Bank's FCPF. Since 2009, numerous activities have been implemented in Viet Nam to prepare the country for a future REDD+ mechanism. In 2010, MARD established the National REDD+ Network and REDD+ Working Group to raise awareness on REDD+ and build capacity at national and provincial levels to coordinate activities by ministries, international agencies and other organizations.

However, international observers have raised concerns over equity issues in forest management and REDD+ policies and programs in Viet Nam. Among other concerns, critics note the need for securing forest and land use rights, and mechanisms to ensure equity in forestland allocation, as summarized in Table 7.

Table 7: Forest-related equity elements and challenges in Viet Nam

Element	Challenge
Benefit-Sharing	• Wide gaps exist between forest entitlements and actual benefits.[117] • Devolution of property rights does not translate into changes in actual rights/practices, only entices actors to modify actual power relations.[118]
Gender	• The devolution of forest property rights and formalization of tenure has in some cases restricted access for women and poorest citizens.[119]
Governance	• Government complacency and lack of understanding of local issues is seen as a barrier to action.[120] • Implementation of the 2004 Law on Forest Protection and Development (LFPD) assignment of forests to local populations has been blocked by legislation problems.[121]
Livelihoods	• State-owned organizations own roughly 50% of all forests (generally the most valuable and productive areas), and households mainly receive poor and degraded areas.[122] • Richer, more powerful groups receive more and better forest than poorer, less powerful groups in Viet Nam, resulting in conflicts between forest users.[123] • In forestland allocation programs aiming to rectify the above two challenges, poor quality forests have been allocated to communities with ambiguous legal and little to no follow-up support provided.[124]
Participation	• Community forest management enabled by participation in land-use planning.[125] • However, communities are not recognized by the State as legal entities.[126]
Tenure	• Though the LFPD enables assignment of forests to local populations,[127] forest tenure rights remains with the state and communities lack lease or transfer rights.[128] • Forest owners often lack protection against encroachers and illegal loggers of what land rights they do gain from the state.[129] • Complex forestland tenure and ownership systems,[130] and tenure challenges likely to increase from REDD+ due to relatively high forest carbon content in country.[131]

[117] Nguyen T.Q. 2006. Trends in Forest Ownership, Forest Resources Tenure and Institutional Arrangements: Are They Contributing to Better Forest Management and Poverty Reduction? The Case of Viet Nam." Understanding Forest Tenure in South and Southeast Asia., 355-407. Rome, Italy, Food and Agriculture Organization.

[118] Tan, N.Q. 2006. Forest devolution in Vietnam: differentiation in benefits from forest among local households. *Forest Policy and Economics* 8: 409-420.

[119] Barr, C.M., Sayer, J.A. 2012. "The political economy of reforestation and forest restoration in Asia–Pacific: Critical issues for REDD+." Biological Conservation, 154:9, at 16.

[120] Sunderlin 2014, supra.

[121] Id.

[122] Sunderlin, W.D and Huyen, T.B. 2005. Poverty alleviation and forest in Vietnam, CIFOR. Bangor, Indonesia. *See also,* Ha. T.T. (2012). Forest Land Allocation with the involvement of Bac Kan people –Achievements of 3 PAD Project. Presented at the workshop "Forest Land Allocation: Policy and Practice." Tropenbos International Vietnam and the Forest Inventory and Planning Institute, 10 April 2012, Hanoi.

[123] Ha, T. et al. 2012. "Mangrove Conservation or Shrimp Farmer's Livelihood? The Devolution of Forest Management and Benefit Sharing in the Mekong Delta, Vietnam" *in* Ocean & Coastal Management (69) 185-193.

[124] Phuc, T. et al. 2013. Forest Land Allocation in Viet Nam: Implementation Processes and Results. Info brief. Tropenbos International Viet Nam.

[125] Pinyopusarerk K., Tran, T.T.H., Tran, V.D. 2014. Making community forest management work in northern Vietnam by pioneering participatory action, Land Use Policy, vol. 38, May 2014, pp. 257-263, URL: http://www.sciencedirect.com/science/article/pii/S026483771300255X.

[126] Sunderlin 2014, supra, at 45.

[127] Viet Nam, 2004.Law on Forest Protection and Development LFPD. Article 29.

[128] Tuan, D.A., 2015, supra at 6-7.

[129] Brunner, J., correspondence with author. 20 February 2011.

[130] Sunderlin, 2014, at 45.

[131] Sunderlin, 2014, at 48.

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