



INSTITUTIONAL CAPACITY ON FOREST TENURE IN CAMBODIA, NEPAL AND VIET NAM: STATUS, GAPS AND WAY FORWARD

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KEY MESSAGES

- *Institutional capacity on forest tenure in Cambodia, Nepal and Viet Nam is insufficient to realize the objectives of forest tenure reform. Current capacity gaps include weaknesses in process design and implementation and support for strengthening forest tenure, conflict and grievance mechanisms, and the role and accountability of the private sector.*
- *An integrated and strategic approach to strengthening institutional capacity is needed, for example, by dedicating sufficient resources, developing integrated capacity development programmes and integrating capacity development as a main element in forest tenure reform.*
- *Cooperation among relevant institutions involved in capacity development needs to be strengthened to maximize their impacts. Such cooperation can be a critical platform towards achieving stronger forest tenure for livelihood and income improvement.*

INTRODUCTION

Strong and secure tenure is a necessary condition to improve the income and livelihoods of forest-dependent communities. However, in Cambodia, Nepal and Viet Nam forest tenure is often weak and contested, requiring a progressive change in policies and institutions. Any change in policies or institutions has to be built on a solid understanding of the current situation. While strengthening forest tenure policy is critical, policy alone is not enough to guarantee an improvement in the livelihoods and income of forest-dependent people. A second pillar is needed, namely strong and capable institutions at all levels (Gilmour 2016; Larson and Dahal 2012; Sikor et al. 2013; Yasmi et al. 2010). This brief presents key findings from three institutional capacity assessments on forest tenure conducted in Cambodia, Nepal and Viet Nam.

Capacity development needs assessment was conducted for 62 institutions in these countries between February 2015 and May 2016. The main purpose was to:

1. Assess the status and gaps of institutional capacity in relation to forest tenure.
2. Provide key recommendations for strengthening institutional capacity to support forest tenure reform.

INSTITUTIONAL CAPACITY ASSESSMENT APPROACH

The assessment followed a three-step process. Firstly, institutional mapping was conducted to identify relevant institutions involved in forest tenure reform. The second step was assessment of the 62 selected institutions with regard to their capacity to implement forest tenure reform: (i) 30 government organizations; (ii) nine programmes, including projects; (iii) 23 civil society organizations (CSOs), including non-governmental organizations (NGOs), networks, associations and research organizations. The third step

comprised data analysis to identify the current institutional status and related gaps.

The assessment framework in Table 1 was developed based on the principles outlined in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) (FAO 2012). Institutions were assessed in eight areas with regard to their capacity to provide support in each of them. The assessment was mainly done at the national level.

Table 1: Framework of institutional capacity assessment

Area of assessment		Definition
1.	Capacity to support forest tenure reform	Institutions have mandates, roles and responsibilities, as well as sufficient resources to support forest-dependent communities in the allocation and registration of tenure rights and duties.
2.	Capacity in designing the process to strengthen forest tenure	Institutions have capacity in designing tenure reform processes. They contribute to tenure working groups and dialogues. They have capacity to develop participatory and transparent processes for forest tenure reform.
3.	Capacity for implementing activities to strengthen forest tenure	Institutions can facilitate forest tenure reform in practice, e.g. through programme implementation, research, consultation, training, communication, advocacy, mobilization of resources and pilot activities.
4.	Capacity to support forest-dependent communities for strengthening their rights	Institutions can support forest-dependent communities in realizing their tenure rights, strengthening their capacity, increasing their access to information and funding, and achieving better livelihoods.
5.	Capacity to address conflict and grievances	Institutions have capacity to assist in conflict and grievance resolution, supported by sufficient capacity to analyse forest tenure conflicts/grievances and facilitate negotiation and mediation.
6.	Capacity to monitor the role and accountability of non-state actors, including business enterprises	Institutions have skills, knowledge and ability to protect community tenure rights against abuse by outsiders, and the ability to develop partnerships between communities and non-state actors, including business enterprises.
7.	Capacity to address climate change and emergency issues	Institutions have awareness and understanding of carbon tenure, and capacity to engage in climate-smart planning, resilience and adaptive capacity.
8.	Capacity to respond to the livelihoods of forest-dependent communities	Institutions have capacity to promote sustainable utilization and commercialization of forest products. This includes capacity to provide market access for local communities' products and services, and stimulate the development of local economic activities.



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INSTITUTIONAL LANDSCAPE OF FOREST TENURE

Government organizations' main functions are to prepare policies as well as to direct, monitor and evaluate the implementation of policies. They also deal with the legal aspects of policy development and law enforcement. Thirty government organizations were assessed.

Programmes focus on the design and implementation of forest tenure activities at various levels. For example, they develop communication products and services to raise awareness, conduct research and are involved in various types of capacity development initiatives. Nine programmes were assessed.

Overall 23 CSOs were assessed, representing: 1) NGOs that implement a wide range of activities including piloting and demonstration, networking, capacity development, research, communication and advocacy; 2) academia whose activities cover research and writing of case studies, developing pilot projects and models, capacity development, and consultations and awareness-raising; and 3) associations/federations/networks, which carry out direct support activities to assist forest-dependent communities at central and local levels in managing forests, developing livelihoods and providing platforms for negotiation. They deliver capacity development services and mobilize member organizations around forest tenure for dialogues, advocacy, policy development and governance. They also implement projects on the ground.

INSTITUTIONAL CAPACITY ON FOREST TENURE: STATUS AND GAPS

With different historical, socio-economic and political contexts, each country has different priorities for strengthening forest tenure for forest-dependent communities. Together with the availability of human and other resources, these factors define and affect the effectiveness of institutions in supporting forest tenure reform. The assessment shows both strengths and weaknesses of institutions involved in forest tenure reform in each country. A brief overview of existing institutional capacity strengths in the three countries based on the eight areas of assessment is given below:

Capacity to support forest tenure reform: Overall, government agencies, programmes and CSOs demonstrate some capacity to support the allocation of forest land to communities, the registration of tenure rights, and the formation of community user groups. Government organizations have mandates and have put mechanisms in place to help register community forests and indigenous territory.

Capacity in designing the process to strengthen forest tenure: Government organizations have roles and mandates to design policies and programmes to strengthen the tenure of local communities. In the design process, government organizations involve relevant CSOs and projects. New policies and programmes often stimulate networking among institutions.

Capacity for implementing activities to strengthen forest tenure: The implementation of activities related to forest tenure often occurs through piloting or demonstration at the site level. Government organizations, programmes and CSOs have roles in this respect. For example, CSOs are often involved in awareness-raising and capacity development, and programmes/projects with actual piloting on the ground, such as supporting land allocation.

Capacity to support forest-dependent communities for strengthening their rights: All institutions have different roles in supporting forest user groups (FUGs) to develop their skills and knowledge on forest tenure. Support includes, for example, information

dissemination through TV, radio and other media. Projects usually mobilize funding to assist communities engaged in mechanisms such as certification.

Capacity to address conflict and grievances: CSOs demonstrate relatively better capacity in conflict management but this capacity seems to be suboptimal in most of the countries surveyed. However, there are some initiatives at the national level to coordinate conflict management.

Capacity to monitor the role and accountability of non-state actors, including business enterprises: Overall, institutions have some level of capacity to protect tenure rights against abuses. Government organizations have mechanisms to identify abuses by private sector actors.

Capacity to address climate change and emergency issues: This is a new area for all countries but government organizations, CSOs and programmes have shown their capacity to support activities related to climate change and emergencies, e.g. national REDD+ programmes, capacity development on carbon measurement, safeguards, and carbon rights. CSOs have relatively good capacity in awareness-raising.

Capacity to respond to the livelihoods of forest-dependent communities: Governments support local communities and indigenous people by issuing policies on enterprise and value chain development. Programmes engage in direct support at the local level to assist communities in establishing enterprises and gaining access to financial sources.



Table 2: Overview of key institutional capacity gaps

Area of assessment	Cambodia	Nepal	Viet Nam
1. Capacity to support forest tenure reform	<ul style="list-style-type: none"> The capacity of government organizations to meet targets of forest land allocation is limited. Technical capacity and resources of government organizations to support the rehabilitation of degraded forests are insufficient, despite the fact that much degraded land is being handed over. Weak capacity for coordination and transparent decision-making by government organizations over forest land allocation results in competing claims over forest land, especially in the case of economic land concessions. 	<ul style="list-style-type: none"> Government organizations lack capacity to realize management rights over community forests. The capacity of government organizations and CSOs to allocate tenure rights is still relatively low. Government organizations have limited communication capacity and cannot reach local FUGs effectively. 	<ul style="list-style-type: none"> The capacity of government organizations, programmes and CSOs to reach the poorest and most remote areas is low, partly due to lack of financial resources. The capacity of government organizations to involve local communities in the management of natural production forest is low due to limited experience with community-managed forestry.
2. Capacity in designing the process to strengthen forest tenure	<ul style="list-style-type: none"> Government organizations have limited capacity to develop effective processes for communities to acquire legal tenure. Government organizations, programmes and CSOs have weak technical capacity to design integrated land-use planning processes. 	<ul style="list-style-type: none"> CSOs have limited human and financial resources to effectively design processes to support realization of management rights. 	<ul style="list-style-type: none"> The capacity of government organizations to facilitate dialogue and coordination among relevant stakeholders to design forest tenure reform processes is low.
3. Capacity for implementing activities to strengthen forest tenure	<ul style="list-style-type: none"> Government organizations lack technical and financial capacity to implement the allocation and utilization of forest tenure rights. Government organizations are reliant on donor and CSO support. Insufficient communication and coordination capacity of government organizations and CSOs in the implementation of forest tenure reform. 	<ul style="list-style-type: none"> Networks and federations have insufficient capacity to resource and organize all support activities that are expected from them. 	<ul style="list-style-type: none"> Government organizations do not have the capacity to increase awareness and knowledge on forest tenure and forest tenure reform, and do not prioritize this. Government organizations lack financial and technical capacity to implement and monitor tenure policies. Government organizations and CSOs lack the capacity to coordinate support activities. There is no integrated, clearly defined national-level plan.
4. Capacity to support forest-dependent communities for strengthening their rights	<ul style="list-style-type: none"> The capacity of government organizations to support the development of community-based forest businesses is limited. CSO capacity to support access to markets, market information and finance for community forest enterprises is low. 	<ul style="list-style-type: none"> Government organizations and CSOs have limited awareness and low capacity on entrepreneurship development for local communities. 	<ul style="list-style-type: none"> There is limited capacity among government organizations and CSOs to provide local communities with information, capacity development on technical and legal aspects of forest management and access to finance.

5. Capacity to address conflict and grievances	<ul style="list-style-type: none"> • The capacity of government organizations and CSOs to develop conflict and grievance management systems is insufficient. In cases where no legal tenure rights have been granted yet, access to these systems is difficult. • The capacity of government organizations and CSOs for alternative dispute resolution is limited, including for strengthening the capacity for negotiation and mediation. 	<ul style="list-style-type: none"> • The existing human resources and financial capacity of government organizations and CSOs are limited for addressing tenure conflict. They are not well trained in conflict analysis and conflict management, e.g. negotiation and mediation. This affects their capacity to manage conflicts and grievances. 	<ul style="list-style-type: none"> • Government organizations do not have enough capacity to keep up with the growing needs for dealing with the dynamic nature of existing conflicts at the local level. • Government organizations lack capacity to monitor and analyse forest tenure disputes. • Too few projects prioritize conflict management and grievances.
6. Capacity to monitor the role and accountability of non-state actors, including business enterprises	<ul style="list-style-type: none"> • The capacity of government organizations to hold the private sector accountable for the implementation of agreements and monitoring their activities is limited. • The capacity of government organizations and CSOs to support dialogue and cooperation between the private sector and local communities is low. 	<ul style="list-style-type: none"> • More capacity is needed among government organizations and federations to attract long-term investments from the private sector and develop a more favourable business environment with investors. • Government organizations and CSOs have limited capacity to guide partnership between communities and business enterprises. 	<ul style="list-style-type: none"> • The capacity of government organizations to cooperate with private investors is limited. • The capacity of government organizations to monitor and evaluate the corporate social responsibility policies of enterprises is limited. • The capacity of government organizations to protect community rights against abuse by outside actors is limited.
7. Capacity to address climate change and emergency issues	<ul style="list-style-type: none"> • Government organizations and CSOs do not have capacity to develop clear enough information over carbon tenure and the benefits from REDD+. • The capacity of government organizations to lead the implementation of projects is still low due to the lack of sustainable funding for climate change adaptation and REDD+ development. 	<ul style="list-style-type: none"> • Government organizations, CSOs and programmes lack understanding on forest-based carbon trade and carbon tenure. 	<ul style="list-style-type: none"> • Limited capacity of government organizations to clarify carbon tenure at the central policy-making level. • The awareness of government organizations, programmes and CSOs on climate-smart planning is limited.
8. Capacity to respond to the livelihoods of forest-dependent communities	<ul style="list-style-type: none"> • Government organizations and CSOs have limited capacity to support communities to set up and manage forest-based enterprises (i.e. financial, administrative and technical capacity), and to promote the establishment of such enterprises. 	<ul style="list-style-type: none"> • Government organizations and CSOs do not promote commercialization of forest products due to lack of awareness and technical capacity. • The capacity and understanding of the market demands for forest products and services (except non-wood forest products) is limited among government organizations, CSOs and programmes. 	<ul style="list-style-type: none"> • Government organizations' capacity to ensure the sustainability of models for generating income and improving livelihoods developed by projects and programmes is limited. • The capacity of government organizations to mobilize CSO support is limited.

CONCLUSIONS AND RECOMMENDATIONS

Based on the assessment it can be concluded that there is institutional capacity for strengthening forest tenure in Cambodia, Nepal and Viet Nam but there are still significant gaps. Government organizations are responsible for allocating forest tenure rights and improving the livelihoods and income of forest-dependent communities. In this context they can develop policies to strengthen forest tenure for forest-dependent communities. They could do more to facilitate dialogue between different stakeholders to ensure that the strengths of government organizations, programmes and CSOs are maximized and capacity gaps are overcome. They could also prioritize the provision of financial, administrative and technical support to allocate forest tenure rights to forest dependent communities and indigenous people. Furthermore, governments can play a role as neutral facilitators in providing information and facilitating dialogue regarding forest tenure. They are encouraged to clarify carbon tenure rights and ensure benefits from forestry activities are distributed equitably. This includes providing financial support and access to finance for forest-dependent communities.

Programmes play critical roles in translating policies into practice. They support the allocation of forest tenure rights on the ground and provide financial resources through project implementation. As such, they are critical sources of information for policy-makers and much can be learned from their practical experience. However, a commonly expressed concern is programme sustainability and the ability to replicate interventions beyond the target areas as programmes are mainly reliant on external funding.

CSOs have relatively limited capacity to support livelihoods and income improvement because they have limited financial resources to sustain their activities. They often lack technical capacity, financial and organizational strength. Their role is primarily focused on raising awareness on forest tenure and to a limited extent in some countries on piloting of community forestry and livelihood improvement.

The three countries surveyed do not have a well-structured system for strengthening institutional capacity, which explains relatively low numbers of highly experienced staff working in the institutions that deal with capacity development for forest tenure reform. Therefore, there is a need to explore an integrated and strategic approach to strengthening the capacity of institutions to address the gaps. This can be achieved by dedicating sufficient resources, coordinated development of capacity development products and services, and integrating capacity development as a main element in the forest tenure activities of government organizations, programmes and CSOs. In particular, strengthening dialogue and cooperation among



different institutions is needed to identify measures and activities that will have direct livelihood improvement benefits and increase the income of forest-dependent communities.

In order to address the institutional challenges mentioned above the following recommendations are proposed:

- Strengthen existing dialogue and collaboration among government organizations, CSOs and programmes to prioritize actions to further strengthen forest tenure reform. Particular attention should be given to the engagement of private sector actors and to increase their responsibility so that livelihood improvement can be achieved;
- Better coordination of existing capacity development efforts needs to be ensured by government organizations, CSOs and programmes. This includes the development of plans and programmes at the national level and new products and services to address knowledge and skills gaps in forest tenure. Priority areas for strengthening capacity include enterprise development, FUG management, private sector engagement, conflict and grievance management, and governance of forest tenure. Modalities could include action research, training of trainers and exchange visits;
- Government organizations should roll out the models developed by programmes and projects for the allocation and registration of tenure rights. This can be done by allocating sufficient national budget for scale-up activities; and
- Awareness of the importance of forest tenure and improved livelihoods needs to be developed further. CSOs could probably take the leading role to develop awareness-raising materials and programmes that target all actors, including government organizations, on the importance of and priorities for strengthened forest tenure.



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