

Sub-technical working group on Governance

2nd Meeting

Date and time: 01 March 2012 13.30-16.00

Venue: Room 102, B6, MARD

Participants: (see list appended)

Agenda items

1. Mr John Parr, Co Chair presenting on 'Institutional mapping of national and international forestry legislation: A prerequisite to conducting Participatory Governance Assessments
2. Further explanation of forthcoming PGA
3. Prioritization of topics for subsequent STWG meetings

1. Mr John Parr, Co Chair presenting on 'Institutional mapping of national and international forestry legislation: A prerequisite to conducting Participatory Governance Assessments'

Presentation Summary

SLIDE 1: Introduction to Institutional Mapping of National and International Forestry legislation; A prerequisite to conducting Participatory Governance Assessments. **SLIDE 2:** FAO produced a Framework for Assessing and Monitoring Governance, and developed a diagram outlining the pillars and principles of Governance. The pillar defining the legal and regulatory framework is particularly important as this influences the other two pillars. If you get the policy, legal and institutional and regulatory frameworks right then all subsequent decision making will fall into place. **SLIDE 3:** The country study on the Legal Preparedness study for REDD+ in Vietnam (November 2011) makes recommendations on Effective Forest Governance Systems under section 5.3. The Cancun Agreements call "for transparent and effective national forest governance structures" and clearly defining institutional roles. "Effective governance also requires the engagement of communities, households and individuals".

SLIDE 4: Fauna & Flora International have been testing institutional mapping methodology and legal models in its Conservation Programme, to test whether this leads to better forest management.

SLIDE 5: Natural resource legislation in different countries represents important succinct summaries on management approach; it is possible to analyze natural resource legislation and break them down into their components, namely (i) the institutional bodies, (ii) the management actions and (iii) the documentation. Groups of articles in natural resource legislation superficially look like blocks of text arranged in a line.

SLIDE 6: Articles 24 – 27 of Decree 117 defines one of the Institutional bodies – A Special Use Forest Management Board John proceeded to use Decree 117 as an example of an Institutional Body in Forestry Law whose components can be broken down and then reconfigured to generate a legal model.

SLIDE 7: Articles 21, 23, 32, 33 and 34 of Decree 117 define Management Activities. This legal model is highlighted on

SLIDE 8: The construction of the model maps out and crystallizes (i) the key institutional bodies, (ii) the management actions and (iii) the key management documents. It draws out the fact that the links between the prescribed institutional bodies and the local communities in Decree 117 are very vague, as are the benefit sharing mechanisms

SLIDE 9: A model for protected area legislation based on a review of 44 pieces of legislation worldwide

SLIDE 10: In protected area legal frameworks, it appears healthy if the entire legal framework is tightly integrated, incorporating the institutional bodies, management actions and key documents, and the linking national level to the grassroots level. Good governance is then captured at national, site and village levels.

SLIDE 11: Protected area governance in healthy laws permits information exchange paths at the site level (to co-management stakeholders and local communities) and at national level (to other Ministries and institutions).

SLIDE 12: In Vietnam, protected area governance lacks latitude. However as indicated on the following slide the information exchange is very limited. The system is governed by a think tank (MARD) with internationally low human resources that immediately devolves responsibility down to some 45-50 provinces via the respective Provincial People's Committee.

SLIDE 13: MARD, with a small number of staff, provides supervision to 45-50 provinces. The technical information exchange to complex landscape management is extremely limited. As a result we could expect that there are very high levels of leakage across the protected area system because there is a lack of institutional memory on best practice in protected area management.

SLIDE 14: This slide provides an example on the development of a participatory management plan and shows how stakeholders at all levels are involved in developing a legally binding quality document for effective management of a protected area.

SLIDE 15: FFI's work in its primate programme centres on promoting formalized community participation in managing special use forests.

SLIDE 16: Through the establishment of management advisory committees FFI have been able to observe the dynamics in a model for protected area and see whether good governance is occurring.

SLIDE 17: A more detailed explanation of the model using Mu Cang Chai as an example.

SLIDE 18: Management advisory committees meet every three months to guide management.

SLIDE 19: Management Advisory Committee Regulations have been produced for three protected areas, where the management board, concerned government agencies and local communes are represented.

SLIDE 20: At present grants are being distributed through these Management Advisory Committees into villages. This mechanism for delivering grants could be evaluated for delivering carbon credits into watersheds and protected areas.

SLIDE 21 - 25: Community Forestry. There is currently a great deal of legislation on community forestry. However existing legislation on community forestry is very fragmented.

SLIDE 26: Generic model for community forestry legislation very similar to that utilised in Nepal and Mexico.

SLIDE 27: Similar to the case with protected areas there are unambiguous land tenure arrangements for benefit sharing.

SLIDE 28: Web for good governance in community forestry.

Conclusions

- Special use forest legislation does not provide a framework for meaningful community participation or for benefit-sharing involving local communities.
- The communication channels at all levels are minimal. This includes technical direction, financial supervision and monitoring, and other monitoring and evaluation.
- Funds dispersed through present and prior donor channels are having extremely low long-term impact (very limited institutional memory on highly complex landscape issues) in MARD
- There is no holistic community forest legislation in Vietnam.
- Existing legislation on community forestry is extremely fragmented, which weakens tenure and relationship to benefits.
- Many pieces of community forestry-related legislation indicate villages, user groups and households as target tenure bodies.

Recommendations Protected Areas

- There is a need for developing protected area legislation and centralizing the management of the protected area system
- Piloting co-management in special use forests and watersheds, promoting community participation should be promoted
- Piloting delivery of community development grants through co-management bodies into enclave and buffer zone communities to field-test communities' abilities to manage funds and promote sustainable livelihoods

Recommendations Community Forestry

- A need to prepare holistic community forest legislation
- Provincial community forest management working groups (later to become committees) should be recognized as key institutional bodies through which all community forest and REDD+ related work is undertaken in pilot REDD provinces
- Village (community forest management) committees should be recognized as the key institutional bodies through which all local level community forest management issues and REDD issues are directed.
- Village (community forest management) committees should have the right (i) to manage the forests directly as a village unit, (ii) to appoint forest user groups or (iii) to organize households to manage forests.

2. Explanation of forthcoming PGA

Mr. Torre Langelle provided explanation of upcoming PGA and kickoff workshop – An assessment where all stakeholders are convened – at present there is no thorough mapping of who REDD stakeholders are; Stakeholders will convene at a national, provincial and district level and brainstorm about some of the primary governance challenges. Convening Tuesday, 6th March 2012. One pilot province will be selected.

3. Prioritization of topics for subsequent STWG meetings

Possible topics:

REDD, FLEGT and CITES – convergence on governance issues

List of Participants

Nguyen Huu Dzung, FPD	John Parr, FFI
Tore Langhelle, UNDP	Liam Walsh, FFI
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Tim Dawson, EFI	Hoang Thanh, EU delegation
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