

## Sustainable Forest Management Project

(TA-3152 – CAM)

# COMMUNITY FORESTRY GUIDELINES

## Support to Community Forestry Policy Development

### CONTENTS

<b>1</b>	<b>Introduction</b>
1.1	Background
<b>2</b>	<b>The Context</b>
2.1	The forestry sector in Cambodia
2.2	Forests and Rural People in Cambodia
2.3	What is Community Forestry?
2.4	The Scope for Community Forestry in Cambodia
<b>3</b>	<b>Developing Guidelines for Community Forestry</b>
3.1	Objectives of the Guidelines
3.2	How the Guidelines were Developed
3.3	Further Development of the Guidelines
<b>4</b>	<b>Community Forestry Strategy Considerations</b>
4.1	Policy and Law Development
4.2	Institutional Issues
4.3	Participatory Planning
4.4	Support for Community Forestry
<b>5</b>	<b>Field Guidelines for Community Forestry in Cambodia</b>
5.1	Introduction: Purpose of the Field Guidelines
5.2	Steps in Provincial Level Planning
5.3	Steps in Local Level Planning
5.4	Addressing overlapping claims to a proposed Community Forest
<b>6</b>	<b>Technical Guidelines</b>

- 6.1 [Introduction to the Technical Guidelines](#)
- 6.2 [Designation of Community Forests](#)
- 6.3 [Community Forestry in Concession Areas](#)
- 6.4 [Community Forestry in Protected Areas](#)
- 7 [Conflict Resolution](#)**
- 8 [References](#)**
- [Appendix: Rights and Responsibilities](#)**

## List of Abbreviations

ADB	Asian Development Bank
CARERE	Cambodia Area Rehabilitation and Regeneration Project
CCC	Community Consultation Committee
CFCC	Community Forestry Consultation Committee
COM	Council of Ministers
DFW	Department of Forestry and Wildlife, of the Ministry of Agriculture, Forestry and Fisheries
DNPC	Department of Nature Protection and Conservation, of the Ministry of Environment
DOF	Department of Fisheries, of the Ministry of Agriculture, Forestry and Fisheries
FAO	Food and Agriculture Organization
FMO	Forest Management Office (of the Department of Forestry and Wildlife)
GIS	Geographic information system
GTZ	Gesellschaft für Technische Zusammenarbeit (official German Government aid agency)
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEF	Ministry of Economy and Finance
MOE	Ministry of Environment
MRD	Ministry of Rural Development
NGO	Non-government organization
NTFP	Non-timber forest product
PDA	Provincial Department of Agriculture
PDRD	Provincial Department of Rural Development
PRDC	Provincial Rural Development Committee
RECOFTC	Regional Community Forestry Training Center
RGC	Royal Government of Cambodia
TA	Technical assistance
TOR	Terms of reference
UNDP	United Nations Development Programmed

## 1. INTRODUCTION

1. This document sets out draft guidelines for field level implementation of community forestry, and strategic measures to be taken at national level to support community. It also presents the philosophy and approach taken for the development of the guidelines.

2. The task of bringing Cambodia's forest resources under sustainable management remains one of the most important challenges in the nation's development. A fundamental aspect of achieving sustainable forest management is that of addressing the basic needs and aspirations of local, forest dependant communities that make up much of the nation's population. The Royal Government of Cambodia (RGC) has expressed its commitment to improving forest management and to promoting rural socio-economic development. The RGC and other development organizations increasingly recognize the important contribution that community forestry can make to both sustainable forest management and rural development. The RGC's recent policy initiatives, which include formulation of enabling policies for community forestry in forest areas under the jurisdictions of the Ministry of Agriculture, Forests, and Fisheries (MAFF) and the Ministry of Environment (MoE), indicate the government's intention to establish community forestry as a major strategy for forest management. Although community forestry in Cambodia is still in its infancy, the development of laws and policies that favor community forestry will enable community forestry activities to be implemented widely.

3. In the process of undertaking community forestry, and indeed in developing these guidelines, much careful thought needs to be given to institutional arrangements in order to simplify co-ordination of activities, the allocation of national resources to community forestry, and the exchange of information. These guidelines have been prepared at a time when legislation is being drafted in Cambodia that will define institutional responsibilities. However, it is important to appreciate that organizations, their structures, associations and capabilities evolve in all countries and are at an early and rapid stage of evolution in Cambodia. These guidelines therefore deliberately avoid the spelling out of which organizations should do what, particularly at provincial level where at present, the relative strengths and inter-relationships among government agencies vary enormously from province to province. Accordingly, these guidelines focus on developing a replicable process for Community Forestry that any agency can implement and that is transparent, inclusive and accountable to its target group - Cambodian rural people.

### 1.1 Background

4. In 1997, the Royal Government of Cambodia (RGC) requested the Asian Development Bank (ADB) to provide technical assistance for the preparation of a forestry project. An ADB mission visited Cambodia in October 1998 and agreed with the RGC on the scope of a development program, following which the Bank agreed to finance a Technical Assistance project (the TA project) to review the status of the forestry sector and identify and formulate a development project. A consortium led by Fraser Thomas Partners (GFA-Agrar and ANZDEC) was selected to provide the technical assistance.

5. The TA project had three key objectives: (i) assisting the government in formulating an appropriate policy environment and legal framework for the development of the forestry sector; (ii) reviewing the Cambodian forest concession system through an examination of documentation followed by field visits to assess concessionaires' performance and developing of an action plan for reform of the system; and (ii) formulating a program under which loan funds could be invested to develop methods of sustainable management of forest resources in Cambodia (this is referred to as the investment program).

6. The TA project started on July 19, 1999, with the inception phase that included an analysis of the forestry sector, and the status of laws and policies operating in the sector. The TA project undertook the preparation of community forestry guidelines, in accord with its responsibility for policy support in relation to community forestry. This work took place concurrently with the other advisory functions of the project, which were assistance in preparing a forest law and concession agreement, and a review of the Cambodian forest concession system.

7. To prepare the community forestry guidelines mentioned above, consultations were held with stakeholders in community forestry at central, provincial and field level between September and December 1999. These consultations included three workshops organized by CONCERN Worldwide<sup>1</sup> and the Sustainable Forest Management Project. Guidelines were developed by the project with further assistance from CONCERN Worldwide, using the findings of the consultations and relevant information regarding community forestry from elsewhere in Asia.

8. This document consists of two parts: the first part describes the development of the guidelines, indicates how the guidelines can be elaborated further, and outlines strategic considerations for strengthening support to

community forestry. The second part of this document presents field-level guidelines that are intended to 'stand alone' in order to be used in the field. It is intended that these field-level guidelines will also be reviewed and adapted in the future as the body of experience and understanding of effective approaches in community forestry expands.

9. Much remains to be done in the forestry sector in Cambodia to achieve the institutional re-orientation and strengthening of cooperation among stakeholders so as to effectively implement new approaches to forest management.

## 2. THE CONTEXT

### 2.1 The forestry sector in Cambodia

10. Cambodia has a heritage of abundant natural forests, which was largely retained while most other countries in South-East Asia experienced forest degradation and deforestation in recent decades. This retention of forests was, however, largely a result of war and isolated conditions, rather than the existence of forest policies and management that were specifically aimed at sustaining forests. During the mid-1990s, increasing national stability and expanding international trade, combined with inadequate policies and capacity for managing forests, escalated forest exploitation. As a result, Cambodia's forest resources were being lost more rapidly than in any other country in Asia, resulting in predictions in 1997-8 that all commercial timber would be depleted within the next five years. This extensive loss of forest resources has contributed to environmental degradation, reduced forest resources for trade and industry, and exacerbated the impoverishment and economic insecurity of rural people in Cambodia.

11. Much of this loss is attributable to the failure of a system of forest concessions that was established during the 1990s through the partnership of the Royal Government and other countries in the region. This system, for reasons that included inadequate resource assessment, planning and monitoring of operations as well as unchecked and rampant illegal felling, failed completely to address the key issues of sustainability, including the protection of forest resources upon which many rural communities in Cambodia are dependant<sup>2</sup>.

### 2.2 Forests and Rural People in Cambodia

12. Forests are extremely important for the livelihood and well-being of Cambodians. It is estimated that 85 percent of Cambodia's population live in rural communities. Most of the rural population is poor, deriving subsistence and livelihood from agriculture, fishing, and other direct uses of natural resources. While communities vary in the extent of their forest dependence, most rural communities rely on forests for both subsistence (non-market) needs and for marketable products. Forest areas provide a wide variety of essential goods - such as cooking fuel, building and household materials, food, traditional medicines, livestock feed, and transportation (such as wood for carts).

13. Few of the products obtained from forests can readily be met by alternative non-forest resources of comparable cost, availability, durability, and quality. For these reasons, it is important for forest management strategies to view forests holistically and to recognize the variety of needs and values of forests to different interest groups.

14. In addition to providing resources to meet daily subsistence needs, forests provide important cultural and environmental services to Cambodians. For many people in Cambodia, forests have spiritual associations and values that are integral to people's way of life and existence. As such, people view forests in a broad sense, as ecological and cultural landscapes with socio-cultural values and environmental functions.

15. Hundreds of thousands of rural people live in or adjacent to forest areas. Many rural communities have areas of small natural forest (often degraded forest), agroforests, and other forest resources within village boundaries, that are important sources of forest resources for local people. The specific character of both local communities and forest resources varies widely across Cambodia. Five general forest contexts can be distinguished, however, by a combination of bio-physical, socio-economic, and institutional features:

- Non-concession forests Forest areas accessed by local people, which have not been allocated as forest concession or protected area. Most of these forest areas do not have significant commercial timber, potential for timber production, or conservation value. Many of these forest areas lack management; they are 'common access' resources, which can result in excessive use and degradation. In some of these forest areas, however, local people have customary or community management practices that

restrict forest use and ensure natural resource sustainability. Non-concession forests extend over 3 to 5 million ha in Cambodia, and include some areas recently removed from forest concessions.

- **Concession forests** Forest areas accessed by local people, within a forest concession allocated to a commercial company by the RGC. These forest areas have commercial timber and/or practical potential for timber production. The rights to the forest for market-oriented timber production have been allocated to the concessionaire according to a commercial agreement. In some of these forest areas, local people have customary management practices to maintain natural resource sustainability, but to date inadequate provision has been made in concessionaires' contracts to ensure that local management practices are recognized and respected and that the customary rights and needs of local communities are taken into consideration. The concessionaire may restrict forest access and use by local communities and conflict of interest can arise between forest concessions and local communities due to competing claims and use. To date, inadequate measures have been taken to resolve these conflicts. Currently about 4.7 million ha of forest is designated as forest concessions.
- **Protected areas** Local people live within and access resources inside the 23 areas that have been designated as "protected" by the Government. This designation was established in an effort to preserve bio-diversity, watershed protection, and other environmental values. Management by the state seeks to maintain the environmental values of these areas, which can result in restrictions on access and use by local communities. Conflicts can arise between protected area management and local communities if forest benefits to local communities are reduced through protected area designation. Cambodia's protected areas were designated without the participation of local communities; however, protected area management authorities have subsequently recognized and attempted to incorporate customary rights and needs of local communities in protected area management. The protected area system in Cambodia covers approximately 3.3 million ha. While most of this area is forested, an increasing portion of the protected areas designated as protected has been degraded and is of uncertain conservation value.
- **Flooded forests and mangroves** Forest areas accessed by local people that are critical elements of freshwater and coastal ecosystems which serve as important fisheries. To maintain the productivity of these fisheries, which are mainstays of the Cambodian diet and economy, these forests are legally protected and under the jurisdiction of the MAFF Department of Fisheries. In practice, flooded forests and mangroves are generally 'common access' resources, harvested especially for fuel wood; but some mangrove areas have been 'privatized' through conversion to shrimp farms. However, in some flooded forests and mangrove areas, customary management practices by local people have evolved a balance that restricts forest use to maintain natural resource sustainability. Flooded forests and mangroves currently cover an estimated 85,100 ha, but the area is shrinking with continued excessive cutting and conversion.
- **Non-forest areas** Areas predominated by agriculture or settlement, lacking significant blocks of forest (either healthy or degraded) to meet local forest-resource needs. Typically not included in forestry assessments and programmes, agricultural and settlement areas often provide significant forest resources to rural people, from trees and shrubs around and in farms and agricultural areas, households, pagodas, schools, roads, waterways, and small areas of degraded scrubland. It is not meaningful to estimate the area of such 'forests', but rather to recognize that thousands of communities rely on forest resources from such areas, and that these areas have potential for improved productivity through improved management which can be promoted through community-level initiatives.

### 2.3 What is Community Forestry?

16. Community forestry is a strategy for sustainable forest management through the participation of rural people, by making the objectives of rural people central in forest management and ensuring that rural people obtain reasonable benefits from forest management. In essence, the concept of community forestry is founded on the principle that local communities can and will manage resources in their long term interests, and that these long term interests equate to sustainability. As such, community forestry complements and enhances other forest management strategies and thereby contributing to sustainable forest management. Community forestry means that local women and men:

- are primary users of the forest, and rely on timber and non-timber forest products to support their basic livelihood needs;
- have valuable knowledge, skills and experience to contribute to the sustainable management of forest resources;
- represent a significant resource that may play a role in managing forest resources sustainably, which can be activated by establishing tenure rights and appropriate management systems;
- determine the objectives of forest management according to the needs of the community; delineate the forest area for community usage; design forest management plans; manage and protect the forest area; monitor forest use and management activities; resolve conflicts relating to the forest area and forest resources; use the forest area and distribute forest benefits in a sustainable and equitable way;
- receive social and economic benefits from effective forest management.

17. Community forestry usually involves areas readily identified as forests but can also involve "non-forest areas", such as grasslands, roadsides, field boundaries, and trees around households, and chamkar and swidden areas where communities take shared action to manage these areas for forest resource purposes. Community forestry is generally associated with rural communities, but it can also be implemented in urban areas where communities take shared action to manage their "urban forests" such as trees along roads. Some rural communities in Cambodia have systems of customary tenure and traditional forest management; many others have initiated participatory approaches and strategies for forest management in the past decade.

18. What is common to all of these scenarios is localized management, which is an essential feature of community forestry. The approaches taken in each case must be adapted to forest resource conditions, needs and use patterns of rural people, and their effectiveness is governed by the interest and capacity of local communities to effectively undertake community forestry, and the policies, institutions, and stakeholders in each local context. Localized management ensures that local objectives are adequately incorporated into overall forest management, that people in local communities are provided the legal right to manage forest areas, and that a fair share of forest benefits flow to local community development. Genuine participation requires effective cooperation among a wide variety of stakeholders who represent different interests in forests and who each have a distinct set of objectives, responsibilities and capacities. Approaches and techniques that facilitate communication and learning processes among forest users and stakeholders (including government authorities) are essential to gaining local participation in forest management.

19. Communities are motivated to take responsibility for forest resources and manage them if they can derive benefits from them. Benefits of community forestry can include:

- supply of timber and non-timber forest products for household use and for market consumption;
- economic and agricultural diversification and growth;
- meeting spiritual and cultural needs;
- greater retention of forest-derived benefits by rural communities;
- improved natural resource conservation and ecosystem stability;
- enhanced capacity for participatory management of other natural resources.

20. In addition to these benefits to rural communities, community forestry can have further "spin off" benefits that are potentially very important in Cambodia. These include the development of a mechanism for community decision-making and conflict resolution, which can improve social cohesion and cooperation and facilitate the process of addressing other community development needs. Social cohesion can also be further enhanced through the development of local and provincial level processes and structures that promote decentralized decision-making and these can also be developed under community forestry initiatives. In concession forest areas, the establishment of these structures can assist to resolve conflicts between communities and concessionaires. These structures can also promote the establishment of local level institutions that serve as a vehicle for independent monitoring of concessions and protected areas management, ensuring that objectives and needs of local people are reflected in national resource management.

21. Community forestry can also mitigate landlessness in rural Cambodia in several ways. First, community forestry provides a process for rural Cambodians to secure legitimate land rights and re-enforce traditional rights to community land, which can serve to counter illegitimate land claims that dispossess rural people. In addition, the process of designating community forestry areas requires resource allocation through a transparent and participatory process that is not easily manipulated by individuals. As such, community forestry offers a means of resource allocation that is fair, and may constrain inequitable land allocation in Cambodia. Finally, improving livelihood diversification and security through community forestry may decrease landlessness that occurs in times of distress when households are driven to a state where they have no option other than the sale of land to meet subsistence needs.

22. It should be noted that participatory approaches and techniques are relatively new in forest management. Substantial training, re-orientation, practice, and exchange of experiences by field staff will be needed to successfully operationalize these approaches and techniques in Cambodia. Also because such approaches are relatively new, they remain largely experimental and practitioners are encouraged to try a variety of participatory approaches and techniques that they consider useful in the development of appropriate methodologies for community forestry.

#### **2.4 The Scope for Community Forestry in Cambodia**

23 The potential scope for community forestry in Cambodia is extensive. Virtually all rural people throughout Cambodia actively use forest resources, both nearby their villages and sometimes over significant distances. These patterns will continue and expand in coming decades as increasing population and increasing resource competition induces people to migrate to lower-density areas, and as forest concession roads open access to

previously inaccessible forest areas.

24 As a sustainable forest management tool, community forestry also has significant potential scope in Cambodia. The RGC does not have - and is unlikely to have in the foreseeable future - the resources to directly control and manage all forests. While forest concessionaires may have greater financial and technical management resources, their management interest is limited to timber-rich forests and timber production, which leaves extensive areas and many other objectives outside their focus. Cambodia's rural people are a major human resource that, with appropriate incentives, can be engaged in managing these forest resources, resulting in widescale improvements in forest management in the country.

25 The scope for the development of community forestry in different forest contexts in Cambodia is related to several institutional, legal and practical issues:

- Non-concession and non-forest areas In non-concession and non-forest areas, the scope for the development of community forestry is very broad and includes all communities living within proximity to areas that are not allocated to concessions or protected areas management.
- Concession forest areas Where customary forest use is respected, the potential scope for the development of community forestry in concession forests is similar to the scope in non-concession forests, except that the rights granted to concessionaires need to be reconciled with community rights. In order to accommodate the established rights of both communities and concessionaires, it is likely that community forestry activities would need to be limited to traditional forest activities, as recognized by concessionaires and the government as well as communities. The significance of this is that it may restrict future expansion of forest use by communities for population growth and diversification of forest related livelihoods.
- Protected areas There are two main differences between the development of community forestry within and outside of protected areas. First, the primary objective of protected areas is nature conservation rather than ensuring a basic livelihood of local communities, which theoretically limits the rights and the scope of activities of local communities in protected areas. Second, most protected areas in Cambodia are not actively managed, so communities have free access to relatively abundant resources within the protected area. As a result, there is little incentive for communities to invest in management and protection of those resources. In contrast, decreasing wood supplies in other parts of the country provide an incentive for communities to invest resources in forest management. In addition, the combination of a high market demand for protected areas products and relatively easy access to these products by people outside of local communities creates obstacles to effective management by local communities. The establishment of community forestry in protected areas will be more feasible when management of these areas defines and limits use of the natural resources and helps to establish and protect community forestry.

26 The scope for developing community forestry in Cambodia is influenced by a number of factors in addition to those above regarding the institutional designation of forest areas. These factors include communities' socio-economic circumstances that create reliance on forest resources for the provision of basic livelihood needs, relative access to other resources to meet those needs, and traditional or cultural resource use patterns. There is greater potential for the development of community forestry in areas where:

- there are no conflicts exist regarding land use;
- local communities and local authorities understand the concepts and support the development of community forestry;
- there are existing traditional resource management systems;
- there is pressure on natural resources upon which communities rely to meet their livelihood needs;
- there are sufficient human resources and skills to implement community forestry;
- there is sufficient social cohesion to implement community-based management strategies.

27 Currently, the scope for community forestry is limited by the lack of laws, policies, and institutional frameworks to establish and uphold rights to a livelihood or rights to customary forest use or to operationalize community forestry in Cambodia. As a result, with little assurance of economic return, rural people are unwilling to invest human or financial resources. If people are empowered with management authority, skills, and the assured right to benefit from forests, there is significant scope for sustainable forest management through community forestry in Cambodia.

### **3. DEVELOPING GUIDELINES FOR COMMUNITY FORESTRY**

#### **3.1 Objectives of the Guidelines**

28. These guidelines are intended as a first effort to provide broad strategic and operational guidance to community forestry in Cambodia, in support of the policy direction expressed by the RGC to embrace and promote community forestry. They address strategy, planning, and field practice relevant to community forestry. They set out, at national, provincial and local level, suggested approaches and institutional arrangements that allow for community forestry to take place in rural Cambodia. In addition, the guidelines are intended to facilitate the development of skills and capacity of the RGC and other stakeholders for the expansion of community forestry. Specific objectives of the guidelines are:

- To introduce key community forestry concepts and methods relevant to promoting community forestry in Cambodia
- To provide a framework for participation by local communities in the sustainable management of forest resources, based on conveying to communities the legal rights and responsibilities for managing, using, and benefiting from designated forest areas in which they have an active interest and dependency
- To guide the mobilization and strengthening of community-based organizations for planning, implementation, monitoring and evaluation of community forestry, recognizing and respecting cultural traditions and knowledge in relation to forest use and management, and including the integration of women in decision-making
- To assist in clarifying organizational roles and relationships and to promote coordination and cooperation among RGC agencies, development cooperation agencies, non-governmental organizations, and the private sector in the development of community forestry
- To accelerate the introduction of new, locally appropriate techniques for improving forest production (such as agroforestry, improved swidden, seedling production, bamboo and rattan, propagation, forest intercropping and NTFP production, etc.)
- To promote private investment in association with community forestry (such as commercial forest plantations, NTFP production and market development, private seedling production, and other market-oriented enterprises which can complement and strengthen community forestry).

### **3.2 How the Guidelines were Developed**

29. The guidelines incorporate advice and suggestions from leaders and participants in community forestry projects in Cambodia, national and provincial government officials, and professionals with forest concessionaires, NGOs, and international organizations. These inputs have been gained mainly through a series of consultations, including three workshops organized by CONCERN Worldwide and the Sustainable Forest Management Project. The Guidelines also draw on lessons learned from community forestry experiences in a number of other countries in Asia, from Nepal to the Philippines.

### **3.3 Further Development of the Guidelines**

30. In consideration of the fact that these guidelines have been prepared at a time when forest legislation in Cambodia is still being revised, they are in need of revision once the forest law and associated sub-decrees have been passed. They can then be used as a means of informing local people of the laws and the rights afforded them under the new law, and informing government officers of these, and also of their rights and responsibilities with regard to community forestry.

31. The guidelines also need to be improved on the basis of informed dialogue among practitioners and stakeholders of community forestry, in response to lessons learned through practical experience. They have been developed with the assistance of experienced community forestry practitioners, but field-testing and refinement is required before they can be a truly effective field tool. After the guidelines have been tested, it is important that discussion takes place again. Future discussions can evaluate and lead to improvements in the usefulness of the guidelines as a field tool, develop them in greater detail, and provide an opportunity to discuss and act on constraints and opportunities that are discovered through their use in Cambodia. In this respect, development of the guidelines is an on-going, iterative process that will require the continuing input from community forestry practitioners in the future.

## **4. COMMUNITY FORESTRY STRATEGY CONSIDERATIONS**

32. In order to realize the scope of community forestry for sustained and equitable forest resource management in Cambodia, it is necessary to form a clear policy with supporting legislation, to define the roles and responsibilities of all stakeholders and to develop the capabilities that are required to fulfill these roles and responsibilities. This section sets out these key strategic issues and puts forward a mechanism for effective ongoing planning and management of community forestry.

## 4.1 Policy and Law Development

33 Recognizing the potential for community forestry to contribute to improved forest management, the RGC started in early 1999 the formulation of a policy to define its scope and extent in the country. A workshop was held in 1999 that gathered views and insights from a wide range of stakeholders. Further initiatives are in the form of support to a range of foreign assisted projects and programs that seek to support community forestry in some form. Policy development has been mainly in the form of the drafting of legislation, while a policy statement as such has not been produced. Government policy is implied in existing drafts of the legislation, ad hoc government decisions and directives, various statements made by senior members of government and current practices within the sector.

34 In the further development of forest policy and law, the following considerations are important to create an environment in which the potential of community forestry as a means of improved forest management can be met:

- Provision should be made for recognition of the rights of local people and to award communities that have demonstrated competence in forest management with user rights of forest lands. The benefits derived from community management of forest lands should not be limited to subsistence benefits, but should allow for communities to base their livelihoods on forest management where feasible on a sustainable basis.
- The roles and responsibilities of different government agencies need to be appropriately and clearly allocated. In particular, the authority to formally award forest land use rights to user communities needs to be identified, at national and provincial level. The consultative process followed in preparing these guidelines favors the following broad arrangement:

For forests within protected areas, the Ministry of Environment has ultimate responsibility. Provincial environment offices should have the authority to award user rights to competent user groups. For all other forests, the MAFF has ultimate responsibility, through the Department of Fisheries for flooded forests and mangrove forests, and the Department of Forestry and Wildlife in all other forests in the country. Provincial Departments of Agriculture should have the authority to award user rights to individual competent user groups.

The DFW would also be the lead agency in community forestry in the country, with responsibility for initiating inter-ministerial and inter-departmental dialogue and coordination, and developing strategies for the conduct of community forestry in the provinces.

- Provision should be made for other agencies, governmental or non governmental, to play an advisory role in assisting communities in the processing of developing management plans for forest resources and applying for user rights. It should be made clear that other government agencies such as the Ministry of Rural Development and the ministry of Womens' and Veterans' Affairs, as well as NGOs or appropriate organizations, should be permitted to provide such assistance to communities, such that it can be integrated within the ongoing rural development work of these agencies.
- For conflict resolution, a body with ultimate decision making authority should be identified, and agencies that may play a part in mediation nominated.

## 4.2 Institutional Issues

### Cooperation

35. In involving a wide range of stakeholders, the support and conduct of community forestry calls for formalized mechanisms of cooperation, at national, provincial and local level. Recent experience at national and provincial level in Cambodia has shown that the allocation of roles and responsibilities among government bodies in all sectors, is subject to confusion, resulting from conceptual overlaps in the roles of different departments and ministries. Such difficulties require co-operation and a degree of guidance to overcome them, and it is common practice to form co-ordinating or steering committees to fulfill these functions. In practice, many such committees have come to exist "only on paper" requiring enthusiasm and funds, venues and human resources to maintain their functionality. Caution must therefore be taken in recommending the formation of any new committee.

36. Participants at the workshops that took place for the preparation of these guidelines recommended the formation of National and Provincial Community Forestry Steering Committees. These have the following respective roles:

*The National Community Forestry Steering Committee*

37. To co-ordinate ministerial planning and implementing activities and to address inter-ministerial issues relevant to community forestry. Such an inter-ministerial Committee would include, but not be limited to, representatives from the Ministry of Agriculture Forestry and Fisheries, Ministry of Environment, Ministry of Rural Development, and the Ministry of Land Planning, Urbanization and Construction. The functions of the Steering Committee would be:

- Sharing information and encouraging and facilitating coordination among key agencies
- Clarifying the jurisdiction and role of agencies
- Ensuring consistency of operational guidelines, extension materials, technical support and Community Forest application, approval and monitoring and evaluation procedures
- Ensuring integration of effort and the development of resources in undertaking community forestry activities around the country.
- In Cooperation with the Secretariat for Forest Policy Reform, the co-ordination of support initiatives from INGOs and NGOs.

38. The formation and continued function of this committee would require that an agency be identified that will have the responsibility to organize meetings and disseminate the conclusions made at them, and provide the necessary (albeit minor) funds required for meetings and information and dissemination.

#### *Provincial Community Forestry Steering Committees*

39. The institutional situation in each province varies greatly and is influenced among other things by the relative strengths and weaknesses of the different provincial departments, the level and nature of support programmers, and demographic features of the province.

40. A provincial department steering committee may include the directors and appropriate designated staff from provincial departments of Agriculture (including Forestry and Agricultural Extension; also Fisheries if flooded/mangrove forests occur in the province), Rural Development, Planning, and Environment (if protected areas occur in the province). The makeup and arrangements for such a committee, and the decision to form one would be decided according to the circumstances of each province. At the time of preparation of these guidelines, it is not considered appropriate to attempt to identify an institution responsible for the decision as to whether such a committee is required in any one province. However, it would be appropriate for key provincial officials to form such a committee if they feel their activities require co-ordination, and to agree on the sharing of responsibility of running such a committee.

#### Capacity building

41. Capacity for participatory planning for community forestry will need to be strengthened at national, provincial and local levels in order to effectively mobilize community forestry nationwide. In particular, the Department of Forestry, if given responsibility to be the lead agency in community forestry, and the provincial forestry offices require extensive re-orientation and capacity building in order to fulfill their role in supporting the development of community forestry in much of the forest area of the country. However, a flexible approach needs to be adopted to allow for the participation of other agencies so that as many available staff as possible with appropriate skills for community forestry are involved in initiating and supporting community forestry.

### **4.3 Participatory Planning**

42. The development and wider uptake of community forestry in the country requires a system of planning and feedback. A participatory process is recommended which would fulfill four main purposes:

- to engage forest-resource stakeholders in a public process of identifying and analyzing various forest-resource interests, claims, objectives, and management alternatives;
- to increase understanding and mutual respect among different forest-resource stakeholders, as a basis for strengthening support for forest resource management in general;
- to identify and characterize forest areas in which local communities have legitimate claims and/or interests, and/or forest areas which have potential for improved management through community forestry;
- to enable assessment and appropriate designation of specific Community Forests, within a clearly defined, participatory, and transparent decision-making framework.

43. A suitable framework for participatory planning one known as the Participatory Land Use Planning (PLUP). This framework provides for co-ordination and information sharing among stakeholders at different levels, as set out on table 1. PLUP supports decentralized decision making that is responsible to the needs of those

mostly directly affected stakeholders - the forest users. It employs the bottom-up, as opposed to the top-down principal, the key feature being that it elicits local participation. Thus, with proper exchange of information, the planning process is integrated and allows the priorities and concerns of rural people to feed upward and to be fully understood in decision making and policy formation.

<b>Table 1: Roles of the National, Provincial, Commune and Local level in Community Forestry Planning</b>		
<b>Level</b>	<b>Who is involved ?</b>	<b>Planning Functions</b>
National	<p>National Ministries responsible for:</p> <ul style="list-style-type: none"> <li>• forests (principally: Agriculture, Forestry, and Fisheries; and Environment)</li> <li>• rural development (principally Rural Development; also possibly Tourism and Womens Affairs)</li> <li>• land registration</li> </ul> <p>National Inter-Ministerial Steering Committee</p> <p>National law and policy institutions (National Assembly, Prime Minister, courts)</p>	<ul style="list-style-type: none"> <li>• Define national goals and strategies, expressed in national policies and guidelines</li> <li>• Balance competing interests of different sectors of the economy, resolve conflicts at lower levels</li> <li>• Define authorities and mandates of sectoral and regional (provincial, multi-provincial, and sub-provincial) agencies,</li> <li>• Define roles and responsibilities of government agencies, local communities, private sector agencies, households, etc.</li> <li>• Coordinate strategies and activities of sectoral and regional government agencies</li> <li>• Allocate resources to different sectors and regions</li> <li>• Set up and enforce legal and national-level governance framework for community forestry</li> </ul>
Provincial	<p>Provincial-level agencies responsible for:</p> <ul style="list-style-type: none"> <li>• forests</li> <li>• rural development</li> <li>• land registration</li> </ul> <p>Provincial Community Forestry Planning Steering Committee, under the Provincial Rural Development Committee</p>	<ul style="list-style-type: none"> <li>• Co-ordinate national strategies at provincial levels</li> <li>• Set provincial priorities</li> <li>• Train and support staff for community forestry planning at district/commune and local levels</li> <li>• Allocate resources to district/commune and local level planning</li> <li>• Provide feedback to national level on planning and implementation progress</li> <li>• Resolve conflict between local groups and intermediate between local and national levels</li> <li>• Review and approval of sub-provincial plans including local level plans</li> </ul>
District / commune	<p>District and commune level agencies</p> <p>Representatives of local level</p>	<ul style="list-style-type: none"> <li>• Co-ordinate provincial strategies at district/commune levels</li> <li>• Set district/commune priorities</li> <li>• Train and support local staff for community forestry planning at local levels</li> <li>• Verification of local plans</li> <li>• Cooperate in implementation of larger projects</li> <li>• Provide feedback to high level about planning and implementation progress</li> <li>• Resolve conflict between local groups and intermediate between local and provincial levels</li> </ul>
Local (village, inter-village)	<p>Local level leaders, forest resource users, representatives of stakeholders</p>	<ul style="list-style-type: none"> <li>• Inventory and analysis of available resources</li> <li>• Communicate with local forest users and stakeholders</li> <li>• Preparation of local plans</li> <li>• Allocation of land for different uses</li> <li>• Implementation of plans and activities</li> <li>• M&amp;E of plans and implementation</li> </ul>

44. The participatory planning process involves gathering, analyzing, and integrating information from different levels – local, provincial, and national – and of different types – ecological, social, and administrative -- from a variety of stakeholders. The stakeholders involved in participatory planning include local communities, other forest users, local and provincial and national government agencies, and donor and technical assistance agencies cooperating with local communities and/or government agencies. In planning for community forestry, different stakeholders share their perspectives, objectives and constraints and work toward broadly supported agreement on strategies for sustaining the productivity and services of forest resources in rural areas. An

important feature of this planning is that it is iterative, allowing changing priorities, perceptions and situations to be understood and responded to.

45. The functions that need to be undertaken for participatory planning at national level are essentially the information sharing and coordination functions described above, as the role of the National Community Forestry Steering Committee. These should be based on feedback from provincial and local level.

46. At the provincial level, the planning functions are essentially to contribute to the development of a provincial community forestry program that encourages and enables different government and non-governmental agencies to promote and support community forestry. Specifically, the planning tasks are:

- to identify and clarify the location of local communities (villages and communes) and forest within the province;
- to identify and clarify, in general terms, jurisdiction and boundaries for forests within the province, including forests under the jurisdiction of the MAFF Department of Forestry and Wildlife, MAFF Department of Fisheries, Ministry of Environment, other Ministries and government agencies, and private lands;
- to identify and demarcate, in general terms, allocations of forest that have been made or applied for, such as forest concessions, fishing concessions (involving flooded and mangrove forests), industrial or agricultural concessions (involving forests), and other allocations involving forests;
- to identify and clarify forest uses and claims by local communities, through a process that facilitates local participation and recognition of cultural customs and existing practices related to forest resource use.

47. At the local level, communities with the support of any competent agency, assess their own needs and interests in forests and take responsibility for managing local forest areas. While local level planning involves both community members and community forestry practitioners, the essential feature is that the community members make the choices and provide the information needed for planning. Plans should be developed in the local language, using terms that are understood by day-to-day forest users to ensure that the plans are compatible with local customs. In order to support this planning, the following tasks need to be carried out by provincial level workers in village areas:

- to inform local people, leaders, and officials about community forestry laws and policy, to facilitate community-level discussion regarding local interest in community forestry, and to build trust between villagers and field staff
- to collect social and technical information on local forest use and needs, forest conditions, and existing indigenous forest management systems to identify forest users and stakeholders, and distinguish primary and secondary users
- to identify key forest use and management issues, assess forest management options, and develop local community forest management plans and skills
- to facilitate the establishment and functioning of community-based organizations for community forestry
- to identify and demarcate community forests, as needed for designation of community forests

#### **4.4 Support for Community Forestry**

48. A great deal of support is required for the institutions involved in community forestry in Cambodia to gain the capabilities required and embark on an effective countrywide program. Support is currently provided by a number of national and international agencies working at different levels. The support that is required includes the provision of information and technical support in areas such as silviculture, nursery management, conflict resolution and institutional issues. A summary of information and technical needs is presented in Table 2 and key areas where support is required are described below.

##### *Establishment of Participatory Planning for Community Forestry*

49. A means of establishing a system of participatory planning that is truly integrated between national, provincial and local levels would be the use of an inter-ministerial task force, which would include advisors from international support programs and NGOs. Specifically, the task force would establish links with provincial level organizations, and would develop field programs, including:

- documentation of PLUP practices;
- exchange of experiences in PLUP among different field sites in provinces, and in other countries with more experience in PLUP;
- assisting government organizations to identify necessary supportive steps;

- assisting local initiatives to develop appropriate procedures of PLUP, appropriate for different contexts in Cambodia including cross-cultural contexts in ethnic minority areas, possibly by adapting methodologies developed in other countries;
- developing guidelines for PLUP, which would be recognized officially, and be practically helpful in the field with regard to technical, institutional, and participatory processes;
- developing training and training materials for PLUP, including adapting curricula and materials developed in other countries.

50. In addition to coordinating planning for community forestry with on-going participatory resource and PLUP planning, international organizations and NGOs need to integrate their own planning with that of the RGC agencies, and can assist with the co-ordination of the process as a whole.

Objective	National level	Provincial level	Local level
<b>Information sharing and networking</b>			
Information collection & documentation	Establish & maintain CF documentation centers and system(s) for making information available; make information available	Establish & maintain an active link with national CF documentation centers/ system(s); make information available; use information	Establish active links with CF documentation centers; use information
Community forestry networks	Organize national CF network with periodic meetings; provide active link with other national networks (forest concessions, resource planning, farming systems, rural development, etc) and international networks	Organize provincial CF network with periodic meetings, including provincial authorities, VFCs/CFAs, NGOs/IOs, and CF field staff; facilitate village-village networking; maintain active link with national CF network	Establish active VFCs/CFAs links with national and provincial CF networks; organize village-village networking
<b>Training and education</b>			
Short-term and in-service training	Assess training needs (national, provincial, local levels); develop training capacity (training skills, training content) and plans; and provide appropriate training, relevant for different contexts: <ul style="list-style-type: none"> <li>• non-concession forests</li> <li>• concession forests</li> <li>• protected areas</li> <li>• flooded forests &amp; mangroves</li> <li>• non-forest areas</li> </ul> Strengthen faculty knowledge and incorporate community forestry into curricula	Assess training needs (provincial and local levels); develop training capacity and plans; organize and conduct appropriate training	Participate in assessment, development, and implementation of training, appropriate for local contexts
<ul style="list-style-type: none"> <li>• education for forestry, farming systems, and rural development</li> </ul>	Establish links between educational institutions, including national and international links	Establish active links between educational institutions and field community forestry projects; facilitate faculty and student field visits and studies	Facilitate faculty and student field visits and studies to local CF sites/projects
<b>Technical assistance (TA)</b>			
CF planning	TA for national, provincial, and local level planning for CF (facilitation skills, planning techniques, and data in appropriate forms), for different contexts	TA for provincial and local level planning for CF (facilitation skills, planning techniques, and data in appropriate forms), for provincial contexts	TA for local-level CF planning, appropriate for local contexts
CF implementation	TA for national, provincial, and local implementation	TA for provincial and local CF implementation	Support for local-level implementation (organizational

	(organizational management, locally adapted silviculture for CF, conflict resolution)	(organizational management, locally adapted silviculture for CF, conflict resolution)	management, locally adapted silviculture, conflict resolution)
CF monitoring and evaluation	M&E of organizational, technical, economic, and ecological performance, at the national level	M&E of organizational, technical, economic, and ecological performance, at the provincial level	M&E of local level CF performance
Institutional assessment and strengthening	Assess national institutional capacities for technical support, including organizational structure(s) and staff capacities	Assess provincial institutional capacities for technical support, including organizational structure(s) and staff capacities	Assess local-level institutional capacities for technical support
<b>Research</b>			
Design and conduct research relevant for different contexts, and ensure that research findings are recognized in policy and programmed formulation	<p>Develop and implement national research programmed(s) addressing key CF issues, such as</p> <ul style="list-style-type: none"> <li>• local use of forests and forest resources, and socio-economic and resource implications</li> <li>• forest tenure issues related to CF, and tenure conflict resolution options</li> <li>• economics of CF, including full valuation and cost/benefit analysis of management alternatives</li> <li>• options for private sector development in association with CF, including timber and NTFPs</li> <li>• CF-related biodiversity management</li> </ul>	Cooperate in development and implementation of research addressing CF issues relevant to provincial and local contexts	Cooperate in development and implementation of research addressing CF issues relevant to local contexts

### Mapping

51. The preparation of maps, particularly at the local level, involves site visits with forest users and producing sketch maps that represent forests and other features in forms that are readily understandable by villagers. While this is essentially a "low technology" process there is considerable scope for the use of recent technology to improve the accuracy of maps, exchange of mapping data and integration of maps prepared on different scales, so as to provide reliable and useful maps at all levels involved in planning for community forestry. The following high technology inputs are of use in participatory planning:

- The use of handheld GPS units at the local level during village forest mapping, to identify boundary alignments and the location of various features.
- The use of GIS at national level, and where resources permit, at provincial level, to record data gathered on GPS units, supplemented with descriptive and other data, store the data reliably, and prepare maps to varying scales as required by agencies involved in community forestry at all levels.

52. Technical support in mapping is currently available from national centers including the Integrated Resource Information Center (IRIC), DFW, the Ministry of Environment, and the Land Titles Department. The GIS units of DFW, the Ministry of Environment, and the Land Titles Department should facilitate the development of the GIS/ RS/ GPS-based mapping methodology and strengthen provincial capacities related to mapping to ensure that participatory planning.

### Information Management

53. Technical support to community forestry includes information management, technical advice in a variety of areas, training, and research.

54. The exchange of information and experiences gained by villagers, government staff and supporting agencies is useful for developing, mobilizing and adapting community forestry to the range of social, ecological, and institutional contexts in Cambodia. This requires that information is made available to those who need it, when they need it, and in a form that they can use it. Capacities for providing and disseminating information need to be developed at national, provincial and local levels, among government institutions, NGOs, and international organizations.

55. Technical support for community forestry also includes technical advice from trained and experienced support staff of government agencies can be invaluable. Areas in which technical assistance can usefully be provided include silviculture, nursery management conflict resolution, and institutional issues.

## **5. FIELD GUIDELINES FOR COMMUNITY FORESTRY IN CAMBODIA**

### **5.1 Introduction: Purpose of the Field Guidelines**

56. These field guidelines describe a suggested methodology and process for implementing community forestry development in Cambodia and are intended for field-level use. The guidelines incorporate concepts and methods used and tested by field projects in Cambodia and other countries, reflecting both widely applicable 'best practices' and differences associated with specific field contexts. They are intended for use by people in local communities, in government agencies, and in donor and non-governmental organizations engaged in promoting and supporting community forestry development in Cambodia.

57. The first section describes how community forestry may be planned and organized, at provincial and local levels, within the Provincial framework for development in Cambodia<sup>3</sup>. It outlines participatory processes and activities for developing practical plans and appropriate organizational structures for Community Forests, needed for mobilizing sustainable local participation in forest management. The following section discusses resolution of competing claims to proposed Community Forest at the planning stage.

58. Before describing the suggested approach to planning for community forestry, it is important to set out what the planning is for, who does it, where to get technical and other support from, and what a community is and what a community forest is.

#### What is planning for?

59. Planning the process through which people establish agreement on objectives and action regarding their forest and other resources.

60. Planning for community forestry needs to be carried out at the local level to ensure genuine local participation, and at the provincial level to establish legitimacy for local rights and responsibilities and to integrate local, provincial, and national plans for forest-resource management.

#### *Provincial level planning*

61. Provincial level planning aims at collecting, analyzing, and providing information needed for developing and guiding provincial-level programs that encourage and enable government and non-government organizations to promote and support community forestry, and thereby supporting local-level planning for community forestry. In particular, it is important to:

- find out where forest-dependant communities are, and how local communities use and manage forests;
- find out where the forests are, the condition of forests, and to identify which are protected areas (under the Ministry of Environment), flooded forests (under the Department of Fisheries), privately owned, under concessions, or other forest types and allocations.

62. Information needs to be compiled, analyzed, and stored. Where the facilities exist, or can be provided, the use of computers in developing and storing information is invaluable, though not essential.

63. The information is made available and used for the development of community forestry.

### *Local Level Planning*

64. Local level planning forms the basis of implementing community forestry, where local people, government, and non-government and private-sector agencies work together to improve forest management, solve problems, and develop forest resources for future needs.

65. The main emphasis of local level planning is on involving communities in assessing their forest use patterns and needs, and developing community-based plans for meeting their forest-related objectives and needs. Local level planning aims to:

- introduce the concept and purpose of community forestry to communities, and build trust between field staff and villagers
- start discussion within communities regarding local interest in forests and forest resources, and community management of locally-used forests
- collect information about forests and forest resources, what people use them for, and how they manage them
- find out how the villagers organize themselves for managing the forest, and to suggest how to form committees or other structures that may be necessary for ongoing management
- identify and demarcate forest areas for local management, and develop forest management plans

66. Local level planning needs to be fully participatory and to involve close co-operation between communities and field staff. To encourage this, it is advantageous if it takes place as far as practicable in the local language and using local terminology, classification systems, and other knowledge.

### Support for community forestry planning and implementation

67. It should be borne in mind that the community forestry process requires support to the communities of various kinds if they are to prepare for a Community Forestry Agreement with the government, and implement their plans effectively. The sources of such support which may come from a development agency or other government body involved in rural development, needs to be identified when planning for community forestry. The kinds of support needed include:

- technical planning skills (for obtaining resource information and information on communities, storing the information updating it regularly and presenting it on maps or in other forms that are easily understood)
- technical forestry skills (including an understanding of technologies available and their applicability, particularly for silviculture and tree seedling production)
- facilitation skills (how to work with local people, find solutions to problems with them, understand their day to day situation)
- communication skills (including local languages, where appropriate).

#### ***Understanding Local Forest Use***

Prior to facilitating community forestry development in any location, staff of the FAO project "Participatory Natural Resource Management of the Tonle Sap Region" conduct extensive informal discussions with local people who utilize a given resource. Information is collected from all segments of a community: young, old, male, female, rich, and poor in order to understand how people use the local resources, the supply and demand of wood and non-wood forest products, and options and opportunities for improved management of resources. Facilitators are trained to ask appropriate questions in a non-leading manner and also to be observant and investigative in their approach in order to gain a clear understanding of natural resource use in a given area. Case studies are drafted for each site and all user groups are identified prior to holding community level workshops and discussions. This process can eventually lead to the organization and development of community forestry as defined in these guidelines.

### What is a community?

68. Community is a flexible term that can apply to a small group or a large group. For the purposes of community forestry a community is that it is a group of people that identifies within itself as sharing common

interests and sharing a common future. Generally, the village is taken as the basic level at which people decide whether and how to undertake a shared effort for improving forest management. Often, a Village Forest Committee (VFC) serves as the mechanism for focusing and communicating about villagers' interests and needs related to forests and forest resources and is most effective if it is open to everyone within the village – families, monks, school teachers and any minority groups.

69. It is often the case that two or more villages use and the same forest area. In such cases overlapping uses or claims can result in conflict between villages. In such situations, the "community" becomes, in effect, more than one village – it may be several or even a dozen villages; sometimes the villages are within a single commune or district, but may be in more than one commune or district. To meet the needs for communication about forests among multiple villages, an inter-village Community Forest Association (CFA) may serve as an effective mechanism for focusing and communicating among villages that share common interests and needs related to forests and forest resources<sup>4</sup>. The CFA may be comprised of representatives from the Village Forest Committees of respective villages, as well as representatives of commune and district administrations, if appropriate. For CFAs to function smoothly, byelaws need to be developed and adopted to ensure that balanced representation and participation is maintained.

### What is a Community Forest?

70. A Community Forest, for the purposes of these *Guidelines*, is a designated area that is managed by a local community, through a community-based organization in accordance with a Community Forest Management Plan, and with user rights vested in the community by the government, as detailed in a specific agreement.

71. A Community Forest may be established in any area where

- a community has a demonstrated/verifiable pattern of use or interest in the area, and agrees and commits to manage the area as a Community Forest, as described above, and
- competing claims to the area/resources proposed for the Community Forest do not exist or are resolvable through mutual agreement among all claimants.

72. The designation of a Community Forest by responsible authorities is an act of the government, documented in a Community Forest Agreement, and carries full legal validity. Designation of a Community Forest entitles the responsible community to defined benefits from the Community Forest and makes the responsible community liable for defined management obligations.

73. The Community Forest Agreement may have a specified period of validity, say 30 years. This may be automatically renewed unless terminated in accord with provisions for termination of the Community Forest Agreement. A Community Forest or Community Forest Agreement cannot be sold, transferred, or used as a secured debt.

## **5.2 Steps in Provincial Level Planning**

74. The planning is built on basic information, on forest resource conditions, forest resource use and tenure (legal and customary), the interests and potential of local communities to manage forest areas, and the capacities of different agencies for promoting and supporting community forestry. This information is used to plan provincial level community forestry activity, according to provincial development priorities and within the resources available.

75. The appropriate body (or bodies) to undertake community forestry activities at provincial level varies, in the present day context in Cambodia, from province to province. Many relevant provincial departments and offices, including the Provincial Forestry Offices, currently lack both the resources and professional orientation for community – based forestry work. It may be appropriate, as an interim measure, to form an inter-agency group such as a community forestry secretariat which supports and facilitates the community forestry activities at provincial level.

76. The approach to planning community forestry activity in the province should be gradual and phased, building on relevant planning capacities (and financial support) where these are already established.

### *Organization and preparation*

- Ensure that the team to be engaged in planning work have an adequate grasp of the principles and scope of community forestry, of participatory planning techniques, and basic mapping techniques. If

computer equipment is provided, ensure that the team has the capability to operate and maintain the system

- organize the planning work (assign responsibilities for tasks to be carried out, draw up work schedule, secure financial and logistical support)
- procure equipment, tools, maps, data, documents
- prepare general mapping and data forms and procedures
- set up links with appropriate provincial and national agencies/units

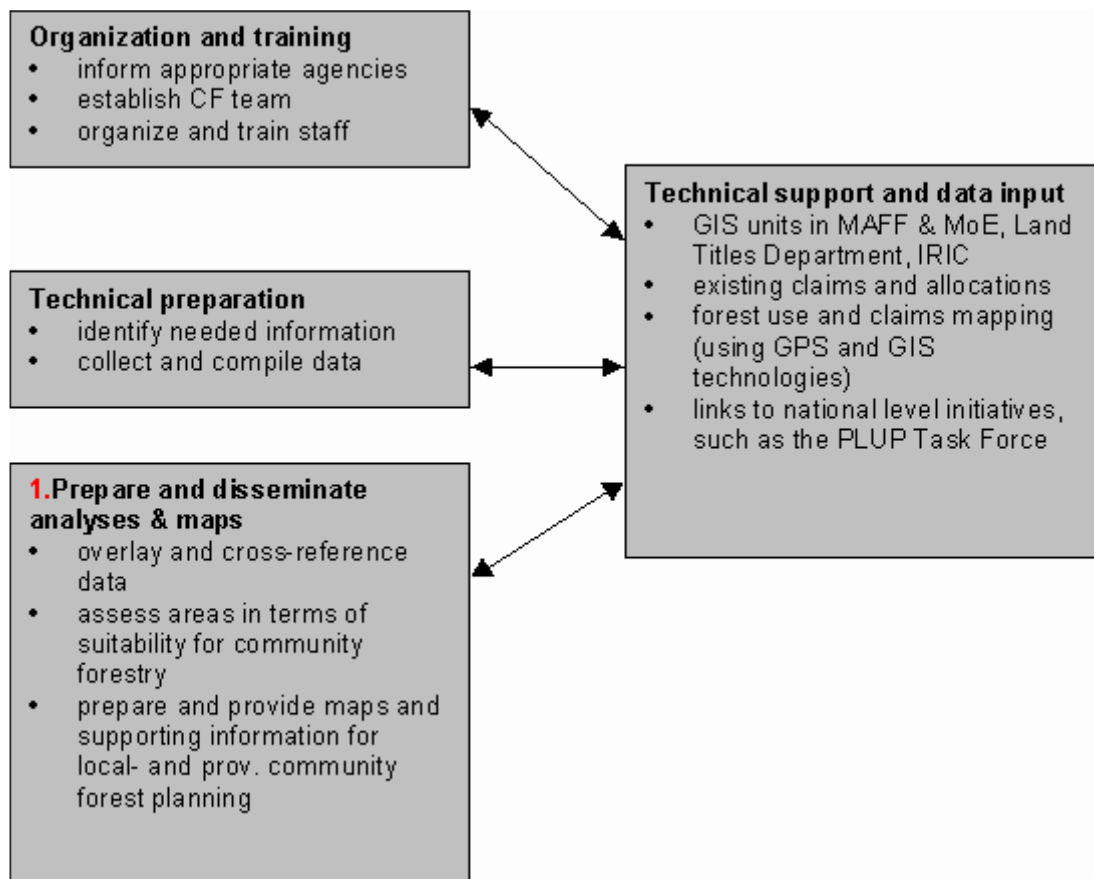
#### *Technical preparation*

- define expected planning outputs (types of forest resource units, criteria for identifying units, mapping methods, scales and tools, map layout and presentation, reporting, etc.). Remember that units will need to be flexible to incorporate local terminology, classification systems, and other local knowledge as it becomes available.
- identify needed and available information, official data, and local knowledge
- collect relevant data (maps, digital data, aerial photos, etc)
- compile and store data in shared database
- establish system for linking local data (from local planning) with provincial data

#### *Put the data together for use in planning community forestry activities in the province*

- compare and combine information on the forests, the communities, and community uses of the forests
- assess which products the communities use, how much of them they need, and how much the forest can supply
- assess the suitability of different areas for community forestry
- prepare and provide maps and that can help communities undertake planning with field staff, and also have enough detail to serve in applying for the designations of forest areas as community forest.
- when new data becomes available; revise the maps
- make information available to community forestry planners, field staff, and support organizations

**Figure 5.1. Provincial-level Planning**



Identification of suitable areas for community forestry

77. Areas with high suitability for community forestry are generally characterized by:

- active forest-resource use by local people, such as for extraction of firewood, timber for local construction, medicinal plants, fruits and nuts, rattan and bamboo, livestock fodder or grazing, and swidden agriculture (including periodic forest regrowth)
- historic or cultural use of forest by local communities, such as ancestral claims, burial grounds, or spirit areas
- local communities characterized by reasonable stability, respected leadership, and willingness to organize
- apparent and locally perceived benefit from maintaining or increasing local forest resources from forest and/or non-forest areas
- existing community-based forest management or other community-based development efforts that indicate local experience and capacity relevant to community forestry
- reasonable expectation for negotiated resolution of disputes involving competing claims to the target forest area and its resources.

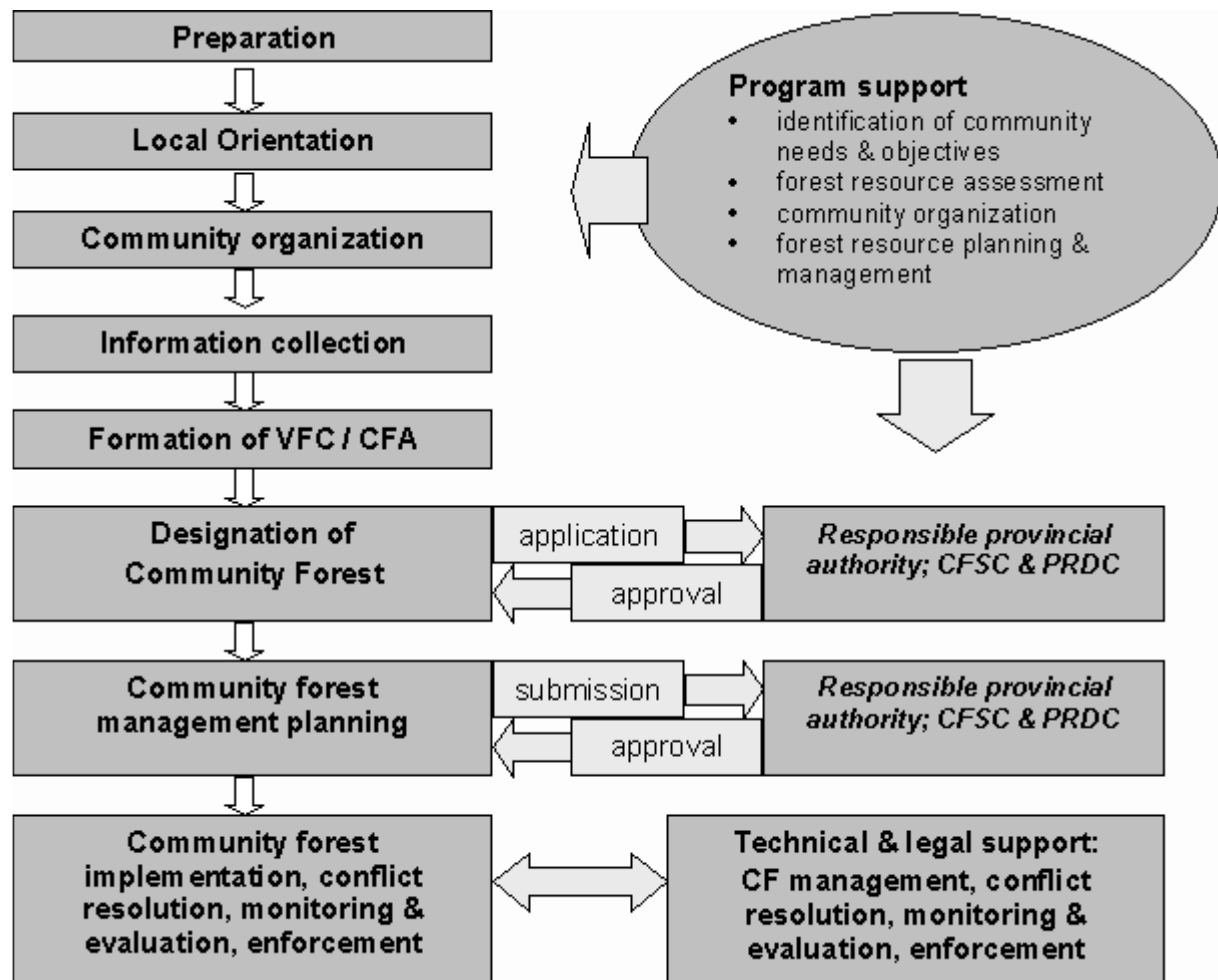
78. Conversely, areas lacking the above characteristics are problematic for community forestry and greater difficulties can be anticipated.

### **5.3 Steps in Local Level Planning**

79. Local-level planning and mobilization of community forestry usually proceeds through a series of progressive steps. The steps in this section provide general recommendations and guidance regarding activities, procedures, and sequencing in local-level community forestry planning; however, the exact set and sequence of activities may vary. An overview and schematic diagram of the steps in local-level planning is provided in Figure 5.2. Additional detailed guidelines for some of the Steps and for community forestry planning in relation to forest concessions and protected areas are provided in Section 5 and in appendices.

80. These steps, up to the Designation of Community Forest, may be followed by any group or agency that is involved in assisting communities that are developing management plans for their community forests and seeking government approval for them. Such agencies may also facilitate the process of community forestry designation and provide ongoing technical and other support.

#### **Figure 5.2. Steps in Local Level Planning**



Details for activities in steps in local-level planning are provided below.

### Preparation

- Where the agency taking these steps is not government authority responsible for the designation of community forests, the first step will be to establish liaison with the appropriate authority to ensure that co-operation occurs through the process, particularly for the designation of the community forest.
- Establish facilitation team; clarify TORs, roles, responsibilities, support among participating agencies/organizations
- Train facilitation team
- Collect and review existing information: village & forest data, plans, maps, etc
- Make preliminary contact with target village(s) and schedule orientation visit to village(s)

### Local Orientation

- Introductions; clarify objectives and roles among agencies and local people
- Introduce idea of community forestry, policy, scope
- Semi-structured interview with community group, village walk, forest walk; basic data collection/verification about the community, initial assessment of local interest/dependence on forests (including initial gender analysis), initial identification of stakeholders
- Discuss, review, and analyze results with village(s); plan for further steps

#### ***Gender Analysis of Forest Use***

It is essential that assessments of forest resource use and management options include the input of women because:

- Women and men often have different uses and needs for forest resources and are therefore impacted differently by forestry projects.

- Women are active forest users and managers of the forest, but as forestry is considered a man's field, women's roles are often invisible to project designers and policy makers.
- Equity and justice.

from *Women in Community Forestry, a field guide for project design and implementation*, FAO, 1989

### Community meeting and initial organization

- Discuss interest in community forestry with village(s)
- Introduce community forestry planning program
- Plan for further steps

### Information collection

- Community assessment: demographics, organization, economy
- Forest use/dependency assessment (including gender analysis), local area mapping including local forest use/claims (land use pattern and local boundaries), preliminary forest inventory, indigenous forest management assessment
- Determine if there are any overlapping claims for the area in consideration. If so, address these. (See also section 4.4, on addressing overlapping claims)
- Discuss, review, and analyze results with village(s); plan for further steps

#### **Participatory mapping: an important tool for assessment of community needs**

In 1998, community members of Aren Village, Pursat Province, with facilitation by Concern Worldwide staff, developed a map as part of a participatory assessment of community needs. Using easily accessible local materials - stones to represent houses, leaves to represent degraded forest areas, ash to represent paths and roads – they depicted the village and surrounding areas. This enabled community members to discuss issues in relation to different resources and to visualize possibilities for change. From this exercise, villagers articulated development problems, including:

- open access to previously forested areas led to a decline in locally available forest products;
- villagers have to travel further to collect necessary forest products;
- the decrease in forested areas led to insufficient areas for animal grazing and to a decrease in soil fertility;
- there is a lack of community cohesion to address these issues collectively.

Mapping and discussing these problems facilitated the process of defining appropriate strategies, including the establishment of community forest areas and development of effective forest management plans.

### Formation of Village Forest Committee/Community Forest Association

- Establish initial village organization(s) to conduct community forestry planning
- Review results with village(s); determine village(s) preference regarding establishment of a Community Forest
- Discuss role and structure of Village Forest Committee / Community Forest Association
- Organize Village Forest Committee / Community Forest Association
- Plan for further steps, including the setting of bylaws, if necessary

### Preparation of an Application for Designated Community Forest

- Participatory mapping and boundary demarcation of Community Forest
- Prepare an Application for Community Forest, including
- Assemble the following information:

- the location/geodata and general bio-physical resource description of the proposed Community Forest. If possible, this should be placed on a 1:25,000 map, but whatever form of mapping is used the location of key features should be clear. A sketch of these features on a copy of an aerial photograph may be suitable, for example.
- the location, demographic characteristics, main livelihood(s) of the community; and forest use and/or customary tenurial claim(s) by the community (village/villages) to the proposed Community Forest
- the general management objectives of the proposed Community Forest
- the composition of the proposed Village Forest Committee(s) / Community Forest Association.
- Discuss/verify the information with the applicant community
- Submit the application to appropriate authorities
- Upon designation of the Community Forest, plan for further steps

### Community forest management planning

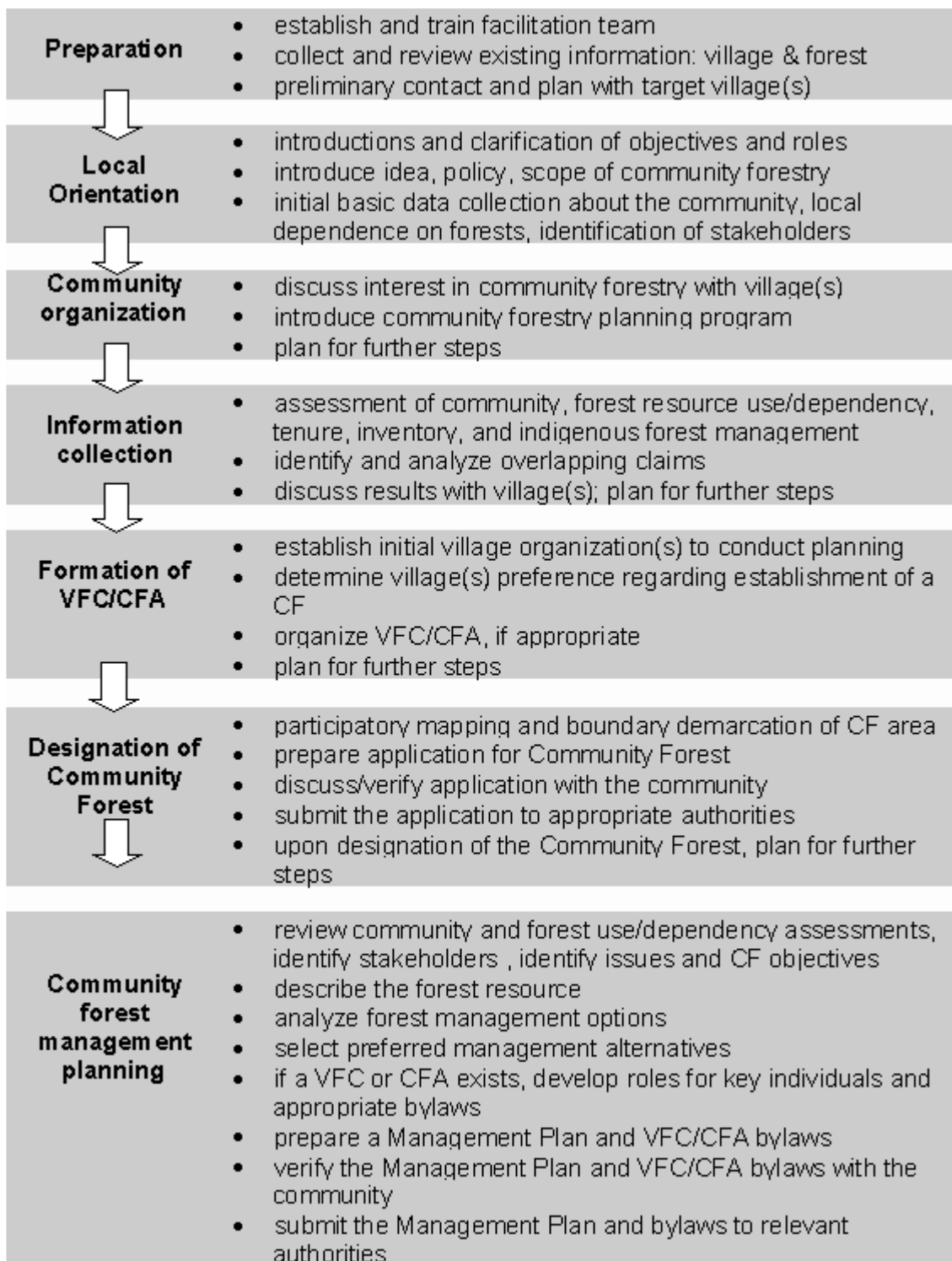
- Review the community forest management plan periodically, ensuring that all stakeholders are identified and involved in forest management, to the extent appropriate
- Review issues and strengthen community forestry objectives
- Assemble any quantitative data or description on the forest resource. In some cases, it may be appropriate to carry out a light inventory, provided the results can reliably be expressed in terms that villagers can readily understand
- Analyze forest management options including expected management inputs, expected resource outputs (including determination of allowable harvest levels for different resources), and distribution of costs and benefits
- Discuss and analyze forest management options with the community, select preferred management alternatives
- Prepare a Community Forest Management Plan including use regulations, allowable harvest levels for different resources, and benefit sharing guidelines
- If a Village Forest Committee/Community Forestry Association has been formed, develop through discussion appropriate bylaws and roles of key individuals
- Discuss and verify the Community Forest Management Plan and the VFC/CFA bylaws with the community
- Submit the Community Forest Management Plan and VFC/CFA bylaws to relevant authorities

81. Details on methods and procedures for fulfilling tasks identified in the steps are provided in following sections of the *Guidelines* and in appendices.

#### ***Community forest-use regulations***

Six villages, working with the Non-Timber Forest Products (NTFP) Project in Ratanakiri province, developed draft regulations for forest protection in Poey Commune, O Chum District of the Province. These draft regulations prohibit burning the forest; hunting elephant, tiger, and bear; using firearms and exploitation of minerals inside the protected forest. The draft regulations permit collection of NTFPs, in accordance with regulations of the forestry association, government laws and environmental sustainability.

**Figure 5.3: Summary of Steps in Provincial and Local Level Planning for Community Forestry**



#### 5.4 Addressing overlapping claims to a proposed Community Forest

82. It is important to resolve competing claims to proposed Community Forest at the planning stage. This avoids, or at least minimizes, difficulties later on, when conflicting claims will be much more difficult to deal with and may threaten the effectiveness of the process before a community management system is established. It is important that all stakeholders – including all users and claimants of a forest area – need to be identified and brought into the consultation and planning process, because users and claimants will only abide voluntarily with a management agreement that is developed with their cooperation. Communication and negotiation among competing users and claimants is essential to achieve viable resolution of conflicts. Competing claims can exist *within the community* and *between the community and users/claimants outside the community*.

83. Resolving competing claims to a proposed Community Forest requires clarification of those forest users and claimants who will cooperate in managing a particular forest area as a Community Forest, and who thus

comprise the Community. This can be a lengthy process, involving meetings with all local stakeholders to determine interest and willingness to cooperate in managing a particular forest area as a Community Forest. The process, decisions, and agreements should be carefully documented.

84. Competing claims among these forest users and claimants within the community should be resolved:

- for conflicts within a village: the village administration, VDC, or Village Forest Committee if established
- for conflicts between villages that are cooperating in a Community Forest: commune or district administrations<sup>5</sup>, or the Community Forest Association if established.

85. Competing claims between the community and users/claimants outside the community can include:

- the area is claimed by more than one village, at least one of which will not cooperate in managing a particular forest area as a Community Forest;
- the area is in an approved or *de facto* agricultural concession, timber concession, fishing concession, or other concession;
- the area is in a special area such as a protected area, flooded forest or mangrove, or an area used for military purposes;
- the area is under private ownership;
- the area is claimed by another individual or group, in this case, reference needs to be made to the new land law.

#### ***Establishing Forest Jurisdiction and Boundaries***

The FAO-executed project "Participatory Natural Resource Management in the Tonle Sap Region" initiates the process of identifying and clarifying forest jurisdiction and boundaries of community forests in Siem Reap Province by facilitating discussions with community members and others who use a resource in order to identify actual users. Through this process, conflicting claims on a resource from people outside the area are identified. Discussions are also held with commune chiefs from neighboring communes and with military in the area to ensure that the proposed community forest boundaries are clearly understood by everyone. Sketch maps are used and field checking is done with community members to clearly define boundaries of the forest area prior to marking long-term permanent forest boundary markers.

86. Resolution of competing claims for a Community Forest between the community and users/claimants outside the community must occur before an application is made for designation of a Community Forest. Competing claims can be resolved in two ways:

- the competing claim(s) is withdrawn or cancelled in favor of the proposed Community Forest, in a binding agreement; often the community will need to reduce or modify the proposed Community Forest to resolve the conflict with other claims and to achieve a negotiated resolution;
- competing claimants agree to a co-management strategy for the proposed Community Forest that resolves conflicts arising from competing claims by establishing limits on rights and obligations of each respective claimant to the area/resources of the Community Forest; usually the community will need to accept constraints on its use of the Community Forest, to enable other claimants/users to achieve their objectives.

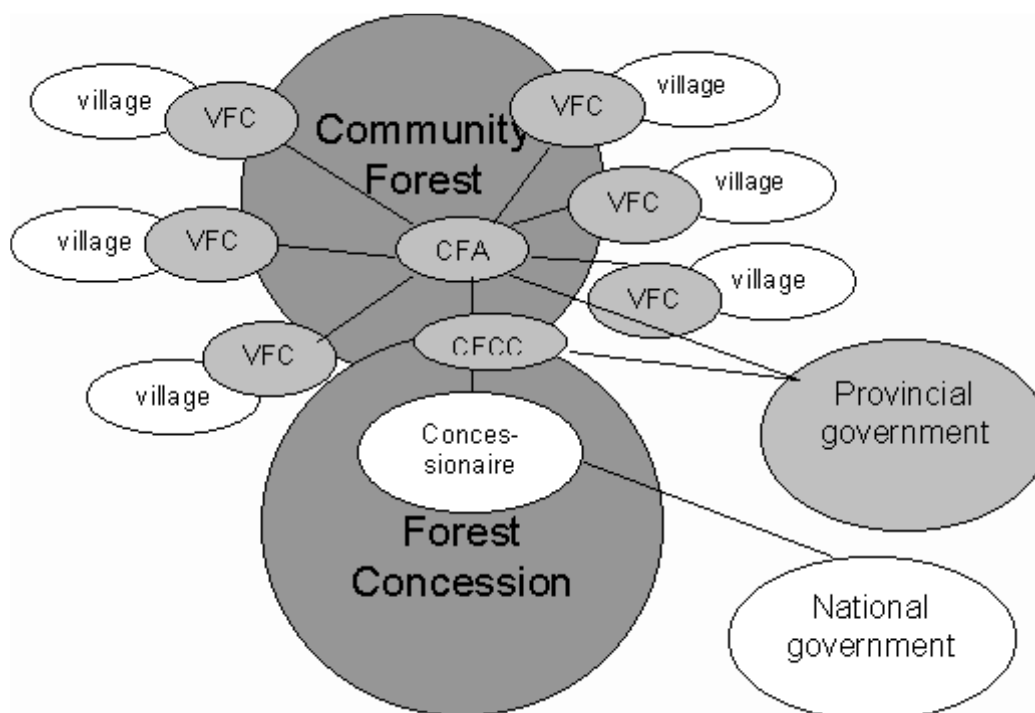
87. In areas where competing or unclear claims to a forest area exist between a community (affected village or villages) and a forest concessionaire or agricultural concessionaire, the formation of a Community Forest Consultation Committee (CFCC) should be a suitable forum from which to establish and facilitate communication and to resolve conflicts between the community and the concession<sup>6</sup>. An agreement should be prepared to clarify issues and document decisions. The CFCC should be comprised of representatives from the VFCs/CFA of affected villages, representatives of management authorities responsible for the concession, plus the respective commune and district administrations; and should operate under bylaws adopted by the CFCC. The CFCC should also operate in association with Commune and District Development Committees (CDC and DDC) if established.

88. In areas where competing or unclear claims to a forest area exist between a community (affected village or villages) and a protected area<sup>7</sup> or other special area (such as a flooded forest, mangrove, state-managed forest plantation, etc), a similar kind of committee would also facilitate communication and resolve conflicts between the community and the management authorities. The CFCC should be comprised of representatives

from the affected villages, representatives of authorities responsible for the protected/special area, plus the respective commune and district administrations; and should operate under bylaws adopted by the CFCC. The CFCC should also operate in association with Commune and District Development Committees (CDC and DDC) if established.

89. In areas where competing claims to a forest area exist that are perpetual in nature and that require shared use of the area, between a community (or communities) and another authority, such as an area claimed by a community within a forest concessionaire or agricultural concessionaire, state-managed forest, or protected area, a Joint Forest Management Committee may be established to provide a standing mechanism for co-management of shared areas.

**Figure 5.4. Organization of Community Forest and Forest Concession**



## 6. TECHNICAL GUIDELINES

### 6.1 Introduction to the Technical Guidelines

90. This section provides further detailed suggestions and information on important aspects of community forestry in Cambodia, in particular the designation of community forests, and special considerations and procedures for concession forests and protected areas. This information is presented in a separate section, because, as experienced is gained in community forestry around the country, it will be necessary to update many details of the guidelines, so that the guidelines can continue to be improved as a tool for community forestry field workers.

### 6.2 Designation of Community Forests

91. Formalizing the arrangements for community forestry based on agreements among stakeholders and especially between forest user communities and the government, is a crucial step in the process of establishing and mobilizing community forestry. This formalization process is called designation and to be successful needs to be finalized on a process of information exchange and negotiation between the community and the designating authority. This section describes the steps that are needed for successful designation of community forests.

#### Application for Designation

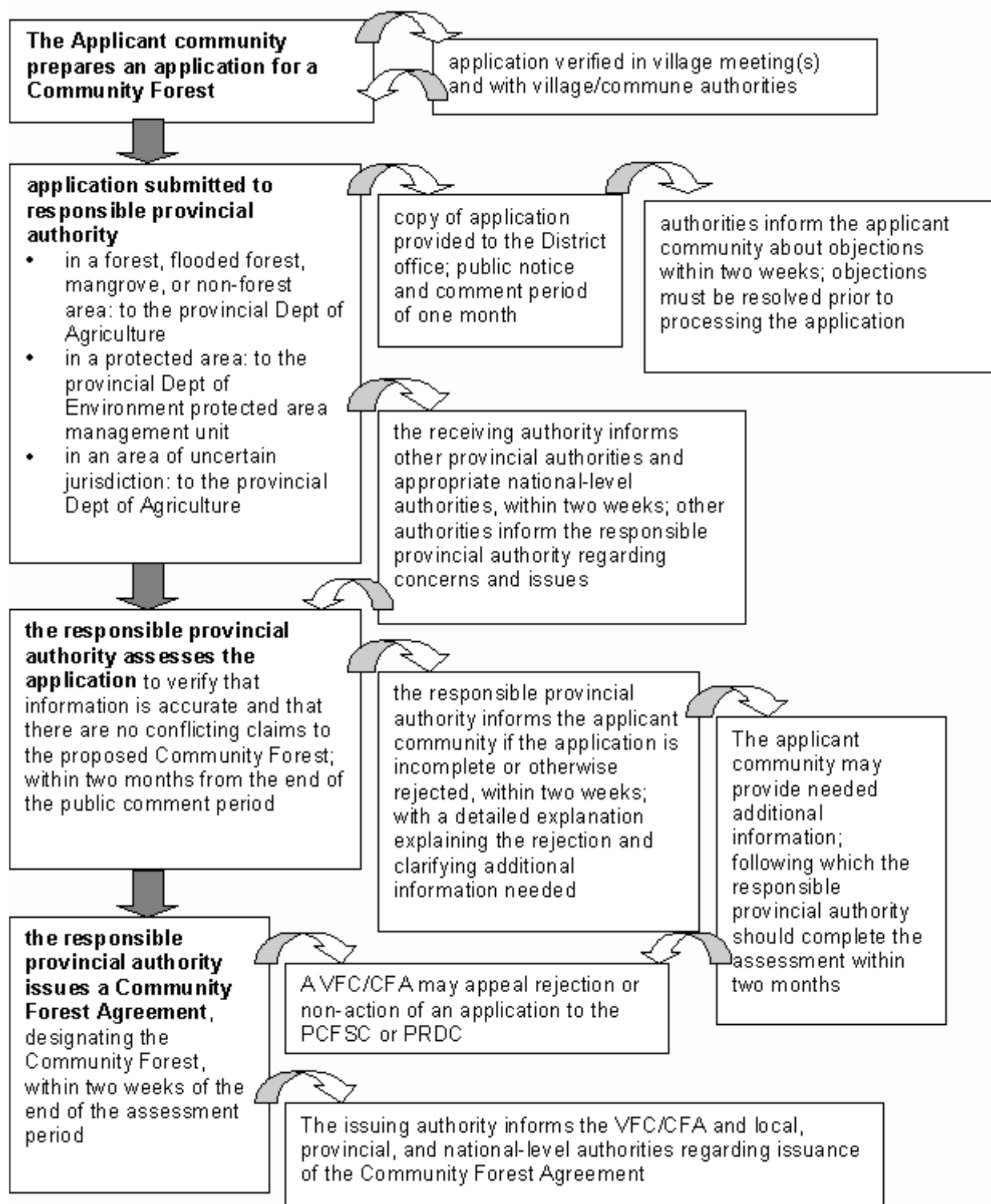
92. Following verification and approval by the community, as described in section 5, the application should be

submitted to responsible provincial authority, as follows:

- proposed Community Forest in a forest, flooded forest, mangrove, or non-forest area: to the provincial Department of Agriculture, (copied to any provincial body that has been established for community forestry)
- proposed Community Forest in a protected area: to the provincial Department of Environment, to the attention of the protected area management unit, (copied to any provincial body that has been established for community forestry)
- proposed Community Forest in an area of uncertain jurisdiction: to the provincial Department of Agriculture, with a copy to the Community Forestry Planning Secretariat.

93. A copy of the application should be provided to the District office at the same, to be publicly displayed for a period of one month.

**Figure 6.1. Process for designation of community forests.**



The authority receiving the application (and copy of the application) should provide, at the time of receiving it, a receipt to the community, showing the name of the receiving office and officer and the date of submission. The community should carefully maintain a copy of the application and the receipts of submission.

94. The receiving authority is responsible for informing other provincial authorities, and consultative bodies involved in community forestry, and appropriate national-level authorities, regarding the application, within two weeks of receiving the application.

#### Public Notice and Comment

95. A one-month period of public notice and comment on an application for designation of a Community Forest should be provided, immediately following submission of the application. The Provincial and District offices receiving the application should display publicly the application for a period of one month. If there are no

objections during this period, processing of the application should continue immediately. If objections are raised to the proposed Community Forest, the Provincial or District authorities receiving the objections should inform the applicant community within two weeks. Objections need to be resolved prior to processing of the application.

#### Verification of Application

96. The responsible provincial authority, with district authorities<sup>8</sup>, should assess the application to verify that information is accurate and that there are no conflicting claims to the proposed Community Forest. The assessment should be conducted and completed within two months from the end of the public comment period.

97. The responsible provincial authority should issue a Community Forest Agreement to the community, within two weeks of the end of the assessment period, except if the application is determined to be inaccurate or incomplete. The Agreement is a provisional designation of a Community Forest, granting rights and obligations to a responsible community; the provisional status ends upon approval of a Community Forest Management Plan and Village Forest Committee(s) / Community Forest Association bylaws in accord with specified guidelines and procedures.

98. If the application is determined to be inaccurate or incomplete, the responsible provincial authority should inform the community within two weeks of the end of the assessment period, with a detailed explanation about the additional information needed. The community should provide the additional information to the responsible provincial authority, and the responsible provincial authority should re-assess the application based on the additional information submitted by the community, and complete the assessment within two months.

99. A community may appeal for the rejection of an Application to the provincial Community Forestry Steering Committee / Provincial Rural Development Committee, providing appropriate justification for this.

#### Designation and Registration of Community Forests

100. The Agreement should be signed in duplicate by appropriate authorities and the community, as follows:

- the Director of the appropriate provincial Department issuing the Agreement
- the officers and each member (including both spouses of each member family) in the Village Forest Committee(s) / Community Forest Association
- the PRDC chairperson.

101. The Community Forest Agreement establishes and designates a Community Forest and provides legal recognition of the rights and obligations of the Community in relation to the Community Forest. It states that the community and the issuing authority are not aware of any conflicting claims on Community Forest. It must specify the locations of the community and of the forest, the management objectives and committee composition, as detailed in the section on steps in local level planning, above.

102. It may be appropriate for the applicant community to pay a small processing fee to the issuing authority on signing of the Agreement.

103. The issuing authority is responsible for informing other provincial authorities, including the Provincial Rural Development Committee, the provincial cadastral and land registration office, and appropriate national-level authorities, regarding the issuance of the Agreement.

104. The Agreement should be carefully maintained, in a secure location, by a representative of the applicant community and by the issuing authority. A copy of the agreement should be maintained by the district. The provincial authority issuing the Agreement will also forward one copy of the Agreement to the authority's national office.

105. The duration of the agreement is specified in the Community Forest Agreement document. A suitable duration is 30 years. The agreement should be automatically renewed unless it has been terminated. (The Agreement will specify situations that warrant termination).

106. The Agreement should be amended periodically to accommodate changes in the Community, and/or modification of the Community Forest Management Plan and any committee bylaws.

### 6.3 Community Forestry in Concession Areas

#### Overview

107. Forest concessions have significant effects on thousands of rural communities in Cambodia, and rural communities can have significant effects on forest concessions. To date, the forest concession system has failed to address the rights and needs of local people; to clarify the relationships and obligations of concessionaires, government agencies, rural communities, and other stakeholders in relation to forests; and to resolve conflicts in an equitable manner. Clarifying and addressing the rights and needs of local people in relation to forest concessions is necessary to meet the objectives of both local communities and concessionaires, and is how community forestry plays an important role and complements concession management in achieving sustainable forest management.

108. Through consultations examining community forestry in relation to forest concessions that took place for the preparation of these guidelines, concessionaires and government representatives agreed that local communities are due benefits from forest concession areas and that communities should be allowed to access all concession forest areas for the collection of non-timber forest products. In addition, participants agreed that communities have the right to access timber from forest areas that they have traditionally used within concession forests, based on discussion and agreement between the concessionaire, local community representatives, and the government. Participants also recommended that a portion of indirect benefits from concession-managed forests (e.g. taxes paid to the government) should be directed to community development activities to benefit those communities living within or adjacent to concession forests.

109. It is envisaged that the participatory planning and consultation work, outlined below, will be carried out by a trained team engaged by the concessionaire. Undertaking such work is an effective means for concessionaires to ensure that the needs of local forest dependant communities are catered for and thus satisfy a key element in making forest concession management sustainable.

#### Steps in Community Forestry Planning in Forest Concession Areas

110. The development of community forestry in concession forest areas, detailed below, follows the same process as described in the "Steps in local-level planning" section, but incorporates additional detail to:

- address the rights and obligations of local communities and of concession companies;
- assess and address local community needs in relation to forest land allocated to concession management;
- establish a consultative committee to facilitate communication and resolve issues of concern;
- establish and recognize zones for community management of forest land allocated to concession management;
- assist in the process monitoring and evaluation by the government to ensure that local community needs have been addressed in concession management planning and implementation.

111. The process detailed below establishes exclusive use areas for community forestry within forest lands allocated to concession management. In addition to the establishment of zones for community forestry, local communities living within or near concession forest areas have the right to collect and use non-timber forest products from forest concession areas.

#### *Preparation*

- Establish a facilitation team; clarify TORs, roles, responsibilities, support among participating agencies/organizations
- Train the facilitation team
- Make preliminary contact and schedule an orientation visit to the target community and concessionaires
- Collect and review existing information: village & forest data, plans, maps, concession maps and contact information, etc.

#### *Orientation work in the Villages*

- Meet with local community and concessionaires to clarify objectives and roles among agencies, concessionaire and local people and to assess general interest in developing community forestry within the concession forest area
- Develop and disseminate information and educational materials to all communities affected by concessions, all concessionaires and relevant government authorities on:

- the rights and obligations of local communities, concessionaires and the government in the forest concession allocation, planning, and management processes;
  - community forestry policy and scope, including the development of community forestry within concession forest areas;
  - gender awareness and community forestry.
- Using techniques such as semi-structured interviews with community groups, village walks, forest walks; collect and verify basic data about the community, make an initial assessment of local interest in forest management and dependence on forests, including a gender assessment of forest resource use, and an initial identification of stakeholders. These tasks require training and experience and it may be necessary to obtain technical assistance in planning them and carrying them out.
  - Discuss, review and analyze results with community, plan for further steps

#### *Consultation with the Community*

112. Once initial fieldwork has been done, it is important to discuss options with the community as a whole, because it is quite likely that, when gathering information in the early stages, not all members of the community have been involved. Larger meetings should be held to:

- Review the idea of community forestry, policy, scope; and review forest concession management
- Introduce community forestry assessment and planning program, and the relationship to forest concession management
- Discuss community interest, initial organization, plan for further steps

#### *Formation of Village Forest Committee / Community Forest Association and Community Forest Consultation Committee*

113. Once community forestry field staff and villagers have gained an understanding of the forests, forest locations and forest uses in the area, it is necessary to begin the process of establishing formalized and ongoing dialogue between the community and the concessionaire, for the full duration of the concession. The suggested way of doing this, is by the formation of a Community Forest Consultation Committee. This process is now in fact upheld in Cambodian law, under the forest concession management sub-decree. To form the committee, the following steps may be taken:

- Preliminary discussion and negotiation between the community and the concessionaire in relation to the establishment of community forestry in the concession forest area.
- Review results with community and concessionaire.
- Discuss function of Village Forest Committee / Community Forest Association and Community Forest Consultation Committee
- Discuss the importance of representing all community members in the committee, including women, the elderly, and others who use the forest
- Organize Village Forest Committee / Community Forest Association and Community Forest Consultation Committee as detailed above.
- Plan for further steps

#### *Designation of Community Forest*

114. The community forest established through the consultative process outlined above will lie wholly or partly within an area for which a forest concession has been let. These areas of community forest within concessions can be regarded as a "non operable" areas within the meaning of the Sub-decree on Forest Concession Management (article 6.2(b)). The sub-decree specifies a process "based on participatory appraisal and... mapping" for the delineation (or demarcation) of these areas. Following demarcation, these further steps need to be taken for the designation of the area as community forest.

- Prepare application for Community Forest, including
  - description of the community,
  - forest use/dependency by the community,
  - Village Forest Committee(s) / Community Forest Association and Community Forest Consultation Committee
- delineation of non-operable concession areas, signed by CFCC members
- proposed Community Forest (location/area, objectives)
- Discuss/verify application with the community
- Submit the application to relevant authorities

- Upon provisional designation of the Community Forest, plan for further steps

### *Community forest management planning*

- Review the community forest management plan periodically, ensuring that all stakeholders are identified and involved in forest management, to the extent appropriate
- Review issues and strengthen community forestry objectives
- Assemble any quantitative data or description on the forest resource, including any inventory that may have been carried out by the concessionaire. In some cases, it may be appropriate to carry out a light inventory, provided the results can reliably be expressed in terms that villagers can readily understand
- Analyze forest management options including expected management inputs, expected resource outputs, and distribution of costs and benefits
- Discuss and analyze forest management options to community, select preferred management alternative
- Develop, through discussion, appropriate bylaws to be observed by all stakeholders.
- Prepare a Community Forest Management Plan including use regulations and benefit sharing guidelines, and the VFC/CFA bylaws
- Report results to the Community, verification
- Submit the Community Forest Management Plan and VFC/CFA bylaws to relevant authorities

### Benefit Distribution

115. Regarding the distribution of benefits from concession forest areas, workshop participants agreed that local communities have the right to collect non-timber forest products from forest concession areas without prior agreement from the concessionaire. Participants also agreed that local communities have right to a portion of the benefits from concession forest areas, which should be allocated for sustainable livelihood activities and health. Participants did not reach an agreement on the appropriate portion or the mechanism for benefit distribution. As a result, participants recommended the establishment of a national-level committee to examine and offer recommendations regarding appropriate distribution mechanisms for direct and indirect benefits from concession forests. In particular, options for compensation (to communities and concessionaires) need to be addressed, and standards, criteria and yardsticks need to be established as a basis for determination and evaluation of community needs.

## **6.4 Community Forestry in Protected Areas**

### Overview

116. The RGC has stated its support for community participation in natural resource management and sustainable use of natural resources within specified zones of protected areas. The Ministry of Environment has affirmed that local communities are knowledgeable about resource management and the draft "Sub-decree on Management of Protected Areas" enables local communities to use natural resources within protected areas if this use does not negatively impact on the natural resource base of the protected area. The draft sub-decree also permits community development activities in the buffer zone of protected areas and states that the aim of establishing buffer zones is, in part, to provide for traditional subsistence natural resource-based needs of local communities. It is important, therefore, to involve local communities in defining the zones of each protected area, on the basis of traditional community usage not on the basis of criteria developed and imposed from outside the area.

117. According to the draft sub-decree on management of protected areas, activities such as harvesting, demarcation, building, tools, and use of equipment are permitted in the buffer zone, with the permission of the MoE. The steps detailed below provide a process by which the MoE can grant permission to local communities to engage in community forestry activities within the buffer zone of protected areas. Due to the unique environment of each protected area, however, certain activities should not be permitted, even in a buffer zone. These activities include the use of non-local species of plants or animals, poisons and insecticides.

118. Community forestry in protected areas may follow the steps outlined in the "Steps in local-level planning" section. Reference should be made to the rights and responsibilities of key stakeholders, given in Appendix 1.

119. Regarding the distribution of benefits from community forestry activities in protected areas, workshop participants recommended that this issue be addressed within individual community forestry agreements as opposed to establishing a standard mechanism or agreement within guidelines.

120. In relation to conflict resolution in protected areas, participants recommended establishment of

committees at the local, provincial and national levels as required to resolve a dispute. Participants agreed that these committees would facilitate resolution of conflicts between institutions and the communities and between communities, but not between institutions. Committee membership was detailed, but additional discussion is required to establish procedural mechanisms for arbitration, appeal, and additional details regarding the process for establishing and dismantling these committees.

## 7. CONFLICT RESOLUTION

121. Conflicts may arise in the planning and implementation of Community Forestry, in all contexts in which community forestry is envisaged. This section puts forward essential principles and mechanisms for consideration should difficult conflicts arise.

122. Conflicts may occur at different levels:

- within a village
- between villages
- between the community and authorities
- between authorities.

123. Conflicts may be long-standing, they may arise during planning, often as a result of difficulties in resolving overlapping claims, and they may also arise when the Community Forestry Agreement is being implemented. They differ from overlapping claims, in that agreements cannot initially be met, and a mechanism to facilitate reaching agreements, or otherwise resolve the conflicting situation, must be found.

124. Conflicts should be addressed first at the level where they occur. If resolution fails at that level, the conflict should be referred to a higher level, including the provincial Mixed Land Conflict Resolution Committee. Conflicts that cannot be resolved through consultation will be referred to a court of law.

**Table 7.1. Conflict Resolution**

Parties in conflict	1 <sup>st</sup> level	2 <sup>nd</sup> level	3 <sup>rd</sup> level	4 <sup>th</sup> level
within a village	Village Forest Committee	Commune and District authorities	responsible provincial authority	
between villages within a Community Forest Association	Community Forest Association	Commune and District authorities	responsible provincial authority	Provincial Rural Development Committee
between villages, both not within a Community Forest Association	Commune and District authorities	responsible provincial authority	Provincial Rural Development Committee	Provincial Governor
Between a village(s) and a concessionaire	Community Forest Consultation Committee	responsible provincial authority	Provincial Rural Development Committee	
Between a village(s) and the responsible provincial authority	Provincial Community Forestry Steering Committee	Provincial Rural Development Committee	Provincial Governor	
<i>Note: national authorities are involved through provincial authorities</i>				

125. Provincial authorities should liaise with and represent national authorities, as appropriate and required by law and RGC organization and procedures.

126. Conflicts regarding claims on a forest area should be decided based on the following priorities:

- Communities located closest to the forest area have priority
- Communities that have a longer history or greater reliance on the forest have priority
- Communities without alternative income generation opportunities have priority
- Community needs are a higher priority than commercial needs.

## REFERENCES

Christ, Herbert, "Steps in Community Forestry Development", unpublished working paper, 1999.

Department of Forestry and Wildlife, "Participatory Land Use Planning in Cambodia, Proceedings of the Introductory Workshop, 14-15 September 1999", Phnom Penh, September 1999.

Fortech, "Technical Paper No. 17, Guidelines for Forest Concession Management Planning System for the Royal Government of Cambodia", January 1999.

Ministry of Forestry, Vietnam, "Guidelines for Several Principles in Directing and Guiding Steps of Forest Land Allocation in the Commune"(unofficial translation), Hanoi, 1994.

Nepal-Australia Community Forestry Project, "Community Forestry for Rural Development in Nepal – A Manual for Training Field Workers, Part 4: Reference Material", Ed: William J. Jackson, Yam B. Malla, Andrew W. Ingles, Hukum B. Singh, Denise A. Bond, June 1996.

Nepal-German Churia Forest Development Project (ChFDP) Project Implementation Guidelines.

Republic of the Philippines Executive Order No. 263, "Adopting Community-Based Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for its Implementation", 19 July 1995.

Republic of the Philippines Administrative Order No. 96-29, "Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the Community-Based Forest Management Strategy (CBFMS)", 10 October 1996.

Republic of the Philippines, "Forest Land Use Planning Guidelines", published by the Community-Based Management Office, Department of Environment and Natural Resources, Manila.

Vietnam German-funded Afforestation Project, "Field Guide for Village Land Use Planning for Field Staff of the Afforestation Project in the Provinces of Ha Tinh, Quang Binh and Quang Tri", November 1997.

The World Bank, "Management Supplement for the Royal Government of Cambodia; Annex 4: Social Forestry Guidelines for Forest Concessions", December 1998.

## APPENDIX: RIGHTS AND RESPONSIBILITIES

### Introduction

1. In many situations in Cambodia, more than one group of people uses the same resource (forests, fisheries, agricultural land) at the same time. This is especially true of forests that are under concession, and forests in protected areas. Often, the different groups use the resource for different purposes and therefore, sharing the resource should be possible. But, if any resource is going to be shared, all groups of people involved need to recognize that the other group or groups have a legitimate right to use the same resource. Also, each group has the responsibility to respect these rights.

2. Community forestry in forests under concession or in protected areas begins therefore with agreements between the main stakeholders as to what the rights and responsibilities of each are. It is essential that all stakeholders are involved in defining these rights and responsibilities, so that there is agreement on them. At three workshops organized by CONCERN Worldwide and the Sustainable Forest Management Project in 1999, a first attempt was made to define these. This appendix presents the rights and responsibilities that were identified by representatives from the stakeholders in concession forests, and forests in protected areas.

3. The rights and responsibilities (and obligations) presented here should be considered as a "first attempt" addressing these important issues. However, at the workshops at which they were developed, only some representatives of some stakeholders were present. It is important that these evolve further, to make sure that

there is strong consensus on them.

## **Rights and Responsibilities of Stakeholders in Concession Forest Areas**

### ***Rights of Communities***

4. Communities living within or near concession forest areas have the following rights:

- To participate in studies relating to the establishment and allocation of concessions. This includes, but is not limited to, studies that define concession boundaries and studies that establish community utilization of natural resources within the concession area.
- To have community rights recognized in concession agreements and honored in the application of those agreements.
- To sufficient time for discussion among community members prior to making an agreement with a concessionaire or with the government.
- To full information, including but not limited to, information regarding the rights and obligations of communities, concessionaires, and the government; information regarding potential forest concessions; and information on concession contracts that have been signed, including technical aspects of those concessions, data on natural resources affected by the concession, and concession management plans.
- To receive training required for community members to understand and utilize the information provided above (e.g. training on map interpretation).
- To be involved in the development and implementation of forest management plans where those plans affect the communities directly or indirectly.
- To contact, discuss and negotiate with concessionaires.
- To develop forest management plans for community-based forest management on forest land within the concession as designated by agreement between local communities and the concessionaire.
- To protection from illegal encroachment on forest land within the forest concession that has been designated as community forest areas by agreement between local communities and the concessionaire.
- To clearly defined areas of forest uses and to negotiate for such areas.
- To seek economic returns from forest management on forest land within the concession designated as community forest areas by agreement between local communities and the concessionaire.
- To maintain their own culture and traditions.
- To monitor, evaluate and report on activities within the concession area (e.g. concession management, community issues or community forestry).
- To have a portion of benefits from the country's forest resources allocated to community development activities that benefit the majority of people in communities affected by forest concessions.
- To benefit from taxes paid by concessionaires to the government, a portion of which should be allocated for sustainable livelihood and health projects in local communities.
- To choose their own representative to negotiate on their behalf.
- To freedom from threats.
- To assist concessionaires to protect joint forest management areas from illegal activities.
- To appeal concession allocations and concession management that violate community rights or established agreements.

### ***Obligations of Communities***

5. Communities living within or near concession for areas have the following obligations:

- To participate and cooperate in the demarcation of boundaries to establish areas agreed upon between the communities and concessionaire as exclusive use areas for the development of community forestry and to establish community utilization of natural resources within these areas.
- To provide to the concessionaire or to the relevant government forestry office, upon request, data and information about forest use by local communities.
- To be helpful and facilitate implementation of the concession management plan.
- To develop and implement management plans for community-based forest management within areas of the concession agreed upon as exclusive use areas for the development of community forestry. This includes the obligation to forward management plans to relevant government authorities and to the concessionaire.
- Corresponding to the right to maintain the community culture and traditions, communities have an obligation to define the "culture" and "traditions" accurately and not to misrepresent customary forest usage in order to gain additional forest land from the concessionaire.
- To develop a process for monitoring, evaluation and reporting on activities within the concession area.
- To provide some inputs required for the development of community forestry, such as labor or material.

- To assist the government and concessionaire in preventing illegal activities in the concession forest area. To respect the concession contract that is agreed upon between the government and the concessionaire.

### ***Rights of Concessionaires***

6. Concessionaires operating in Cambodia have the following rights:

- To protection from illegal encroachment in the concession area from any party.
- To protect contractual rights and benefits under the investment contract, concession agreement and management plan.
- Priority rights to economic utilization of timber products with the concession.
- To seek economic returns from forest management.
- To clearly defined areas of forest uses and to negotiate for such areas.

### ***Obligations of Concessionaires***

7. Concessionaires operating in Cambodia have the following obligations:

- To pay relevant forestry taxes, a suitable portion of which should be allocated to community welfare.
- To follow environmental rules and regulations applicable to forest management in order to maintain ecological and environmental quality.
- To offer priority job opportunities and job training to members of local communities.
- To protect and rehabilitate the forest in which the concessionaire operates.
- To respect and honor community rights, traditions and beliefs.
- To honor the communities' exclusive use area that is demarcated by collective agreement between the concessionaire, the government and local communities.
- To support community welfare activities according to the merits of the activities and within the concessionaire's ability.
- To support sustainable forest management so that the physical and social environment can support the maintenance of a stable and fair society for the benefit of local communities.
- To provide free access and use of concession roads for legal purposes.
- To follow rules and regulations within the laws of Cambodia, the investment agreement, the concession agreement, management plans, and the collective agreement with local communities.
- To cooperate in studies and to recognize the findings and recommendations issuing from such studies.
- To support alternative livelihood programs for communities to encourage livelihood options that are not destructive to forest ecology.

### ***Rights of the Government***

8. The Royal Government of Cambodia has the following rights in relation to forest concessions:

- To allocate forest resources to concessionaires or forest land to local communities for the purposes of sustainable forest management.
- To confer to local communities rights to use, manage and benefit from community-based forest management.
- To penalize or punish concessionaires or local communities, in accordance with established laws and principles of justice, when agreements or management statutes have been violated.
- To withdraw forest concessions if the concessionaire violates the concession agreement or to withdraw forest land allocated to local communities if the agreed upon management statutes have been violated.

### ***Obligations of the Government***

9. The Royal Government of Cambodia has the following obligations in relation to forest concessions:

- To establish forest laws and policies, including a sub-decree on community forestry, a sub-decree on concession forest planning and management, guidelines for community forestry development and for forest concession management, and other relevant laws and policies that support sustainable forest management.
- To enforce agreements and statutes governing the activities of concessionaires and supporting community forestry.
- To protect the rights and benefits of concessionaires and of local communities.
- To educate and raise awareness regarding forest laws and policies, including the rights and obligations

of different parties.

- To seek good communication with both local communities and concessionaires.
- To facilitate cooperation and good relations between concessionaires and local communities.
- To create professional and effective mechanisms to investigate, monitor and evaluate the implementation of forest management strategies and to share the benefits of forest resources and to resolve conflicts related to forest resources.
- To collect appropriate taxes from concessionaires and to ensure that a suitable portion of this tax will be allocated to support community development activities in the vicinity of the concession area.
- To enforce all laws in the country.

### **Rights and Responsibilities of Stakeholders in Protected Areas**

10. The main stakeholders in protected forest areas that have been identified here are indigenous communities, both permanent and migrant, park staff (discussion focussed on rangers) and government, both national and provincial level. A distinction has been made between permanent and migrant communities because the permanent groups will live in the protected areas in the future and will therefore need to take care of them. Therefore, they are provided more rights to access and use the protected area and given greater responsibility for management than migrant/seasonal laborers. Seasonal communities have limited rights to access and use these natural resources and fewer management duties.

11. Rights and responsibilities listed below focus on the establishment of sustainable community development activities, including community forestry, in the community development zone only of protected areas.

#### ***Rights of Indigenous/Permanent Communities***

- To participate in planning, zoning, monitoring, reporting, protection and implementation of protected area management plans.
- To traditional use of resources, which includes the right to continue traditional forms of sustainable land use and traditional subsistence use.
- To receive information and education.
- To complain, to self-defense, and to speak openly and without fear.
- To receive direct and indirect benefits from the protected area, which includes the right to a livelihood.
- To preserve culture and traditions and to maintain spiritual beliefs.
- To participate in nature conservation defined by legal tools.
- To participate in protecting forest and other natural resources.
- To cooperate with NGOs, IOs and the government.
- To participate in land allocation and demarcation.

#### ***Rights of Seasonal/Migrant Communities***

- To monitor and report on activities within or that affect protected areas.
- To receive information and education.
- To participate in protecting forest and other natural resources.
- To cooperate with NGOs, IOs and relevant government authorities.

#### ***Obligations of all Communities (Indigenous/Permanent and Seasonal/Migrant)***

- To use natural resources in the protected area in a sustainable way.
- To contribute ideas and to assist in decision-making.
- To respect laws, rules and regulations.
- To use and manage resources sustainably and to preserve natural resources.
- To respect the rights of others.
- To not damage natural resources.
- To join in management activities.
- To participate in protecting forest and other natural resources.
- To protect and conserve endangered species.
- To recognize the needs of all interest groups.
- To participate actively in protected areas management.
- To ensure that the different needs of each community group are understood and considered.
- To cooperate with NGOs, IOs and the government
- To maintain good relations with the government.

#### ***Obligations of Seasonal/Migrant Communities***

- In addition to the obligations listed above, seasonal and migrant communities are obligated to adapt to the needs of indigenous/permanent communities because indigenous/permanent communities have a greater interest in sustainable management of natural resources required for maintenance of their livelihood.

### ***Rights of Protected Area Rangers***

- To monitor community use and management of natural resources within the protected area and in areas that affect the protected area.
- To stop all illegal activities that are contrary to protected areas regulations.
- To recommend that the national level government authority withdraw forest land from communities if community forestry agreement is not implemented properly.
- To take action in the court if a community or individual violates protected areas regulations.
- To assist local communities to take legal action if an individual violates the community forestry agreement
- To assist local communities to develop guidelines for the management of community use areas within the protected area, upon request by the community.
- To establish zones within the protected area with consultation and consideration of traditional community usage of the area.
- To make recommendations regarding proposed development projects, including the right to recommend rejection of a proposed development project that may negatively impact on the protected area's natural resources or on local communities.
- To develop and submit to government authorities proposals related to protected area management.
- To cooperate with relevant institutions and local authorities to preserve and manage natural resources within or impacting on the protected area.
- To actively participate in protected areas management.
- To guide, educate and raise people's awareness regarding laws, regulations, and guidelines relating to protected areas management.
- To establish activities to rehabilitate natural resources within the community and management areas.

### ***Obligations of Protected Area Rangers***

- To implement guidelines, rules, regulations, declarations, laws and other legal instruments developed by the Ministry of Environment and the RGC.
- To guide, promote, and facilitate local communities in the sustainable use and management of natural resources within the protected area.
- To develop management plans for the protected area.
- To protect natural resources within the protected area.
- To establish and maintain good communication and good relationships with local authorities and relevant institutions.
- To participate in research related to the protected area.
- To protect the rights of local communities.
- To facilitate communication between communities and national-level government.
- To provide extension services to local communities.

### ***Rights of Provincial-Level Government Staff Responsible for Protected Area Management***

- To coordinate protected areas park management with relevant institutions at the provincial level.
- To establish and participate in working groups for conflict resolution at the provincial level.
- To participate in provincial-level participatory land use planning to ensure that environmental considerations are addressed in land use planning.
- To facilitate establishment of protected area zoning.
- To inspect, monitor and evaluate community forestry activities and impacts on protected areas.

### ***Obligations of Provincial-Level Government Staff Responsible for Protected Areas Management***

- To implement national policies, laws and guidelines.
- To provide reports to the national and local level regarding the status of protected area(s) within the province, regarding management plans and regarding consideration of local communities in the development and implementation of the management plans.
- To provide technical training to provincial officials.
- To uphold the rights of communities within or near protected areas in the province.
- To develop and/or support plans and budgets for community forestry development in protected areas within the province, in consultation and coordination with local communities and local park rangers.

### ***Rights of National-Level Government Staff Responsible for Protected Areas Management***

- To coordinate protected areas park management with relevant institutions at the provincial, national and international levels.
- To encourage participation in sustainable use and management of natural resources within protected areas and in areas that impact on protected areas.
- To intervene in all proposals that impact on the protected area if there is evidence that these proposals may negatively impact on the communities or natural resources within the protected area.

### ***Obligations of National-Level Government Staff Responsible for Protected Areas Management***

- To prepare and develop necessary legal instruments for the involvement of communities in the sustainable management of protected areas.
- To research and collect information regarding the social aspects of protected area management.
- To develop guidelines for protected area management.
- To develop technical guidelines for the development of community forestry at the provincial level.
- To provide information regarding government policies, management of protected areas, and other information that is relevant to local communities within or near protected areas.
- To educate provincial and local level staff regarding community forestry development process and procedures.
- To identify procedures for zoning to ensure the sustainable use and management of natural resources within protected areas and to ensure that communities livelihood needs are addressed.
- To establish and implement processes and procedures to demarcate protected areas' boundaries.
- To develop work plans and allocate financial resources for community forestry development in relation to protected area management.
- To provide technical assistance for community forestry development in protected areas, including monitoring and evaluation, facilitating conflict resolution, and assisting in controlling illegal activities that negatively affect the protected area or local communities.

### **Notes**

<sup>1</sup>CONCERN Worldwide is an international NGO that is active in supporting rural development in Cambodia, including institutional and field-level support for community forestry development.

<sup>2</sup>Fraser Thomas *et al.*/ADB, Cambodian Forest Concession Review Report. Phnom Penh, April 2000

<sup>3</sup>The RGC is introducing an integrated development framework in provinces, based on the SEILA Programmed promoted and supported by CAREERE.

<sup>4</sup>This inter-village Community Forest Association is the same type of organization that has been established in the MCC-supported community forestry project in Takeo, the CONCERN-supported community forestry projects in Kampong Chhnang and Pursat, the FAO-supported community forestry project in Siem Reap, and the NTFP project in Ratanakiri.

<sup>5</sup>The community may be within a single commune or district but sometimes will involve more than one commune or district.

<sup>6</sup>The draft Sub decree on Forest Concession Management stipulates the establishment of "permanent Community Consultation Committees (CCCs) as a focal point for discussing and resolving issues of joint concern between the concessionaire and communities inside and in the vicinity of the concession." The Guidelines incorporate this provision, with a modification to distinguish between non-permanent planning committees (Community Forest Consultation Committees) and, if later determined to be needed, permanent forest management committees (Joint Forest Management Committees).

<sup>7</sup>Under the jurisdiction of the Ministry of Environment

<sup>8</sup>The provincial authority that received the application