

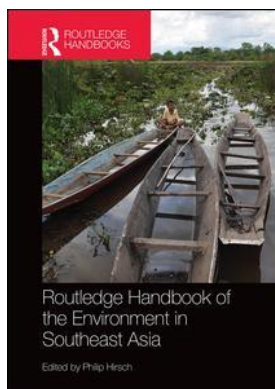
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Philip Hirsch

### **Environmental governance and decentralization**

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# 9

## ENVIRONMENTAL GOVERNANCE AND DECENTRALIZATION

*Robert Fisher*

### **Introduction**

A major policy trend in environmental management in Southeast Asia has been a shift from centralized management of environment and natural resources towards more decentralized forms of governance. This trend has often taken the form of community-based natural resource management (CBNRM), but has also included devolved responsibility and sometimes devolved decision-making power to lower levels of government and administration such as districts and provinces. There is a great deal of evidence that such decentralized approaches can have benefits for conservation, and somewhat less evidence of real contributions to improved livelihoods and poverty reduction. However, despite formal policy changes, much of the shift has existed as little more than rhetoric and genuine decentralization and devolution have rarely occurred. This chapter presents an overview of the decentralization movement in the region, exploring the dynamics of change and persistence.

The chapter deals with decentralized governance of both environment and natural resources. To a considerable extent, these terms can be thought of as coterminous, because decisions about environment and decisions about natural resources almost always impact on each other. Nevertheless, the agencies responsible for environment and the agencies responsible for natural resources are often different. This sometimes leads to a 'silo effect', which complicates policy-making and implementation. In this chapter, 'natural resource management' and 'environmental management' will be used more or less interchangeably, except where the context requires one or the other term to be used.

Decentralized environment and natural resource governance is evident in a variety of different contexts in Southeast Asia. The most prominent contexts are forest, fisheries and protected area governance. This chapter will consider experiences of these three fields in various countries in the region. The coverage is not intended to be comprehensive, in terms of either the countries or the resource types discussed. The purpose is rather to present a broad overview of natural resource governance in the region, combined with a discussion of issues and trends. For reasons of space, I will focus more on forestry than on other resource areas.

The terminology associated with devolution and decentralization can be confusing, as the distinctions between the two terms are often inconsistent and they are sometimes used interchangeably. For the purposes of this chapter, the terms are defined as follows:

Decentralization can be defined as the relocation of administrative functions away from a central location, and devolution as the relocation of power away from a central location. In this sense, power can be equated with the capacity or authority to contribute to decision-making. While decentralization and devolution may occur at the same time, it is quite possible to decentralize administrative functions without devolving the power to make meaningful decisions.

*(Fisher, 1999, p. 3)*

The advantage of this use of terminology is that it allows for a clear distinction of the extent to which power and responsibility are transferred from central authorities to local institutions (community or local government). The distinction is fundamental to this chapter, as one of my essential arguments is that responsibility and functions have generally been transferred without transfer of real decision-making power.

Various definitions of governance exist. One commonly quoted definition is that of the World Bank (1992): ‘Governance is the manner in which power is exercised in the management of a country’s economic and social resources for development.’ A limitation of this type of definition is that it is very focused on the national level and tends to lead to an emphasis on the processes of formal government. It is also worth noting that discussion of governance in World Bank documents tends to emphasize that institution’s notion of ‘good governance’, often blurring the concept of governance as a broad process or analytic category and an ideal of good governance. This tends to ignore the real possibility of ‘bad governance’.

For the purposes of discussion in this chapter, a broader definition is used:

Governance can be defined as the process and arrangements by which decisions are made and implemented . . . Governance refers not to formal arrangements about how decisions are supposed to be made, but to what really happens. Power fits in here, because power can be thought of as the ability to make (or influence) decision-making and the implementation or enforcement of decisions.

*(Fisher, 2003)*

This notion of governance places emphasis on how decisions are made and implemented in practice. It also considers the impact of a range of actors on decision-making and on the implementation of decisions.

### **The move towards decentralized governance**

The shift towards decentralization is a pervasive theme in environmental and natural resource governance. It has been partly driven by factors specific to these fields, but has also been partly driven by the global shift to a neoliberal ideology concerned with rolling back the role of the state (see chapter 7 in this volume). The specific arguments and rationales for the shift to decentralized natural resource management include the presumed (and often demonstrated) greater effectiveness of localized management, the recognition that government staff are often unable to manage vast areas effectively and the transfer of some of the costs of management from central government budgets to non-government sources. There has also been an argument

from a human rights perspective that local communities – which depend on natural resources for livelihoods – should have the right to use and manage these resources. This relates to the discourse on natural resource tenure and tenure reform.

The neoliberal turn in economics and governance has been an important factor. This has worked itself out in often complex ways. The broader pressure on developing country governments to implement neoliberal policies has come from international agencies and donors, such as the World Bank, the Asian Development Bank and bilateral donors. In the environment and natural resource management fields, these agencies have supported programmes and policies that involve decentralized resource management, often focused on community-based or co-management approaches. Some governments in Southeast Asia have adopted such programmes quite willingly, at least in principle. Others have been reluctant.

This is not to say that the movement towards decentralized approaches always came initially from the international agencies. As will be shown below, advocacy of community-based approaches often came initially in the form of social movements, supported by NGOs and others. Support for decentralized and community-centred approaches by social activists and various community organizations and NGOs often continues in opposition to the reluctance of state agencies or some actors within state agencies to devolve control.

### **Decentralization in forest management**

In Southeast Asia, the movement towards decentralized forest management has generally taken the form of decentralization to the community level, with programmes and movements using a variety of names such as community forestry and community-based forest management.<sup>1</sup> The shift towards community approaches in Southeast Asia followed early experiments in South Asia, with community forestry in Nepal (from the 1970s) and joint forest management in India (from the early 1980s). In Southeast Asia, the first notable example was in the Philippines, where an Integrated Social Forestry Program was initiated in 1982. Early publications by the Food and Agriculture Organization of the United Nations (FAO, 1978; 1983) helped put forestry for people on the international agenda and were influential in Southeast Asia. The 1987 establishment of the Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC), located in Bangkok, demonstrated the increasing level of interest in community approaches in the region, as did a collection of papers by Poffenberger (1990).<sup>2</sup>

#### ***The Philippines***

Probably the earliest efforts at decentralized forest management in Southeast Asia were initiated in the Philippines. Several programmes were implemented at various stages, sometimes operating in parallel. The first of these was the Integrated Social Forestry Program (ISFP), which commenced in 1982. The ISFP was concerned with farming in upland areas and was largely focused on lowland migrants moving to the uplands. Under the ISFP, individuals were permitted to farm in upland areas. In return, they were expected to carry out reforestation activities and forest protection. The use rights were allocated on an individual basis. The second programme was community-based forest management (CBFM), which commenced in 1996. It involved a focus on community tenure and is really the signature programme. Under CBFM, local organizations (People's Organizations) were issued with community-based forest management agreements (CBFMAs). The target groups were both settler families and, following the Indigenous Peoples Rights Act (1997), indigenous groups that held Certificates of Ancestral Domain.

Unlike in many other countries in Southeast Asia, the rights of indigenous people are given legal recognition in the Philippines under the Indigenous Peoples Rights Act (1998). However, the implementation of the Act has been resisted by commercial and other interests and the Act itself has been challenged, unsuccessfully, in the Supreme Court.

The development of community approaches to forest management in the Philippines has been heavily supported by a series of USAID projects beginning in 1982 (Clausen *et al.*, undated). In terms of the number of certificates issued and the areas of forest covered, the programme has become quite large. Braganza and Erdmann (2012) stated that there were 1,815 CBFAs in the Philippines, with 1.3 million beneficiaries. The CBFAs covered more than 1.6 million hectares of forest.

While the numbers cited above for the extent of coverage under CBFM seem impressive, they need perhaps to be compared to the total area of upland forest that is potentially available for CBFM. CBFM and associated policies seem to represent a strong shift towards decentralized forest management but, in practice, the extent of effective community power over forests is limited and the exercise of rights is heavily constrained.

The issue of CBFMA is based on administrative discretion, not on recognition of existing rights. The Department of Environment and Natural Resources (DENR) approves agreements. These operate for 25 years and can be extended at DENR discretion. They can also be cancelled. In fact, the Secretary of DENR cancelled all existing CBFMAs in 2006, on the basis of alleged misuse. (The order was subsequently rescinded.) There is, thus, a level of arbitrariness about the implementation of the policy.

Another factor that severely impacts on the implementation of the policy is the existence of a wide range of regulations that effectively undercut the supposed intent of the legislation and policy. The regulations may exist within the forestry sector or, as an example of the silo effect, within other sectors. Under CBFMAs, groups may be allowed to harvest and sell timber. However, as Suzuki *et al.* (2008) point out, they require licences to harvest timber and licences to transport timber. Suzuki *et al.* also point out that getting these licences is not always straightforward, as the DENR offices are often beyond convenient access. According to Clausen *et al.* (undated), the rules, taxes and so on make 'it virtually impossible for fledgling communities to establish sound management practices of their own' (p. 70). Isorena (2008) argues that inconsistent policy regarding harvesting rights ('now you can, now you can't') makes operations by CBFM groups difficult. All of this regulatory complexity limits the capacity to implement group decisions, and the lack of effective decision-making power is a major barrier to effective decentralization (see also Cronkleton *et al.*, 2008 and Pulhin *et al.*, 2010).

The role of an international donor (USAID) as a major advocate of decentralized forest management in the Philippines has been mentioned. It is important to note that a civil society movement consisting of NGOs and academics has also been a major player in forest policy in the Philippines. These actors have contributed significantly to implementation in practice and have also been active critics of the slow and often flawed implementation of policy.

### **Thailand**

Issues related to forest governance have a long history of contestation in Thailand (Usher, 2009). To a large extent, this revolves around the question of whether people should be allowed to live in various types of protected areas and protected forests. Significant numbers of people – often members of minority ethnic groups (the so-called 'hill tribes') – have lived, and continue to live, in protected forests, including national parks. In many cases, these people, or their ancestors, lived in the areas before they were declared protected. Estimates of the exact numbers

of people resident in protected forests vary widely. Fisher (2011, p. 73) cites some of the varying figures and concludes that the 'numbers of people living in and around forests in Thailand' are certainly in the millions. The question about people living in forests has been focused by the history of the debate about a Community Forestry Bill which dominated forest policy in Thailand from 1997, when the first version of the Bill was proposed, until 2007, when a Bill was passed by the parliament and subsequently lapsed due to a challenge on constitutional grounds. Between these dates, different versions of the Bill were drafted and debated (Fisher, 2011). The versions varied between 'people-friendly versions' that were moderately liberal in the degree of forest access and use they allowed, and versions that were quite restrictive. The version that was passed and subsequently aborted in 2007 was very restrictive in terms of the rights it allowed (Fisher, 2011). For example, in the case of community forests inside protected areas, no logging would have been allowed, even for domestic use. Agriculture, despite being widely practised in protected areas, was also strictly forbidden. The granting of community forest status was not based on a recognition of natural or pre-existing rights, but the Bill would have allowed approval of community forests essentially based on administrative discretion and subject to fairly stringent conditions. Under the provisions of the Bill, even if these stringent conditions were met, approval remained discretionary.

Following the abandonment of the aborted Bill, the official legal situation is that people living within national forests continue to have no tenure rights, although there are numerous examples of forests declared to be community forests by residents without legal recognition as such. There is some limited room for experiment (Fisher, 2011). Under the National Reserved Forest Act (1964), the Director-General of the Royal Forest Department (RFD) can authorize 'any activity' within a forest. This presents opportunities for community forestry experiments of various types, based on administrative discretion. There is also a Joint Management of Protected Areas Project (JOMPA), which allows for some discretionary activities. In practice, many forest officials work closely with communities. The viewpoints on community forestry within the RFD are quite heterogeneous.

The notion of forest governance as a contest, rather than the implementation of a nationally determined policy, is clearly supported by the history of decentralized forest management in Thailand. The contest is often presented as one between the RFD and (frequently urban-based) conservationists, sometimes referred to as 'dark green' NGOs, and more development- and human rights-based ('light green') NGOs and activist academics (Fisher, 2011; Onprom, 2012). Onprom (2012) has described the contest between the different discourses that various parties have used to characterize the issue, particularly in terms of forest-dwelling people as positive and negative forces in forest conservation. One of these discourses presented forests as a 'supermarket for the poor'. Forsyth and Walker (2008) discussed the discourses in terms of a dichotomy between 'forest guardians' and 'forest destroyers'.

The absence of official decentralized forest governance in Thailand stands in sharp contrast to provisions in the 1997 Constitution that emphasize local communities' rights to forest resources and reforms, proceeding from the Constitution, that shift rights and responsibilities for planning to local government (Kaewmahanin and Fisher, 2007). These reforms have not carried over to forestry.

An account of forest governance in Thailand cannot be reduced simply to a debate between two political positions over contested resources. The fact is that, at the local level, accommodations and compromises are generally evident. People do not have rights to carry out farming in forests but, in practice, millions of people do live and farm in forests. Forced relocation on a large scale is no longer a political possibility and the reality is tolerated. However, the absence of individual or community tenure within forests presents severe limits to improved livelihoods and poverty reduction. Interestingly, as Walker (2004) points out, the advocates of community

forestry never argued for rights to practise agriculture within the debate, although agriculture was and is an essential part of community forest use.

Governance of Thai forests remains hotly contested. It appears that there is something of a stalemate, with attempts at comprehensive reform having largely been abandoned for the time being, in the context of a slow-running and ongoing political crisis. Since the 2014 coup, debate has been largely silenced. Forest policy allows for no clear rights for people as regards forests but, at the same time, much of what takes place is the result of negotiated accommodation or laissez-faire implementation of policy.

### ***Indonesia***

In Indonesia, forest governance has traditionally been highly centralized and forests were under the control of government agencies until the end of the Suharto regime in 1998. The situation changed radically with the period of *reformasi* that followed. This involved devolution of forest management authority to lower levels of government, although considerable confusion followed. One of the reforms was a revision to the Basic Forest Law, which granted ‘forest villages equal access to use and manage state-owned forests’ (RECOFTC, 2012). This allowed for the development of several types of community and village forests.

### ***Lao PDR***

Forests in Lao PDR remain clearly under government ‘ownership’. However, under the Land and Forest Allocation (LFA) process, areas around villages are demarcated and allocated to villages for their use. The forests are zoned for agricultural and conservation use. It seems that the process was as much or more about regulation than about recognizing rights. One of the main aims of the programme was to restrict shifting cultivation and a major impact has been to restrict forest use.

In a study of the impacts of LFA in terms of decentralized forest resource governance, Fujita (2010) found that the effects were mixed. Village rights to plan resource use were recognized, but decision-making was ‘only partly decentralized, as local power structures remained centralized under the provincial governor and district chief’ (p. 113). Village organizations remained ‘upwardly accountable for the implementation of their resource management plans . . . [but] generally received little support from provincial and district governments’ (p. 113).

### ***Cambodia***

The decentralization of natural resource management has been an important theme in Cambodia for around two decades, if not longer. It has been a concern in forestry, fisheries and irrigation management. Overviews of decentralization as a form of governance include work by Van Acker (2010) and Blomley *et al.* (2010) in reference to community fisheries and community forests. In each of the areas in which decentralized resource governance has been applied, there are significant questions about the extent of devolution of control and authority.

There are currently two types of community forestry in Cambodia. The first type is actually referred to as ‘community forestry’ and exists under the Forestry Law (2002) and Community Forestry Guidelines issued by the Ministry of Agriculture, Forestry and Fisheries in 2006 (Blomley *et al.*, 2010). The second type includes Community Protected Areas (CPAs) approved by the Ministry of Environment. Unless otherwise specified, the discussion here focuses on the first and more common type.

The degree of decision-making power devolved in community forestry is very limited. Approval of a community forest follows a very lengthy and expensive process and official decision-making is discretionary and often arbitrary. According to Blomley *et al.*, the costs involved in the various steps of registration may be as high as US\$55,000. If this is correct, or anywhere near correct, then the cost is prohibitive unless there is project or donor support. Registration is valid for only 15 years. At the end of this period, the land can be reallocated, meaning that the community that has invested in it does not benefit. One senior government official has pointed out that areas allocated are sometimes so degraded that 15 years is inadequate for any benefits to accrue (anon, pers. comm.).

Given such limited benefits, it is surprising that people invest energy and resources in seeking community forestry registration. Probable explanations are intangible benefits, such as a sense of pride and building social capital with officials (anon, pers. comm.), together with project benefits that may accrue from aid-supported community forestry.

The degree of discretionary administrative control, the lack of tangible benefits and the existence in the context of a strong system of patron–client relationships suggest that devolution of power is not part of community forestry in Cambodia.

### ***REDD+ and forest governance***

No discussion of forest governance in Southeast Asia would be complete without some mention of the emergence of REDD+ as a theme in forest programmes. REDD (Reduced Emissions from Deforestation and Degradation) has become a major focus for many donors. So far in Southeast Asia, much of the focus has been on REDD+ ‘readiness’, which involves establishing policies and procedures in various involved countries. Given the recognition of the potential risks to communities from implementation of REDD+, there has also been a concern with developing protocols for Free Prior and Informed Consent (FPIC) and environmental and social safeguards and guidelines for REDD+ implementation (for example, Sikor and Tan, undated) and benefit sharing (for example, UN-REDD Vietnam Programme, 2010).

In Indonesia, major efforts have been attempted in terms of REDD readiness. There have been various international programmes supporting this, including the UN-REDD National Program and projects funded by AusAID, USAID, the World Bank and the government of Norway.

In Cambodia, the Oddar Meanchey project (Sepahri, 2011; Pact, undated) has been a prominent pilot project, covering 13 community forests and 67,783 hectares. The aim has been to obtain funding from the voluntary carbon market and the project has a large number of implementing partners. There have been criticisms that expectations have been raised and none of the promised benefits have been forthcoming (anon. senior Cambodian government official, pers. comm.). Other projects have been proposed but have made little progress beyond planning.

Although REDD+ is widely discussed and promoted as an emerging model, there is little evidence of activity moving beyond preparatory projects, and meaningful programmes involving the transfer of money in exchange for reduced emissions are not yet evident.

### **Decentralization in fisheries and water management**

Fisheries and water management represent related fields where decentralized governance is an important issue. In several Southeast Asian countries, locally managed irrigation systems pre-existed attempts by states to control irrigation and other water systems – although a simple



dichotomy between local and state governance is not always clear. For a discussion of these issues, see Cohen and Pearson (1998), who explore the history of traditional irrigation systems in northern Thailand, focusing on ways in which these systems were transformed in the twentieth century. For the purposes of this chapter, discussion will focus on Cambodia.

### **Cambodia**

Degen and Thouk (2000) provide an overview of the management of inland fisheries in Cambodia from pre-colonial times until the late twentieth century, arguing that the management system at the time of writing was highly developed. It covered licensed fishing lots, large-scale fishing operations and family fisheries. The fishing lot system dated back to pre-colonial times, but had been modified by the colonial government. As a result of increased population pressure in recent times, there was increasing conflict.

Fishing lots were allocated through auctions held every two years. Fishing rights were allocated by lot-holders (individuals or groups of shareholders). People living within a fishing lot did not necessarily have fishing rights. Degen and Thouk (2000, p. 57) point out that ‘participation of villages in the fishing lots is not based on an organized structure. It is an individual enterprise based on the system of patronage’.

Referring to Ebihara’s PhD research (1968), Degen and Thouk also point out that Khmer rural communities lack ‘indigenous, traditional, organized associations, clubs, factions, or other groups that are formed on . . . non-kin principles’ (2000, p. 50). The traditional social structure is hierarchical, based on patron–client arrangements rather than indigenous local organization. Organizational capacity at the village level is weak. The fishing lot system reflected this, allowing for abuses of the patron–client relations.

The growing conflicts over access to fisheries led to a major policy change in 2001 (Blomley *et al.*, 2010). The policy released ‘538,522 hectares of lake and river area from commercial fishing lots to community management, representing 56.5% of the inland fishery concession area’ (p. 8). The new policy was informed by a number of project-level experiments with fisheries co-management. The policy suffered from a lack of legal guidelines and necessary capacity-building and institutional support. Subsequent guidelines attempted to address some of the issues.

Under the law of 2006, Cambodian citizens are allowed to form a Community Fishery (CFi). State agencies have the responsibility to define the area. The local Commune Council has a supporting role, including ‘collaborating on law enforcement’ (Blomley *et al.*, 2010, p. 9) and conflict resolution. In their review of community forestry and community fisheries in Cambodia, Blomley *et al.* (2010) concluded that community fisheries appeared to have some positive impacts in terms of ‘reducing destructive fishing methods’ and introducing some sustainable management practices. However, ‘[d]ue to the significant impact of external factors on fish populations . . . it is not always possible to establish a clear link between localized protection measures and improvements or stabilisation of fish catches’ (p. v). The benefits to people seemed to be mainly ‘at household or individual level through improvements or stabilisation of fish catches’. The distribution of benefits was reported to be ‘uneven’, and wealth and power enabled some members, especially executive committee members, to gain more benefits.

The governance arrangements for community fisheries suffer from a number of factors, including the fact that the executive committees are apparently more upwardly accountable (to government agencies) than downwardly accountable to the CFi members. Other governance issues seem to be ‘[o]verlapping mandates and conflicting jurisdictions of government institutions’ (Blomley *et al.*, 2010, p. 18), limited powers of CFi groups to control access to the fisheries and the slow registration process.<sup>3</sup>

The picture of ‘decentralized’ fisheries governance in Cambodia is consistent with the findings of Khiev’s (2010) study of participatory irrigation. She identifies the silo effect that affects cooperation between the various departments in their support of local institutions as a challenge. She also argues that there is little devolution of decision-making power to the local institutions and highlights the impact of upward accountability. In a separate study dealing with issues of boundary demarcation in Tonle Sap, Somatra (2013) argues that, while the Cambodian government presents its environmental and resource management policies in terms of environmental protection and rational governance, the implementation of the policies on the ground continues to operate under old systems of patronage.

### **Co-management of protected areas**

Co-management of protected areas has been widely promoted, especially by international organizations such as the International Union for Conservation of Nature (IUCN) (see, for example, Borrini-Feyerabend, 1997), and many sets of guidelines and supporting policy documents have been promulgated and circulated. However, implementation has often lagged behind. Part of the reason for this is that protected area authorities tend to see any level of human use as disrupting ecosystems and biodiversity beyond acceptable levels. Despite authorities’ reluctance to really address human needs in protected areas, the reality in Asia is that many, if not most, protected areas have human populations either living within them or living around them. Politically, forced removal from protected areas is increasingly unacceptable, so governance usually involves placing heavy restrictions on livelihood and economic activities inside protected areas. One of the most significant impacts is that resident people tend to have few opportunities for development beyond more or less subsistence activities.

One common approach to addressing the economic and livelihood needs of protected area residents is the implementation of integrated conservation and development projects (ICDPs). This approach has been common internationally for many years, despite considerable criticism. For a review of some of the critiques of ICDPs, see Fisher *et al.* (2008).

One way in which protected area managers have attempted to reduce pressure on ecosystems and biodiversity is through ‘alternative income generation’. This remains a common approach, although it is often flawed in practice, either because the alternative incomes are inadequate or because it is possible for people to continue with traditional income-earning activities as well as the new ones, in which case they do not take pressure off resources to be conserved.

For the most part, protected area management in Southeast Asia has followed a fairly conventional approach to conservation by limiting human activities within protected areas as much as possible. Where more participatory ‘co-management’ approaches have been tried, they have generally allowed little devolution of decision-making authority.

### ***Thailand***

In the case of Thailand, the discussion of forest governance largely covers issues related to protected area governance, as most forests in Thailand are protected forests, a form of protected area. There have been some experiments, such as the Joint Management of Protected Areas (JOMPA) project, but these generally involve limited effective devolution to communities.

At least one pilot activity seems to have involved greater devolution. This is the case of Doi Mae Salong in northern Thailand (Rattanasorn *et al.*, 2012). Doi Mae Salong is located near the Myanmar border. For security reasons it was, until recently, under the control of the Royal Thai Armed Forces (RTAF) and was managed as a Military Reserved Area. Doi Mae Salong is

heavily populated and the landscape is badly degraded as a result of human activity. Early attempts by the RTAF to reforest part of the landscape (as a gift for the King's 80th birthday celebrations) led to protests when it attempted to reforest agricultural land. Subsequently, the RTAF invited various partners – including the IUCN, NGOs and various government departments – to form a multi-stakeholder programme to explore and implement development and conservation options, including improved agriculture and agro-forestry. The decision-making process included community leaders and representatives, and land-use decisions were negotiated rather than imposed. There have been significant positive conservation and livelihood outcomes.

The status of the RTAF allowed it to bypass the usual protected area governance processes practised by line authorities and also gave it substantial convening power. Of course, the involvement of a security agency in governance of rural populations does raise questions and the circumstances are not easily replicable, but the attempt to govern the area as a human landscape was highly innovative.

### **Vietnam**

While Vietnam has fairly extensive terrestrial protected areas, co-management is in the early stages of development. There have also been experiments in the co-management of marine protected areas (MPAs) and these experiences are instructive.

Brown's (2013) study of MPAs in Vietnam explored the way the models for MPA management advocated by international agencies and experts were implemented in practice. She found that attempts to implement co-management tended to be top-down: 'Regional MPA staff had the least choice about how project activities were implemented, as they took their orders from within authoritarian local government management hierarchies that allowed little opportunity for debate of project approaches' (Brown, 2013, p. 233). The result was that local realities did not get fed back into the decision-making process.

The alternative livelihood activities were poorly targeted. They did not target the people who actually went fishing and they ignored the reality that people sought multiple livelihoods. Tourism was advocated as an alternative income source, but the resources available at the community level did not fit with middle-class tourists' preference for seafood consumption rather than ecotourism.

An issue that arises from consideration of Brown's work is that there is a basic tension involved in expecting a deeply hierarchical bureaucracy to implement a participatory programme.

### **Discussion**

A collection of papers edited by Wittayapak and Vandergeest (2010) provides empirical studies of a range of cases of decentralization in Asia, including Southeast Asia. Overall, the papers demonstrate clearly the intrinsically political nature of the processes of decentralization and devolution. Of course, if the processes are about decentralizing or devolving power downwards, then it may seem redundant to observe that they are political processes. The point is that, in practice, devolution and decentralization are often more about increasing or maintaining power over resources than they are about transferring power.

The cases in this chapter generally support the view that many examples of decentralized/devolved governance of environment and natural resources involved relatively little, if any, devolution of decision-making power. In terms of the distinction framed at the beginning of the chapter, they involve decentralization of function and responsibility without devolution of power.

Ribot (2002), in an essential discussion of the field, discusses what he calls ‘democratic decentralization’, which roughly corresponds to the term ‘devolution’ as used in this chapter. He argues that the key requirement for democratic decentralization is downward accountability of community representatives (to their constituents), rather than upwards (towards higher authorities). It is clear that upward accountability applies in many of the cases discussed in this chapter, especially in the case of community-based fisheries in Cambodia and marine protected areas in Vietnam.

There are various ways in which the idea of democratic decentralization or devolution can be undermined in practice. Among these is the tendency of official devolution and decentralization programmes to rely on bureaucratic discretion rather than devolved authorities as rights. This is quite evident in the case of CBFM in the Philippines and discretionary rights to experiment in the case of Thailand. It is also evident in the high level of bureaucratic discretion in the aborted Thai Community Forestry Bill.

Onerous requirements for registration (including sometimes very significant costs) and detailed and onerous regulations limiting the scope of decision-making are common. A related barrier to meaningful devolved decision-making power involves the silo effect, by which multiple state authorities control different aspects of local resource use. Barriers such as this could be addressed with better policy design and coordination. They are essentially technical barriers.

Many of the programmes discussed in this chapter were promoted by international agencies and many of the activities were essentially pilot activities carried out through donor-funded projects. There is not always the political or bureaucratic commitment to turn these activities into a large programme and, in any case, the funding is not available to upscale from pilot projects to national programmes.

However, the dominant factor really comes down to an entrenched reluctance of authorities to give up power over resources through implementing devolution and decentralization policies. A variety of factors can be identified as contributing to this reluctance. One reason is a lack of confidence on the part of professionally trained government officials in the capacities and knowledge of local people. Another is that control over resources provides career benefits, and often financial benefits, legal or otherwise.

Bureaucracies are, almost by definition, hierarchical in nature. In the cases of many South-east Asian nations, they function within overall hierarchical social structures. Hierarchical structures may be, as Brown suggests in the case of MPAs in Vietnam, completely inconsistent with participatory practice. The Pakistani anthropologist Anis Dani (pers. comm.) once formulated a relevant social theorem, with words to the following effect: the relationships between an agency and its clients will tend to replicate the pattern of relationships within the agency. In such cases, bureaucratic responsibility for implementing democratic decentralization presents challenges.

Nonetheless, while tendencies towards hierarchy and bureaucratic self-interest are important factors, it is also important to avoid an overgeneralized and over-structuralist view of bureaucracies involved in implementing decentralized governance. The agencies are not homogeneous. Officials within them have different motivations and attitudes towards community participation, often implementing policies and regulations with degrees of flexibility.

## **Conclusion**

Despite the high level of policy commitment to, and donor investment in, various types of decentralized governance of environment and natural resources in Southeast Asia, the level of

meaningful devolution of decision-making power has been very limited. Nevertheless, there are elements of promise in the involvement of civil society supporting devolved governance, especially in the Philippines and Thailand.

It is doubtful that the movement towards democratic decentralization in environmental and natural resource governance can be achieved in the absence of greater democracy at national levels, with the transparency and accountability that this ideally involves.

### Notes

- 1 These programmes and movements relate to activities initiated by governments, NGOs and aid projects. Locally managed community forestry sometimes pre-existed these.
- 2 For a recent overview of community forestry programmes and issues in Asia, see Fisher, 2014. Papers in Enters *et al.*, 2000 discuss processes of decentralized forest management in several countries in the region.
- 3 See also Marschke's (2012) study of decentralized natural resource governance in Cambodia, which focuses on coastal fisheries.

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