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the case of Cambodia

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Published in:
Development Briefs. Policy

Publication date:
2011

Document version
Early version, also known as pre-print

Citation for published version (APA):
Nathan, I., Boon, T. E., & Helles, F. (2011). The dilemma of decentralized forest governance in a weak state: the case of Cambodia. *Development Briefs. Policy*, (14).

Download date: 13. Nov. 2026

FOREST & LANDSCAPE

DEVELOPMENT
BRIEFS
POLICY
NO. 14 • DECEMBER 2011

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Introduction

This policy brief argues that introducing democratic decentralization of forest governance in weak states entails a dilemma. The dilemma is that the governance conditions associated with weak states constitute both an argument for and an obstacle to locally-driven forest governance. This is exemplified by the case of decentralized forest governance in Cambodia.

Democratic decentralization in theory

Decentralized natural resource management has been high on the international development agenda since the passing of the RIO Declaration, Agenda 21, and the Millennium Goal Declaration. These declarations call for increased involvement of local people in natural resource management as an end in and of itself, but also as a means for reaching the combined objective of poverty reduction and sustainable natural resource management.

Decentralization is believed to further these objectives by vesting decision-making authority

Policy Conclusions

In weak states, democratic decentralization in natural resource management must, as a minimum, come together with:

- Substantial incentives and discretionary power to the local communities and their institutions
- A strategy for how state agencies can be brought to support and protect the local institutions, and thereby enabling them to exercise discretionary powers
- Means to counterbalance top-down relationships between national and local institutions such as linking local institutions to NGOs with good track records, or supporting them to form regional and national level interest organisations

over natural resources with the people who bear the direct costs of their decline and degradation, and through invoking feelings of ownership and responsibility toward natural resources by providing people with incentives in the form of substantial tenure rights. Finally, it is believed that local people will be in a better position to manage natural resources equitably and efficiently as they, due to their physical presence, have better information about the resources and local needs.

Proponents of democratic decentralization (devolution) maintain that if decentralization is to result in efficient and equitable management of natural resources, then significant domains of power must be entrusted to downward accountable local institutions. The expected benefits derive from the democratic processes that encourage representative and accountable local authorities to serve the needs of their constituents. This is contrary to de-concentration, which implies a transfer of power to central governments' local antennas. Some scholars recommend that the local institutions in natural resource management become as independent of the state as possible. To them, the expected benefits derive from linking rights and responsibilities.

Other scholars question these assumptions, and point to the potential risks, e.g., that local communities are ridden with conflicting interests and prone to capture by local elites; that even perfectly representative downward accountable local authorities may ignore minority interests; and that, when profitable, collective decision makers are likely to exploit natural resources rather than conserve them, especially if they do not bear the indirect costs or costs that accrue later. The proponents maintain that these risks arise mainly because democratic decentralization in reality rarely meets the theoretical prescriptions. This also makes it difficult to test the theory in practice, including in Cambodia.

Democratic decentralization in the Cambodian forest sector

Cambodia's forest area constitutes approximately 60% of the total land area or 10 million ha (official numbers), but is diminishing and degrading at a high rate. This development imperils access to forest products and services for the large rural population of Cambodia. Many donor agencies and NGOs recommend democratic decentralization in the forest sector.

Currently, community forestry constitutes the only form of decentralized forest governance in Cambodia. The Royal Government of Cambodia (RGC) has recognized community forestry with the passing of the Forest Law (2002) and the Community Forestry sub-decree (2003). According to this legislation, the first task of community forestry groups is to comply with the Forest Administration's orders; and their discretionary powers are very limited. They have therefore been criticized for linking up too closely with the Forest Administration, and for not being genuine downward accountable local institutions.

An alternative model, partnership forestry, has been proposed by donors. According to this model, commune councils elaborate a forest plan to be approved by the Forest Administration, implement the approved plan, and become entitled to retain all royalties and fees from the natural resource. This model is also part of Cambodia's not yet implemented National Forest Programme 2010.

Since 2008, the commune councils have been elected by general franchise, and should therefore presumably provide for more downward accountability than the community forestry groups. However, in reality, the councils have had no independent authority over forests as yet, and their actual capacity is low. Furthermore, reforms in 2008 increased the power of the ruling party over the commune councils. Hence, both in terms of discretionary powers and downward accountability, the reality of the commune councils falls short of the theoretical prescriptions for democratic decentralization.

In conclusion, there is little democratic decentralization in the forest sector in Cambodia, and its theoretical promises can therefore only be investigated indirectly. We have done this by identifying some of the main constraints for forest governance in Cambodia to contribute towards poverty reduction and sustainable forest management, and then discussing whether democratic decentralization may contribute to overcoming

them. In doing so, we refer to primary as well as secondary data.

Will democratic decentralization contribute to overcoming the constraints in local forest governance?
There are currently two main types of constraint to local forest governance in Cambodia: an increasing number of conflicts and a lack of incentives for communities to manage forests sustainably. The question is whether democratic decentralization may contribute to overcoming these constraints?

Will democratic decentralization contribute to solving the conflicts in the forest sector?
Local communities in Cambodia experience an increasing number of conflicts with powerful external actors. These include the military who often, more or less independently of other state agencies, supplement a low budget by logging, including in community forests. Another increasing problem is economic land concessions converting forest into plantations. The concessions often belong to private government officials or are sanctioned by state agencies through procedures which are not always transparent. The government has also been criticized for its direct involvement in logging and land speculation, for rent seeking behaviour in land and forestry issues, and for low governance capacity.

There are also forest related conflicts within and between local communities. Many of these conflicts are caused by ambiguous national legal frameworks resulting in, e.g., unclear borders between communes and unclear tenure rules; and a lack of communication and enforcement of laws. Some villagers encroach on forest land because they perceive agricultural land as more secure than forest land. Encroachment also follows from social dynamics such as population increase and migration, contributing to the dilemma between the need for cultivation and the need for forest products.

There is, in other words, a pressing need to strike hard on illegal and rent-seeking activities in order to ensure basic rights for the rural population in relation to forest. Furthermore, there is a need for better coordination of laws and government agencies within and across Ministries, to deal with gaps in national legal frameworks, and to control the military. Community forestry groups cannot deal with such problems that belong to the national level. The conflicts internal to the communities caused by ambiguous national legal frameworks may find short-term local solutions. But they too cannot be permanently solved at the local level. A transfer of discretionary powers to commune councils will hardly do the trick either, not even if commune councils become perfectly downward accountable. Left unsolved, however, these problems will, most likely, severely impede the fulfilment of the promises of democratic decentralization, as communities will be unable to exercise their discretionary powers.

Will democratic decentralization come with substantial incentives?
Currently, community forestry groups suffer from a lack of substantial incentives. They are given rights over mainly low-value forests, according to the law they have to wait for 5

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years before they can harvest other than non timber forest products (NTFP), and tenure is limited to periods of 15 years. Even within these periods the state can claim back the forest at any time. According to some community forestry groups, community forestry makes no substantial positive difference to their livelihoods, and sometimes even constitutes a burden. They consider patrolling the forest as their main responsibility, but they "have little time, and get no salary for patrolling the forests". Sometimes "people do not take their turn because they have to take care of their own things".

Other communities do value their community forests. They gain limited benefits from collecting NTFPs and expect to gain more in the future from timber and poles. However, many emphasize support and protection by an NGO and/or the Forest Administration as one of the main benefits. As an example of protection, one of the community forestry groups reported that an NGO recently averted an attempt by the military to take over their forest by mobilizing the Forest Administration and successfully file a court case. Another benefit mentioned from links with NGOs is income generating activities not necessarily related to forestry.

In order to work, democratic decentralization must come with substantial incentives preferably related to the natural resource in question. In Cambodia, this could happen in principle, if downward accountable commune councils were given discretionary powers, including rights to high-value forest areas, and rights to harvest and market valuable forest products within ecologically sustainable limits. The likelihood of such transfer is, however, low given the vested interests of powerful state agents in forestry. Furthermore, it would imply a risk of aggravating conflicts with powerful external actors such as the military and speculators. This would create an even greater need for support and protection of commune councils to ensure their ability to exercise these discretionary powers.

Ideally, the state could manage forests ensuring that the interests of communities were catered for. Presently, however, the Cambodian state is not capable and/or willing to do so, which is the argument for transferring powers to local institu-

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tions. However, given the powerful external interests within and external to the state, local institutions need credible and long-term support and protection to be able to exercise their powers – but risk being left alone exactly due to the weaknesses of and contradictions within the state. This constitutes a dilemma and needs to be addressed in theory as well as in practice.

Conclusion

The problems experienced in local forestry in Cambodia correspond to the type of problems that characterize weak states in general, such as the lack of the essential capacity and/or will to establish and maintain legitimate, transparent and accountable political institutions; securing their populations from violent conflicts; meeting their basic human needs; and different government institutions operating independently of each other. This shows that there is an inherent dilemma in introducing democratic decentralization of forest governance in weak states. The main dilemma is that, in order to work, local institutions basically need the state's support and protection in terms of ensuring basic tenure rights etc., but being weak, the state is not likely to provide this support, and even constitutes the main cause of the problems.

Nevertheless, there are many good reasons to promote democratic decentralization even in a weak-state setting like Cambodia. First, there is hardly any attractive alternative. Second, democratic decentralization is worthwhile if it comes with substantial incentives, together with the support and protection necessary for local institutions to actually exercise discretionary powers. Third, democratic decentralization can build democratic capacity in that it creates an opportunity for people to participate in decisions important to their own situation, an opportunity they did not have before. Only: in a weak-state setting like Cambodia, strong links with state institutions should sometimes be seen as an advantage rather than as a disadvantage, and support from NGOs or even better, national organisation of communities, should be seen as a necessary element to counterbalance the top-down relationship between state authorities and communities.

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This policy brief is based on data procured in collaboration with the Cambodian Development Resource Institute (CDRI). We would like to thank CDRI, and Lic Vuthy for his contributions to the research.

ISSN: 1903-7430 (ONLINE)

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This brief is an output produced under the Performance Contract between the Danish Centre for Forest, Landscape and Planning (FLD), University of Copenhagen and the Danish Ministry of Foreign Affairs (Danida).