



Activity Report: Dissemination of Research Results

Case studies on community access to information and the FLEGT VPA (Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreement)



July 2020

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1. Background

Lao PDR is a developing country which is experiencing rapid land use change, particularly with the conversion of forest areas due to medium and large-scale infrastructure projects which risk impacting upon the environment or the lives of the local community either directly or indirectly.

The dissemination of information or the ability to access information about the implementation of various projects that affect the community is very important, and particularly so for those in a project area who may be able to use such information in order to prepare themselves to reduce their risk or mitigate negative impacts. The Lao laws, decrees and other legislation are clear about the importance of transparency and access to information, including in cases where forest is converted for development, such as for the construction of dams, mining, industrial plantations: examples are the Decree on Environmental Impact Assessment (No. 21/2019), the Decree on Compensation and Resettlement Management (No. 84/2016) and the Law on Resettlement and Vocation (2018). However, there remain limitations in accessing information at local levels, particularly for district officials and communities in remote areas.

The Lao-EU FLEGT project aspires to build capacity amongst local civil society organisations within Lao PDR so that they are able to participate in the negotiation process. Maeying Huamchai Phattana (MHP) was the recipient of a small grant to research about transparency and access to information for communities within their area of operations. This report presents the results of the dissemination of this case study to MHP's stakeholders.

2. Objective of this Activity

- To disseminate the results of the MHP Case Study on community access to information to government stakeholders at provincial and district levels and the target communities of MHP
- To introduce the FLEGT project and its activities and its importance to local communities
- To discuss and receive feedback on access to information from communities that rely upon forests

3. Methods

There were two steps (activities) in this research study as follows:

- 1) Organise a discussion workshop at the Provincial Agriculture and Forestry Office (PAFO) in Bokeo for stakeholders at district and provincial levels.
- 2) Organise community discussion workshops in four target villages in two districts of Bokeo which had undertaken sustainable forest management and use activities (note that Bokeo is not a target province of FLEGT Lao).

The workshops were supported with the use of posters, drawing tools and documents to provide explanations, as well as focus group discussions, questions and answers and record feedback.

4. Timing and participants

The provincial workshop (Activity 1), was held on the 21st July 2020 at the PAFO in Bokeo, with the chairs being Mr Phosikeo Xaiyachak (Deputy Head of PAFO) and Ms Vansy Senyavong (Director of MHP). There were 21 participants (3 women) from five sectors within the province being Agriculture and Forestry, Natural Resources and Environment, Interior, District Administration (all government departments) and civil society.

Activity 2 took place between the 22 and 27th July, 2020, the MHP team joined with PAFO and DAFO (District Agriculture and Forestry Office) to work in four target villages (one day/village) of MHP, being Houaysua and Houayphalam (Paktha District) and Khokluang and Nam Nyon (Houayxay District). There were 220 participants (99 women)

A breakdown of participants is given in Table 1.

Table 1: Summary of participants from province, district and village level.

Participant type	Number
Province government counterparts	6
District government counterparts	10
Civil society organisations	5
Villagers from target communities	220 (99 women)

5. Results of the dissemination activities

The Case Study observed that the legal framework in Lao PDR related to transparency and access to information is considered to be one of the best in the field of sustainable forest management and use. For example, the Forest Law No. 64 (2019) states in Article 45:

Forest information and data are documents, numbers, statistics, maps, satellite images, parts of trees and NTFPs and other information and data on forest and forestland, which are stored in database system as electronic files, library, information center and others.

Forest information and data is used for researching, defining policies, formulating Forest Strategic Plan, programmes, plans and projects on forest and forestland, which the agriculture and forestry sector, in coordination with concerned sectors and local administration authorities develop, manage, centrally used and disseminate to wider society.

However, there are challenges in implementing this framework so that local communities can benefit from this legislation (Table 2).

Table 2: Strengths and challenges to access information from government stakeholders

Strength	Related Challenges
There is transparency in the legal framework and policy	<ul style="list-style-type: none"> • The law and legislation is clear regarding transparency and access to information for the people. For example, the Forest Strategy 2005-2020; the Forest Law No. 64 2019 (45), the Decree on Compensation and Resettlement (No. 84, 5/4/2016), the Decree on EIA (No. 21, 31/1/2019) and others; • The roles and responsibilities of all the concerned agencies, however, are not so clear and sometimes overlapping.
The government is willing to raise the awareness of the people	<ul style="list-style-type: none"> • The community at large are unaware of their rights regarding access to information within the law (those that do know are from the village authority); • There is no specific committee responsible for providing information under the FLEGT VPA; • There is no regular budget support or experts, particularly in monitoring, inspection and the implementation of the FLEGT VPA; • The FLEGT VPA program is not widely disseminated at local levels (apart from within the target provinces); • If the FLEGT VPA program is approved and implemented then local communities will not be able to access timber; • Small wood processing factories and local wood businesses will decline because they will not meet the necessary conditions, leaving only large-scale businesses and traders able to access wood; • Access to information on the FLEGT VPA program is not equal (need to send basic information to all provinces).

In summary, the results suggest that while the central government is committed to improving transparency and access to information for local communities, government staff at local levels insist that any information to be given to communities must be carefully managed and checked thoroughly, because some of it is sensitive and needs to be withheld (kept secret) unless specific approval is given from the concerned authority.

An assessment of the strengths and challenges for the implementation of the legal framework from civil society representatives, including the MHP dissemination team and a forest policy consultant is given in Table 3.

Table 3: Strengths and challenges as presented by civil society representatives

Strength	Related Challenges
There are some policies, regulations and laws that are promoting transparency	<ul style="list-style-type: none"> - It is difficult for rural people to access information because the local authorities lack the skills and the budget to spend sufficient time with the community to ensure that they are able to provide Free, Prior and Informed Consent (FPIC); - In some instances, the community does not receive independent information and advice, because it is the project developer who is paying for the government staff and consultants and they tend to promote the project; - Projects are not approved according to the correct legal processes, but rather according to personal relationships - The Media Law tightly controls what can be raised using social media and people are scared to report sensitive issues. - The government inspection committees established for monitoring compliance at local level have not been fully effective due to the numerous and conflicting regulations, insufficient legal knowledge, inadequate budget and their other work commitments.

Tables 2 and 3 show that civil society and government agree that in general, problems related to transparency and the lack of information arise due to weak implementation rather than an insufficient legal framework. This is because the capacity of the government staff is low and they lack the appropriate extension materials (usually dissemination for government staff means reading the law out loud at a meeting). These limitations make it difficult to provide credible information to rural communities. A particular weakness of the law is that it is not clear in relation to the requirement to provide information to local communities using the principles of FPIC.

One of the issues facing the community is that they do not receive the correct information in order to take a proper decision, which then has additional consequences. For example, one villager observed during the community discussion workshops that while he had protected the trees within their village forest zone since the time of their parents, a wood harvesting company had nonetheless been allowed to cut the trees, and villagers received no information about how or in

which part of the zone this was meant to be done. After this, the villagers themselves started to cut wood without any regard for the law or regulations, “whether protected or otherwise.”

Also, resolving such problems and enforcing the law against perpetrators is very difficult in reality due to the many steps needed. It is not possible to change these things without the approval of higher levels of government, and ideally the law and regulations should be simplified and clarified so that they can be administered as needed immediately. Key strengths and challenges arising from the community discussion workshops are given in Table 4.

Table 4: Results of a workshop between provincial, district and community staff

Strength	Related Challenges
<p>The community receives information on the rights under the law on the management and use of village forests</p>	<ul style="list-style-type: none"> ● Provincial and District Staff: <ul style="list-style-type: none"> The work to promote the management and use of village forests consists mostly of theory and documents; - Methods and tools to impart knowledge to the people are not really appropriate; - The responsible staff are not really technically qualified and lack knowledge and skills, and don’t really extend themselves. ● Villagers: <ul style="list-style-type: none"> - The village forestry officers lack support from the responsible sectors, such as staff turnover, no understanding of their role, don’t do the work they are allocated; - The village regulations are not enforced against offenders (in some villages documents are lacking or have been misplaced); - There is a lack of participation and support in this work from both villagers and village authorities; - Monitoring and on ground supervision from the government sector is very slow when issues arise; - There are external pressures or outside interests at work to ensure that regulations cannot be enforced.

6. Conclusions

This activity has reinforced the findings of the initial Research Report. While the existing legal framework is specific about the need for transparency and access to information for those affected by forest conversion, the mechanisms to ensure its implementation is weak. The ability of local staff to implement the intentions of the central government is hampered by a lack of clarity in who

should be responsible for providing (and approving) information to affected persons, along with insufficient budget, extension materials and facilitation skills.

It is estimated by the dissemination team that over 95% of all those that joined this activity had no prior knowledge about the Lao FLEGT process. Provincial government counterparts had heard the term FLEGT, but nothing else, while villagers were unaware of their rights under the legislation. While government staff visited regularly, they only provided positive information. The results of this dissemination activity enhance the report findings that the disclosure or dissemination of relevant information by government is often inadequate not in accordance with the law.

If more rural people could access information, illegal logging and deforestation will be reduced, while people's livelihoods will be enhanced. Another outcome, which was mentioned by many participants, would be that communities would be more capable of making their own decisions regarding the sustainable management and use of timber in the village.

Given the technical and budgetary constraints, as well as a political culture of information control, overcoming the challenges given in this report will be a long-term and challenging task. However, it is promising that there is a willingness among many in government to improve transparency and access to information. The recommendations that follow seek to nurture and support this willingness.

7. Recommendations

- The FLEGT committee at central level should develop appropriate tools and methods for disseminating information on FLEGT and assign stakeholders in each locality to implement this with their support
- A list of qualified persons or parties who are capable of providing information to local people in the each local area should be identified (a specialist government team or civil society)
- Prior to the approval of any project or activity affecting forests and forest land use, there should be independent monitoring at the local level assess the satisfaction of the people with such activities including whether they have been properly informed in a transparent manner (FPIC)
- The Lao CSO FLEGT network should play a role in gathering information and issues related to forests and forest lands in each locality to report to stakeholders (as required under the agreement between the government and Lao CSO FLEGT at the local and central levels)

This publication was produced with the financial support
of the European Union.

Its contents are the sole responsibility of Wildlife Conservation Association and do not necessarily reflect the views of the European Union

