

## ADMINISTRATIVE, LEGAL, AND INSTITUTIONAL CONTEXT

### A. Cambodia

1. The Ministry of Environment (MOE) and the Ministry of Agriculture, Forests, and Fisheries (MAFF) are the two key ministries coordinating conservation and forestry activities. The MOE is the focal agency for biodiversity issues and is responsible for coordinating implementation with line ministries. Of the six departments under MOE, the Department of Nature Conservation and Protection (DNCP) is responsible for coordinating and managing protected areas and conservation activities throughout the country. Most forestland, including an increasing number of protected forests, falls under the jurisdiction of the MAFF through its Department of Forestry and Wildlife (DFW). The DFW is responsible for the formulation and implementation of forest policy.

2. The Social Economic Improvement Agency (SEILA) program, in conjunction with the Cambodia Area Rehabilitation and Regeneration Project, has established village development committees, commune development committees, and provincial rural development committees. Significantly, the recently formed commune councils as yet do not have control over forestry issues.

3. **Legal framework.** A decree on forestry administration was promulgated in 1988. The first comprehensive legislation focusing on protective areas was passed in 1993 in the form of a royal decree, the “Declaration of the Protection of Natural Areas.” It created the present system of 23 protected areas. The Law on Environmental Protection and Natural Resources Management of 1996 is the principle legal instrument of MOE. The Ministry is soon to introduce a comprehensive statute on protected areas, although it will not cover the protected forest areas established by MAFF. The Forestry Law of 2002 provides for the classification of land areas throughout the country and distinguishes between state-owned and private forest areas. The Sub-Decree on Community Forestry Management was approved by the Council of Ministers on 17 October 2003 and provides the legal framework for developing comanagement arrangements in forestry throughout the country. Cambodia's overarching policy for management of the environment is the National Environmental Action Plan 1998–2003 (NEAP) and Biodiversity Action Plan (2004).

4. **Nongovernment organizations (NGOs).** A growing number of local NGOs are making important contributions to conservation and community development in Cambodia. International NGOs active in the country include CARE, the World Conservation Union (IUCN), World Wide Fund for Nature (WWF), Wildlife Conservation Society (WCS), Fauna and Flora International, BirdLife International, and WildAid. Each has a portfolio of projects with MOE and MAFF.

### B. Lao People's Democratic Republic

5. Development of the protected area system in the Lao PDR originated through two parallel and strategically linked processes. In 1988, a conservation subprogram was established within an existing Lao-Swedish Forestry Cooperation Program, with technical assistance from IUCN, and the Government's Center for Protected Areas and Watershed Management (CPAWM). The need for a comprehensive approach to forest conservation and watershed protection was recognized at the First National Forestry Conference in 1989 and incorporated in the subsequent National Forestry Action Plan.

6. Two principal agencies involved in biodiversity conservation and management in the central government have joint responsibility for executing the National Biodiversity Strategy and Action Plan: (i) the Ministry for Agriculture and Forestry (MAF), including the Department of Forestry, which is responsible for forest resource use and management, biodiversity conservation, and management of the national protected area (NPA) system<sup>1</sup>; and (ii) the Science, Technology and Environment Agency (STEA) is responsible for policy, research, and international agreements and is the lead agency for the Convention on Biological Diversity and Global Environment Facility. Within the Department of Forestry (DOF) is the CPAWM, responsible for general policy matters, coordination, and international cooperation. CPAWM is the national focal point for biodiversity conservation. It has two technical components: a Protected Areas Division (PAD) and Watershed Division (WD).

7. The responsibility for NPAs flows from the MAF Department of Forestry (DOF) to line agencies at the provincial level (provincial agricultural and forestry offices or PAFOs) and district level (district agriculture and forestry offices or DAFOs). The head of each NPA is assigned from the PAFO and most staff are from the districts. Field offices are established in nine of the 20 NPAs.

8. A more holistic form of community forestry called “village forestry” is being developed. The government has implemented participatory forest practices through its Joint Forest Management process<sup>2</sup> and the Forest Management and Conservation Program that is part of the Lao-Swedish Forestry Program. Village forestry is being piloted on a large scale in two provinces, Savannakhet and Khammouane, which form part of the Northern Annamite biodiversity corridor in southern Lao. In 1998, in another example from one of the corridor provinces implementing joint forestry management initiatives, the Phalanxai District Agriculture and Forestry Office (DAFO) carried out land and forest allocation in Nalay Village, with assistance from the Lao-Swedish Forestry Program.

9. **Policy and legal framework.** The legal basis for much of the forest and biodiversity conservation efforts rests in the Prime Minister’s Decree 164 (1993), the Forestry Law (1996), and the NBCA regulations of 2001. The reform of the mechanisms of forest management includes communal control of forestlands, zoning procedures, and incentives to manage forests within concessions. A National Environmental Action Plan (NEAP) was adopted in 1994. More recently, MAF crafted the “Strategic Vision for the Agricultural Sector” including a draft Forestry Strategic Vision 2020 and with STEA, formulated the National Biodiversity Strategy and Action Plan 2004. Government is required to provide secure access to land for indigenous populations, develop a legislative framework for wildlife protection and protected area systems, and implement management plans for national biodiversity conservation areas (NBCAs).

10. **NGOs.** The Laotian Government discourages national NGOs in their civil society framework. International NGOs working on conservation issues in the country include WWF, WCS, and IUCN.

## C. Myanmar

11. The overall management of environmental policy is under the control of the National Commission of Environmental Affairs (NCEA), including coordination of international

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<sup>1</sup> Also known as national biodiversity conservation areas (NBCAs).

<sup>2</sup> Manivong, K. and Murailie, B. 1997. “Partnership for Forest Management: Joint Forest Management in Savannakhet, Lao PDR.”

environmental issues. The Ministry of Forestry and its Forest Department are responsible for biodiversity conservation, forestry issues, and land-use conflict resolution. The Nature and Wildlife Conservation Division (NWCD) has direct responsibility for protected areas.

12. Protected area management is often implemented by the NWCD in coordination with local staff in the concerned areas, but they usually have no input in priority setting or management. Myanmar's situation is unique among the GMS countries in that the Government states that there are no settlements in close proximity or within protected areas.

13. **Legal framework.** The Protection of Wildlife and Wild Plants and Conservation of Natural Areas Law (1994) is the most comprehensive legislation governing protected areas and biodiversity conservation. Myanmar adopted a National Forest Policy in 1995.

14. **NGOs.** WWF, BirdLife International, and WCS are steadily developing activities in the country. Local NGO presence is limited.

#### **D. People's Republic of China (Yunnan Province)**

15. Decentralization initiatives with direct implications for the management of biodiversity and forests include the "household responsibility system" that seeks to shift the centrally planned and commune-based decision-making process to the household. Two landmark 1998 laws established democratic elections of village committees and village leaders. Also, villages have been provided access to and management responsibilities for collective forests.

16. The first protected area regulations were promulgated in 1985 (Management Approaches of Nature Reserves of Forest and Wildlife, Law of Grassland). There are two major categories of protected areas: nature reserves and forest parks. Nature reserves are delineated for biodiversity conservation and watershed protection, while forest parks are designated to provide facilities for public recreation, particularly in urban communities.

17. There are six levels of government jurisdiction: national, provincial, prefecture, county, township, and administrative village. The State Environmental Protection Agency (SEPA) is designated as the lead agency for biodiversity management and administration. SEPA was chiefly responsible for implementing the National Biodiversity Action Plan in 1993. The State Forestry Administration (SFA) is responsible for all forestry-related issues and shares jurisdiction with SEPA over protected areas. Management of environmental issues is undertaken by the provincial environmental protection bureaus (EPBs), but also by many natural resource management agencies. At the prefecture level, there are 14 EPBs in 16 prefectures. At the county level, there are 49 independent EPBs in 127 counties.

18. In Yunnan Province, the Department of Forestry is responsible for forest protection, afforestation, biodiversity, and wildlife management. The Yunnan Environmental Protection Bureau includes nine functional divisions, with two, the Policy and Statute Division and the Nature Protection Division, having mandates for natural resource management.

19. **Legal framework.** The Provincial Peoples' Congress has passed the following primary pieces of legislation: Wildlife Conservation Law in 1988; the China Biodiversity Action Plan in 1992; the Forest Law in 1983; the Environmental Protection Law; the Regulations about Nature Reserves in 1994; and a Biodiversity Conservation Action Plan in 1995. In 2004, the Protected Area Task Force (PATF) of the China Council for International Cooperation on Environment and

Development (CCICED) outlined a set of policy recommendations for rationalizing the protected areas system.<sup>3</sup>

20. **NGOs.** Yunnan has a number of local NGO groups active in conservation and protected area management, in addition to resource centers, such as the Yunnan Environmental Monitoring Central Station, Environment Supervision and Management Station, and the Yunnan Environmental Science Institute. There are several international NGOs that assist in protected area management, notably, WCS, The Nature Conservancy, the MacArthur Foundation, and the Ford Foundation.

## **E. Thailand**

21. Thailand has more national protected areas than any other country in the GMS. Until 2002, the protected area system was managed and supervised by the Royal Forest Department (RFD). Since 2002, management of the national protected areas system has been the responsibility of the National Parks, Wildlife and Plant Conservation Department (DNP) of the newly established Ministry of Natural Resources and Environment (MONRE), with RFD focusing on forest plantation and production. The DNP has several key offices relevant to protected area management including the National Parks Office, the Wildlife Conservation Office, the Watershed Conservation and Management Office, Forest and Plant Conservation Research Office, and the Planning and Information Office. The other main government institutions involved in natural resources management are the Office of Natural Resources and Environmental Policy and Planning (ONEP) and Department of Environmental Quality Promotion (DEQP), both under MONRE. ONEP is national focal point for the Convention on Biological Diversity and serves as the National Biodiversity Reference Unit (NBRU) for the ASEAN Regional Centre for Biodiversity Conservation (ARCBC). Also, it is responsible for the operation of the National Committee on the Conservation of Biological Diversity. The Ministry of Agriculture and Cooperatives (MOAC) is the other important central agency with authority over the forestry sector and includes the National Resources and Biodiversity Institute (NAREBI).

22. As part of a larger decentralization effort, some development planning and resource allocation roles have been devolved to the elected councils under the Tambon administrative organizations. Local communities within and adjacent to protected areas have been given roles within the village headman structure (Phu Yai Baan) linking to the district authorities. This role sometime takes the form of more organized community-based organizations with significant ties to various stakeholders in the protected areas.

23. **Legal framework.** The Forest Act 1960, the Wildlife Preservation and Protection Act 1960 as amended in 1992, the National Park Act 1961, and the National Forest Reserves Act 1964 as amended in 1985 form the backbone of Thailand's legislative framework in the biodiversity and forestry sectors. Recent acts that are significant include the Reforestation Act (1992), the Enhancement and Conservation of National Environment Quality Act (1992), and the Community Forest Bill.

24. **NGOs.** Local NGOs are well developed in Thailand. Those active in biodiversity conservation include the Asian Elephant Foundation of Thailand, the Bird Conservation Society of Thailand, the Hornbill Research Foundation, the Seub Nakhasthein Foundation, and Wildlife

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<sup>3</sup> PATF/CCICED, Using Protected Areas to extend Economic Benefits to Rural China. Evaluation of the Protected Area System of China and Policy Recommendations for Rationalizing the System, September 2004.

Fund Thailand. International conservation organizations active in Thailand include IUCN, WCS, WildAid, and WWF.

## **F. Viet Nam**

25. The main impetus for conservation policy in Viet Nam came from the National Conservation Strategy of 1985. The Government approved the Biodiversity Action Plan (BAP) in 1995 and is preparing a new ten-year BAP. One of the main components of the BAP is the establishment and management of protected areas. Viet Nam's protected areas system is evolving in terms of coverage and institutional arrangements. Protected areas are primarily special-use forests and include a Ramsar Convention site (Xuan Thuy Wetland National Park) and four biosphere reserves.

26. The Forest Protection Department (FPD) within the Ministry of Agriculture and Rural Development (MARD) is responsible for overall supervision of the special-use forest system, although most protected areas are under the direct responsibility of provincial peoples committees. The Ministry of Natural Resources and Environment (MONRE) coordinates overall natural resource management, including protection of wetlands and biodiversity. MONRE is the nodal organization in implementing the BAP through concerned ministries, sectors, and local agencies. The Ministry of Fisheries (MOF) is responsible for marine protected areas.

27. The provincial people's committees at the province and district level have the authority to draw up their own development and environmental protection plans and discuss them with MONRE, MARD, and other concerned ministries.

28. **Legal framework.** The latest regulations on the management of three types of forests, including special-use forests, were promulgated through Decision No. 08/QD-TTg, which defined protected area categories and prescribed the institutional structure that would manage the special-use forest system. A revised Forest Protection and Development Law was adopted by the National Assembly in 2004 and entered into effect early 2005. The Law on Environmental Protection 1994 is under revision. Other important recent legislative developments include the new Land Law 2003; Law on Fishery 2003; Law on Biodiversity (under preparation); a Civil Code; Decree 48/2002, updating the list of endangered species; Decree 109/2003 on conservation and sustainable development of wetlands; Decision 153/2004 by the Prime Minister on implementing the National Agenda 21; and Decision 06/2004 by MARD on biodiversity conservation in the Middle of Truong Son (or the Annamite Mountains between Cambodia, Lao PDR, and Viet Nam).

29. **NGOs.** There are several international conservation NGOs working in the country, including BirdLife International, Fauna and Flora International, IUCN, and WWF. In addition, there are several local NGOs working in this area in Viet Nam.