RESERCH REPORT

Reduced Emissions from Deforestation and Forest Degradation (REDD) and Access and Exclusion: Obstacles and Opportunities in Cambodia and Laos

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Recently concerns have been raised regarding the potential for the Reduced Emissions from Deforestation and Forest Degradation (REDD) framework to recentralize forests, potentially setting back efforts to institute localized and decentralized forms of natural resource management. Here, I apply a political ecology approach to consider *access* and *exclusion* to land and natural resources in the contexts of three emerging REDD projects in Cambodia and Laos. I argue that each represents either a partial, incomplete, or so far unfulfilled—but nevertheless useful—example of efforts to use REDD to strengthen local resource tenure. Thus, it is possible to envision how REDD could be utilized to leverage decentralized forest tenure, even if such a reality seems far away at present.

Keywords: land tenure, common property, land-use management, carbon, forestry, ecosystem services

Introduction

The Reduced Emissions from Deforestation and Forest Degradation (REDD) framework is being developed to reduce carbon emissions into the atmosphere due to deforestation and forest degradation. Phelps *et al.* (2010) have, however, raised concerns that REDD could cause the recentralization of forest lands in so-called "developing countries," through providing central governments and international players with increased control over forests, thus potentially seriously setting back efforts to institute more locally sensitive decentralized models of forest management. They argue that over the last quarter century many non-industrialized countries have adopted more decentralized forms of

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resource management, hard fought reforms that have given many local forest users increased rights and responsibilities, at least over forests of lower economic value.

While the extent to which locals have been allocated rights and responsibilities in association with forest management varies considerably (see Hall *et al.* 2011; Ribot 1999; 2004; McCarthy 2001; Badola 1998; Fisher 1998; Vandergeest 1996), at least the rhetoric of the desirability to substantially increase the participation of local users in forest management has advanced considerably in recent decades. This has frequently translated into more agency for local people, although there are often important trade-offs between sustainability and local benefits when decentralization occurs (Jagger *et al.* 2005). In addition, devolving control in cases when local elites are able to capture benefits at the expense of other local resource users can be counter-productive (Barr *et al.* 2006; McCarthy 2001; 2004; Hutchcroft 2001), thus necessitating careful consideration of the circumstances surrounding particular cases. Still, overall efforts to devolve power to local resource users have resulted in better forest protection and increased benefits for local people (Persha *et al.* 2011; Agrawal and Ostrom 2008; Agrawal and Gibson 1999; Ribot 1999).

Crucially, the shift to increasing local forest management rights and responsibilities has largely been driven by two main arguments. The first is ethical, or rights-based, and is founded on the recognition that local people have often been severely and unfairly disenfranchised by governments, and that locals therefore deserve to gain significant rights and responsibilities over the lands and forests that they have long depended on for their livelihoods. This position asserts that governments and others have a moral obligation to rectify the serious wrongs that have been imposed on local and especially indigenous forest users, and that empowering people is the only ethically appropriate thing to do, regardless of whether such changes lead to improved forest management or not.[1)]

The second argument is fundamentally pragmatic, and is grounded on the fact that past efforts by distant actors, both governmental and private, to effectively manage forest resources have often failed to ensure sustainable management and protection (Ribot 1999; Agrawal and Ostrom 2008). Many have argued that decentralizing management and empowering local users to significantly benefit from forest resources is often the most efficient and cost-effective way to manage forests. Being participatory and transparent is particularly crucial (Cortula and Mayers 2009; Somanathan *et al.* 2009). Those taking this position frequently point out that central governments, especially in poorer countries, rarely have the resources or convictions to effectively protect forests from

1) I do, however, recognize that rights-based approaches do have potential pitfalls (see, for example, Li 2002).

various threats (Ribot 1999; 2004; Ostrom 1990), although government recognition and support for local people in gaining rights to use and manage natural resources frequently remains critical, as without it limiting or excluding users may not be feasible (Ostrom 1990; Baird and Flaherty 2005).

At present the increased global focus on utilizing REDD (including REDD+) to fund forest protection represents a potential threat to the trend in forest management decentralization, as argued by Phelps *et al.* (2010). REDD is leading many in central level ministries and forestry departments—along with other global players—to view forests as important, not just for gaining revenue from logging operations, or as sources of raw materials or tourism revenues for fueling "development"—as in the past—but as potentially crucial sources of income derived from those willing to pay for ecosystem services. In particular, the idea is to ensure that forests are maintained and rejuvenated so as to facilitate the storage of carbon, and to decrease carbon releases into the atmosphere. Illustrative of how central governments are attempting to gain more control over forests, the Norwegian government has negotiated a US$1 billion agreement with the government of Indonesia regarding REDD (Lang 2010). These were central government to central government-level discussions, and there is no evidence that they included consultations with local people.

Those willing to pay for the ecosystem services associated with storing carbon stocks certainly desire that their investments lead to promised results; that is, they want forests to be protected so as to either reduce the impacts of climate change on their countries or business interests, or to justify their own continued production of greenhouse gases by claiming that their investments in forest protection have been successful in mitigating or off-setting their carbon releases. Oddly enough, however, this desire has considerable potential to lead to the increased centralization of forest resources by governments trying to capture as much revenue as possible, as argued by Phelps *et al.* (2010). Ensuring that investors and others do not blame them for forest destruction in the international arena is another reason that central governments may become more involved in forest management. This can be seen as potentially positive, in that there is increased interest in forest protection, but it is also encouraging governments to increase their control over forest resources, and their focus on dealing with the concerns of the international community in relation to forests could lead them to neglect the welfare of those whose livelihoods are directly dependent on forests. In other words, forests are becoming more of a concern for national governments and regional players, potentially at the expense of local forest users. This can be seen in the two countries that are the focus of this study, Cambodia and Laos, although unevenly.

The purpose of this article is to consider the concerns about REDD leading to the

centralization of forest resources raised by Phelps *et al.* (*ibid.*) in the specific context of Cambodia and Laos, as well as to assess possibilities for utilizing REDD or related payment for ecosystem services systems to empower locals through strengthening tenure over forest lands. I will do this by utilizing a political ecology approach centered on the concepts of "access" and "exclusion" from land and resources. Through examining three emerging REDD projects, I consider how these projects fare in relation to ensuring access to resources, and ultimately how realigned systems of REDD focused on achieving secure long-term land and resource tenure might work, and what elements of existing REDD projects could be utilized to develop locally-tenure friendly REDD. This makes sense considering the recognition of the importance of tenure issues in relation to the official REDD development process (COP 16 2010).

When writing of "securing long-term tenure" over natural resources for local people, I do not mean simply privatizing common resources and dividing them up between local resource users, as doing so would remove the types of checks and balances that are frequently crucial for successful common property systems (Ostrom 1990; Steins *et al.* 2000). Instead, what I mean by long-term secure tenure is providing groups of resource users with secure access to resources along with a substantial say in decision-making processes regarding resource use and management.

I lay out the "access" and "exclusion" to land and resources conceptual framework for considering REDD in light of tenure issues in Cambodia and Laos. I then provide specific background information about REDD (and REDD+) and describe the development of REDD in Laos and Cambodia. I present three examples of REDD-related projects in Cambodia and Laos, and assess their potential implications in relation to resource access. I then discuss ways in which REDD could be reframed and reconceptualized in order to put land and resource tenure on the forefront of the agenda to leverage secure long-term tenure arrangements for local people. While I am so far unaware of any projects in mainland Southeast Asia that have successfully used REDD to truly empower local people in relation to land and forest resources,[2] such approaches could be developed, provided that the donors of REDD projects, implementing agencies, and governments can be persuaded to more fully buy into systems of secure forest tenure for local people.

2) There are some better examples of this in Latin America (see, for example, Lastarria-Cornhiel *et al.* 2012).

Political Ecology and "Access" and "Exclusion"

Political ecology encompasses a wide range of approaches and theoretical perspectives (Peet and Watts 2004; Escobar 1999; Zimmerer and Bassett 2003; Forsyth 2003; Robbins 2004). One of the early contributions of political ecology involved the development of the "access to resources" approach to examining the decision-making processes of small-scale natural resource users (Blaikie 1985; Blaikie and Brookfield 1987). This framework was later adapted and applied in other contexts (see, for example, Ribot and Peluso 2003; Turner *et al.* 2011). Fundamentally, "access" refers to the ability of local resource-users to effectively make use of natural resources to sustain their livelihoods. A wide array of factors can affect access, including resource use by others, government policy-frameworks, social shifts, market influences, and bio-physical changes (Ribot and Peluso 2003). Most recently, Derek Hall, Philip Hirsch, and Tania Li (2011), in their ground-breaking book, *Powers of Exclusion*, have contributed to the literature by building on the concept of *access* by focusing on *exclusion*. While *access* is frequently seen as something that is positive and inclusive, Hall *et al.* (2011) do not see *exclusion* as necessarily bad. Rather, they view exclusion as a necessary part of tenure relations. For example, farmers need to exclude others from harvesting their crops. Otherwise, why would they farm in the first place? Still, exclusion is not seen as universally positive. Instead, exclusion is simply seen as variously important for land tenure security. Crucially, both *access* and *exclusion* are conceptualized as important elements of land tenure, and thus both potentially have important implications in relation to REDD.

Here I am interested in the implications of REDD for *access* and *exclusion* to land in Cambodia and Laos. Through assessing the particular circumstances in these two countries, I both consider the present circumstances and possible ways that REDD could be used to strengthen resource tenure.

Methods

The research for this article began in 2009 when I was contracted by the Minneapolis-based McKnight Foundation to conduct an overview study of REDD-related issues in Cambodia, Laos, and Vietnam, countries where the McKnight Foundation supports various programs and projects associated with natural resource management. The objective of that research was to consider all aspects of REDD+, in order to inform the donor of future opportunities and constraints to funding initiatives in this region in relation to REDD. This involved a literature review and over 20 semi-structured interviews with

key informants involved with REDD in Laos and Cambodia. Later, however, I decided to specifically consider REDD+ in relation to land and forest tenure, since it seems like such an important issue, even though ultimately the full spectrum of challenges associated with REDD need to be carefully considered when deciding if and how to move ahead. Therefore, I drew on the parts of my original literature review and interviews. In June and July of 2011 I also conducted additional interviews in Laos and Cambodia to update and supplement the original research, and to specifically address my focus on REDD+ and land tenure issues. Those interviewed were mainly expatriates and Lao and Cambodian people working on various types of REDD+ projects. I was particularly interested in interviewing people with specific knowledge of the relationships between REDD+ and land tenure issues. I have, however, had to keep most of my sources anonymous.

What is REDD and REDD+?

Carbon dioxide is the greenhouse gas most responsible for the current global climate change crisis, and today forest ecosystems are estimated to store 50 percent more carbon than what is contained in the entire atmosphere (FAO 2005). Carbon dioxide releases into the atmosphere due to deforestation and forest degradation are recognized as amongst the most important causes of human-induced climate change, second only to energy production (ANU 2008), and in Southeast Asia deforestation and forest degradation are believed to be the most important sources of carbon dioxide emissions, contributing approximately 12 percent of the world's greenhouse gases as of 2000 (ADB 2009).[3)]

REDD comes under the United Nations Framework Convention on Climate Change (UNFCCC), and is a system for financing the protection of forests in order to avoid carbon dioxide emissions or increase carbon sequestration or storage. Financing is mainly expected to be generated through marketing carbon credits, but some also advocate other publicly funded mechanisms to support REDD (*ibid.*). The idea is that those from richer countries can buy credits as a contribution to reducing their own emissions, and the funds generated can be utilized to address the causes (or drivers) of emissions, protect biodiversity, bolster government coffers, or support poverty alleviation and other forms of

3) Approximately 35 percent of the greenhouse gases in the Earth's atmosphere are a result of past deforestation (Blom *et al.* 2010; UN-REDD Program Cambodia 2010), and between 12–15 percent of annual global greenhouse gases emissions are presently believed to be coming from continued deforestation and forest degradation (van der Werf *et al.* 2009), although the percentage could even be lower (Holly Gibbs, Assistant Professor, Department of Geography, University of Wisconsin-Madison, *pers. comm.* December 16, 2011).

socio-economic development for people living near or in forested areas, thus potentially providing important financial incentives for protecting forests. The system requires performance-based payments for the reduction or avoidance of emissions, and increased carbon sequestration.

There has been considerable enthusiasm about the prospects for REDD initiatives amongst international organizations, although most recently some of that enthusiasm has dissipated due to problems with a lack of markets for carbon credits. Still, the Asian Development Bank (ADB) (*ibid.*, 130) reported that, "REDD is already getting attention as a low-cost mitigation option with significant positive side-effects." The World Bank has also been supportive of REDD, establishing the Forest Carbon Partnership Facility (FCPF) with US$400 million in funding. This includes US$75 million from each Norway and Germany to fund pilot REDD projects in a number of selected countries.[4] The United Nations Reduced Emissions from Deforestation and Forest Degradation Program (UN-REDD) was set up in September 2008, with the first phase financed by a Government of Norway grant of US$35 million.

REDD, however, has also been criticized for a wide variety of reasons (see Baird 2010a for a summary). A full discussion of all the limitations of REDD is beyond the scope of this paper, but concerns have been raised regarding REDD making it easier for people in developed countries to avoid needed lifestyle changes, regional and in-country leakage (when deforestation or forest degradation is transferred to another area in order to protect an area under REDD, thus leading to no net gains), unfair benefit distribution to forest-based peoples, and the disempowering of local people from decision-making processes linked to their own areas, just to mention a few of issues of concern. Larry Lohmann (2006) has also demonstrated serious problems with carbon trading, arguing that carbon markets are getting in the way of possible solutions to the climate change crisis. He has instead advocated for a combination of large-scale public works, subsidy shifting, conventional regulation, legal action, and green taxes and non-trading market mechanisms to deal with climate change.

Over the last few years, the term REDD+ (instead of simply REDD) has become popularized, especially amongst some non-government organizations (NGOs), international organizations, and government agencies. While REDD was initially narrowly focused on reducing carbon emission, REDD+ includes provisions that reward the enhancing of carbon storage through forest restoration, rehabilitation, and afforestation/reforestation. While the co-benefits of REDD, including conserving biodiversity, allevi-

4) See: http://www.climatefundsupdate.org/listing/forest-carbon-partnership-facility, accessed December 25, 2012.

ating poverty, improving governance, and providing other environmental services, have long been part of debates surrounding REDD, REDD+ is much more amenable to encouraging co-benefits apart from those related to greenhouse gases, and there is also now generally more interest in integrated systems that not only consider forests but also other land-uses, including agriculture (Campbell 2009). Some indigenous activists argue that the key to REDD+ is ensuring that the fundamental rights of indigenous peoples are recognized (IWGIA and AIPP 2011), but others, such as the Global Alliance of Indigenous Peoples, have argued against REDD+ because of its potential to commodify forests.[5] REDD+ has also been compared with Integrated Conservation and Development Projects (ICDPs), since many REDD+ projects are attempting to integrate various conservation objectives with community development.[6] REDD++ is used to refer to REDD initiatives that take all land use categories into account, rather than just forests, and is thus more expansive than even REDD+ (Minh Ha *et al.* 2010).[7]

REDD in Laos and Cambodia

Cambodia

Cambodia has one of the highest proportions of forest coverage in Asia, estimated at 59.8 percent of the land base in 2006. The country's rate of land use change and associated deforestation and forest degradation are, however, amongst the highest in the world, with an estimated annual forest loss of 0.5 percent between 2002 and 2006. This figure is equivalent to 75,000 ha per annum (UN-REDD Program Cambodia 2010). The forestry governance system in Cambodia is quite legally centralized (Nathan and Boon 2012). The Forestry Administration (FA), under the Ministry of Agriculture, Forestry and Fisheries (MAFF) is the main government agency responsible for forests, although three million hectares of national parks and wildlife sanctuaries come under jurisdiction of the Ministry of Environment (MoE). The Fisheries Administration of MAFF also has some responsibility for managing flooded forests and mangrove forests (Clements 2010). The government of Cambodia has the legal right to exclude or provide access to people wish-

5) http://therightsofnature.org/indigenous-peoples-for-life/, accessed May 10, 2014.

6) Blom *et al.* (2010) suggest that implementers of REDD+ would benefit from assessing past successes and failures of ICDPs, as there are various important lessons from the ICDP literature that do not appear to have been considered in relation to the development of REDD.

7) Today, the terms of REDD, REDD+, and REDD++ are often used interchangeably. One could argue that the difference between these terms is difficult to determine without examining the details of individual initiatives. Therefore, for convenience sake, I refer to all three as simply REDD.

ing to use the forest. Decision 699 of the Council of Ministers, endorsed by Prime Minister Hun Sen on May 26, 2008, set the basis for forest carbon sales from the Oddar Meanchey REDD+ project by the FA and MAFF. Sub-decree 188, November 4, 2008, of the Royal Cambodia Government designated the FA as the responsible agency for assessing national forest carbon stocks, and regulating forest carbon trading.

Unlike Laos, which was amongst the first countries to get involved with the World Bank's FCPF (see below), Cambodia was only accepted as a FCPF country in April 2009 (Evans *et al.* 2012). The initial lack of FCPF support to Cambodia resulted in direct UN-REDD Program Cambodia (2010) assistance to Cambodia's REDD Readiness work beginning in 2009, in an attempt to fill at least part of the gap left by the FCPF's slow start in the country (Clements 2010; UN-REDD Program Cambodia 2010). Cambodia's UN-REDD National Program Document was approved by the UN-REDD Program Board in November 2010, and was signed in mid-2011 (Evans *et al.* 2012).

Efforts have been made to develop a REDD Readiness "roadmap" for Cambodia that outlines steps to be taken over the next one to three years. It is supposed to be consistent with the World Bank FCPF REDD Readiness Preparation proposal. A National REDD+ Taskforce has also been established in Cambodia (UN-REDD Program Cambodia 2010; Bradley 2011).[8)]

The political system in Cambodia is more open than in Laos, since the country is governed through a multi-party parliamentary democracy, but in fact, the political landscape is dominated by the Cambodia People's Party, whose leadership previously operated under a similar political system to what exists in Laos. Furthermore, the state in Cambodia has been making various moves in recent years to silence opposition to its policies and practices. For example, a new "NGO law," which has been being considered for years now, has been heavily criticized for potentially restricting civil society and even the assembly of those critical of the government (see, for example, Becker 2011).

Laos

The Lao People's Democratic Republic (Lao PDR or Laos) was estimated to have 41 percent forest cover in 2002.[9)] The country is, however, experiencing high rates of deforestation and forest degradation, including natural forest conversion into large plan-

8) It should be noted, however, that Cambodia only has observer status with UN-REDD, unlike Vietnam which is a full UN-REDD country. It is expected that Cambodia will be granted membership once their national REDD plan has been completed, but there are no guarantees that this will actually happen, despite the Cambodia government having high expectations of being admitted as a UN-REDD country (Tom Clements, *pers. comm.* July 8, 2010).

9) Some believe that there may have been more deforestation than the government has acknowledged.

tations (Baird 2010b). Therefore, it is a prime target for developing REDD projects, and was an early recipient of support from the FCPF, including REDD Readiness work. The Lao government has prepared a Readiness Preparation Proposal (National REDD Taskforce of Lao PDR 2010), and REDD has received strong political support from the Lao government (Ounekham 2010; *Vientiane Times*, December 23, 2009).

In Laos, the Ministry of Agriculture and Forestry (MAF) is responsible for the forestry sector, and the Department of Forestry (DoF) leads Laos' National REDD Task Force. Like Cambodia, the government of Laos has the official mandate to exclude people or provide access to them in relation to forests (Government of Laos 2007). A number of other government departments and agencies in Laos are also involved in aspects of REDD, including the Ministry of Natural Resources and Environment (MONRE). Other government ministries and research agencies have also shown interest in REDD, as have various donors, international NGOs, and private foreign investors (McNally *et al.* 2009).

Although it was originally believed that REDD could be developed at a national scale in Laos, or at least on a hybrid basis, with a combination of national and sub-national REDD initiatives, it is now expected that the technical difficulties and high transaction costs associated with developing national level REDD in Laos make it more likely that sub-national REDD development will be the focus over at least the next number of years, despite the issue of internal leakage (Alastair Fraser,[10] *pers. comm.* June 2, 2010), which relates to potential problems within countries of forest degradation being transferred from one area where a REDD project is being implemented to another where REDD is not in place. Leakage across national borders is another major concern in Laos and more generally in mainland Southeast Asia (see, for example, Lang 2009; Meyfroidt and Lambin 2009; Baird 2010a), and there is a need for more accountability in relation to log exports from Laos (Forest Trends 2009). This indicates that REDD development is occurring within a difficult context.

One key issue in Laos is that the country is governed through a one-party communist political system modeled after Eastern bloc countries during the Soviet era. There have been various pro-market reforms in Laos since 1986, but political reform has hardly occurred. This raises potential serious problems in terms of state control and the inability to openly criticize the state or government policies, including those associated with resource tenure and REDD. It makes the type of participation associated with Free, Prior and Informed Consent (FPIC), which is now a requirement of REDD, difficult in the Lao context. Even if the Lao government fully endorsed FPIC, real FPIC would be

10) At the time of this interview, Alastair Fraser was a REDD+ expert for the FCPF in Laos.

hard to achieve, as community opposition to government endorsed projects is generally not tolerated (Baird 2010b).

Three Key REDD Pilot Projects in Cambodia and Laos

Using the access and exclusion theoretical framework outlined earlier, I now assess three REDD projects, two in Cambodia and one in Laos.

Pact—Oddar Meanchey Province

The most advanced and influential REDD Project in Cambodia, at least until recently, is located in the northwestern province of Oddar Meanchey, in an area dominated by the hardline communist Khmer Rouge for the 1980s and most of the 1990s. Although REDD has moved ahead relatively slowly in Cambodia at the national level, Pact's project in Oddar Meanchey was once recognized as the most advanced REDD project in the region. In 2010, it was considered to be amongst the three most developed REDD projects in the world (Tom Clements,[11] *pers. comm.* July 8, 2010). In November 2007, the FA, supported by the joint donor Technical Working Group on Forestry and Environment (TWG-F & E—a multi-donor body), unanimously approved a 68,696-ha REDD pilot project in 58 villages and with 7,000 households involved (Poffenberger 2009; Evans 2009b; WCS 2010). In 2011, the area being managed within Cambodia's first REDD project was 64,318 ha (Bradley 2011). This initiative was initially supported by the US-based NGO Community Forestry International (CFI), which had already been working in Oddar Meanchey to support community forestry activities since 2005. The REDD Oddar Meanchey community forestry project was designed to test emerging REDD policies, as the area had experienced a 2.1 percent annual decline in forests over the previous decade (Poffenberger 2009). In March 2009, Pact agreed to take over activities in Oddar Meanchey from CFI, whose project in Cambodia had ended. The project methodology was designed to comply with emerging REDD guidelines developed by the Verified Carbon Standard (VCS), and the Climate, Community and Biodiversity Alliance (CCBA) (which confirms a project's strong co-benefits for conservation and livelihoods). These CCB Standards, as they are typically known, seek to mitigate the impact of a number of drivers of deforestation and forest degradation, while responding to the economic needs of the low-income rural population (*ibid.*). The key to the Oddar Meanchey REDD project was providing a pilot for supporting community forestry activities in Cambodia, includ-

11) Tom Clements is a REDD+ expert who worked for UN-REDD at the time of this interview.

ing assisting communities to sustainably manage their forests (Bradley 2011).

According to the project design, the government of Cambodia recognized the community forests in the project area under the Community Forestry Sub-decree, providing them with a 15-year renewable lease. Prior to 2003 when the Sub-decree was adopted, community forests were not legally recognized at the central government level. The project intended to create a 30-year income stream that would enhance livelihoods and build natural resource management capacity among the project's 7,000 participating households (Poffenberger 2009; Bradley 2011). It was expected to sequester carbon and avoid emissions equal to 7.1 million tons of CO_2 over 30 years through dealing with various drivers of deforestation at local, national, and international levels, including agriculture expansion due to in-migration, forest degradation due to forest fires and fuel wood consumption, land speculation, illegal logging and forest clearance for agriculture by military personnel, and the issuing of economic land concessions for commercial plantation development. The project was also expected to include some enrichment tree planting (Poffenberger 2009; Bradley 2009a; 2011).

The project has put considerable effort into educating locals about emission issues associated with forests, and REDD, and entered into community-level agreements as part of the process towards developing the project (Bradley 2009a; 2009b). Supporting communities was a key project objective (Bradley 2011), but it has been well documented that in Cambodia communities cannot easily object to government programs, although the situation is generally more open than in Laos.

It was suggested that US$1 million per year could be generated through REDD for the project (Evans 2009b), although there are many variables that could affect actual revenue. For example, more recently the prices of carbon credits have dropped considerably. Between 2009 and 2011, the various experts on REDD+ whom I interviewed for this research all seemed to believe that most of the REDD pilot projects in the region had not addressed the crucial issue of how to allocate potential revenues from selling REDD carbon credits. The Oddar Meanchey project, however, set out a long-term work plan for doing this, one that the FA partially endorsed, but not a budget associated with the work plan. It was envisioned that there would be costs associated with FA running the project, including carbon sequestration verifiers, and for Pact in supporting communities, but after deducting these fixed costs, the plan was for at least 50 percent of the net revenue from carbon credits to go to the communities. Up to 10 percent of net revenue was also expected to be used for developing new REDD projects elsewhere in Cambodia (Bradley 2011).

Although there are some potential problems with the Oddar Meanchey project in relation to villagers signing off on contracts with uncertain benefits and potential liabilities

for them if they are unable to reduce deforestation and forest degradation as planned, a project representative argued, in 2011, that the initiative represented the best hope of keeping the forests from being commercially logged or converted into plantations, and thus giving locals continued access to important forest resources. Even if few REDD resources reach users, the people were apparently mainly interested in protecting the forest for their continued resource access, although REDD would have undoubtedly exclude some people from accessing forests (cf. Hall *et al.* 2011). For Pact, REDD represented an important option, a way of convincing the government to support community forestry, and thus they believed that it is a tool that should not be discarded (Bradley 2011; Amanda Bradley,[12] *pers. comm.* June 2, 2011).

The Oddar Meanchey project may have been initially useful in discouraging the granting of large economic land concessions, but it has been reported more recently that there are continuing serious problems with economic land concessions nearby the project area (Shalmali Guttal,[13] *pers. comm.* June 26, 2011). It appears that pressures to convert the forests into plantations have increased significantly. Through the establishment of community forestry groups, local control over forests initially increased, giving villagers continued access to forests that they depended upon, while excluding others (Amanda Bradley, *pers. comm.* June 2, 2011), but more recently there have been considerable problems. On January 23, 2014 Phorn and Peter (2014) reported that the Royal Cambodian Armed Forces was cutting down large amounts of forest in the REDD project area, causing so much damage to the forest that some feared the whole REDD project could be derailed as a result.

Apart from the above forest encroachment problems, one of the main structural weaknesses of the project is that it has not been able to provide locals with secure long-term tenure, or access, over forests, only 15-year agreements[14] that provide limited community control. In fact, the FA still has considerable control over forests, as these agreements can be revoked at any time by the FA, and those with agreements have to organize community forests following the FA's framework. Communal land tenure for agricultural lands has not been established in Oddar Meanchey, since there is presently

12) Amanda Bradley is an expert in community forestry in Cambodia and REDD+. She previously worked on REDD+ and community forestry in Cambodia for Community Forestry International and Pact. More recently, she worked as Senior Manager, Social & Community Benefits for TerraCarbon in the USA, where she has also worked on REDD+. She has recently accepted a position as REDD+ Tenure Specialist for FAO in Rome.

13) Shalmali Guttal is a senior analyst for Focus on the Global South, based in Bangkok. She has worked in mainland Southeast Asia for over 20 years.

14) Fifteen years is not even enough time for a small tree to reach medium size. It is not long enough for one cycle of life to pass for hardwood tree species.

only the potential for this to happen amongst indigenous communities in Cambodia, based on the 2001 Land Law, and most of those in the project area are not legally definable as "indigenous peoples," a term with specific legal standing in Cambodia (Baird 2011; 2013). Therefore, devolution of power has, at best, been only partially achieved, although communities involved in forestry groups in the area have somewhat increased their statutory rights over forests, while continuing to maintain frequently unwritten but nevertheless potentially important customary rights. But at another level the central government became more involved, at least for a period, increasing its stake in the forests, as the area became its national model for REDD. The MAFF and the FA are also responsible for selling carbon credits from REDD projects, although so far they have not been able to sell any. This is not meant as a criticism of Pact, as Pact must operate within the particular political context of Cambodia, one where government officials seem to want to maintain considerable control over forests. Still, if we assess this project using the concepts of access and exclusion, it can be concluded that it has been unsuccessful, as communities have not achieved secure long-term access to their resources, and they are having increasingly serious problems excluding others from encroaching on their forests.

Wildlife Conservation Society (WCS)—Seima, Mondolkiri Province

The second most advanced REDD Project in Cambodia is being developed by WCS in collaboration with the FA, which formally agreed to collaborate with WCS on the project in October 2008 (Evans 2009a). In May 2008, Winrock International completed an assessment for the Seima Protected Area REDD project, in Mondulkiri Province, northeastern Cambodia (Pearson *et al.* 2008). The initiative builds on the long-term support that WCS has provided for the Seima[15] since 2002. The 187,983 ha covered by the REDD project includes 16 villages with a population of approximately 10,750 people, most of whom are classified as "indigenous peoples," mainly the Bunong ethnic group (Evans *et al.* 2012). The project credits are to be certified by VCS and CCBA (Evans 2009a) like the Oddar Meanchey Project.

The key to the Seima REDD project for WCS is developing a pilot for supporting biodiversity conservation and protected area management in Cambodia. That is their acknowledged priority, and for right or wrong, local people are of secondary concern, although they have certainly not been ignored. Although it is expected that some revenue will be directed to community benefits, a significant portion are expected to be used

15) The Seima Protected Area was officially declared by the FA in August 2009, and includes parts of Mondulkiri and Kratie provinces (Evans 2009a).

for protected area management (Evans 2009b).

One of the hallmarks of this project is that WCS has successfully supported indigenous communities to gain communal land tenure. This area is amongst the first to register communal land tenure for locals, based on the legislative reform that occurred when the Land Law was adopted in 2001 (Baird 2011; 2013). Although the project has been somewhat successful in ensuring local access to agricultural land resources crucial to local livelihoods, neither trees nor forested land can be included within communal land titles in Cambodia, only agricultural land (Evans *et al.* 2012; Baird 2011). In one village in WCS's target area, housing areas and most agricultural land (including rotational swidden areas) have been registered under communal title. In addition, within the 1,400 ha registered as communal lands, part of the area is legally recognized as "reserve lands," which are in reality forests or old fallow lands that could potentially be cleared for agricultural in the future (Jeremy Ironside,[16] *pers. comm.* July 11, 2011). Nevertheless, the main forests where people generate significant income from tapping wood resin trees (see Evans *et al.* 2003) have not been registered as communal land. Instead, they have become defined as "state lands," which justifies the forests remaining under the control of FA and the protected area, and thus excludes locals from a high level of control, even if they still have access to the resin trees, at least for now. As important as developing communal tenure has been in principle, it ultimately has not provided locals with secure long-term tenure over most of the forests lands that they use, as most forests have been excluded from the communal lands. Thus, this project cannot be seen as exemplary in ensuring access to resources crucial to local livelihoods, despite supporting groundbreaking communal agricultural land tenure. WCS can only do so much because of the legal restrictions imposed by the government of Cambodia. WCS and the Rainforest Alliance have, however, been investigating options for including resin tree forests presently inside the protected area within a government recognized community forest (Jeremy Ironside, *pers. comm.* July 11, 2011).

Relying on the access and exclusion framework, it can be seen that REDD has helped increase tenure security over local agricultural lands and future agricultural lands, but has also supported a state-led process that has actually weakened local control over most forest areas, as the communal land tenure system in place is linked with the state's move to take control of other forested lands as "state land," a fundamentally disempowering designation for local people. Thus, in this case REDD has the potential to

16) Jeremy Ironside is an agriculture, land tenure, and indigenous peoples expert who has been conducting research on these topics in northeastern Cambodia since the mid-1990s. He recently completed a PhD looking at the process of land privatization underway in Ratanakiri Province, Cambodia and the communal land ownership alternative.

provide increased access to some, through helping exclude others from taking their land. Communal land titling could help provide comprehensive secure long-term land and forest tenure, but only if forests designated as "state lands" are allowed to be considered community land, as is the case in Laos (see below).

Japan International Cooperation Agency (JICA)—Luang Phrabang Province

JICA, in cooperation with the Ministry of Agriculture and Forestry (MAF), is piloting an innovative five-year REDD-related project in northern Laos' Luang Phrabang Province (JICA 2010). The Participatory and Forest Management for Reduced Emissions from Deforestation and Degradation in Lao PDR (PAREDD) Project began in October 2009, but fieldwork could not begin until February 2010, and implementation only really started in February 2011. PAREDD is working in three areas where there are considerable amounts of forests but high deforestation rates: one in an approximately 1,500 ha area in Xieng Ngeun District, another in a 30,000 ha area in Phonxay District, and the third area in Phonthong District is so far undetermined. All three are populated by ethnic minorities, mainly Khmu, and Hmong to a lesser extent (Namura Takayuki,[17] *pers. comm.* June 19, 2011).

The PAREDD Project plans to develop carbon credits through REDD, like the other two REDD pilot projects already discussed, but its main focus is to test a participatory REDD project model. Many details need to be worked out, and the project implementers are especially conscious of the difficulties of developing agreements and paying large numbers of people living in many villages. They are looking at ways to do this effectively without high transaction costs. PAREDD also hopes to address problems related to decreasing amounts of swidden agriculture for subsistence use in northern Laos, and the increasing use of upland areas for cash crop production (JICA 2010). They have applied the Lao government's Participatory Land Use Planning (PLUP) process, which is supposed to provide more opportunities for local participation compared to the previous land and forest allocation process (Bourgoin and Castella 2011), which has been widely criticized (Fujita and Phanvilay 2008; Baird and Shoemaker 2007; Ducourtieux *et al.* 2005; Evrard and Goudineau 2004). However, Lestrelin *et al.* (2011) have indicated that it has not been easy to translate these new PLUP principles into concrete action, especially considering the one-Party political system in Laos, and that the participation of local people remains frequently inappropriately taken for granted.

PAREDD is being directed by a Japanese national who previously gained consider-

17) Namura Takayuki is a community forestry expert who previously worked on a community forestry project in Central Laos for the Japanese non-government organization, JVC. He is presently an expert with JICA, and is based in Laos where he is the project advisor for PAREDD.

able NGO experience working on community forestry projects in Laos for the Japanese Volunteer Center (JVC). He wants to work with villagers to develop a standard community forest project, except with a REDD pilot component. The crucial point of the project is that villagers should be supported to gain government-recognized secure long-term tenure over their forests, although the exact mechanisms for achieving that goal still need to be worked out, as well as what conditions might be applied for gaining tenure. Once secure tenure is established it is hoped that villagers can gain and control REDD credits on their own, so that they can be the main beneficiaries of REDD, a concept quite unlike the Cambodian examples already presented. The vision is to help villagers gain control of their own forests through using REDD as leverage, and thus is different than many other REDD pilot projects in the region (Namura Takayuki, *pers. comm.* June 5, 2010).

The project advisor has referred to the project as "a community forestry project pretending to be a REDD project" (Namura Takayuki, *pers. comm.* June 19, 2011). The main project objective is not to support protected area management, as with the WCS project mentioned above, or to develop REDD at the central level. Nor does JICA envision retaining the status quo of official central government control, as with Pact. The idea is to specifically provide locals with secure government-endorsed forest tenure, using REDD as leverage to achieve these benefits for local people.

Although it is so far unclear whether the project will be able to achieve its goals, its objectives are noteworthy, as the project fares well when assessed with the access to resources framework, since it intends to explicitly strengthen villager access to resources. The main question is: can the project really be effectively used to generate significantly increased tenure over land and forests for local people? It is not certain whether this will be possible within the politically restrictive context of Laos, where the government has little history of providing secure tenure or access to villagers over forest resources, especially in forests of high economic value (see Baird 2010b; 2010c; Hodgdon 2007; 2008; Anonymous 2000).

Still, PAREDD has considerable promise for securing long-term land and resource tenure for local people. However, the project only really began in 2011, and at the time of this research had not yet achieved many actual results. Also, it is unclear whether JICA, apart from the project advisor, is truly committed to this approach. Some recent moves suggest that JICA headquarters in Japan may be more inclined to desire a standard REDD project (Namura Takayuki, *pers. comm.* September 12, 2011).

Although it is unclear whether the Lao government will allow local people to become empowered in the way that project proponents are advocating, it is quite encouraging that the Lao government has recently issued its first communal land titles to villages.

These communal land titles do not only include agriculture land limited to indigenous people like in Cambodia (Baird 2011; 2013), but are fundamentally related to forest land. Crucially, they are expected to make the registration of land for REDD+ easier in the future (Chokkalingam 2011). If these same sorts of communal land titles can be secured for PAREDD, the project could fare well in terms of increasing access to local people, while helping locals exclude others from their land.

Possibilities for Using REDD for Increasing Secure Local Land and Forest Tenure

Each of the case studies presented here illustrates partial achievements and possibilities for securing local land and forest tenure through the use of REDD. None, however, can be said to have so far been successful in securing statutory access to resources for local people. Still, it is crucial to first create a vision of what would be desirable. This article strives to outline what might be possible.

The Pact Oddar Meanchey project has helped maintain access to forests for local people, and may have been preventing various threats to the forests, including the advancement of economic land concessions. Tenure to local people has, however, been partial and limited (to 15-year terms), and the central government of Cambodia is more involved in the project area than before. Gaining government support is, of course, often crucial for local empowerment processes, but still, secure long-term rights remain elusive, and there are no legal provisions for providing the largely non-indigenous population with permanent or long-term communal tenure, as there are in Laos (see below). Furthermore, the central government has a monopoly on selling carbon credits and can decide how revenues from REDD are divided up (Bradley 2011; Evans *et al.* 2012). Communities have not been empowered to make crucial decisions related to land and forests that they use. So at best, the achievements have been partial, and would appear to be tenuous and fragile, due to various factors possibly beyond the control of Pact, such as the continuation of various real threats to forests in the area, and the desire of the Cambodian government to retain substantial control in relation to selling carbon credits and dividing up the proceeds. This example is, however, useful for demonstrating some possibilities, including for potentially using REDD to leverage forest protection and obtain rights for forest users. Moreover, Pact's work with the FA, which is accustomed to asserting that forests come under its centralized control (Nathan and Boon 2012), might lead to the FA empowering local people more in the future. But is Pact pushing the FA as much as it should with regard to this matter? Do they see increasing local tenure as

the main reason for moving ahead with REDD? Pushing too hard might damage relations with the FA, thus reducing Pact's ability to influence from within, but if they do not push enough the results may ultimately be less than possible or desirable. What is optimal?

For the WCS project in Mondulkiri Province, the main usefulness of the case study is to highlight the achievement of apparently permanent government-recognized land tenure to the indigenous communities in the area through the development of communal land rights, amongst the first in Cambodia and mainland Southeast Asia more generally. This project has significantly strengthened land tenure for local people, and so represents a real possibility. The example is sadly lacking, however, as only a very limited portion of the forests used by the people have been registered as communal land, and due to government constraints, the vast majority of forests that people rely on for their livelihoods remain outside of the communal lands. Moreover, WCS appears to accept the idea that forests used by villagers over a long period of time should be considered "state land" and thus not under local control. These lands and forests have been demarcated as part of Seima protected area, a biodiversity conservation area established without serious consultations, let alone local buy-in. While WCS claims that locals will still be able to access the lands where their wood resin trees are located, as well as access other resources in the protected area, provided that the objectives of conservation are not violated (Tom Evans,[18] *pers. comm.* June 4, 2011), there is no guarantee that these access rights will be respected in the future. Experiences elsewhere in Cambodia and the world would suggest that local access within central government managed protected areas are likely to be tenuous at best (see, for an example from Cambodia, Baird 2009b). Furthermore, while some benefits from REDD are expected to go to local people, as with the Oddar Meanchey project, it would appear that locals in Mondolkiri have little control over how much of the benefits they will receive, or in what form they will be delivered. It seems likely that most of the benefits will go to protected area management, which is the main objective of the project, or to the FA. Protected area management may or may not work in the interests of local people. There are possibilities for developing community forests that could increase local forest tenure, but it is so far unclear how such a system might develop in the context of the protected area. Thus, this case study is useful for suggesting possibilities related to communal land rights, but has certainly not achieved secure long-term tenure over forests for rural people.

The final case study involving JICA in Luang Phrabang Province, Laos, represents a very interesting possibility, one that could really involve providing local people with access to resources through secure long-term tenure, using REDD as leverage to achieve

18) Dr. Tom Evans works for WCS in Cambodia.

this clearly defined and articulated objective. The aims of the project advisor appear to be in line with locals obtaining secure long-term tenure as a prerequisite for developing REDD. However, can such objectives really be achieved? Will it be possible to convince the Lao government, which does not have a history of granting strong rights over forest resources to local people, to buy into the process, especially considering the one-party political system that is in place in Laos? Would they be willing to recognize indigenous land-use systems such as those that involve swidden cultivation? This is something that the Lao government has discouraged and even prohibited for decades (Baird and Shoemaker 2007; Evrard and Goudineau 2004). Is JICA really willing to back up such efforts, or are the objectives only really being supported by the Japanese advisor of the project? Will the communal forest land titles presently being issued by the Lao government really be respected in the long-term? Unfortunately, the Lao government does not have much of a track record of granting secure communal land and forest rights to local people and then sticking to those agreements. For example, in the 1990s land forest rights were given to communities as part of the Land and Forest Allocation process, but since then many of those rights have been arbitrarily revoked by officials (Ducourtieux *et al.* 2005; Hodgdon 2007; 2008). This is partially due to the weak judicial system in the country, which makes it easy for governments to withdraw rights without much resistance. Thus, the chances for achieving the desired results would appear to be limited, and considerable compromising may be necessary, but at least the vision embedded within the JICA project demonstrates a possibility, one worth careful consideration and potential emulation.

Overall, if we consider all three projects discussed in this paper, it is possible to see how REDD could be used as leverage for providing locals with forest tenure and related benefits. This is provided, of course, that people and governments have the vision and convictions to do so. Thus, this paper does not only relate to assessing REDD projects, but is also about presenting possibilities, ones that many might argue are more utopian in nature than realistically achievable within present-day political and social contexts. That may be true, and taking small steps to achieve such objectives could represent the most realistic path forward. In fact, all three projects are doing this to varying extents and in different ways. It could be realized, providing that there is sufficient vision and political will to do so at various levels. This paper will certainly not, by itself, lead to the structural or conceptual changes that would be needed to make this a reality, but it can hopefully advance the vision.

One of the problems with the present REDD system is that it is being rapidly developed in order to be "efficient," and in order to rapidly address the climate change crisis. To really establish an equitable system that gives locals secure long-term tenure, how-

ever, the ground work related to land and resource tenure, including appropriate legislative and judicial reforms, needs to be done first, and experiences worldwide would suggest that this cannot be expected to happen as easily, quickly, or as cheaply, as many advocates of REDD might hope. For example, the Cambodian Land Law was established in 2001, but it took a decade for the first villages to obtain communal land title, and it will take many more years before a large number of indigenous communities have communal land title. One of the main problems is that in order to meet the vision of REDD being linked to strong long-term land and resource tenure for villagers, there would need to be substantial reforms. While there are some positive indications of reforms occurring in Laos that would provide villages with tenure over forests, both the Lao and Cambodian governments still generally consider forests to be state property, and both the governments of Laos and Cambodia have been hesitant to give secure long-term tenure over forests to rural people in the past, or to recognize this tenure in the past. We need to recognize that at least in Laos and Cambodia, this is a crucial part of the problem with the way REDD is developing. The recent trend in both Laos and Cambodia of central governments reasserting control over forests can be linked to the trick of defining forested lands that local people have long used as being located on "state land."

Conclusions

In this paper I have attempted to show how assessing REDD projects using an access and exclusion framework can be revealing and useful. Indeed, REDD initiatives have the potential to recentralize forest resources in particular ways in Cambodia and Laos, especially in relation to plans to market carbon credits. However, through examining the three case studies, and the particular contexts in Cambodia and Laos, it is evident that REDD has the potential, if initiated in particular ways, and with considerable government buy-in, to be used to leverage secure long-term access to resources for local people, thus helping them exclude others from taking their land. In fact, to some extent that is already occurring, albeit in very uneven and partial ways. True success is, however, only likely to be possible if tenure is elevated higher on the international agenda. There are also serious systemic concerns regarding the transparency and accountability of governance systems in Cambodia and Laos, which point to problems with government capacity to support effective decentralization, but also suggest that centralized control would likely be quite problematic as well. In any case, considering the widespread present-day interest in REDD, there are opportunities for using REDD to achieve increased resource tenure for local people, but it will not be easy, and will require focusing on tenure as a

key part of REDD, something that has generally not been adequately done with for most REDD+ initiatives.

Finally, it must also be remembered—when taking a pragmatist position like the one outlined at the beginning of the paper—that providing secure long-term tenure over resources to local people in relation to REDD projects, if done correctly, is not only likely to benefit local resource users, but also to be crucial for the success of REDD projects themselves, as the governments of Cambodia and Laos are unlikely to be able to sustain forest protection over long-periods of time without the support of rural communities, and this is only likely to be forthcoming if they gain the types of secure long-term tenure that past experiences both in Southeast Asia and globally have indicated are crucial for successful natural resource management. REDD does not exist in a vacuum, and lessons about the importance of secure long-term tenure and access to resources are as relevant when it comes to REDD as with other types of land-use management programs.

Accepted: June 10, 2014

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