

Tentative Indicator Set for the Participatory Governance Assessment in Lam Dong

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1. Participation of stakeholders in the process of making and implementing decisions with regards to contracting of production forest and land under Decree 135

1.1. Legal recognition of the right of all stakeholders to participate

- Identification of stakeholders and their role: who are the stakeholders and how are they legally identified (is there any stakeholder who exists in reality but not recognized by law?) Role of each stakeholder (which stakeholder is in charge and is there decentralization of responsibility within its line agency?)
- Right to participate: to what extent existing legal framework in the province (including legal documents issued by national governments and those by provincial government) recognizes the rights to participate of stakeholders in different stages of making and implementing decision related to forest resources?
- Clarity: are conditions in the legal framework on participation easy to understand by local communities and can be understood the same way by all involved?
- Applicability: is there appropriate guideline for the process? Does the legal framework indicate review and dispute resolution mechanisms?

1.2. Capacity of stakeholders

- Capacity of the responsible agency to facilitate a participatory process: number of people/ staff with capacity to design and facilitate a participatory event/ process
- Capacity of other stakeholders: capacity of CSO, local people, private sector, etc. (in terms of forestry, planning, organization and implementation) to participate in the planning, decision making and implementation. Do all local stakeholders know of their rights to participate in decision making and implementation process? How is the legal education implemented (methodology, timing, target groups...)? What is the budget line for this?
- Arrangement of human resource: how appropriate is the positioning of trained staff (are they working in the area that they were trained?) are those representing the stakeholders in different stages of the process capable/ trained in relevant areas?
- Capacity building: has there been any capacity building activity for the stakeholders / what is the plan for next? If yes, is it based on the needs assessment, if no, has capacity building needs assessment undertaken?

1.3. Existence of an effective process

- Participation of stakeholders: is there real demand to participate from stakeholders, and in what stages of the process (is there any stakeholder who is indifferent of a participatory process)? How are consultations with concerned

stakeholders undertaken? Who represents each of them in each step of the process? How is the feedback taken into account?

- Transparency: how is the information related to the process shared (methodology, timing, location, etc.)
- Interaction between legal and customary laws: does legal framework allow flexibility at the local level (to take into account local culture, traditions etc. in the whole process)
- Budget: Is budget available for participatory process?
- Dispute resolution: how is the review and dispute resolution undertaken? (Level and the way dispute is handled: within and between communities/ between communities and outsiders) are traditional practices taken into account in dispute resolution? Are people involved happy with the way review and dispute resolution undertaken?

2. Forest tenure and benefit sharing

2.1. Forest tenure and benefits

- Area of forest managed by tenure groups
- Key type of benefits from forests by different stakeholder groups

2.2. Legal recognition of rights and benefits

- Legal rights and benefits: What are the key rights (specific rights under the groups of rights to access, withdraw, manage, exclude and alienate) and benefits of different tenure groups recognized by law
- Interaction between legal framework and customary practice: to what extent existing forest legal framework in the province recognizes the existence of customary forest tenure

2.3. Clarity of tenure on the ground

- Clarity of forest boundaries: can stakeholders involved recognize the boundary of themselves and the others on the ground? Can other people/ entities recognize the forest boundary and its 'owner'?
- Proof of rights to forest: do stakeholders have any proof of their legal rights to forests (title, contract, etc.)

2.4. Equity:

- Difference between legal framework and practice: is there any difference between rights and benefits indicated in the legal framework and what different stakeholders have in reality? Do stakeholders have any problem in realizing their rights/ benefits?
- Comparison of size of forest and size of each stakeholder group
- Are forest tenure and benefit sharing policy and practice viewed as equitable by all stakeholders, particularly local community/ marginalized groups?

2.5. Legal awareness and support

- Legal awareness: do stakeholders know about their legal rights and responsibilities to forests?
- Awareness rising: how are legal education and access to legal information been undertaken? (methodology, timing, target groups, etc.). What is the budget for this?
- Legal support: when there is a need for legal advice, to whom stakeholder (particularly local community) turn and when is legal advice accessible? Is there a system of review and dispute resolution operational? How is it operated?

2.6. Forest use conflict:

- Conflict: existence of (serious) conflicts between state and local stakeholders and between different stakeholder groups – key reasons that lead to the conflicts
- Conflict resolution: how are these conflicts handled and at what level? To what extent is the use of formal and informal (customary) laws in resolution of forest conflicts (at what level)?
- Potential conflicts: is there any threat that certain conflicts may occur (in land use, overlaps between legal law and customary practice)?

2.7. Compensation

- Existence of a mechanism for compensating stakeholders when their forest is claimed by the state for public purpose (policy and practice). Are there any choices of compensation for those affected? Are those affected happy with the compensation?

2.8. Tenure security

- Are rights to forest viewed as secure by different stakeholders? What have been the investments of different stakeholders in their forests (timing, level of investment, reasons to invest)