

REDD+ on hold: Lessons from an emerging institutional setup in Laos

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Abstract: *The prospects of receiving funding for REDD+ have set many developing countries on a pathway of policy reforms to integrate REDD+ in national legislation. Progress has been slow partly due to the lengthy international negotiations on REDD+ but also because the policy reforms have not been backed by sufficient commitment to make REDD+ implementation feasible. To contribute to a better understanding of why policy and institutional reforms have not been successful in taking REDD+ implementation further, we analyse the institutional landscape of the forestry and environmental sectors in Laos as a case in point. We interviewed stakeholders from national to village levels and found that REDD+ has been effectively on hold in Laos. This is because of recent institutional transformations, rapid staff turnover and limited implementation capacity of government agencies at the national and sub-national levels all of which have led to a heavy reliance on international support and external consultants. The result is that Laos may not be ready to benefit from the international agreement on REDD+. The situation in Laos provides a compelling example of how difficult REDD+ implementation has proven to be in countries where institution building is still in process.*

Keywords: *capacity, forest carbon governance, institutions, Laos, REDD+, Southeast Asia*

Introduction

The prospects of receiving substantial funding for Reducing Emissions from Deforestation and Forest Degradation (REDD+) have set many developing countries on a pathway of policy reforms to integrate REDD+ into national legislation. These efforts have been seen as a good opportunity to strengthen legislation not only with respect to the management of forest areas but also to stimulate land reform, increase land tenure security, and improve local development, thus creating an atmosphere of optimism that REDD+ could be a driver of better governance and appropriate development as a co-benefit of mitigating climate change (Korhonen-Kurki *et al.*, 2014). However, the slow progress of international negotiations on REDD+ and the realisation that, despite substantial donor support, REDD+ remains only one of multiple forest governance strategies in developing countries have somewhat dampened this optimism (Angelsen and McNeill, 2012). However, the decision at the United

Nations Framework Convention on Climate Change (UNFCCC) 21st Conference of the Parties (COP21) to go ahead with REDD+ may spark renewed interest, especially if adequate funding is provided (UNFCCC, 2015).

In this paper we argue that the slow REDD+ preparation makes it relevant to analyse why the policy and institutional reforms in many countries have not been successful in taking REDD+ implementation further and also to evaluate to what extent governments allocate the necessary resources and commitment to create a fertile policy environment for climate change mitigation such as REDD+. We use the Lao People's Democratic Republic (Lao PDR, hereafter Laos) as a case in point to show how international environmental mechanisms may or may not be implemented under national governance regimes that, from an overall policy perspective, can accommodate the new mechanisms. However, when it comes to 'real-politik' they may not be interested in making them work as intended, e.g. by excluding important drivers

such as land concessions and infrastructure (Dwyer and Ingalls, 2015). We identify a range of reasons why this is the case including the presence of contradicting spatial governance and institutional restructuring and the absence of transformational coalitions and brokers between state and non-state actors – all of which leave REDD+ policy implementation in limbo.

First, we outline some of the challenges in other countries to illustrate the importance of this problem. In Indonesia, for example, the government shows strong ownership of REDD+. Considerable donor support has been committed, but only spent to a limited extent because the policy reforms have not been backed by sufficient commitment to make REDD+ implementation feasible (Korhonen-Kurki *et al.*, 2014). Even though the Indonesian readiness plan was made several years ago (Di Gregorio *et al.*, 2012), national forest cover reference levels were reported in 2014, and a committed REDD+ agency has been pushing the agenda with some success (Astuti and McGregor, 2015), there is still limited activity on the ground. The transfer in 2015 of the REDD+ agency from the President's office to the Ministry of Environment and Forestry is likely to further slow-down REDD+ progress (Luttrell *et al.*, 2014; Astuti and McGregor, 2015), which is also under pressure from strong criticism from civil society organisations that point to inadequate planning and implementation of REDD+ pilot projects (Howell, 2015).

The REDD+ policy process has also been slow in Vietnam, where it is dominated by governmental institutions that leave very limited space for involvement and contribution from other actors. REDD+ consultation workshops have mainly been held at the national level, with very limited participation from local stakeholders and indigenous communities. Moreover, while international and domestic NGOs, donor organisations and the private sector have been involved in national REDD+ policy consultation events, they have not necessarily influenced REDD+ policy discussions and decision making – as pointed out by Pham *et al.* (2014): “70% of interviewed actors felt that their participation and contribution were not reflected in the final decision”. Experiences with Free Prior and Informed Consent at local level also showed that one-way communication tools and lack of feedback on how decisions were made were

common (Pham *et al.*, 2015). Thus, although Vietnam has strong national ownership in REDD+, the low degree of participation leaves multiple interests in the REDD+ policy process unaccounted for (Korhonen-Kurki *et al.*, 2014).

Looking beyond Southeast Asia, a case study from Brazil shows that governmental organisations are the main agencies driving the REDD+ policy arena, although there is some coordination with donor institutions, domestic NGOs, the private sector and local communities (Gebara *et al.*, 2014). Korhonen-Kurki *et al.* (2014) indicated that Brazil has the strongest national ownership of REDD+ and the most inclusive policy process (within their 12 study countries), but the most recent REDD+ activities in the country (subnational nested initiatives) and REDD+ policy and information exchange are still mainly controlled by the key governmental agencies at the national level (Gebara *et al.*, 2014). This is also the case in Cameroon where REDD+ preparation is strongly centralised and led by international agencies, leading to low national ownership (Brockhaus *et al.*, 2014b; Dkamela *et al.*, 2014).

This takes us back to Laos, which has also embarked on a REDD+ preparation pathway with strong support from international donors. Laos is of specific interest as it has – according to the Lao government's definition of forest – one of the highest forest covers in Southeast Asia with some 40% forest that has more than 20% canopy closure (DoF, 2012b). Using the FAO definition of forest cover (10% canopy closure) sets the forest cover at 66% in 2010 (FAO, 2010), but none of these definitions say anything about forest quality. The Government of Laos (GoL) has long been aiming at strengthening its control of national forest resources and limiting illegal deforestation and logging, but there have been important limits to actual implementation of these aims (Lestrelin *et al.*, 2013b, 2013a). As a result, forest cover continues to decline – from 47.2% in 1992 to 41.5% in 2002 and 40.3% in 2010 according to official statistics in Laos (GoL, 2005; Tong, 2009; DoF, 2012b). Thus, several decades of government policy on forest governance have been unable to stop deforestation and it seems unlikely that the government goal of having a 70% forest cover of the country's total land area by 2020 will be realised.

Multiple causes have been identified to explain this. With regard to timber extraction and illegal logging, a lack of financial and human resources for forest resource monitoring by state agencies is often put forward by the government (GoL, 2005). However, policy loopholes and legal exceptions also play an important role. Several decrees have been passed in the 2000s establishing strict bans on log export and commercial logging activities outside state production forests. Furthermore, logging in production forests has to adhere to a national logging quota system. Yet, it has been easy for logging operators and other private investors to circumnavigate legislation (Barney and Canby, 2011), e.g. by obtaining concessions for various investment purposes such as agriculture, hydropower development or mining. By doing so, they can obtain the logging quotas from the government in order to clear the area intended for development. However, the companies often sell the development licences to other developers after the logging phase (Barney and Canby, 2011), practices typically related to transnational networks involving powerful private investors and some officials and their allies (Baird, 2010; Lestrelin *et al.*, 2013a). Consequently, timber harvesting continues on a large scale in Laos, much of which serves the Vietnamese, Chinese and Thai markets (Barney and Canby, 2011; To *et al.*, 2014), thereby continuing the displacement of deforestation from neighbouring countries to Laos (Meyfroidt and Lambin, 2009).

To reduce pressure for forest conversion at the local level, various forest and land-use management programmes have been implemented using spatial planning instruments such as land-use planning and forest land allocation (LUPLA) and more recently participatory land-use planning (PLUP) (Ducourtieux *et al.*, 2005; Lestrelin, 2010; Bourgoin *et al.*, 2012; Castella *et al.*, 2014; Dwyer and Ingalls, 2015). In theory, these programmes should contribute to transferring responsibilities to local levels to ensure that local communities play a more important role in managing land and forest resources (Lestrelin *et al.*, 2012), but regulations under these programmes seem to be disregarded by different levels of government. For instance, a case study in southern Laos revealed that although LUPLA was implemented, villagers still lost their land to a private investment company that established a rubber

plantation (Kenney-Lazar, 2010) and other studies suggest that LUPLA is a means of dispossession as it identifies degraded land for allocation of concessions (Barney, 2009). Moreover, the land-use plans – usually supported by donor and civil-society organisations – are frequently disregarded after the project support ends (Lestrelin *et al.*, 2012). Such outcomes are not uncommon as new policies and laws on forest-resource governance developed at the national and global levels may indeed lead to the transfer of responsibility to local level, but as elsewhere the rights to resources are still predominately retained by central governments (Agrawal and Ribot, 1999).

These governance issues and the historical failure to reverse a continuous deforestation trend could make REDD+ just another questionable policy measure to reduce deforestation in Laos. Even if adequate legislation is passed, there is an urgent need to understand how governance is played out from the local to national levels in the new REDD+ structures that have been created. Therefore, in this paper, we review the historical and current forest governance in Laos. We then analyse the ongoing processes of institutional reconfiguration, policy revision and capacity building within Laos' forestry sector and look at the REDD+ demonstration activities that are expected to inform the national REDD+ policy formulation. Our objectives are to assess whether these processes are helping future REDD+ implementation in Laos, to evaluate the challenges faced by the emerging REDD+ administration in relation to human capacity, financial and human resources and their allocation at different levels of governance and, in more general terms, to discuss whether policy and institutional reform are indeed needed for REDD+ to be successful.

Methods and study area

This paper is based on reviews of official documents, 'grey' literature and scientific papers in combination with stakeholder interviews. Primarily, the official documents reviewed included forestry-related policies, laws, decrees, regulations, and REDD+ related official reports such as decisions and agreements of the government, Readiness Program Idea Note (R-PIN),

Readiness Preparation Proposal (R-PP), and REDD+ progress reports. The grey literature reviewed included unofficial reports such as consultancy and project reports. The documents were found in two ways. The first was by using the Google search engine and the keywords “institutional reform in Laos”, “forest governance in Southeast Asia”, “land-use planning and land governance”, “policy implementation” and “REDD+” and the second involved collecting directly from government agencies at the national and sub-national levels, non-governmental organisations (NGOs), research institutions, and projects.

We also conducted semi-structured interviews with 59 representatives from 29 organisations. These included four departments and one research institute under the Ministry of Agriculture and Forestry (MAF), two divisions of the Department of Forest Resource Management (DFRM) under the Ministry of Natural Resources and Environment (MoNRE), six provincial and district government offices in the forestry, land and environment sectors, seven NGOs, six project organisations, one private company, and two villages (Soblao and Homephan) in Hua Meuang District, as well as district authorities from Viengthong District (by early 2014, Viengthong District was divided into two districts named Hiem and Xon), Huaphan Province. We interviewed key informants during fieldwork in November 2012 and then in April–May and November–December 2013. The intermediary results were presented and discussed at a workshop held in Sam Neua, Huaphan Province on 10 March 2015 with 36 delegates from four districts (Hua Meuang, Sam Neua, Hiem and Xon) and Provincial and National REDD+ officials. Interview and workshop notes were coded according to key aspects of the research questions and analysed using the ‘NVivo’ software for analysis of qualitative interview data.

In-depth interviews were carried out in Hua Meuang District because it is a focal REDD+ pilot district, and in the former Viengthong District because a large part of its land area is included in the Nam Et-Phou Loey (NEPL) National Protected Area (NPA), which was initially selected by the Climate Protection through Avoided Deforestation Project (CliPAD) as a pilot area for REDD+ activities. This project is developing a jurisdictional approach to REDD+ at the provincial level, with climate change

mitigation activities conducted in pilot districts under high threat of deforestation and forest degradation (Moore *et al.*, 2012). Among other REDD+ related initiatives in the area are the *Proceed* project (www.laos-proceed.com) and the *Lowering Emission in Asia's Forests project* (LEAF, <http://www.leafasia.org>). With the selection of a province and districts targeted by multiple climate change adaptation and mitigation projects, we expected that global concerns for the environment in terms of forest cover and forest quality would be strongly expressed by local communities. Likewise, we expected that here – if anywhere in Laos – the goals, activities, and challenges of the REDD+ pilot activities would be well understood and reflected among district and provincial level staff. Based on this assumption, we expected REDD+ to have a strong presence in terms of allocation of human resources, maintenance and acquisition of technical capacity, despite the recent institutional transformations. Similarly, any weakness or lack of capacity or priority found in these settings could be expected to be even bigger in other districts and provinces that have not been selected as priority areas for REDD+ implementation.

Results

Institutional transformations in the forestry sector

As mentioned earlier, Laos has been continuously developing and revising its legislation and institutional structures to address issues in the forestry sector and we thus start by outlining the institutional transformations that are necessary to understand the current situation for REDD+ implementation. A first comprehensive effort towards forestry regulation came with Decree No. 74 on forest protection in 1979. This decree detailed forest resource ownership, outlined permissions to use forest for conservation and logging, and dealt with the prohibition of shifting cultivation. At the same time, the GoL established nine State Forest Enterprises (SFEs) with the aim of increasing national income from forest resources (GoL, 2005; Dwyer and Ingalls, 2015) and all forestry activities were directly controlled by government. In the mid-1980s, the GoL introduced the New Economic Mechanism (NEM) to shift from a command to a market economy (Fujita, 2006; Lestrelin

et al., 2012). In the forestry sector, this led to further legislation and the organisation of the first national forestry conference in 1989. The same year, the government issued several decrees on the management of forests, wildlife, hunting,

and fishing, and two years later, a first logging ban was issued. An overview of relevant legislation is presented in Table 1.

All these successive decrees were accompanied by reconfigurations of the roles and duties

Table 1. Chronology and overview of legislation on institutional reform, forestry, land, and REDD+ in Laos. Adapted from Lestrelin *et al.* (2013b)

Year	Legislation	Text related to:
Legislation on land and forestry		
1979	Council of Ministers' Decree No. 74	Protection of forest
1989	Council of Ministers' Decree No. 117	Management and use of forest and forest land
1989	Council of Ministers' Decree No. 118	Management and protection of wildlife, fishery, hunting, and fishing
1991	Prime Minister's Decree No. 67	Logging ban
1993	Prime Minister's Decree No. 164	Establishment of national biodiversity conservation areas (National Protected Areas (NPA))
1996	Agreement of the National Assembly No. 04 This law was revised in 2007, under the agreement of the National Assembly No. 06	Endorsement of Forestry Law
1997	Agreement of the National Assembly No. 04 This law was revised in 2003 under the decree of the President of Laos No. 61 on the promulgation of the Amended Land Law	Endorsement of Land Law
2005	Prime Minister's Decree No. 229	Endorsement and declaration of the Forestry Strategy to the year 2020 of Laos (FS)
Legislation on forest sector institutional reforms		
2004	Prime Minister Decree No. 67	Organisation and function of the National Land Management Authority (NLMA)
2008	Agreement of the Ministry of Agriculture and Forestry (MAF) No. 0340	Organisation and function of the Department of Forest Inspection (DoFI)
2008	Prime Minister's Decree No. 149	Organisation and function of Water Resource and Environment Administration (WREA)
2011	Prime Minister's Decree No. 435	Organisation and function of the Ministry of Natural Resource and Environment (MoNRE)
2012	Agreement of the Minister MoNRE No. 3121	Organisation and function of the Department of Forest Resource Management (DFRM)
2013	Announcement of the Prime Minister's Office No. 314	Transfer the responsibility of forestry projects from MAF to MoNRE
Legislation on REDD+		
2007	Official Notice of the Prime Minister's Office (PMO) No.1896	Appointment of MAF as the Lao member of the Forest Carbon Partnership Facility (FCPF) of the World Bank
2008	Agreement of Minister of MAF No. 1313	Organisation and function of the National REDD+ Taskforce
2011	Decision of the Minister of MAF No. 0006	Establishing a Taskforce Committee for implementation REDD+ activities
2013	Agreement of Minister of MAF No. 7176	Establishing a REDD+ Taskforce for implementation of REDD+ activities

of governmental bodies such as MAF. In the mid-1990s, the GoL issued the first version of the Forestry Law, which was later revised in 2007, and the Department of Forest Inspection (DoFI) within MAF was created to regulate activities in the forestry sector and file charges against offenders (GoL, 2007b). In the mid-2000s, the government launched the National Forestry Strategy (FS) with the main goal of increasing national forest cover to 70% by 2020 (GoL, 2005). In order to respond to the FS, the DoFI drafted its own strategy to work on law enforcement (DoFI, 2010). In the mid-2000s, the government created the National Land Management Authority (NLMA) to respond to land issues in the country (NLMA, 2010), and in the late 2000s, the government further created the Water Resource and Environment Administration (WREA) to deal with water resources and environmental issues (GoL, 2007c). After the establishment of the new Ministry of Natural Resources and Environment (MoNRE) in 2011, NLMA and WREA were integrated as departments of MoNRE (GoL, 2011). The creation of MoNRE also had institutional consequences for the forestry sections of MAF as the government merged the former Division of Forest Conservation and the Division of Forest Protection and Restoration at MAF's Department of Forestry (DoF) into DFRM at MoNRE (MoNRE, 2012).

The GoL ratified the UNFCCC in 1995 and the Kyoto Protocol in 2003 (GoL, 2010) and when REDD+ was proposed in 2005, it was considered a valuable instrument to support the goal of increasing forest cover to 70% in 2020. Laos joined the Forest Carbon Partnership Facility (FCPF) in 2007 and the country's Readiness Proposal Preparation (R-PP) was approved in 2011 (DoF, 2011, 2012a). In 2008, the MAF established the first National REDD+ Taskforce composed of 12 members from various organisations and with a legal mandate for (1) management of FCPF processes, (2) promotion and coordination of plans and implementation of REDD+ projects and pilot activities, (3) participation in and observation of international climate change dialogues and REDD+ negotiations, and (4) capacity building through workshops and seminars (DoF, 2010). In July 2011, the MAF expanded the number of members of the Taskforce to encompass cross-sectorial organisations (MAF, 2011). Since the establishment

of MoNRE, the most recent revision of the Taskforce was undertaken in October 2013 and it now includes 24 members from 18 ministries, the National University of Laos, and three Mass Organisations: the Lao Front for National Construction, the Lao Women's Union, and the Lao Chamber of Commerce (MoNRE, 2013).

The institutional setup for REDD+ is largely structured by the forestry administration and clearly centred on the National Environment Committee (chaired by the Deputy Prime Minister) as the main body responsible for the design and validation of REDD+ related policies. The Taskforce performs a cross-ministry coordinating function, while the REDD+ Division at DFRM and the REDD+ Office at DoF oversee seven technical working groups on (1) the REDD+ legal framework, (2) Reference Emission Levels, (3) participation of ethnic groups and local communities, (4) implementation and enforcement of mitigation measures, (5) land use, (6) measurement, reporting and verification (MRV), and (7) benefit-sharing. Plans devised by stakeholders at the central level are then to be implemented at provincial level by both the Provincial Agriculture and Forestry Office (PAFO) and the Provincial Office of Natural Resource and Environment (PoNRE).

Figure 1 shows the REDD+ institutional structure as it is planned to be set up at the national and provincial levels. However, REDD+ responsibility remains divided between MoNRE (the REDD+ Division) and MAF (the REDD+ Office) that are both at the same level in the administrative hierarchy. Existing institutions are added in the red box in Figure 1, while institutions outside the red box were not yet established at the time of writing. Likewise, none of the stated working groups for REDD+ had been established at national or provincial levels. Even though development projects and international NGOs push provincial REDD+ pilot activities—for example, CliPAD supports REDD+ pilot activities in Huaphan Province—neither PAFO nor PoNRE have established a provincial REDD+ unit to coordinate these activities. Even in a REDD+ pilot project area like Huaphan, concerned institutions at the provincial level wait for official approval from the national level on how to set up the institutional framework around REDD+. According to the Terms of Reference (ToR) of DFRM, the REDD+ Division is

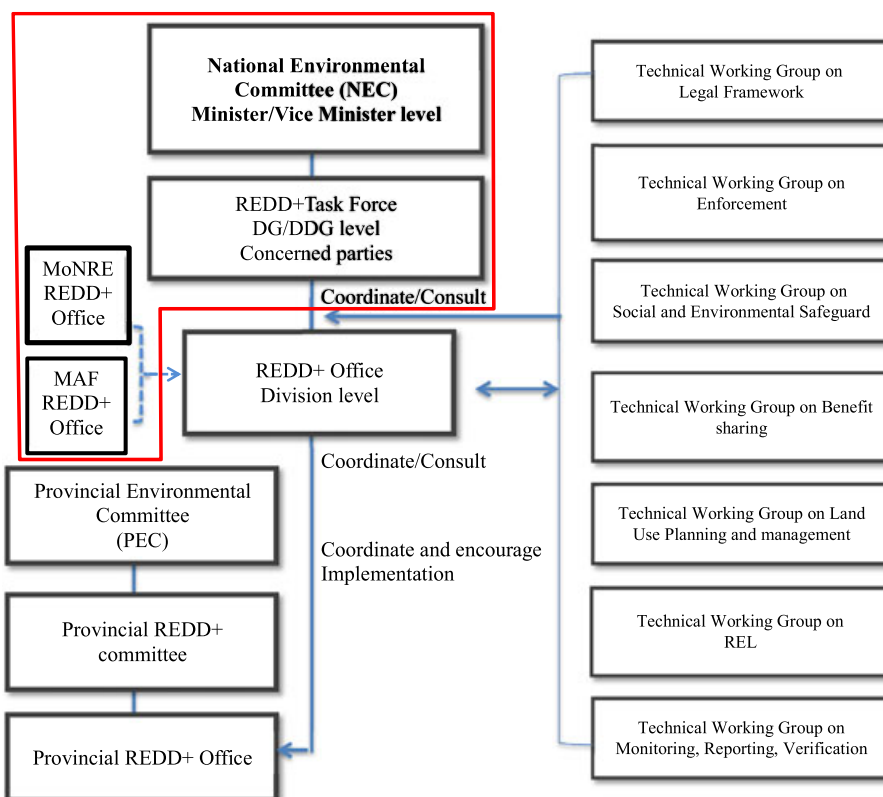


Figure 1. REDD+ institutional structure in Laos, implemented and planned

responsible for REDD+ policy development and implementation of pilot activities on the ground, but the human resources with knowledge of REDD+ have remained at the REDD+ Office in MAF as also confirmed by others (Dwyer and Ingalls, 2015), making MoNRE unable to push the REDD+ agenda forward.

According to the R-PP and key informant interviews, the GoL favours a jurisdictional nested approach to REDD+ under the verified carbon standard (VCS), but this is challenged by the overlapping mandates of the REDD+ Division at DFRM and the REDD+ Office at DoF (MAF, 2011; MoNRE, 2012). When the World Bank and other donor organisations requested the GoL to clarify the division of responsibilities between DFRM and DoF (FCPF, 2013a), DoF was designated as the implementing agency for FCPF and DFRM as the implementing agency for REDD+ activities supported by other donor institutions (FCPF, 2013b). Moreover, in March 2013, the GoL announced that all responsibility of forestry projects supported by foreign countries and previously handled by MAF should be

transferred to MoNRE (except for REDD+ activities implemented in production forests) and that the REDD+ Division at the DFRM eventually will become the only national REDD+ unit (GoL, 2013).

These mandate redistributions raise questions of implementation capacity at the national level as shown by our interviews with governmental organisations. Different levels of understanding among key staff at national institutions were revealed by respondents from DoF and DFRM to the same question “what do you understand by REDD+?” A respondent at the DFRM responded that “REDD+ is not very clear in the Lao context. To my understanding, it is not different from recent forest conservation in Laos. It is additional as it aims to sell carbon and improve forest law enforcement. However, since REDD+ is new for me, I am not fully aware of the plan of the government to move ahead with REDD+ and I do not have a deep understanding of REDD+ in the global context”. However, the respondent at the DoF was able to explain REDD+ in much more detail: “REDD+ aims to increase forest cover with

its focus on protecting the existing forests, afforestation and replanting, and sustainable use and management of forests. This fits well with our Forestry Strategy to increase forest cover to 70% in 2020. REDD+ involves many factors including political issues. The government aims to sell its carbon credits to the voluntary carbon market based on the Kyoto Protocol. However, if a new protocol is agreed, the government may sell the credits to the compliance market". Until key players have fully understood REDD+, the DFRM will be in a difficult position to coordinate REDD+ activities at the national level. This was made clear by the DoF in a story printed in the media where it was stressed that Laos progresses slowly with REDD+ because the national agencies in charge have not clearly understood the concept (Anonymous, 2014).

Consequences of institutional reforms for REDD+ governance

The successive institutional reforms and associated legislation in the forestry sector are challenging REDD+ implementation in Laos in three main ways. Firstly, key national REDD+ stakeholders consider their work of clarifying and implementing the institutional setup to be a higher priority and a required first step prior to actual REDD+ activity implementation. As a result, REDD+ activities were on hold for several years while institutional rearrangements were underway leaving donor organisations, international NGOs, and projects in limbo while waiting for official approval from their local counterparts. At the time of writing, though, all projects had been assigned to the REDD+ Division at MoNRE.

Secondly, insufficient human resources coupled with limited financial resources to support the work of governmental institutions and insufficient coordination in forestry-sector institutions create mismanagement and misuse of land and forest resources (GoL, 2008; Lestrelin *et al.*, 2012). This is reinforced by the minimal local participation in land-use and forest-management planning. Our interviews indicated that negotiation, understanding, and implementation of the plans, as well as regulations on the ground, are all hampered by limited access to information and limited planning experience of local communities, poor facilitation

capacities of district planners, and absence of incentives for follow-up monitoring and extension. Likewise, land use planning is hardly followed in practice by local communities as emphasised by technical staff from PoNRE: "although land use planning has been done in all villages in Hua Meuang District, not all villages have regulation on land and forest management. Even in villages that received the regulation, it is not fully enforced since technical staff from the district just handed the regulation to the villages without training and explanation. Part of this is because technical staff at the district does not fully understand the regulation and have limited funds to follow up on activities outlined in the land use planning". This lack of both clarity of what land use planning entails and capacity of district and provincial staff to act on plans make follow up activities of land use planning very difficult (Castella *et al.*, 2014). In addition, the overlapping roles during the initial phases of the institutional reform when MoNRE was created, coupled with legal exceptions and policy loopholes, create opportunities for the private sector to establish deals on land investment and forest-resource extraction with little or no participation of local communities (Barney, 2007; Baird, 2010; Kenney-Lazar, 2010; Barney and Canby, 2011).

Thirdly, the slow progress of REDD+ related policy development and revision appears also as a consequence of the need to revise legislation. The GoL, with strong support from donor and civil-society organisations, is responsible for developing the national legal framework for REDD+, but as the land and forestry laws (GoL, 2003, 2007a) are under revision, REDD+ is effectively on stand-by. These laws clearly state that land and forest resources are national property that local communities have rights to manage and develop and that these rights should be respected. However, the laws do not state clearly at which level of decision-making local communities shall be engaged, and implementation of the laws diverge from the texts. There is strong pressure nationally from civil society and internationally to clarify these land and resource tenure issues without which REDD+ will remain controversial and a source of potential conflict in Laos – as is unfortunately also the case in many other countries (Sunderlin *et al.*, 2009).

Local forest management and governance of REDD+

The national discrepancies of responsibility between the DoF and the DFRM are mimicked at provincial and district levels. In Huaphan Province, although the REDD+ activities are listed as part of the mandates for PoNRE, the provincial governor assigned one person from PAFO to be the provincial REDD+ coordinator. This forestry official had not participated in any REDD+ training or workshops before his assignment and had limited knowledge on REDD+. However, since the government announced its plans to transfer forestry projects supported by foreign institutions from MAF to MoNRE (GoL, 2013), the provincial REDD+ coordinator position was subsequently given to the Forestry Section at PoNRE. Delegates at the workshop in Huaphan, 10 March, 2015, emphasised how the unclear distribution of roles and responsibilities between PAFO and PoNRE and their line offices at the district level have made it challenging to work with REDD+. They argued that communication channels and human resource allocation have been muddled, but Ministry rivalry is probably also a cause since the proximity of offices in the small provincial capital of Xam Neua should in fact facilitate communication.

Thus, there appears to be a holding back of information between the different administrative levels, as well as between different line ministries. This creates a situation where institutions are keeping each other waiting for clear roles to be assigned to each of them, and waiting for the other to be the first to share information. Rapid staff turnover negatively influences the capacity building of staff on REDD+, and workshop delegates also identified a lack of knowledge transfer from departing staff to their replacements. Thus, design and planning of REDD+ at the sub-national level rely heavily on external experts funded by international development agencies. Furthermore, since the District Office of Natural Resource and Environment (DoNRE) is a newly established institution, there is a lack of forestry staff working at the DoNRE in Hua Meuang and former Viengthong Districts and they rely on staff from the District Agriculture and Forestry Office (DAFO) when working on forestry, including REDD+.

Consequently, both REDD+ and other forestry activities progress very slowly at both district and provincial levels.

Despite participatory spatial planning programs aimed at strengthening local consultation and resource governance, in practice, there is still limited devolution of decision-making power to village and district levels. Combined with the inadequate allocation of state resources for forest monitoring and management to province and district levels, this raises questions about how REDD+ schemes will incorporate local communities' interests and responsibilities. Villagers located close to the core-zone of the NPA are involved in patrolling and biodiversity surveys, but the selection process is unclear and organisations like the Wildlife Conservation Society and the CliPAD project are pushing for more transparent, efficient, and equitable REDD+ benefit-sharing mechanisms. Moreover, staff at forestry offices in the province and districts suggests that if the government aims to sell carbon credits and ensure co-benefits such as poverty reduction, local communities should receive at least 60% of the revenue from carbon projects implemented in their managed forested areas. This is higher than what donor representatives expected would be achievable, but it indicates that local governmental staff recognises the need for sharing benefits with communities.

Whether these benefits will be competitive with other activities is another matter. REDD+ projects will be in direct competition with expanding cash crops, concessions and infrastructure (Dwyer and Ingalls, 2015), and in the case study villages good income is earned from hybrid maize cultivated under contract farming (Vongvisouk *et al.*, 2014, 2016). Although the land use plans have limited the areas to be used for agricultural purposes, villagers have managed to greatly expand the maize cultivation area (Vongvisouk *et al.*, 2016). For example, in Homephan villagers turned the area delineated as village production forest into a maize cultivation area and feeder road expansion to the maize cultivation area is progressing without being controlled by Hua Meuang District authorities. The local government turns a blind eye to economic activities that are hardly compatible with REDD+, and this could probably be labelled as part of what Dwyer and Ingalls

term 'planned deforestation', which remains an obstacle to REDD+ implementation all over Laos (Dwyer and Ingalls, 2015).

Discussion

It had been expected that REDD+ could contribute to overcoming current complex issues related to land and forest resource governance in Laos. However, the GoL efforts to improve forest governance have been inhibited by the weak law enforcement at both national and sub-national levels and despite formal assignment of responsibility on REDD+ at the sub-national level to one institution (i.e. PoNRE), no practical leadership has been achieved. This is partly because PoNRE has insufficient human resources, and partly related to the limited decision power to drive REDD+ ahead, as provincial institutions still wait for institutional clarity from the national level. The result is slow progress of REDD+ implementation on the ground. Moreover, institutional reforms and high staff turnover create a never-ending need for technical capacity building on forestry and REDD+ at all levels of government.

International actors can play a crucial role in facilitating information flows between organisations involved in REDD+ and the limited agency among domestic actors is interpreted by Dkabela *et al.* (2014) as an indicator of low levels of national ownership of the REDD+ process. While the international actors also have a key function for pushing REDD+ forward and providing information and training in Laos, there is at the same time limited political space for civil society actors to influence REDD+, a situation that is very similar to what is reported from Vietnam (Pham *et al.*, 2014, 2015). Korhonen-Kurki *et al.* (2014) found that strong national ownership of the REDD+ process, in combination with the presence of transformational coalitions between state and non-state actors and consideration of halting planned deforestation (Dwyer and Ingalls, 2015), are necessary conditions for positive REDD+ outcomes.

Local land and forest management in Laos appears to be based on many individual and minimally coordinated decisions by different government agencies and staff at national, provincial, district and village levels, resulting in

what Lund (2011) calls fragmented sovereignty. This situation could make enforcement of rules and legislation related to REDD+ very difficult, especially as private investments in land development may proceed locally without coordination at national level (Lestrelin *et al.*, 2013a).

This situation is not unique to Laos and a comparative study of policy actor networks related to REDD+ in seven countries found that all national REDD+ policy areas are "still dominated by powerful business-as-usual interests" (Brockhaus *et al.*, 2014a). However, as Brockhaus *et al.* (2014b) remind us, "Implementation deficits often arise because of the lack of political support" emphasising that the most important constraint for cross-sectorial coordination – a must for REDD+ implementation – is of political nature. Although all of the six countries analysed by Brockhaus *et al.* (2014b) have engaged in institutional reforms, they have failed to address cross-sectorial policy impacts and they maintain political power-structures that reinforce business-as-usual by not dealing with drivers of deforestation and forest degradation, as also shown in Laos by Dwyer and Ingalls (2015). The absence of brokers between state and non-state actors leads to a fragmented REDD+ policy arena and limits information flows (Gallemore *et al.*, 2014; Moeliono *et al.*, 2014), letting top-down approaches dominate the REDD+ policy development and this is unlikely to be an efficient setup for leveraging the adaptive management required for REDD+ (Brockhaus *et al.*, 2014a).

The situation in Laos provides a compelling example of how difficult REDD+ implementation has proven to be in countries where institution building is still in process, but it should also be recognised that there is a paucity of governance models for Laos to follow given the similar situation in many other countries (Korhonen-Kurki *et al.*, 2014). Even in large countries like Indonesia, where the national REDD+ agency was the driving force for REDD+ awareness and government commitment, new institutional restructuring seems to hamper more than advance the REDD+ agenda (Astuti and McGregor, 2015). There, as in Laos, it is obvious that the current governance conditions for REDD+ are not conducive to policy and implementation advances that will fulfil the promises of REDD+ as a driver of better land and forest

governance. The persistent lack of resources and limited capacity for law enforcement and monitoring at the subnational level are also not specific to Laos (Romijn *et al.*, 2012). Likewise, the loss of institutional memory and high staff-turnover is a common problem in many developing countries and the pace of REDD+ policy formulation is generally much slower than initially expected (Angelsen and McNeill, 2012).

Conclusions and perspectives

We have shown that REDD+ is on hold, or at best progressing slowly, in Laos, and while many countries are experiencing similar problems, the deadlock in Laos appears to be more persistent. More than eight years into the REDD+ readiness plan it is still unclear who, at which level, has the responsibility to drive REDD+ ahead. The institutional restructuring that created a new ministry and with it a lot of confusion regarding responsibilities, information flows and decision-making power is partly to blame. However, given the strong official commitment to the REDD+ mechanisms and the hope that it would support the government's goal of increasing forest cover to 70% in 2020, it is puzzling that there has not been more push to ensure implementation and resolve the administrative and institutional issues that have undermined practical implementation of REDD+.

Besides the lack of capacity to establish a functional governance system that can handle REDD+ implementation, the strong interests in economic development have also taken the focus away from REDD+ and pulled the limited human and financial resources of the country in their direction. It could thus appear that only the presence of international donor organisations and their push for REDD+ pilot projects has kept REDD+ on the table. As it stands, it is unclear when or if Laos will be ready for reaping the potential benefits of the COP21 decision on REDD+. Policy reforms and institutional reorganisation have been carried out, but they have so far mainly resulted in stalling REDD+ progress.

It may of course be argued that the governance and institutional issues blocking REDD+ are only minor problems and that the core of the problem lies with the REDD+ idea itself. Numerous critics have pointed to how difficult

REDD+ will be to put into practice (Karsenty and Ongolo, 2012; Mertz *et al.*, 2012; Müller *et al.*, 2014; Ankersen *et al.*, 2015) and even if all the governance issues in Laos discussed here are resolved, REDD+ might still not be feasible to implement. This, however, is a wider discussion that will be better elucidated in the years to come as many countries are now in the final stages of REDD+ preparation.

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