

Draft outline of a law enforcement strategy 2015-2020 for Hin Nam No NPA

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A: Analysis

1. Illegal logging is the key law enforcement issue, poaching of wildlife is **secondary**. The economic value of wildlife hunting is very small compared to average household income. Agreeing and enforcing rules to reduce poaching can be expected to be effectively enforced by village rangers and village co-management committees through a strategy of participatory rule setting, clarifying rights of village committees and awareness raising campaigns.

However, illegal logging is different. Illegal logging is a major source of cash income for many households, either through selling sawn timber or through income earned from labor, harvesting and transporting timber. In the absence of alternative income sources, it will be difficult to phase out illegal logging over the next five years.

2. Law enforcement on illegal logging is difficult because the rules about legal/illegal logging are not clear. The district still provides unofficial quota for harvesting logs by local companies and transport of planks on two-wheel tractors or carried by villagers on their backs is not discouraged. While everybody knows that taking logs out the NPA is not allowed, logging inside the NPA is increasing, as the NPA is becoming the last resource where valuable timber can still be found easily.

The process of deciding who can log where and how much is not clear, and there is no clear process or paper trail like a chain-of-custody for monitoring timber flows. As long as these issues are not resolved, it will be difficult to convince villagers that they should restrain their timber harvesting activities.

3. Developing a timber management process (timber quota management, chain of custody, FLEGT, etc.) is much bigger than the task of NPA management. It cannot be done by the NPA alone. Therefore the NPA needs to have a strategy for attracting support programs for law enforcement at the timber value chain level to come to Bualapha district. As these programs develop new instruments for law enforcement, there should be a strategy for making use of these instruments by co-management committees and other law-enforcement institutions working in the **NPA**.

4. Efforts to enforce the law by PONRE, confiscating logs and other assets, seem to have a negative impact on willingness of local communities to engage in co-management. Village rangers refuse to go to the forest or are stopped by village leaders after law enforcement occurs and district staff observe difficulties in their relations with villagers. It is essential that any law enforcement strategy for Hin Nam No NPA will minimize negative impacts on **co-management**.

Power sharing is the key. Where possible the rights of co-management to enforce rules should be clarified and strengthened to reduce the need for outsiders to come and enforce the **law**.

Secondly increasing the economic stake of local communities is another key. What are the options for co-management committees to share benefits from law enforcement, e.g. in the proceeds from selling confiscated **logs**?

Comment [M1]: I am not so sure about the First of all what are we talking about. In the HNN or outside the HNN? If we look at co-management in the HNN the wildlife issue is more important as the logging issue is not delegated by the GoL. We have to be very strategic in our thinking here. If we as GIZ wants to focus on co-management inside the HNN maybe we should focus on the wildlife issue and leave the logging issue to ICBF to support and have it away from the co-management approach as many incidents come from outside the HNN.

Comment [M2]: But the actual strategy of this is actually bigger than the HNN NPA and therefore maybe not our mandate in the first instance.

Comment [M3]: And have a separate unit outside the HNN NPA to deal with it.

Comment [M4]: I think this is unrealistic with regard to timber. Why not making a success to have the co-management agreements work with the poaching and wildlife issue and to make it 'safer' for the village rangers. We had the same discussion in 2013 and I still think we should focus on this.

Comment [M5]: Start first with the benefits from the co-management agreements and you can take it from there.

Thirdly, it is important to ensure that Government staff who engage in co-management are not involved in law enforcement. Law Enforcement by Government staff should be left to a separate unit who only do law enforcement.

Comment [M6]: And rather outside of the HNN NPA unit as it also involves POFI and them. And absolutely not using staff or vehicles from GIZ HNN.

5. The instruments of law enforcement presently used in the NPA should be analyzed (a) on their effectiveness as a law enforcement tool and (b) how they contribute to co-management. This analysis should be done through meetings with all stakeholders, so as to be able to agree on how each instrument can be made more cost-effective and who should do what.

At present the following instruments are available: (1) village rangers (2) village, cluster and district co-management committees (3) PONRE/DONRE checkpoints along access roads to and from the NPA, (4) inspection trips by PONRE/DONRE confiscating assets, (5) arrests and convictions of illegal loggers and poachers by local courts/adjudication committees.

For each of these, it should be clarified: what is their effectiveness, how could it be improved? How could they support the co-management process? What regular activities should the NPA put in its work plans to support these activities? Which unit should support each activity? Any new instruments that could be introduced? Which support programs could be attracted to support these processes?

6. A process for strengthening a safe approach for village rangers and for co-management committees to play a role in law enforcement should be a key element of the law enforcement strategy, with clear milestones over the next five years. The process can build on existing experience with communities agreeing on rules and responsibilities that are enforced by district authorities.

It could also built on on-going zonation efforts, where different sets of rules could be made for different zones, e.g. totally protected zones and controlled use zones, boundaries for responsibility of monitoring between villages, etc.

7. Presently, checkpoints and inspection exercises are mainly providing PONRE/DONRE an opportunity to raise some income from inspection fees and sales of confiscated goods. They do not really stem the flow of timber or stop illegal loggers from entering the area. These instruments do not yet constitute a rapid response mechanism for law enforcement. The challenge is to develop these instruments into more effective system that remains cost-effective and does not have a negative effect on co-management.
8. A clear system of referral needs to be developed for effective law enforcement. What cases can be dealt with at village or cluster level by rangers and co-management committees? When do they need to alert and bring in other law enforcement agencies like DONRE/PONRE, police and army? What are the platforms for arbitration, what are the sanctions?
9. For effective law enforcement, protocols should be developed for each platform of arbitration to sentence cases rapidly and cost-effectively. There should be clear sets of rules on how to fine each possible case and how to share proceeds from the process. With clear protocols, there is no need for long discussions involving many stakeholders, justice is done and the rule of law is being upheld.

Comment [M7]: Or for the project not to support these activities and focus on the co-management only.

Comment [M8]: Remember that the main task of the village rangers remains monitoring and handling of small issues meaning being the eyes and ears for the GoL.

B: Vision

Clear rules for access and use of the Hin Nam No NPA are agreed and enforced by inhabitants of surrounding communities through co-management committees with clear mandates, based on zonation and rules as stipulated in the co-management agreements. In addition this system is supported by a rapid response mechanism that is linked to evolving processes for controlling timber chains of custody.

C: Strategies for law enforcement

1. Support to develop rules, responsibilities and rights for village rangers and co-management committees to engage in law enforcement. It would cover not only fish conservation zones and wildlife hunting protection but also law enforcement about illegal logging, and it would be based on zonation processes where possible. This process should be facilitated by the co-management unit (N.B. this process could be supported by GIZ).
2. Support for checkpoints and investigation exercises as a rapid law enforcement response mechanism. There should be a separate law enforcement unit who collaborates with other law enforcement agencies, e.g. DOFI, Police, Military in a way that does not produce negative impacts on co-management and in a cost-effective manner (N.B. this process cannot be supported by GIZ but there are other donor support programs aimed at law enforcement that could support this work, e.g. World Bank, KfW, FLEGT etc).
3. Support for institutional development to develop clear platforms for arbitration and sentencing of cases with a clear referral system and protocols for adjudication. This process should also be facilitated primarily by the law enforcement unit but in close collaboration with the co-management unit (this process cannot be supported much by GIZ, other donor support programs should be targeted)
4. In general the coordination between law enforcement and co-management could be steered by a law-enforcement sub-committee under the district co-management committee.

Comment [M9]: I am not so sure as it would not be safe anymore for the village rangers! We have to discuss this with PONRE and it can only be based on cases coming from inside the HNN.

Comment [M10]: As mentioned many times before we don't have a co-management unit but a District Co-Management Committee.

Comment [M11]: Maybe the law enforcement working group in which law enforcement stakeholders take part but I am still not sure if we need a law enforcement unit under the HNN NPA. We need to discuss this.

D: Key activities

1 Engaging village rangers and co-management committees in law enforcement

- 1.1 Clarifying rules, responsibilities and rights of co-management committees and village rangers. What rules apply, what sanctions apply, what can committees decide, when do they have to refer to others, how do they share in benefits? This process would exist of a development phase of 0.5 year and an implementation phase of 1 year.
 - 1.1.1 Participatory processes for agreeing on rules and adapting them, agreeing on sanctions and enforcing them, etc.
 - 1.1.2 Processes for ensuring rights and responsibilities of co-management committees in the legal framework
 - 1.1.3 Rules and regulations based on zones (e.g. fish conservation zones, controlled use zones), demarcation of zones and monitoring of zone-based rules
 - 1.1.4 Awareness raising, making rules and enforcement of rules to reduce wildlife poaching
 - 1.1.5 Specific rules regarding the governance of timber extraction
- 1.2 Training of village rangers and co-management committees in the skills needed to enforce the law and to serve as a sanctioning institution

Comment [M12]: IP-consult has until October 2016 to reach its targets so I made a bit shorter... You still have until October 2015 to develop the system and start a one year implementation period for generating the first results.

Comment [M13]: To be discussed with PONRE and see who is doing this.

Comment [M14]: I think we should not train all village rangers on this one but the heads of groups of village rangers. These heads would also have more responsibilities with regard to reporting and giving feedback on data in SMART.

- 1.3 Contracts with rangers clarifying their roles in monitoring biodiversity, threats as well as law enforcement
- 1.4 Sharing lessons learned through the co-management system between village, cluster and district level with other stakeholders (province, national level, international knowledge platforms)

2 Supporting rapid response mechanisms through checkpoints and inspection systems

- 2.1 Capacity building of a separate law enforcement unit in the NPA management **unit**
- 2.2 Involving co-management committees and village rangers in checkpoint **management**
- 2.3 Linking checkpoints and inspection systems to evolving chain of custody control systems
- 2.4 Developing rapid response mechanisms that support co-management
- 2.5 Liaison with other law enforcement agencies (police, army, etc.)

3 Institutional Development: adjudication platforms, referral systems and protocols

- 3.1 Supporting the role of co-management committees at village, cluster and district level as platforms for law enforcement (powers to make rules and apply sanctions)
- 3.2 Supporting simple, rapid referral systems between various platforms that can apply sanctions at village, cluster, district and province levels
- 3.3 Developing clear protocols for rapid and fair judgment of cases and application of sanctions
- 3.4 A **working group sub-committee** on law enforcement appointed by the district co-management committee ensures good coordination between all stakeholders in law enforcement in the Hin Nam No area
- 3.5 Systems for co-management committees to share in benefits from sales of confiscated timber are in place and functioning well

Comment [M15]: We first have to decide if it is within or rather under PONRE/DONRE a broader then only HNN NPA.

Comment [M16]: We first have to decide if this is safe for the village rangers.