

# NATURAL RESOURCE GOVERNANCE

## Trainers' Manual

Patti Moore, Xuemei Zhang, Ronnakorn Triraganon





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## **IUCN** **International Union for Conservation of Nature**

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Founded in 1948, IUCN, International Union for Conservation of Nature is the world's oldest and largest global conservation organization -- a democratic membership union of more than 1,000 members, and 11,000 volunteer scientists in more than 160 countries. IUCN supports scientific research, manages field projects all over the world and brings a full range of stakeholders together to develop and implement policy, laws and best practice. IUCN's work is supported by more than 1,000 professional staff in 60 offices across the globe, with headquarters in Gland, Switzerland. IUCN's Asia Regional Office is in Bangkok Thailand. In Asia, IUCN's governance work focuses on improving decision-making and implementation of decisions that affect natural resources.



## **RECOFTC** **The Center for People and Forests**

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RECOFTC is the only international not-for-profit organization that specializes in capacity building for community forestry and devolved forest management in Asia - Pacific. Beginning as a knowledge hub in 1987, RECOFTC has actively supported the development of community forestry institutions, policies and programs in the region. Since 2007, this knowledge has been translated into innovative projects on the ground in several countries. This practical knowledge backs up RECOFTC's evolving training program. Located in Bangkok, Thailand, with offices in Vietnam, Indonesia and Cambodia, RECOFTC works to expand community forestry, address the impacts of climate change, transform forest conflict and secure sustainable livelihoods for forest-dependent communities.



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SNV is a non-profit, international development organisation with over 40 years of experience working in 32 countries around the world. SNV promotes a society where everyone enjoys the freedom to pursue their own sustainable development by strengthening the capacity of local organisations. SNV helps alleviate poverty by focusing on increasing people's income and employment opportunities in specific productive sectors, as well as improving their access to basic services including water and sanitation, education, and renewable energy. SNV uses governance and empowerment concepts to change power relations, expanding assets and capabilities of the poor so they can negotiate with institutions and influence policies that affect their lives.

## Acknowledgements

This Manual has been six years in development. It would not have been possible without the substantial, creative and constructive inputs and feedback of many people.

The training materials were tested at several stages of development. RECOFTC's team has been developing a generic training manual on "Good Governance and Decentralized Natural Resource Management" since 2004. The materials have been revised and used several times in RECOFTC's training courses. The training materials on Forest Governance were first tested in 2007 in Lao PDR. Second and third tests were conducted in Lao PDR and Nepal respectively in 2008.

The first test of the current version of this Manual was held during October 2009. The final version of this Manual was tested during a Roll-out Training in January 2011 and subsequently revised before publication. Participants in all of the tests provided a great deal of valuable input for refining and finalizing this Manual.

Yurdi Yasmi, Senior Program Officer, was RECOFTC's coordinator for the RECOFTC-SNV partnership, which supported the effort to revise existing training materials and prepare a training manual on natural resource governance. Peter Stephen, RECOFTC, started to review and revise RECOFTC's existing materials on governance in 2004, in consultation with partners within and outside the region. Martine Miller, RECOFTC, refined the materials developed by Peter and conducted the second and third tests in Lao PDR and Nepal.

Since 2005, Rob Ukkerman, Regional Forestry Network Leader, SNV, was SNV's coordinator for the RECOFTC-SNV partnership. Nicolett Matthijsen and Rik Delnoije, Governance Advisor, SNV-Lao, provided inputs to both the second test in Lao PDR and feedback to revise the training materials for the fourth test.

Roz Saad, an independent consultant engaged by the RECOFTC-SNV partnership, reviewed and redesigned the materials after the third test. She facilitated an Experts' Consultation Workshop, August 30 - September 1, 2009, and conducted the first test of the current version of this Manual.

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Xuemei Zhang, RECOFTC, authored the case studies that are used in Sessions 12 and 15. She also created the role play in Session 17 and the debate in Session 20. Ronnakorn Triraganon, RECOFTC, contributed his training expertise to the development of the training materials and was part of the review and testing team throughout the process. Thomas Enters, RECOFTC, provided thoughtful, in-depth comments on several drafts of the materials.

The case studies used in Sessions 9, 10, and 13 were adapted from those prepared for IUCN Sri Lanka's Training Manual on Natural Resource Governance. The role play used in Session 14 is based on a case study prepared by SNV-Lao for the Roll-out Training in January 2011.

The final version of this Manual is based on the natural resource governance training package developed by Patti Moore, Head of IUCN's Regional Environmental Law Program, Asia, and incorporates intellectual input from the sources acknowledged here.

IUCN, RECOFTC, and SNV colleagues encouraged us throughout the development of this Manual. The authors have made every effort to thoroughly cite the sources for materials used in this Manual. If anything has been overlooked or incorrectly cited, IUCN, RECOFTC and SNV would be grateful for information that will allow us to make corrections.

We welcome feedback on all aspects of this Manual so that we can continue to improve it in future editions.



## Preface

Natural resource governance, especially in the forest sector, has long been largely centralized and top-down, focusing primarily on conservation goals. The actual and potential role of rural resource users in governance has received relatively little recognition or support, despite the profound knowledge they have demonstrated in making and implementing decisions about natural resources for millennia.

Governance is the keystone of sound natural resource management. Its core principles -- accountability, transparency, participation, and the rule of law -- are at the heart of the efforts being made at local, national, bilateral and multilateral levels to ensure that decisions that affect natural resources and resource users are well-informed and implemented equitably. The rights of stakeholders to participate in making and implementing decisions affecting natural resources should be recognized and applied in practice.

Rapid and ongoing economic and public-sector reforms across Asia have fundamentally altered the ground rules that determine who is involved in making and implementing decisions about natural resources. Decentralization processes and shifts in power relationships among natural resource stakeholders continue to have significant impact on natural resource governance. Stakeholders at sub-national and local levels are increasingly being called upon to deliver positive economic results and at the same time ensure sustainable resource use.

There is a real need for all those who are involved in making and implementing decisions -- including central government planners and policymakers, local government administrators, civil society and the private sector -- to understand the basic concepts and principles of governance and be able to apply them in their daily work. There has been growing demand for a practical training course that allows target audiences at local, national, and regional levels to apply their understanding of natural resource governance in a way that maximizes their own effectiveness in their day-to-day work.

Against this background, IUCN, RECOFTC, and SNV combined resources to develop this Trainers' Manual. After six years of preparation and testing, we are confident this Manual offers sound theory and good practical guidance for teaching and learning about natural resource governance. We hope that those who teach and those who learn from it will each contribute to strengthening natural resource governance in their own spheres of influence and that their efforts contribute to achieving the Millennium Development Goals, eradicating extreme poverty and hunger and ensuring environmental sustainability.

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Chapter

1

# Introduction



**Chapter**

**1**

The overall goal of training in natural resource governance is to improve the capacity of stakeholders to ensure the sustainability of natural resources as well as the livelihoods of people dependent on those resources. To achieve this goal, practitioners in organizations and agencies, who are responsible for making and implementing decisions that affect natural resources and natural resource users, need to understand the basic concepts of governance and have a simple framework to apply them in their day-to-day work. Ideally, communities too would be given the opportunity to learn what governance means, how it affects their daily lives, and how they can make the components and principles of governance work for them.

The objective of this Trainers' Manual is to provide a simple and structured methodology that can be used to guide participants to an understanding of governance in practice. The Manual shows trainers how to use participants' own experience, told in their own words, to help them identify and address issues in natural resource governance in their individual contexts.

## Profile of Training Participants

To promote effective and interactive learning, the exercises presented in this Manual have been designed for a minimum of 10 and a maximum of 25 participants.

### Primary target group

The primary target group for this Manual is mid- to upper-level government officials and leaders of civil society groups, at both national and local levels, who are responsible for making and/or implementing decisions that affect natural resources and natural resource users. Ideally, each group of participants would include representatives of each of these stakeholder groups to enable them to interact and challenge each other during the training. The training could also be offered at the sub-regional or regional level to groups of participants from two or more countries.

Participants should:

- Have clear responsibility for making and/or implementing decisions that affect natural resources and their users, or have the potential to influence how decisions are made and implemented
- Demonstrate commitment to transferring what they learn during the training to their colleagues and partners.

## Secondary target groups

This group includes:

**Policymakers:** They would require a brief and concise half-day or one full-day orientation on natural resource governance, rather than comprehensive training.

**Private sector:** As with policymakers, this secondary target group would require a focused orientation. Such an orientation would require advance collaboration with private-sector representatives to adapt the training materials so that the orientation addresses how natural resource governance impacts on, and can be incorporated into, corporate practice to enhance sustainability and return on investment.

**Communities:** If funding is available for translating the training materials into national and/or local languages, communities will benefit from this introduction to terms and concepts that they may have heard of but have not had the opportunity to fully understand.

## Profile of Trainers

To ensure the maximum impact of the training program, trainers should have the following qualifications, knowledge and experience:

- A minimum of five years' experience with theory and practice of governance
- A minimum of five years' experience as an interactive trainer/facilitator
- Excellent interpersonal and communication skills
- Country-based experience and language fluency if the training is being delivered in a language other than English
- Familiarity with natural resource issues, preferably a combination of policy and field-based experience, is helpful.

Chapter

2

## Training Approach



**Chapter**

**2**

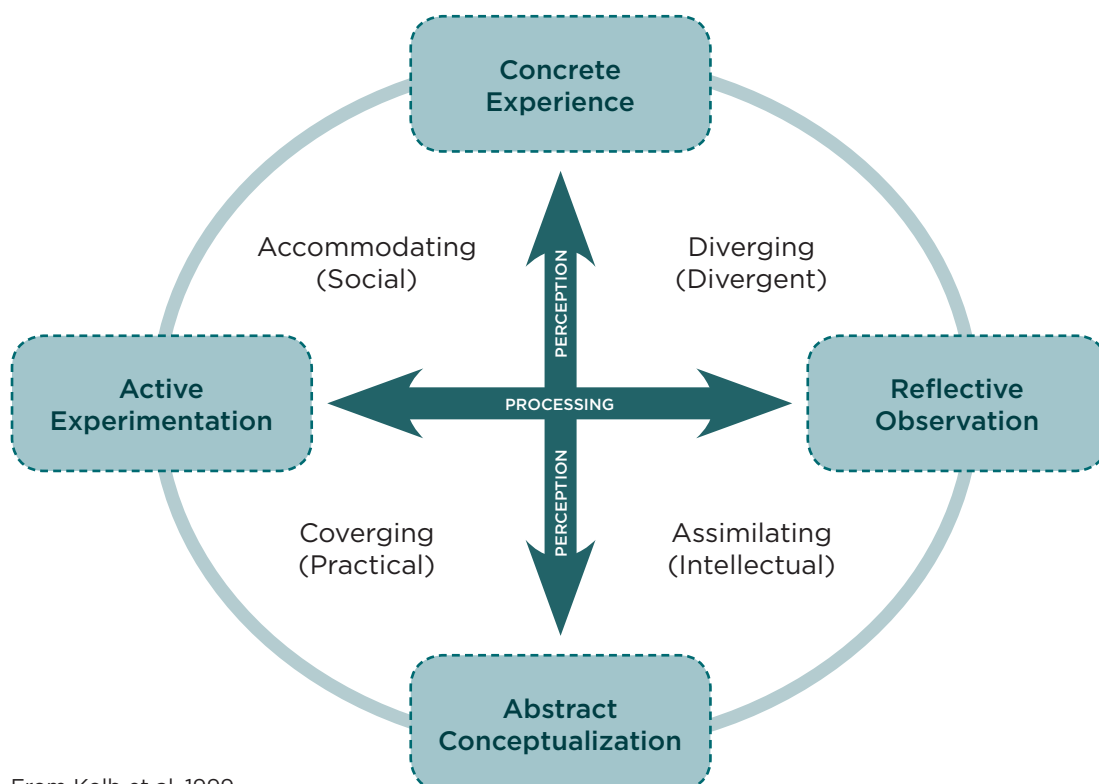


This Manual is based on the experiential learning approach and social learning theory. The concept of experiential learning has been with us for almost 2,500 years. Around 450 BCE, Confucius wrote: “Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand”.

The most recent significant theoretical development in ‘learning by doing’ is the experiential learning model and learning style theory, which was originally introduced in 1984 and which has been further developed since then.

Figure 1 illustrates the experiential learning approach as a four-stage, continuous cycle.

**Figure 1: Experiential Learning Theory**



From Kolb et al. 1999

In the experiential approach, learning is a process in which a person experiences something directly, reflects on the experience as something new or related to other experiences, and uses the concept in subsequent actions. As a result of the four steps, the learner derives a new set of experiences that lead to a repeat of the learning cycle again and again.

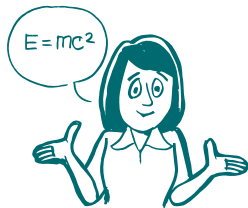
According to the experiential learning approach, a learner, to be fully effective, needs four different abilities:

1. To be able to involve him/herself fully, openly, and without bias in new experiences
2. To be able to observe and reflect on these experiences from many perspectives
3. To be able to create concepts that integrate his/her observations into logically sound theories
4. To be able to use these theories to make decisions and solve problems.

Individual learners have different personal learning styles. Figure 1 indicates these individual learning styles.



- **Diverging** (moving from concrete to reflective).  
A person with this learning style usually has an innovative and imaginative approach to doing things. She/he views concrete situations from many perspectives and adapts by observation rather than by action. This type of learner tends to be interested in people and is feeling-oriented. She/he likes activities such as cooperative groups and brainstorming.



- **Assimilating** (moving from abstract to reflective).  
A person with this learning style pulls a number of different observations and thoughts into an integrated whole. She/he likes to reason inductively and create models and theories. She/he also likes to design projects and experiments.



- **Converging** (moving from abstract to active).  
A person with this learning style is focused on the practical application of ideas and solving problems. She/he likes decision-making, problem-solving, and the practical application of ideas, preferring technical problems over interpersonal issues.



- **Accommodating** (moving from active to concrete).  
A person with this learning style uses trial-and-error rather than thought and reflection. She/he is good at adapting to changing circumstances and solves problems in an intuitive manner. This type of learner also tends to be at ease with people. (Kolb et al 1999).

Learning styles have a lot to do with personality types, educational specialization, professional career choices, current job roles, and flexibility or adaptive ability, among other things. Awareness of personal learning styles can help individuals to use their strengths in learning, while consciously adapting their personal learning style with the other abilities required for effective learning.

Since the experiential learning theory was first introduced, it has attracted significant interest from the education sector. While the theory has been criticized by researchers and practitioners<sup>1</sup>, it is now a very well-known model on which many training and learning initiatives are based. Resources for further reading on experiential learning are provided at the end of this section.

Research on adult learning has identified five common factors that underpin successful learning among learners older than 16 years of age:

- Learning by doing
- Learning from feedback
- Wanting to learn
- Needing to learn
- Making sense/'getting one's head round it'/'digesting' (Race 2010).

These factors are closely related to the learning abilities and styles described in the experiential learning approach. Awareness of these factors helps individuals to be conscious learners, motivating themselves, getting feedback from trainers and peers, giving themselves time to digest ideas by thinking, and taking opportunities to try ideas.

The role of trainers in applying experiential learning theory with adult learners is to facilitate these processes. As trainers, it is essential to take the needs and interests of training participants as the starting point, and build on their experience to motivate them to learn. It is important for trainers to:

- Recognize that trainers have equal status with the training participants
- Encourage participation, contribution and discussion in the group
- Guide the learning rather than teaching
- Value training participants' experiences and diversity of views.

Social learning theory explains that people learn from one another through observation, imitation, and modeling. The theory's three basic principles are that people:

- Respond to both negative and positive consequences
- Identify with others and therefore are more likely to copy them
- Observe their environment.

---

<sup>1</sup> Among the criticisms of the experiential learning theory are: it pays insufficient attention to the process of reflection; the claims made for the four different learning styles are extravagant; the model takes very little account of different cultural experiences/conditions; and empirical support for the model is weak.

This training is structured around learning groups that allow participants to work together on the different topics. Group work is an application of social learning that provides an opportunity for peers to learn from each other, while creating the social context in which the training takes place.

For a group to work effectively together, it needs to:

- Establish a common goal
- Have clearly agreed roles, responsibilities and accountabilities
- Have an agreed group structure
- Have accepted group guidelines and values
- Have a common sense of affinity and belonging
- Coordinate its actions and interactions to achieve the common goal.

## Further Readings

Beard, C. and Wilson, J.P. (2006). *Experiential Learning: A Best Practice Handbook for Educators and Trainers*. London: Kogan Page Ltd.

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Chapter

3

## Design and Structure of this Trainers' Manual



**Chapter**

**3**

## Design and Structure of this Trainers' Manual

This Manual sets out a five-day training course. The content of the training combines materials on governance theory and brief case studies with tools that enable participants to apply the theory in practice. Participants' pre-course assignments are used to integrate their experience and knowledge into exercises throughout the training.

Session plans can be tailored to participants from the same sector -- forestry, for example -- or can accommodate participants from a range of sectors. Trainers will need to read and be familiar with the background information in the handouts before each session.

At the end of the training, participants will have:

- Understood the origins of the concept of governance and how it has evolved
- Recognized the elements of different definitions of governance and why they are different
- Basic skills to identify the components and basic principles of governance and understand what they mean
- Practiced using innovative tools to analyze governance in different contexts
- Shared and gained experiences with other participants.

At the end of the training, all participants will be asked to briefly explain:

- What they learned in preparing their pre-course assignment
- What they learned about governance during the training
- How they can apply what they have learned to the situation described in their pre-course assignment (if the situation is an ongoing issue)
- How what they have learned would have helped them with the situation described in their pre-course assignment (if the situation is an issue in the past)
- How they can apply what they have learned in their work from now on.

The training comprises a pre-course assignment and three training modules. Monitoring, self-assessment and evaluation of the training are included in the modules.

## Modules

Each of the three modules contains several sessions. For each session, there is a description of the training objectives, materials required, estimated time required, and clear steps to guide the trainer through the session. Additional information for each session may include specific notes for trainers, handouts, theoretical background information, and further references.



### Module 1: Setting the scene

The first three sessions in this module are designed to familiarize participants with an experiential learning approach. The module guides trainers how to introduce the learning objectives, the approaches and the content of the training. Sessions 4 and 5 introduce participants to the dynamics of decision-making and the power relationships among stakeholders that influence how decisions are made and implemented.



### Module 2: Governance, governance components and principles

This module introduces the concept of governance and guides participants through exercises, which may be based on their own pre-course assignments. Sessions 6 and 7 define governance and explore the difference between governance and management. Sessions 8-10 familiarize participants with the three components of governance, while the major governance principles are introduced in sessions 11-15. Sessions 16 and 17 of this module provide a wrap-up of the concepts introduced in sessions 6-15 and include a role play that allows participants to express what they have learned.



### Module 3: Governance in practice

This module introduces a simple framework that illustrates the relationships between the components and principles of governance and gives participants opportunities to explore how to use it in practice. Sessions 18 and 19 build on earlier exercises in the training and give participants the opportunity to analyze their own pre-course assignments -- identifying the governance issues involved, planning interventions to address them, and developing indicators to monitor progress with the interventions.



## Pre-course assignment

All training participants are required to prepare an assignment **prior** to the training.

Trainers should send the guidelines for preparing the pre-course assignment to participants at least six weeks before the training commences, to allow enough time for participants to reflect on their situation, collect any background information they may need, and write their pre-course assignment.

Trainers should require participants to send their pre-course assignments at least one week prior to the beginning of the training in order to give trainers adequate time to review them. If one or more of the pre-course assignments provides sufficient material, trainers may choose to use them to create one or more of their own case studies for Sessions 8-10 and 12-15, rather than using the ones provided in this Manual.

### Guidelines for Preparing your Pre-course Assignment

- The objective of the pre-course assignment is to stimulate you to think critically about how natural resource governance is related to your work.
- Your pre-course assignment and the training will give you the opportunity to identify natural resource governance issues and to learn how to distinguish natural resource governance from natural resource management.
- Writing the pre-course assignment allows you to analyze your own role, and the role of the institution you work for in natural resource governance, and how you and your institution have an impact on natural resource governance.
- You may prepare your pre-course assignment individually or jointly with no more than three other people.
- Your pre-course assignment should tell a story about how decisions about natural resources and natural resource users are made and implemented. ***It should not simply describe a project.***
- You will use your pre-course assignment for some of the exercises during the training.

Your pre-course assignment must be:

- About making and/or implementing a decision that affects natural resources and the people who use them
- About a situation or issue in which you have, or have had, a particular and active role (not a theoretical example)
- About a situation or issue that occurred no more than one year ago
- At least two pages and not more than four pages long.

You may choose one of these three options for writing your pre-course assignment:



**Option 1:** Making a decision that affects natural resources and natural resource users -- *for example, declaring a ban on harvesting or using a particular natural resource.*

1. Who made the decision and how was it made?
2. In addition to the decision-makers, were other stakeholders involved in making the decision? If so, how were they involved? If not, why were they not involved? Did all stakeholders have access to information about the decision, before and after it was made?
3. What institutions and/or organizations were involved in making the decision? These may be governmental, non-governmental, community-based, or private-sector institutions or organizations.
4. Did statutory or customary laws specify what the decision should be and/or how it should be implemented? If so, describe them and how they affected the decision and/or the implementation.
5. Were decision-makers required to explain to stakeholders why the decision was made and how it was made? If so, how did decision-makers do that?



**Option 2:** Implementing a decision that affects natural resources and natural resource users -- *for example, monitoring and enforcing compliance with a ban on harvesting or using a particular natural resource.*

1. What was the decision?
2. Who implemented the decision and how was it implemented?
3. In addition to the decision-makers, who were the other stakeholders?
4. Were other stakeholders involved in implementing the decision? If so, how were they involved? If not, why were they not involved?
5. Did all stakeholders have access to information about implementing the decision?
6. What institutions and/or organizations were involved in implementing the decision? These may be governmental, non-governmental, community-based, or private-sector institutions or organizations.

7. Did statutory or customary laws specify who was supposed to implement the decision and how it was supposed to be implemented? If so, describe those laws and how they affected -- or did not affect -- the implementation.
8. Were all stakeholders treated the same way when the decision was implemented? If not, what happened?
9. Were the implementers of the decision required to explain to stakeholders how the decision was implemented? If so, how did they do that?

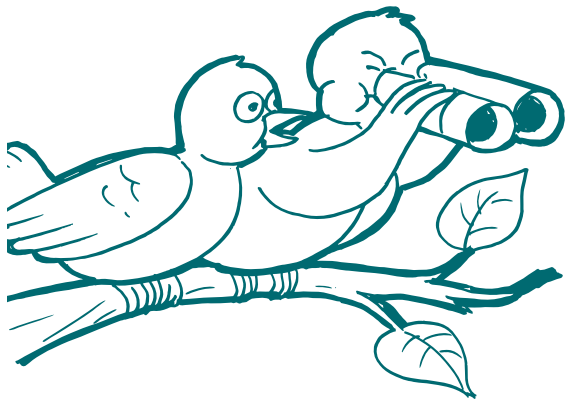


**Option 3:** Making and implementing a decision that affects natural resources and natural resource users (Option 3 is a combination of Options 1 and 2).

Your pre-course assignment should use this structure:

- A. Summary** – a clear and concise one-paragraph summary of the entire situation
- B. Background information** about the situation – how did the story begin?
- C. Making and/or Implementing a Decision** – depending on which option you choose, your pre-course assignment should answer the questions for that option.
- D. Conclusion**
  1. If the pre-course assignment is about something that happened in the past, what was the final outcome?
  2. Was it beneficial to all stakeholders?
  3. If not, which stakeholders benefited and which did not, and why?
  4. If the situation described in the pre-course assignment is something that is still going on, what is the possibility that the outcome will be positive for all stakeholders?

Please feel free to bring with you to the training, any background information for your pre-course assignment -- for your own use or to share with other participants and with trainers. Background information may include copies of statutory laws and regulations, information about customary laws, copies of the mandates of institutions that are responsible for making and implementing decisions that affect natural resources, reports, newspaper articles, and any other information concerning your pre-course assignment.



Chapter

4

## Monitoring, Self-assessment, and Training Evaluation



**Chapter**

**4**

## Monitoring, Self-assessment, and Training Evaluation

Monitoring, self-assessment, and training evaluation are important for both trainees and trainers. Training participants will get more out of the training through self-assessment and providing daily feedback during the training. Monitoring and training evaluation enable trainers to assess whether training objectives have been achieved and help identify ways to improve the training content and delivery.

A self-assessment tool is provided in Handout 4, Session 3. Trainers introduce the self-assessment tool in Module 1, Session 2. The self-assessment tool will be used at the end of every training day for reflection and to encourage training participants to monitor and evaluate their own learning.

Daily monitoring and feedback is required to make adjustments during the training, if necessary, and to recap what the group has learned each day. During Module 1, Session 3, the group will form a daily feedback task team which will be responsible for monitoring and providing the feedback.

An evaluation at the end of the training is important to learn whether the training has achieved its objectives, from the participants' perspectives. There are different ways to carry out an evaluation. The training evaluation makes use of an anonymous feedback questionnaire as well as a plenary discussion. The evaluation form is provided separately.





## Daily Training Evaluation

Please complete this evaluation by circling the number which you think is most appropriate.

- 1 - Very satisfactory
- 2 - Satisfactory
- 3 - Needs improvement
- 4 - Unsatisfactory

Please add specific comments about each session to help us refine each session before finalizing the training manual. Thank you for your participation and cooperation.

**Session .....** **Topic:.....**

1. The method for this session was	1	2	3	4
2. The competence of the resource person was	1	2	3	4
3. My questions were answered	1	2	3	4
4. The time allocation was	1	2	3	4
5. This session was useful	1	2	3	4

Comments:  
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**Session .....** **Topic:.....**

1. The method for this session was	1	2	3	4
2. The competence of the resource person was	1	2	3	4
3. My questions were answered	1	2	3	4
4. The time allocation was	1	2	3	4
5. This session was useful	1	2	3	4

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Session .....** **Topic:.....**

- |  |   |   |   |   |
|--|---|---|---|---|
| 1. The method for this session was           | 1 | 2 | 3 | 4 |
| 2. The competence of the resource person was | 1 | 2 | 3 | 4 |
| 3. My questions were answered                | 1 | 2 | 3 | 4 |
| 4. The time allocation was                   | 1 | 2 | 3 | 4 |
| 5. This session was useful                   | 1 | 2 | 3 | 4 |

Comments:

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Chapter

5

## Things to Consider when Adapting or Translating this Manual



**Chapter**

**5**

## Things to Consider when Adapting or Translating this Manual

The following tips are based on experience with testing several versions of this Trainers' Manual.

- Though the sessions have been organized in modules, trainers may use selected sessions for specific purposes. When using selected sessions, please note that some of them rely on the results of one or more preceding sessions. Selected sessions may need to be adapted to use materials and background information from other sessions. For half-day or one-day training, trainers should use Sessions 1, 2, 6, 11, 18, and 19, and should use the handouts for Sessions 8-10 to prepare an introduction to the components of governance that should follow Session 6 and precede Session 11.
- Some of the methodologies used in this Manual may be new for some participants, who may resist or become confused by new ideas, which may in turn affect how they participate and learn. Exercises may need to be adapted to the participants' cultural and/or professional backgrounds. In some countries, any examination of how governments make and implement decisions is discouraged; in such situations trainers will need to review and adapt sessions carefully to avoid any difficulties that would undermine the learning opportunity.
- Certain words or terms used in this Manual may not exist in participants' national languages. The term 'governance', for example, does not exist in some languages. In such cases, trainers will need to encourage participants to agree on words and terms in their own languages that convey the ideas explained in the training materials. Options for finding appropriate words in national languages include:
  1. Agree on a word in the national language that is closest to the meaning of the term in English
  2. Make up a new word in the national language and explain and agree on the meaning
  3. Use the original English term but describe the meaning in the local language.

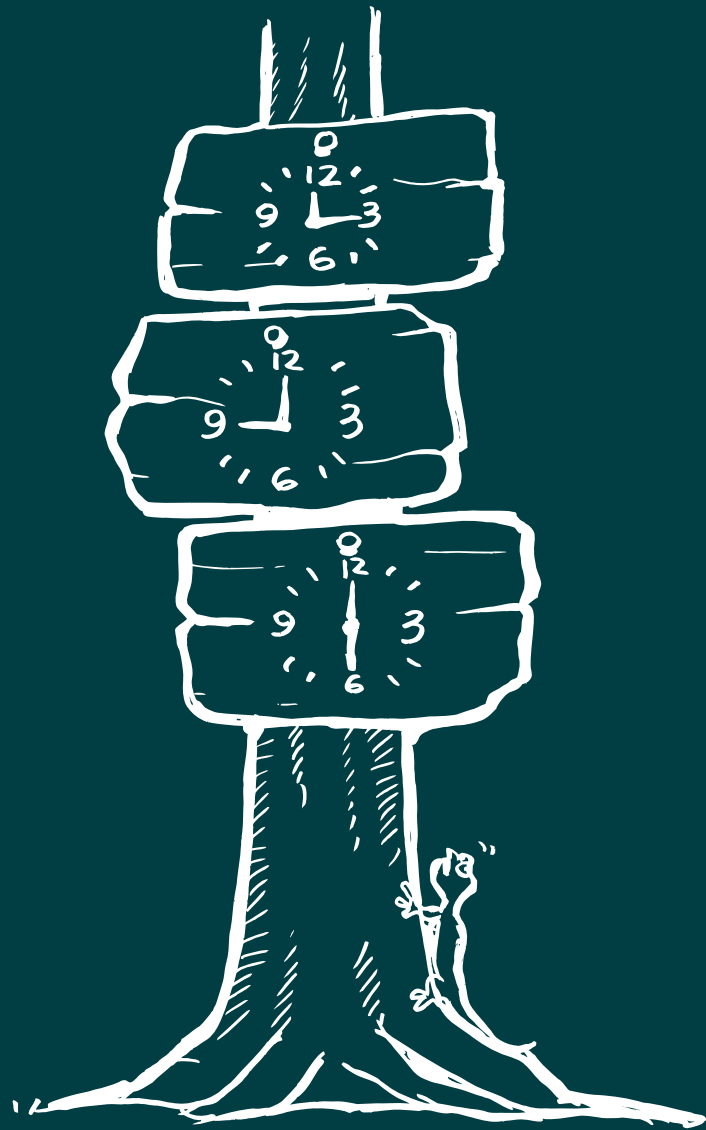
Trainers will have to determine, on a case-by-case basis, which option is best, or come up with other options of their own.



Chapter

6

## Training Agenda



**Chapter**

**6**



Day 1

## Module 1 and Module 2

Module 1

### SETTING THE SCENE

The sessions in this module include exercises to allow participants to develop confidence in using an experiential learning approach to explore the concept of governance in the context of natural resources. It also guides trainers in how to introduce the course learning objectives, approaches used, and course content. Participants will have the opportunity to reflect on natural resource governance in their own situations and contexts.

#### Learning Objectives

At the end of the module, participants will:

1. Be familiar with the course background, learning objectives, contents, work flow, and their own roles in the training course
2. Have shared what they expect from the training course and agreed on the ground rules that should be followed throughout the training process
3. Have been introduced to the experiential learning approach and how this training will use it to examine the concept of governance in the context of natural resources
4. Have simulated making decisions about a natural resource and have been introduced to ways in which power relationships among stakeholders affect making decisions about natural resources.

🕒 8.30 - 9.15

### Session 1: Getting to know each other

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>Identify all participants by their preferred names</li><li>Know more about participants' backgrounds, their current work, and role in natural resource governance</li><li>Feel more relaxed with each other and the trainers</li></ul>		<ul style="list-style-type: none"><li>Flipcharts and markers</li><li>Cards for interviewers</li></ul>	

🕒 9.15 - 10.00

### Session 2: Course Introduction and Participants' Expectations

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>Explain the purpose, structure and objectives of the training</li><li>Participants have identified their own expectations of the training and can explain how their expectations are related to the training</li></ul>		<ul style="list-style-type: none"><li>Flip charts and markers</li><li>Post-it notes and/or index cards</li><li>Presentation</li><li>Training flow diagram</li><li>Handout 1: Training Agenda</li><li>Handout 2: Natural Resource Governance - Why it is Important</li></ul>	



10.00 - 10.15

### Tea/Coffee Break

🕒 10.15 - 11.00

### Session 3: Setting Group Guidelines, Monitoring, Self-Assessment

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>Create the first task teams that will support the group throughout the training</li><li>Agree on guidelines for group functioning during the training</li><li>Introduce the self-assessment tool</li></ul>	<ul style="list-style-type: none"><li>Individual reflection</li><li>Plenary brainstorming and discussion</li></ul>	<ul style="list-style-type: none"><li>Post-it notes or index cards</li><li>Flip chart with suggested group guidelines</li><li>Markers</li><li>Presentation on approach to group work</li><li>Handout 3: Task Teams</li><li>Handout 4: Self-assessment</li></ul>	



11.00 - 12.00

### Session 4: Decision-making

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Identify factors that influence how individual decisions are made, how they affect group decision-making, and how they relate to natural resource governance</li> </ul>	<ul style="list-style-type: none"> <li>Game</li> </ul>	<ul style="list-style-type: none"> <li>1 kg of soybeans</li> <li>1 kg of shelled peanuts</li> <li>Small cups, 1 per participant</li> <li>Serving bowls, medium size, 1 per group</li> <li>Chopsticks, 1 pair per person</li> <li>Teaspoons, 1 per group</li> <li>Soup spoons, at least 2 per group</li> <li>Watch, for timing activity</li>   <li>Handout 5: Fishing Exercise Rules and Fishing Log</li> </ul>	<p>1 hour is sufficient time to explain and play this game once, but not twice.</p>



12.00 - 1.00

### Lunch



1.00 - 2.00

### Session 5: Stakeholders and Power Relations

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain what a “stakeholder” is</li> <li>Explain what “power” and “responsibility” mean</li> <li>Recognize how different stakeholders exercise power and responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Plenary brainstorming and discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipcharts and markers</li> <li>Post-it notes and/or index cards</li>   <li>Handout 6: Meanings of “Stakeholder”, “Power”, and “Responsibility”</li> </ul>	

## Module 2

### DEFINING GOVERNANCE, GOVERNANCE COMPONENTS AND PRINCIPLES

This module introduces the concept of governance. Participants explore how different organizations define governance and discuss a basic working definition of governance. They understand the components and basic principles of governance.

#### Learning objectives

At the end of this module, participants should be able to:

1. Understand the origins of the concept of governance and how it has evolved
2. Recognize the elements of different definitions of governance and why they are different
3. Identify the components of governance and understand what they mean
4. Identify basic principles of governance and understand what they mean
5. Understand the difference between governance and management
6. Explain how the components and basic principles of governance work together.



2.00 - 3.30

#### Session 6: Defining Governance

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Explain the origins of the concept of governance</li><li>▪ Recognize the elements of different definitions of governance and why they are different</li><li>▪ Explain the working definition of natural resource governance that is used in this training</li></ul>	<ul style="list-style-type: none"><li>▪ Presentation</li><li>▪ Group exercises</li><li>▪ Group discussion</li></ul>	<ul style="list-style-type: none"><li>▪ Flipcharts and markers</li><li>▪ Index cards</li><li>▪ Individual definitions of governance (without sources) posted on the walls or a list of definitions of governance (without sources) printed on one sheet of paper</li><li>▪ Handout 7: Defining Governance</li><li>▪ Handout 8: Definitions of Governance (list of definitions with the sources, on one sheet, to be handed out after the exercise)</li><li>▪ Handout 9: A Working Definition of Governance (to be handed out after the exercise)</li></ul>	<ul style="list-style-type: none"><li>▪ If space is limited in the training room, participants can remain in their seats for this exercise.</li></ul>



3.30 - 3.45  
Tea/Coffee Break



3.45 - 4.30  
Session 7: Governance and Management

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Distinguish between governance and management and understand the difference between them</li> </ul>	<ul style="list-style-type: none"> <li>Exercise</li> </ul>	<ul style="list-style-type: none"> <li>Flipcharts and markers</li> <li>Handout 10: Governance or Management in Tonle Sap</li> </ul>	



4.30 - 4.45  
Daily monitoring, feedback and self-assessment

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Answer any remaining questions about the meaning of words and concepts used so far</li> <li>Identify what went well</li> <li>Identify any changes required based on observations of the Social Monitoring Task Team and Daily Feedback Task Team</li> <li>Use the self-assessment tool to evaluate individual learning</li> <li>Create the three task teams for Day 2</li> </ul>	<ul style="list-style-type: none"> <li>Led by the Daily Feedback Task Team</li> <li>Individual feedback</li> <li>Group discussion</li> </ul>		



4.45  
Close



**Day 2****Module 2****Module 2****DEFINING GOVERNANCE, GOVERNANCE COMPONENTS AND PRINCIPLES**

8.30 – 8.45

**Daily introductions**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Recap from the previous day</li> <li>Explain any changes for the day</li> </ul>	<ul style="list-style-type: none"> <li>Done by the Daily Feedback Task Team for Day 1</li> <li>Group discussion</li> </ul>		

8.45 – 10.15

**Session 8: Governance Component: Statutory and Customary Laws**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain and differentiate kinds of laws – statutory/government laws and regulations that are written, and customary laws that are often unwritten</li> <li>Identify the role of statutory and customary law in natural resource governance</li> </ul>	<ul style="list-style-type: none"> <li>Presentation</li> <li>Small group work</li> <li>Group discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipcharts and markers</li> <li>Handout 11: Governance Component: Statutory and Customary Laws</li> <li>Handout 12: Case Study: Statutory and Customary Law in Kalahan Forest, or “case study” extracted from participants’ pre-course assignments</li> </ul>	



10.15 – 10.30

**Tea/Coffee Break**

10.30 – 12.00

**Session 9: Governance Component: Institutions**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Identify the role of institutions in governance</li> <li>Identify different types of institutions involved in natural resource governance</li> </ul>	<ul style="list-style-type: none"> <li>Presentation</li> <li>Group discussion</li> <li>Plenary discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipchart and markers</li> <li>Handout 13: Governance Component: Institutions</li> <li>Handout 14: Case Study: Institutions – Negombo Lagoon, or “case study” extracted from participants’ pre-course assignments</li> </ul>	



12.00 - 1.00  
**Lunch**



1.00 - 2.30

**Session 10: Governance Component: Processes**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain and identify different types of processes involved in natural resource governance</li> <li>Identify and explain the role of processes as a basic component of governance</li> <li>Explain the linkages among all three components of governance - statutory and customary laws, institutions and processes - in relation to each other</li> </ul>	<ul style="list-style-type: none"> <li>Presentation</li> <li>Group discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipchart and markers</li> <li>Handout 15: Governance Component: Processes</li> <li>Handout 16: Case Study Processes: Periyakalapu Lagoon, or “case study” extracted from participants’ pre-course assignments</li> </ul>	<p>This session wraps up the introduction to the components of governance - laws, institutions and processes. Prior to this session, trainers will need to review the lessons and conclusions of Sessions 8 and 9.</p>



2.30 - 2.45  
**Tea/Coffee Break**



2.45 - 3.45

**Session 11: Governance principles: Introduction**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain what a principle is</li> <li>Identify basic principles of governance</li> <li>Understand why they are basic principles of governance</li> <li>Understand how governance principles apply in natural resource governance</li> </ul>	<ul style="list-style-type: none"> <li>Group exercise</li> <li>Group discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipchart and markers</li> <li>Handout 17: Principles of Governance in International Law</li> <li>Handout 18: Principles of Governance</li> <li>Handout 19: Governance Principles (to be distributed only after the exercise)</li> </ul>	

🕒 3.45 – 5.15

### Session 12: Governance principle: Accountability

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Explain the meaning of accountability in the context of governance</li><li>▪ Draw a diagram of who is accountable to whom in a given case and draw conclusions from the diagram</li><li>▪ Identify opportunities for accountability at the governance/strategic level of decision-making and at the management/operational level of implementation</li><li>▪ Characterize accountability in their own contexts</li><li>▪ Understand the constraints and difficulties involved in ensuring accountability</li><li>▪ Explain the interaction of accountability with all governance components and the other governance principles</li></ul>	<ul style="list-style-type: none"><li>▪ Group discussion</li><li>▪ Group exercise</li></ul>	<ul style="list-style-type: none"><li>▪ Flipchart and markers</li><li>▪ Handout 20: Governance Principle: Accountability (to be distributed only after the trainers have asked participants what “accountability” means)</li><li>▪ Handout 21: Accountability and Trees, or “case study” extracted from participants’ pre-course assignments</li></ul>	

🕒 5.15 – 5.30

### Daily monitoring, feedback and self-assessment

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Answer any remaining questions about the meaning of words and concepts used so far</li><li>▪ Identify what went well</li><li>▪ Identify any changes required based on observations of Social Monitoring Task Team and Daily Feedback Task Team</li><li>▪ Use the self-assessment tool to evaluate individual learning</li><li>▪ Create the three task teams for Day 3</li></ul>	<ul style="list-style-type: none"><li>▪ Led by the Daily Feedback Task Team</li><li>▪ Individual feedback</li><li>▪ Group discussion</li></ul>		

🕒 5.30  
**Close**





**Module 2** DEFINING GOVERNANCE, GOVERNANCE COMPONENTS AND PRINCIPLES

8.30 – 8.45

**Daily introductions**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Recap from the previous day</li> <li>Explain any changes for the day</li> </ul>	<ul style="list-style-type: none"> <li>Done by the Daily Feedback Task Team for Day 2</li> <li>Group discussion</li> </ul>		

8.45 - 10.15

**Session 13: Governance Principle: Transparency**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain the meaning of transparency in the context of natural resource governance</li> <li>Characterize transparency as a principle of governance in their own natural resource governance contexts</li> <li>Identify and explain the constraints, difficulties, and opportunities involved in ensuring transparency</li> <li>Explain the interaction of transparency with all governance components and the other governance principles</li> </ul>	<ul style="list-style-type: none"> <li>Game: Blind Star</li> <li>Presentation</li> <li>Group discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipchart and markers</li> <li>One blindfold per participant</li> <li>One 30-meter length of rope</li> <li>Handout 22: Instructions for the Blind Star game</li> <li>Handout 23: Governance Principle: Transparency</li> <li>Handout 24: Case Study: EIA and Transparency</li> </ul>	<p>The time allocated for this session is sufficient time to explain and play the Blind Star game once and analyze the case study.</p>



10.15 – 10.30

**Tea/Coffee Break**

🕒 10.30 – 12.30

### Session 14: Governance Principle: Participation

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Explain the meaning of participation in the context of natural resource governance</li><li>▪ Differentiate various levels of participation in decision-making and implementation</li><li>▪ Characterize participation in governance within their own contexts</li><li>▪ Explain the difficulties and opportunities involved in ensuring meaningful participation in making and implementing decisions involving and affecting natural resources</li><li>▪ Explain the interaction of participation with all governance components and the other governance principles</li></ul>	<ul style="list-style-type: none"><li>▪ Role play</li><li>▪ Presentation</li><li>▪ Group discussion</li></ul>	<ul style="list-style-type: none"><li>▪ Flipcharts and markers</li><li>▪ Handout 25: Governance Principle: Participation</li><li>▪ Handout 26: Participation Ladder</li><li>▪ Handout 27: Situation for Role Play: Situation for Role Play: Rem Ngong and Banthong</li></ul>	



12.30 - 1.30

### Lunch

🕒 1.30 – 3.00

### Session 15: Governance Principle: Rule of Law

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Explain the meaning of “rule of law” in the context of governance and law enforcement</li><li>▪ Characterize “rule of law” in their own language and context</li><li>▪ Explain the constraints, difficulties, and opportunities involved in ensuring rule of law</li><li>▪ Explain the interaction of rule of law with all governance components and the other basic governance principles</li></ul>	<ul style="list-style-type: none"><li>▪ Presentation</li><li>▪ Group exercise</li><li>▪ Group discussion</li></ul>	<ul style="list-style-type: none"><li>▪ Flipcharts</li><li>▪ Cards</li><li>▪ Markers</li><li>▪ Handout 28: Governance Principle: Rule of Law</li><li>▪ Handout 29: Kong Hong Mountain case study</li></ul>	<p>This session wraps up the introduction to the basic principles of governance – accountability, transparency, participation, and rule of law. Prior to this session, trainers will need to review the lessons and conclusions of Sessions 12-14.</p>



3.00 – 3.15  
Tea/Coffee Break



3.15 – 3.45  
**Session 16: Governance Components and Principles – Wrap-up**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain how the components and principles of governance are related and how they influence each other</li> </ul>	<ul style="list-style-type: none"> <li>Presentation</li> <li>Plenary discussion</li> </ul>	<ul style="list-style-type: none"> <li>PowerPoint slide on governance progress</li> <li>Handout 30: Governance Principles and "Good" Governance</li> </ul>	<p>This session wraps up the introduction to the components and basic principles of governance. Prior to this session, trainers will need to review the lessons and conclusions of Sessions 8-10 and 12-14.</p>



3.45 – 5.15  
**Session 17: Governance Components and Principles – Role Play**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Explain how the components and principles of governance are related and how they interact</li> </ul>	<ul style="list-style-type: none"> <li>Role play</li> </ul>	<ul style="list-style-type: none"> <li>Flipcharts and markers</li> <li>Name tags for stakeholder representatives</li> <li>Handout 31: Role Play: Sustainable Agriculture, Water Pricing and Logging Ban – The Story and Steps for the Role Play</li> <li>Handout 32: Role Play: Background information for each stakeholder group</li> </ul>	

🕒 5.15 - 5.30

### Daily monitoring, feedback and self-assessment

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>▪ Answer any remaining questions about the meaning of words and concepts used so far</li><li>▪ Identify what went well</li><li>▪ Identify any changes required based on observations of Social Monitoring Task Team and Daily Feedback Task Team</li><li>▪ Use the self-assessment tool to evaluate individual learning</li><li>▪ Create the three task teams for Day 4</li></ul>	<ul style="list-style-type: none"><li>▪ Led by the Daily Feedback Task Team</li><li>▪ Individual feedback</li><li>▪ Group discussion</li></ul>		



Day 4

## Module 3

Module 3

### GOVERNANCE IN PRACTICE

The governance framework is introduced. The purpose of this module is to help participants understand and apply a governance framework to identify issues and interventions and develop indicators. Participants are given opportunities to use the framework for different purposes and explore how to use it in practice.

#### Learning objectives

At the end of this module, participants should be able to:

1. Understand the governance framework
2. Use the governance framework to identify interventions to strengthen components and principles of natural resource governance in their own contexts
3. Develop indicators for monitoring progress on interventions to strengthen natural resource governance.

 8.30 – 8.45

### Daily introductions

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>Recap from the previous day</li><li>Explain any changes for the day</li></ul>	<ul style="list-style-type: none"><li>Done by the Daily Feedback Task Team for Day 3</li><li>Group discussion</li></ul>		

 8.45 - 10.45

### Session 18: Governance Framework Sub-session 1

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"><li>Explain how the components and principles of governance relate to each other in a specific natural resource governance context</li><li>Use the governance framework to analyze issues</li></ul>	<ul style="list-style-type: none"><li>Presentation</li><li>Group exercise</li><li>Plenary discussion</li></ul>	<ul style="list-style-type: none"><li>Flipchart paper, cards, markers, tape, glue</li><li>PowerPoint slides on governance framework</li><li>Handout 33: Governance Framework</li><li>Handouts 14, 16 and 24</li><li>Handout 34: Governance Issues and Framework for Handout 14 – Negombo Lagoon</li><li>Handout 35: Governance Issues and Framework for Handout 16 – Periyakalapu Lagoon</li><li>Handout 36: Governance Issues and Framework for Handout 24 – EIA</li></ul>	



10.45 - 11.00

### Tea/Coffee Break

 11.00 - 12.30

### Session 18: Governance Framework Sub-session 2: Identify governance issues in pre-course assignments

Learning Objectives	Methods	Materials	Notes
	<ul style="list-style-type: none"><li>Individual work and presentation</li><li>Plenary discussion</li></ul>	<ul style="list-style-type: none"><li>Flipchart paper, cards, markers, tape, glue</li><li>Participants' pre-course assignments</li></ul>	



12.30 - 1.30

### Lunch



1.30 - 3.00

## Session 19: Governance Framework – Interventions and Indicators

### Sub-session 1: Identifying interventions

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Use the governance framework to identify governance issues and interventions taking examples from their own context</li> <li>Develop SMART indicators for interventions to address governance issues</li> </ul>	<ul style="list-style-type: none"> <li>Group exercise</li> <li>Group feedback</li> <li>Plenary discussion</li> </ul>	<ul style="list-style-type: none"> <li>Handout 34: Governance Framework with “3 I’s” – issues, interventions, indicators</li> </ul>	



3.00 - 3.15

### Tea/Coffee Break



3.15 - 4.30

## Session 19: Governance Framework – Interventions and Indicators

### Sub-session 2: Designing indicators for each intervention

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Understand how to use the governance framework to identify governance issues and interventions</li> <li>Understand how the governance framework can be used to monitor progress on interventions dealing with governance issues</li> <li>Develop SMART indicators</li> </ul>	<ul style="list-style-type: none"> <li>Presentation</li> <li>Group exercise</li> <li>Group feedback</li> <li>Plenary discussion</li> </ul>	<ul style="list-style-type: none"> <li>Flipchart paper and markers</li> <li>Handout 37: Governance Framework with “3 I’s” – issues, interventions, indicators</li> <li>Handout 38: Indicators</li> </ul>	

⌚ 4.30 – 4.45  
**Daily monitoring, feedback and self-assessment**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>▪ Answer any remaining questions about the meaning of words and concepts used so far</li> <li>▪ Identify what went well</li> <li>▪ Identify any changes required based on observations of Social Monitoring Task Team and Daily Feedback Task Team</li> <li>▪ Use the self-assessment tool to evaluate individual learning</li> <li>▪ Create the three task teams for Day 5</li> </ul>	<ul style="list-style-type: none"> <li>▪ Led by the Daily Feedback Task Team</li> <li>▪ Individual feedback</li> <li>▪ Group discussion</li> </ul>		

⌚ 4.45  
**Close**



**Day 5** **Module 3**

**Module 3** **GOVERNANCE IN PRACTICE**

⌚ 8.30 – 8.45  
**Daily introductions**

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>▪ Recap from the previous day</li> <li>▪ Explain any changes for the day</li> </ul>	<ul style="list-style-type: none"> <li>▪ Done by the Daily Feedback Task Team for Day 4</li> <li>▪ Group discussion</li> </ul>		



8.45 - 11.30 (Tea/Coffee Break included)

### Session 20: Team Debate – Are all four basic principles of governance equally important for natural resource governance?

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Identify and express what they have learned about natural resource governance</li> </ul>	<ul style="list-style-type: none"> <li>Debate</li> </ul>	<ul style="list-style-type: none"> <li>Paper and pens/pencils for participants</li> <li>Desktop signs with the names of each team in the debate</li> <li>Score card for the debate</li> <li>Prize for winner of the debate</li> <li>Handout 39: Debate</li> </ul>	



11.30 - 12.30

### Lunch



12.30 - 1.30

### Daily evaluation, feedback, self-assessment, and follow up

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Obtain enough detailed feedback to be able to revise the course to improve structure, content and quality of learning</li> <li>Find out from participants how they intend to apply the knowledge and skills they acquired during this training course</li> <li>Identify how trainers and participants can continue to support learning</li> <li>Self-assess learning progress</li> </ul>	<ul style="list-style-type: none"> <li>Questionnaire</li> <li>Individual activity</li> </ul>	<ul style="list-style-type: none"> <li>Training evaluation</li> <li>Participants' daily evaluation</li> </ul>	



2.00 - 2.30

### Closing

Learning Objectives	Methods	Materials	Notes
<ul style="list-style-type: none"> <li>Closing remarks by participants</li> <li>Closing remarks by organizers</li> </ul>			



2.30

### End of course



Chapter

7

## Training Modules



Module 1: Setting the Scene

Module 2: Defining Governance, Governance Components and Principles

Module 3: Governance in Practice

**Chapter**

**7**

# Module 1: Setting the Scene

Session

1

## Getting to Know Each Other



**Session**

**1**

# 1

## Getting to Know Each Other



### OBJECTIVES

At the end of the session, the participants will:

- Identify the other participants by their preferred names
- Know more about their backgrounds, their current work, and their role in natural resource governance
- Feel more relaxed with each other and the trainers.



### STEPS

1. Explain to participants that it is important to get acquainted with each other before training starts, and to find out how each participant is involved in natural resource governance.
2. Three examples of methods for conducting this session are provided below. Trainers are, of course, free to use other exercises.

#### Example A

This option for introductions is carried out in pairs. Ask each participant to find a partner that she/he does not know and explore the following points:

- a. Name
- b. Organization
- c. How she/he is involved in natural resource governance
- d. A surprising fact about her or him which other participants do not know.

**Time:**

45 minutes



**Materials:**

1. Flip charts and markers
2. Cards for interviewers

Allow five minutes for each participant to interview her/his partner, for a total of ten minutes for each pair of partners. After all partners have interviewed each other, ask each one to introduce her/his partner in turn until all participants and trainers have been properly introduced.

### Example B

This option for introductions is done by one or two volunteers from among the participants -- one woman and one man -- who interview the others, asking each person not more than three questions. The interviewers then introduce the participants to the whole group. Often the trainers can quickly spot participants who are active, or have a good sense of humor. If they can be invited as the volunteer interviewers, they can help to create a lively, relaxed atmosphere from the beginning of the training.

### Example C

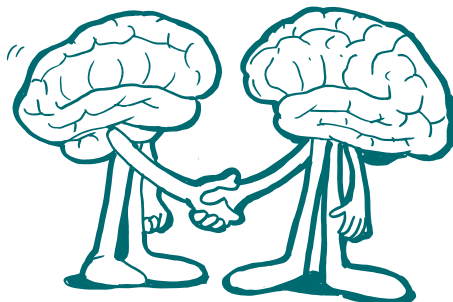
This option for introductions is done individually by participants. Invite each to draw a self-portrait on a flip chart. Along with the picture, they should write their formal name, the name they would like to be addressed by, and one activity they enjoy in their free time. Give them 20 minutes to introduce themselves to as many people as they can. Hang the pictures on the wall for a day.

3. Remind participants that they are all involved in natural resource governance in some way and should use this training opportunity to maximize learning on how it operates in their own individual contexts.

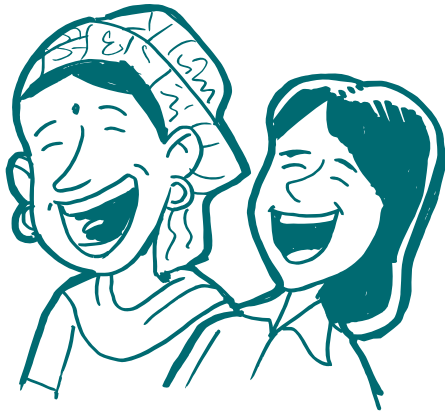


## NOTES FOR TRAINERS

### Why we should devote time for participants to get to know each other



Neuroscience tells us that an encounter between people triggers an automatic emotional exchange. When emotions are attuned, coordinated action is more likely. Humans are generally curious about strangers and try to sense positive emotional signals from others. Through introductions, training participants start to learn about each other's professional backgrounds and personal traits. Introductions stimulate brain activity that searches for a way to build rapport with others in the group.



Encouraging informality and a sense of humor during introductions allows participants to relax and offer interesting facts about themselves and their interests outside their professional fields. This allows them to identify common interests, which in turn will help to build rapport within the group and with the trainers. By making it easier to build social links among the members of the group, introductions help to create a relaxed social environment that promotes openness, which in turn facilitates learning.

At the same time, introductions also provide a valuable opportunity for trainers to learn about participants and the various personalities in the group. This information will help them to understand the dynamics that are likely to emerge in group work and to plan an approach to maximize the learning potential of the group.

### **Tips for managing embarrassments or abrasive personalities**

There are many ways that unwanted embarrassment can occur during a training session. Sometimes, the embarrassment is a result of inaccurate use of a second language, such as English, in training. This is not necessarily a bad thing. The trainers can use it as an opportunity to create a relaxed learning environment for the training participants by taking it lightly and even joking about it, making sure that the person involved in the embarrassing situation feels that the attention is positive, and that there is nothing to be embarrassed about.

It is not unusual that some abrasive comments or statements may come out in the process of introductions. The key to managing this positively is to make sure that any participant who is offended receives positive attention, while at the same time positively channeling the energy of the participant who made the offending comment. Do not try to suppress abrasive behavior -- it will only build negative energy. Treat it in a humorous manner and move on to the next point in the introduction or on the agenda.



There are many ways that unwanted embarrassment  
can occur during a training session...



Session

2

## Course Introduction and Participants' Expectations



**Session**

**2**

# 2

## Course Introduction and Participants' Expectations



### OBJECTIVES

At the end of the session, the participants will have:

- Understood the purpose, structure and objectives of the training
- Received clarification on initial queries about the purpose and focus of the training
- Expressed and noted their expectations for the training.



### STEPS

1. Explain that this session talks about the WHY, WHAT and WHEN of the training.
2. Explain first WHY, by posting the course purpose and objectives and explain how these were determined. Clarify any questions on these. Leave the objectives posted in a prominent place in the training room throughout the duration of the training.
3. Make a presentation that explains each module and session of the detailed training agenda - the WHAT and WHEN.
4. Take any questions about the training agenda.

#### Time:

45 minutes



#### Materials:

1. Flip charts and markers
2. Post-it notes and/or index cards
3. Presentation
4. Training flow diagram

#### Handout:

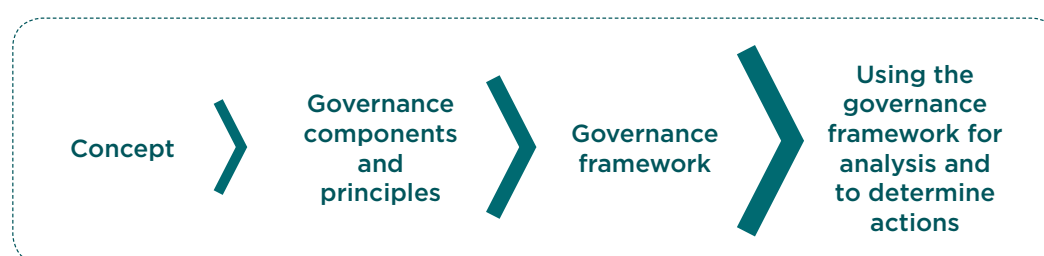
1. Handout 1:  
Detailed Training Agenda

5. After discussing the agenda, ask participants what part of the course they think will be most useful to them in their jobs. Distribute two Post-it notes or index cards to each participant and ask them to write down two expectations they have about what they will learn from the training. Explain that they can express their expectations generally, for what they hope to learn during the whole course, or express expectations about specific sessions in the agenda.
6. Collect the Post-it notes or cards and group them on a flip chart.
7. Discuss the general expectations and the ones that refer to specific sessions. If any expectations are beyond the context of this training, explain why. Leave the expectations posted in the training room, so that participants can refer to them throughout the training and when it is complete.
8. Finish by dealing with any logistical matters relating to meals, breaks, and any other information particular to the training agenda and venue that participants need to know.



## NOTES FOR TRAINERS

1. It is helpful to create a flow diagram that illustrates the logic of the training.



Options for doing this include:

- a. The flow diagram could be part of a PowerPoint presentation.
  - b. The entire training flow diagram could be drawn on one sheet of flip chart paper and posted in the room.
  - c. The individual steps in the training flow could each be drawn on individual sheets of flip chart paper, or cards or some other type of medium, numbered to indicate the sequence of the flow, and posted around the training room.
2. If it is possible to print each day's agenda on A3 paper to post in the training room, the trainer can post session-specific expectations. This will remind the trainer to refer to those expectations during each session.

## Natural Resource Governance -- Why It Is Important

Natural resource governance, especially in the forest sector, has long been largely centralized and top-down, focusing primarily on resource conservation goals. The actual and potential role of communities of rural resource users in governance has received relatively little recognition or support, despite the profound knowledge that these resource users have demonstrated in making and implementing decisions about natural resources for millennia.

Governance is the keystone of sound natural resource management. Its core principles -- accountability, transparency, participation, and the rule of law -- are at the heart of the efforts being made at local, national, bilateral and multilateral levels to ensure that decisions that affect natural resources and natural resource users are well-informed and are implemented equitably. The rights of stakeholders to participate in making and implementing decisions affecting natural resources should be recognized and applied in practice.

Rapid and ongoing economic and public sector reforms across Asia have fundamentally altered the ground rules that determine who is involved in making and implementing decisions about natural resources. Decentralization processes and shifts in power relationships among natural resource stakeholders continue to have significant impact on natural resource governance. Stakeholders at sub-national and local levels are increasingly being called upon to deliver positive economic results, and at the same time ensure sustainable resource use.

There is a real need for all those who are involved in making and implementing decisions that affect natural resources and natural resource users -- including central government planners and policymakers, local government administrators, civil society and the private sector -- to understand the basic concepts and principles of governance and be able to apply them in their daily work. There has been growing demand from across the region for a practically-oriented training course that allows target audiences at local, national, and regional levels to apply their understanding of natural resource governance in a way that maximizes their own effectiveness in their day-to-day work.



Session

3

## Setting Group Guidelines, Monitoring, Self-Assessment



**Session**

**3**



# 3

## Setting Group Guidelines, Monitoring, Self-Assessment



### OBJECTIVES

At the end of the session, the participants will have:

- Formed the first task teams that will support the group throughout the training
- Identified and agreed on guidelines for group functioning during the training
- Discussed self-assessment and become familiar with the self-assessment tool.



### STEPS

1. Refer to the previous session, which focused on participants' expectations for the training. Explain that in Session 2, we discussed WHY, WHAT, and WHEN of the training. In this session, we will discuss the HOW and WHO of the training.
2. Explain that this session will also focus on agreeing on group guidelines, monitoring, and self-assessment during the training.
3. Explain that the WHO is closely related to the HOW. Ask what participants think should be the trainers' role and their own, as participants. Stress that all participants come with rich experiences and that most of the learning will take place through sharing, for example in small learning groups.

#### Time:

45 minutes



#### Materials:

1. Post-it notes or index cards
2. Flip chart with suggested group guidelines
3. Markers
4. Presentation on approach to group work

#### Handouts:

1. Handout 3: Task Teams
2. Handout 4: Self-assessment

4. Move on to the HOW aspect of the training. Briefly explain the concepts of experiential learning and social learning and how they will be applied in this training.
5. Ask participants to guess, in percentages, how much adults can use from what they hear (20%), see and hear (40%), and experience (80%). Explain that the approach used will be participatory and that each participant will have the opportunity to learn by applying the concepts introduced in the training to their own experience as they have described it in their pre-course assignments.
6. Refer to Handout 3 and introduce the tasks that participants will be responsible for throughout the training. To encourage more interactive participation from all participants, these tasks will be carried out by rotating teams to give all participants the opportunity to take part. The tasks are: 1) social monitoring and energizing 2) service provision and 3) daily feedback.
7. Clarify the tasks and ask two or three participants to volunteer for each task team. All participants should volunteer for at least one team and for a different team each day.
  - a. Social Monitoring and Energizing Task Team: This team will monitor the dynamics of the entire group and take agreed action to promote social learning. The team will also provide energizers to stimulate the learning atmosphere.
  - b. Service Provision Task Team: This team will take responsibility for all services that support the group during the learning process, including distributing and collecting materials and handouts, ensuring that there are sufficient supplies, collecting cards and Post-it notes written by participants and delivering them to the trainers, and any other similar tasks that are necessary during the training.
  - c. Daily Feedback Task Team: At the end of each day, this team will be responsible for collecting feedback from all participants on lessons learned, including their reactions to the training processes and exercises and any other issues affecting their learning. This team will report back during the first plenary the following morning.
8. Establish group guidelines using a participatory approach. This can be done in several ways. Two simple brainstorming exercises are suggested here:

Option 1: Write suggested guidelines on a flip chart. Ask participants if any of the guidelines should be deleted or new ones added. Make any agreed deletions and add their suggestions on the flip chart.

Option 2: Distribute index cards or Post-it notes to all participants and ask them to write their suggested guidelines (one guideline per card or Post-it note), collect all the suggestions, and group them on a flip chart.

9. The group reviews the list of recommendations from all participants, commenting on why some of the suggestions may not be workable, and agrees on the ones they feel are valid and reasonable. If there is a disagreement on the guidelines, allow participants an opportunity to voice their concerns and to understand each other's reasoning. Arrive at a list of guidelines that all can agree on. If there are strong feelings in the group about guidelines for which there is no consensus, the trainers can list those separately, so that the group can refer to them as the training progresses and decide whether to use them or not.
10. Agree on 'penalties' for not following each of the agreed guidelines. These penalties can be funny. For example, if a participant arrives late, she/he could be required to sing a song for the group.
11. Post the agreed guidelines and the agreed penalties in the training room so that participants can refer to the guidelines throughout the training. The Social Monitoring Task Team will assist the trainers in reinforcing the idea that the guidelines need to be followed by all participants throughout the training.
12. Refer to Handout 4 and discuss with participants the importance of self-assessment and reflection in learning. Give them ten minutes to fill in the self-assessment form. Explain that at the end of the training, they will review the knowledge they have gained during the entire course by using this form. At the end of each training day, refer to the self-assessment form to encourage participants to assess their own learning. The trainers should review the individual participants' self-assessment forms when they prepare the assessment for the entire training course. Trainers should note each training participant's assessment of his/her own learning, the areas identified for further learning, and discuss these with the participants. This can be done individually, if time allows, or in a plenary discussion at the end of the training.



## NOTES FOR TRAINERS

1. The ownership of the guidelines is very important. If participants see them as rules forced upon them, the session will be counterproductive. It is important that the participants formulate their own guidelines and agree together as a group. Post the agreed guidelines in a visible place and leave them there throughout the training. If there are problems with the group dynamics during the sessions, refer back to the norms or ask for suggestions about adding a new norm.

2. Examples of guidelines that can be written on a flip chart include:
  - Everyone has the right to understand
  - Any question is a good question
  - Everybody should have a chance to participate
  - Everybody has a responsibility to participate
  - We help each other to learn
  - Arrive for sessions on time
  - No smoking in the training room
  - Mobile phones must be in silent mode.
  
3. The Daily Feedback Task Team offers a good opportunity for trainers to experiment with different ways of collecting, analyzing and sharing daily feedback in a non-threatening training setting. Don't just use one method of feedback. Try to choose new and more challenging methods.

Group guidelines will be established in a participatory manner by the group at the very beginning of the training. The trainers are responsible for making sure that the group's agreed guidelines are followed during each session and in managing the group dynamics, making sure all participants have equal opportunities to speak and ask questions.

The responsibilities of each Task Team are described below.

### Social Monitoring and Energizing Task Team

This Task Team has two functions:

1. Monitor the dynamics of the entire group and assist the trainers in promoting social learning
2. Provide energizers to stimulate the learning atmosphere.

To carry out the first function -- monitoring the group dynamics and promoting social learning --this Task Team will be responsible for:

- Policing the time by ensuring that the time allocated to each session is respected
- Reviewing the agreed guidelines with the participants as necessary and reinforcing the group's agreement to follow them
- Ensuring that any penalties assigned during the day are carried out at the end of the day or on the next day.

If participants do not follow the guidelines, action needs to be taken to maintain the group's function and a constructive learning atmosphere. Sometimes it may be necessary for members of the Social Monitoring and Energizing Task Team to talk to an individual who does not follow the guidelines, to understand what is motivating that individual and to find ways to avoid destructive conflict within the group. When team members do that, they must make sure to be constructive, invite suggestions, and avoid placing blame.

If the penalties agreed on by the group are not effective, the Task Team will discuss the situation with the trainers, and with the group, if necessary, and agree on constructive action to be taken.

This Task Team needs to carry out its second function -- providing energizers -- because learning consumes energy to analyze, conceptualize, and seek solutions to the exercises provided in the training. An energizer is a stimulus which activates brain function and creates a feeling of belonging to the group while having fun together.

Some examples of energizers are:

### 1. Wave game

Invite participants to stand in a circle. Ask them to, one by one in sequence, bend at the waist and try to touch their toes with their fingers and then to quickly stand up straight with their hands above their heads. One participant starts by touching her/his toes and as she/he starts to stand upright, the person to the right bends over to touch her/his toes. When this is done quickly, the participants create a "body wave". If one person breaks the wave, that person steps out of the circle and the wave continues with the participants who remain in the circle. Continue the wave for three minutes.



## 2. Song game

Invite a facilitator to sing a song that people in the group know, or to teach the others in the group a new song. The facilitator must act out the words of the song while singing and the other participants must mimic her/him.

### Service Provision Task Team

This Task Team will provide all the basic services the entire group needs for the training to progress smoothly each day. It will:

- Ensure that there is sufficient paper on flip charts and that flip charts are positioned in the training room where they need to be for each session
- Ensure that there are markers for all flip charts and on all tables
- Distribute materials and handouts
- Collect cards and Post-it notes that participants write and deliver them to the trainers
- Any other tasks that the training sessions require each day.

At the end of each day, the trainers will review the next day's sessions with the Task Team to be sure that everyone knows what materials and services are required.

### Daily Feedback Task Team

This Task Team is responsible for:

- Being alert all day to how people feel, what they think, and how they react
- In consultation with the trainers, choosing and preparing the feedback method
- Collecting feedback
- Analyzing and summarizing feedback
- Sharing feedback with trainers before the feedback session and training begins each day, and discussing any actions that need to be taken
- Presenting feedback and recapping what the group learned on the previous day, and making suggestions on the basis of the feedback.

#### **Tip for the Daily Feedback Task Team:**

Do not rely only on the formal feedback exercise at the end of the day, but keep your eyes and ears open the whole time





Self-assessment facilitates learning by helping you to:

- Identify the areas in which you want to further develop your skills and knowledge
- Set clear learning goals for yourself
- Motivate yourself to continue to learn on the basis of your achievements.

How to use this self-assessment tool:

- You will assess your own current competency by placing a mark (this could be a happy face or just an “x”) at a point along the lines in each of the rows
- You will need to review the form at the end of each training day
- You will also review this form at the end of the training and assess what you have learned by placing a mark at the point along the line in each row that indicates how much you feel you have learned in each area of competency. You should write down brief notes about the areas you would like to learn more about and give them to your trainers.

## Development of Natural Resource Governance Knowledge and Skills

Competency	Very Low	Moderate	Very High
Contemporary concept of natural resource governance	Unaware of contemporary concept of natural resource governance	Understand natural resource governance concept, have knowledge of its history of development	Can confidently relate contemporary concept of natural resource governance to your own political and social context
Governance components and practical application	Unaware of governance components in natural resource context	Understanding of statutory and customary laws, institutions and processes in natural resource governance	Can competently analyze the current status of laws and other rules, institutions and processes in your own working context
Governance principles and practical applications	No understanding of the role of four principles of governance	Can understand the four principles of governance	Can apply your clear understanding of governance principles to your own working context
Conduct analysis using governance framework	Unaware of governance framework as an integrated tool for analyzing natural resource governance	Knowledge of governance framework as an integrated tool for analyzing natural resource governance	Can use the governance framework to identify issues, interventions and indicators in your own working context
Identify Issues, interventions and indicators for natural resource governance	No prior experience or knowledge in identifying issues, interventions and indicators for natural resource governance	Knowledge of and regular practice in identifying issues, interventions and indicators for natural resource governance	Confident in using the governance framework to identify issues, interventions and indicators for natural resource governance

# Module 1: Setting the Scene

Session

4

## Decision-making

Aah.. that's right...



**Session**

**4**

# 4

## Decision-making

**Time:**

1 hour



**Materials:**

1. 1 kilo soybeans
2. 1 kilo shelled peanuts
3. Small cups, one per participant
4. Serving bowls, medium size, one per group
5. Chopsticks, one pair per person
6. Teaspoons, one per group
7. Soup spoons, at least two per group
8. Watch, for timing activity

**Handout:**

1. Handout 5:  
Fishing Exercise  
Rules and Fishing  
Log



### OBJECTIVES

At the end of the session, the participants will have:

- Identified factors that influence how individual decisions are made, how they affect group decision-making, and how they relate to natural resource governance.



### STEPS

1. Prepare the materials for the game in advance of this session. Based on the number of participants, determine how many groups will be formed to play the game. The optimal number of participants in a group is three or four. Put 30 soybeans and 50 peanuts into an 'ocean'/bowl for the number of groups that will play the game. If soybeans and/or peanuts are not available, substitute something else that is equally challenging to pick up with chopsticks in the first round.
2. Tell participants that they're going to go fishing to explore decision-making, which is the heart of natural resource governance.

3. Refer to Handout 5 and explain the game rules. Explain that soybeans -- or a substitute -- represent the most valuable fish. Peanuts -- or a substitute -- represent the next most valuable fish. Allow participants to assign names to both types of fish, if they want to.
4. Divide the participants into groups and have each group choose an ocean name such as South China Sea, Indian Ocean, South Pacific, North Pacific, etc.
5. Give each group one serving bowl/'ocean', with 'fish' in it. Give each participant one cup/'boat', and one pair of chopsticks/'fishing equipment' for the first round.
6. Start the first round of the game/'fishing season'.
7. After the first round, have each fisher count his/her catch (soybeans and peanuts in their cups) and record the data in his/her Fishing Log.
8. Add one new fish for every two fish of each size left in each bowl. The new fish represents a new generation of fish, assuming that the two fish remaining in the ocean are male and female and can breed.
9. For the second round of the game, the second 'fishing season', fishers who have caught more than two fish may choose to 'buy' 'new technology' -- a teaspoon. Fishers must pay one fish to get the teaspoon. Fishers who have caught only two fish may not buy the teaspoon because they would be left with less than the minimum of two fish necessary to survive. In the second round, fishers may fish with either chopsticks or teaspoons.
10. After the second round, add one new fish for every two fish of each size left in each bowl. If either size of fish has been fished out or if any bowl has been fished out, announce that to all participants. If a bowl is fished out, all participants in that group are out of the game.
11. Make an announcement that there is another 'new technology' recently developed, but it is expensive. Fishers who have more than four fish and want to use the new technology must 'pay' for this 'new technology', a soup spoon, with two fish. Fishers who have caught only three fish may not buy the soup spoon because they would be left with less than the minimum of two fish necessary to survive. In round three, the third 'fishing season', fishers may fish with chopsticks, teaspoons, or soup spoons.



12. After the third round, add one new fish for every two fish of each size left in each bowl. If either size of fish has been fished out in any bowl, or if any bowl has been fished out at the end of round three, announce that to all participants. If a bowl is fished out, all participants in that group are out of the game.
13. After the third round, give a slip of paper to one fisher who has the best 'fishing equipment' in each group. If two or more fishers in a group have the same equipment, trainers must choose one of them to receive the slip of paper. The slip of paper must say: *"Don't show this slip to anyone!!! You may fish in other oceans when your ocean is depleted."* This slip reflects a new government policy that provides incentives for fishers investing in new technology. Continue the game for round four.
14. After the fourth round, add one new fish for every two fish of each size left in each bowl. If either size of fish has been fished out in any bowl, or if any bowl is empty at the end of round four, announce that to all participants. If a bowl is fished out, all participants in that group are out of the game. **EXCEPT** the participant who was given the slip of paper with the new rule.
15. After the fourth round, give fishers the option to buy a fishing quota by paying a 'royalty' to the government. The cost of the 'royalty' is four fish. Fishers who have caught six fish or less may not pay the 'royalty' because they would be left with less than the minimum of two fish necessary to survive. The 'quota' is one soup spoon.
16. After the fifth round, add one new fish for every two fish of each size left in each bowl. If either size of fish has been fished out in any bowl, or if any bowl has been fished out at the end of round five, announce that to all participants. If a bowl is fished out, all participants in that group are out of the game. **EXCEPT** the participant who was given the slip of paper with the new rule.
17. Repeat fishing, recording, and replenishing fish stocks until either sustainable fishing is achieved or until all, or most, groups have fished out their bowls.



18. Initiate reflection by using the following sample questions to lead a discussion about the activity:

- How did each individual participant make his/her decisions about how to fish?
- How did the decisions made by each individual fisher affect the 'ocean' and the group fishing in it?
- What was the result in each 'ocean' of individual fishers making decisions based on their own self-interest?
- Did fishers in any of the groups make a decision to work together to fish in a particular way? If so, what was the impact of that decision on the sustainability of the populations of fish in that 'ocean'?
- What happened when some fishers were allowed to fish according to rules that were not known to the other fishers? Did fishers resist outsiders fishing in their 'ocean'? How did they do that? Was there any conflict as a result?
- What happened when a fisher caught the last fish of a 'species'? Did the fisher who caught that last fish admit it? Did other fishers enforce that rule?
- Would decisions about how to fish have been made differently if they were made as a group? If so, ask each group to discuss how it would have made those decisions differently.
- Would individuals have made their decisions differently if the resource had been trees, or an animal species other than fish? If so, how would individuals have made their decisions differently?
- Have you seen similar situations in your own context? Where? When? Why?
- How do you think this game relates to natural resource governance?



19. Sustainable use of natural resources requires a society to make and implement decisions that ensure it. In this game, there were only two decisions made by 'government' on behalf of 'society'. One was to promote the use of new technology. The other was to encourage certain fishers -- who were selected in a way that excluded all other fishers -- to expand their operations outside the 'ocean' in which they had been fishing. All other decisions about using the natural resource -- fish, in this case -- were made by individuals, unless any of the groups decided to work together to make rules for fishing in their particular 'ocean'. Lessons that participants need to learn from this game include:

- It is important to have rules to guide decision-making about natural resource use
- If there are no rules, or if people who use a natural resource do not know the rules, it is possible or likely that the natural resource will not be used sustainably
- If there are rules, but the rules are not applied to all users of a natural resource in the same way, all the time, conflict and/or unsustainable use may result
- If decision-makers are not required to answer to natural resource users for the consequences of their decisions, conflict and/or unsustainable use may result.



## NOTES FOR TRAINERS

1. Trainers should try this game themselves before introducing it to the participants. In particular, trainers should make sure that there are enough 'fish' in each 'ocean' in the first round of fishing, to ensure that the game can continue for several rounds.
2. The purpose of this game is to allow participants to experience what happens when individuals make decisions concerning natural resources based on their own self-interest. Throughout the training, participants will need to remember this game and the results of individual decision-making on natural resources, as they learn more about natural resource governance, which involves decisions that are made and implemented by and for groups of people/societies, rather than individuals.



## Fishing Exercise Rules and Fishing Log

- Each participant is a 'fisher' whose livelihood depends on catching fish
- Bowls are 'oceans'
- 'Fish' are represented by soybeans and peanuts. Soybeans represent the largest and most valuable fish. Peanuts represent the next most valuable fish.
- Cups are 'boats' belonging to individual fishers
- Each fisher must catch at least two fish (large or small) in each round to survive (i.e. get enough fish to either eat or sell). Fishers who do not catch at least two fish must stop playing the game.
- Each round of the game, or 'fishing season', lasts for 20 seconds. All participants fish at the same time in their group's 'ocean'.
- When fishing begins, participants must hold one hand behind their backs and with the other, use the 'fishing equipment'/chopsticks to get fish from the 'ocean' and deposit them into their 'boat'/cup.
- Fishers must record their catch in their Fishing Log at the end of each round of the game
- The fish remaining in each bowl after each round of the game represent the breeding populations for each size of fish. If there are at least two fish of either size in the bowl at the end of each round, the trainers will add one fish of that size to the bowl.
- If, at the end of any round of the game, there is only one fish of a size in the bowl, that species of fish has been fished out and cannot be fished any more in that ocean. Any fisher who catches the one remaining fish of either size will have to pay a penalty of two fish. If paying the penalty means that a fisher is left with less than two fish, that fisher is out of the game, as she/he does not have enough fish to survive.
- If any bowl has less than two fish of both sizes at the end of a round, that 'ocean' does not have sustainable breeding populations and is declared to be fished out. Nobody can fish in that bowl for the rest of the game.

# Fishing Log

Ocean: \_\_\_\_\_

Fisher's Name: \_\_\_\_\_

Record your catch and the number of each size of fish left in the ocean after each season

SEASON	CATCH		FISH LEFT IN OCEAN			
	Most Valuable Fish	Next Most Valuable Fish	Total Fish	Most Valuable Fish	Next Most Valuable Fish	Total Fish
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Session

5

## Stakeholders, Power and Responsibility



**Session**

**5**

# 5

## Stakeholders, Power and Responsibility



### OBJECTIVES


At the end of the session, the participants will be able to:

- Explain what a 'stakeholder' is
- Explain what 'power' and 'responsibility' mean
- Recognize how different stakeholders exercise power and responsibility.



### STEPS

1. Ask participants to write on a card what they think a stakeholder is. Ask the Service Provision Team to collect the cards. Trainers read the information on the cards to the whole group, and sort them according to their content. Summarize the common issues in participants' definitions, point out the differences if any, and highlight any issues raised by a minority of the participants. If appropriate, given the content of participants' definitions of stakeholder, point out that when we use the word, we often think that everyone else has the same understanding of what it means, but that this is not always the case.

**Time:** 1 hour 

**Materials:**

1. Flip charts and markers
2. Post-it notes and/or index cards

**Handout:**

1. Handout 6: Meanings of 'Stakeholder', 'Power', and 'Responsibility'

2. Introduce the meaning of stakeholder:

*Stakeholder means any institution or individual who has an interest in, or who will be indirectly or directly affected by, or who can influence or contribute to, a decision and/or its implementation.*

A stakeholder may be a community authority, a private-sector actor, a non-governmental organization, a government agency or official, or any other institution or individual.

Explain that this training will use this definition of stakeholder.

3. If appropriate, ask participants if there is one word in their language that has the same meaning of stakeholder as that which will be used in this training. If not, how would they explain what a stakeholder is, in their own language? Ask them to write that explanation on a card, in their own language.
4. Ask participants to write on one card what they think the word 'power' means and to write on another card what they think the word 'responsibility' means. Ask the Service Provision Team to collect the cards. Trainers read the information on the cards to the whole group, and sort them according to their content. Summarize the common issues in participants' definitions, point out the differences, if any, and highlight any issues raised by a minority of the participants. If appropriate, given the content of participants' definitions of power and responsibility, point out that when we use the words, we often think that everyone else has the same understanding of what they mean, but that this is not always the case.
5. Introduce this meaning of power:

*Power means the ability or capacity or the authority to do something.*

Discuss with participants the fact that a stakeholder -- an institution or individual -- may have the ability or capacity to do something, but not have the authority to do it. The reverse is also true -- that a stakeholder may have the authority to do something, but not the ability or capacity to do it. Ask participants for examples from their own experience of the following situations:

- A stakeholder has the authority to make or implement a decision that affects natural resources and natural resource users, but it does not have the capacity or ability. The authority may come from statutory law, customary law, or simply from agreement within a group or society to grant the authority generally, or for a specific purpose.
- A stakeholder has the ability or capacity to make or implement a decision that affects natural resources and natural resource users, but it does not have the authority.



Ask participants where different stakeholders get their power, in their experience. Examples may include:

- Religious or spiritual authority
- The threat of violence
- Leadership
- Physical control of natural resources
- Knowledge

6. Introduce the meaning of responsibility:

*Responsibility means that a stakeholder with power is obliged to answer to others for how the power is used.*

Ask participants for examples from their own experience of the following situations:

- A stakeholder has used power to make decisions affecting natural resources and natural resource users, and has answered to others for how the power was used.
- A stakeholder has used power to make decisions affecting natural resources and natural resource users and has not answered to others about how the power was used.

7. If appropriate, ask participants if there are words in their language, or languages, which have the same meanings as the meanings of power and responsibility given here. If not, how would they explain the meanings of these English words in their own language? Ask them to write those explanations on a card, in their own language.
8. Ask the Service Provision Team members to post the meanings of stakeholder, power and responsibility in the training room. Along with the meaning of each word, post the cards with the meanings of each word in the participants' own language or languages, so that participants can refer to them throughout the training.
9. Distribute Handout 6 following this discussion.



## NOTE FOR TRAINERS

This session and the next -- Session 6 on defining governance -- complement each other. This session introduces the meanings of power, responsibility and stakeholder and Session 6 introduces the definition of governance that this training will use, which includes the words 'power', 'responsibility', and 'stakeholder'.

## Meanings of 'Stakeholder', 'Power', and 'Responsibility'

**Stakeholder** means any institution or individual who has an interest in, or who will be indirectly or directly affected by, or who can influence or contribute to, a decision and/or its implementation.

**Power** means the ability, capacity or authority to do something.

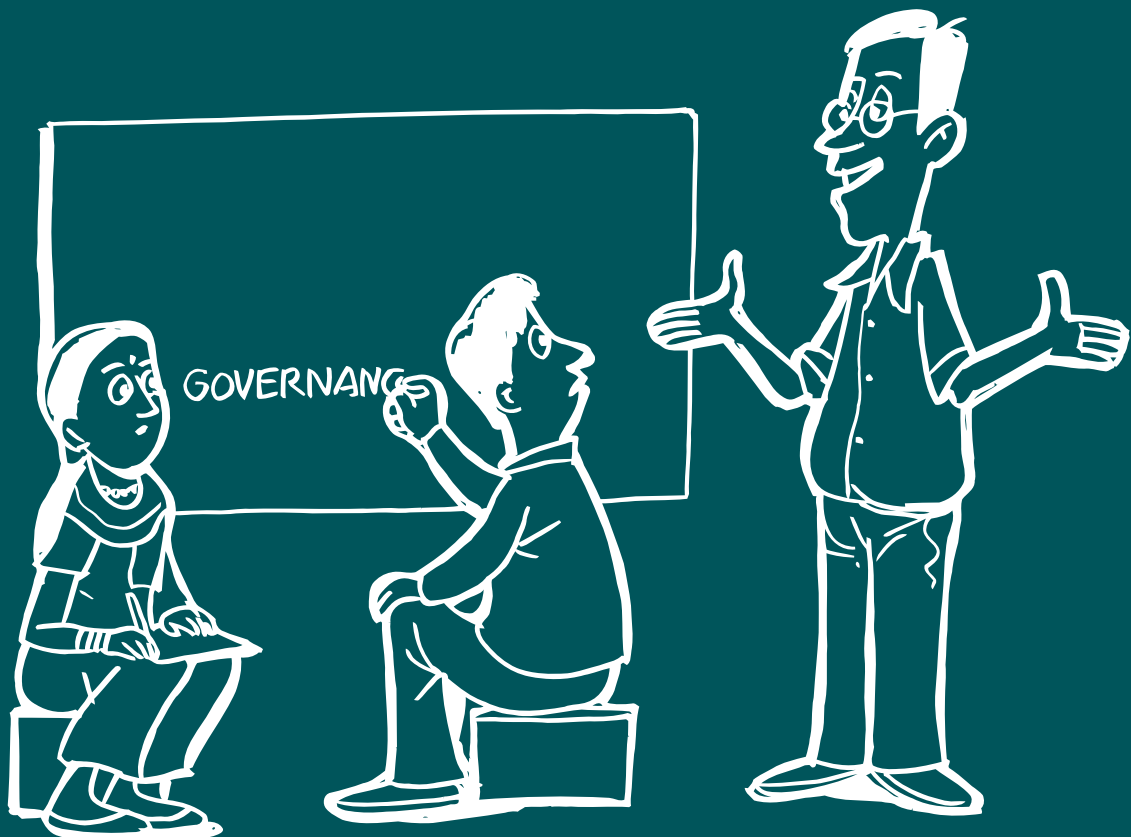
**Responsibility** means that a stakeholder with power is obliged to answer to others for how the power is used.



Session

6

## Defining Governance



**Session**

**6**

# 6

## Defining Governance

### Time:

1 hour  
30 minutes



### Materials:

1. Flip charts and markers
2. Index cards
3. Individual definitions of governance (without sources) posted on walls or a list of definitions of governance (without sources) printed on one sheet of paper

### Handouts:

1. Handout 7: Defining Governance
2. Handout 8: Definitions of Governance (list of definitions with the sources, on one sheet, to be handed out after the exercise)
3. Handout 9: A Working Definition of Governance (to be handed out after the exercise)



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain the origins of the concept of governance
- Recognize the elements of different definitions of governance and why they are different
- Explain the working definition of natural resource governance that is used in this training.



### STEPS

1. Members of the Service Provision Team will post definitions of governance, without sources, on the walls around the room.
2. Explain the objectives of the session. Explain that before participants begin to work with the concept of natural resource governance, it is important to define the term governance. Remind participants of the meanings of stakeholder, power and responsibility, discussed in Session 5.
3. Make a presentation based on Handout 7: Defining Governance, or simply review it with participants and encourage questions. Pay particular attention to different interpretations of government and governance and governance and management.

4. Ask participants to read all definitions and stand by the definition that they think best reflects their understanding of governance. Ask each participant why she/he prefers her/his chosen definition. The trainers should note the points participants make on a flip chart, type them so that they can be seen on the screen, or post them in the room in some other way so that all participants can see them.

Points to draw out in the discussion include:

- Words and concepts that participants thought were particularly important for a definition of governance, and why
- Aspects of definitions that participants thought were specifically not appropriate for a definition of governance, and why.

Encourage participants to focus on the words used and the ideas expressed in definitions and to explain why particular words and ideas seem to them to be important aspects of governance.

5. Ask participants if there are translations in their national language(s) for the English words used in the definitions of governance and if not, ask participants to think during the rest of the training about how they would express these words and ideas in their national language(s).
6. After the exercise and discussion, distribute Handout 8: Definitions of Governance. Explain that the list has more definitions than were posted on the walls or were on the list that was distributed for the exercise. This is because several definitions of governance are very similar, so only one of them was used for the exercise. Give participants the opportunity to express their opinions on why a particular institution or organization defines governance as it does.
7. Distribute Handout 9: A Working Definition of Governance. Make a brief presentation based on the handout or simply review it with participants and encourage questions and feedback. Remind participants that all governance issues will involve stakeholders who must be part of the decision-making and implementation processes.
8. Explain that this training is based on this working definition of governance, and on the meanings of stakeholder, power and responsibility that were discussed in Session 5.





## NOTES FOR TRAINERS

1. Trainers will need to explain that components and principles of governance will be discussed in detail in Sessions 8-15.
2. This training uses the terms 'components' and 'principles' of governance. According to the Oxford English Dictionary, a component is "a part of a larger whole"; and a principle is "a fundamental truth or source". The "larger whole" that is governance has three components, or constituent parts -- laws, institutions and processes -- that will be introduced in Sessions 8-10. Four principles are the fundamental truth of how governance should operate -- with accountability, with transparency, with participation, and with fairness. These principles are introduced in Sessions 11-15. This training uses these terms not only because of their meanings, but because they translate well into most Asian languages.
3. During the entire training course, the trainers may need to assist participants whose understanding of governance, stakeholder, power, responsibility and any other related terms is not yet clear. In addition to referring to Handouts 6 and 7, it may be helpful to post these meanings in the training room.





### Materials

## Governance Definitions

Trainers have two options for this exercise: (1) print each of these definitions individually on A3 or A4 paper and post them on the wall around the training room, or (2) print the entire list on one sheet of paper and distribute to participants.



Governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels.



Governance means the process of decision-making and the process by which decisions are implemented, or not implemented.



Governance means rules, processes and behavior that affect the way in which powers are exercised at the European level, particularly with regard to openness, participation, accountability, effectiveness and coherence.



Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.



Governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials.



Governance encompasses the values, rules, institutions, and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy, and exercise power.



Governance is the process whereby societies or organizations make important decisions, determine whom they involve and how they render account.



Governance is the process or method by which society is governed.





## Defining Governance

At the 2002 World Summit on Sustainable Development, governments made a commitment to improve governance. The term is often used, however, without specifying what the writer or speaker actually means by it.

The modern concept of governance originated in the late 17th century of the Christian era. In the second half of the 1600s in continental Europe and in England, philosophers and political scientists described and analyzed the relationships between governments and their citizens. The terms that are used to discuss this relationship have evolved over the centuries. The central idea remains the same, however -- that governance requires the interaction of the government and citizens. The theory and practice of governance exists and evolves in all societies in different ways.

The concept of governance has been with us for more than 300 years. It has attracted increasing attention in the development and conservation fields in the past 20 years. Since the mid-1990s, many institutions and organizations -- including United Nations agencies, multilateral development banks, regional economic integration organizations, bilateral international aid agencies, and think tanks -- have developed their own definitions of governance. As far as it has been possible to determine, no Asian government has defined or described governance. These multiple definitions are similar in some ways and very different in others. This has created confusion about what governance is.

Some of the definitions of governance adopted by national and international organizations focus on the exercise of power and authority. Others emphasize processes and decision-making. Other definitions highlight rules or laws and institutions. Others say that governance and management are the same thing. Other sources, instead of defining governance, simply describe what it should be.

Some definitions say that governance and government are the same, but this is the opposite of the original concept. Some modern English-language dictionaries unfortunately define both governance and government using the same words. This creates the erroneous impression that they are the same thing. Government alone is not responsible for making and implementing decisions -- governance requires the participation of all citizens.

Some definitions say that governance is management. This is not the case. Management is part of governance. Governance is strategic. Management is operational. Governance involves making and implementing decisions. Management is a tool for implementing decisions. Governance is about making the big decisions about what must be done -- for example, a decision that irrigation must be managed at the community level. Management determines how those water resources are distributed equitably -- when each farmer receives water and what type of mechanisms are used to deliver the water, for example.

Looking at definitions that have been developed over the past 20 years, we see that governance involves the exercise of power, decision-making, and implementation of decisions. The major components of governance are: laws or rules, institutions and processes.

Governance is not one-size-fits-all. Because the concept of governance originated in Northern and Western societies, it is often a challenge to translate it and apply it in non-Western societies. Many of the institutions that have defined governance over the years have pointed out that it is dynamic and evolves differently in different societies and cultures. These definitions may have specific purposes depending on institutional focus. Although many institutions refer to good governance as a global goal, many others recognize that many of the values ascribed to 'good' governance are not necessarily commonly understood and practiced in non-Western societies. Many criteria that are currently put forward to describe good governance were, in fact, the results of development in industrialized countries.

The United Nations Economic and Social Commission for Asia and Pacific (UNESCAP) points out that good governance is an ideal which is difficult to achieve, but towards which societies should strive. This helps to put governance in context. It is more realistic to understand that every country has a range of ways for making governance function.

Thinking of governance in terms of its components and principles will make it easier to focus on what is working in a country and how to build on it.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

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Handout  
**8**

## Definitions of Governance

These are examples of definitions of governance developed by different institutions.

Definition	Source
Governance as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. <sup>1</sup>	United Nations Development Programme (UNDP)
Governance means the process of decision-making and the process by which decisions are implemented, or not implemented. <sup>2</sup>	United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)
Governance is the exercise of political, economic and administrative authority necessary to manage a nation's affairs. <sup>3</sup>	Organisation for Economic Co-operation and Development (OECD)
Good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. <sup>4</sup>	Council of the European Union
Governance means rules, processes and behavior that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence. <sup>5</sup>	Commission of the European Communities
Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them. <sup>6</sup>	The World Bank
A process referring to the manner in which power is exercised in the management of the affairs of a nation, and its relations with other nations. <sup>7</sup>	African Development Bank (AfDB)
Governance is about the institutional environment in which citizens interact among themselves and with government agencies/officials. <sup>8</sup>	Asian Development Bank (ADB)
Governance encompasses the values, rules, institutions, and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy, and exercise power. <sup>9</sup>	Canadian International Development Agency (CIDA)
Governance is about the use of power and authority and how a country manages its affairs. <sup>10</sup>	UK Department for International Development (DFID)

Definition	Source
Governance is the process whereby societies or organizations make important decisions, determine whom they involve and how they render account. <sup>11</sup>	Institute on Governance
Governance is the process or method by which society is governed. <sup>12</sup>	International Institute for Environment and Development (IIED)
Governance describes the overall manner in which public officials and institutions acquire and exercise their authority to shape public policy and provide public goods and services. <sup>13</sup>	The Brookings Institution (a Washington DC, US-based think tank)

- 1 United Nations Development Programme. 1997. *Governance for sustainable human development. A UNDP policy document*. Available online: <http://mirror.undp.org/magnet/policy/summary.htm> Accessed 13 September 2009.  
UNDP has since expanded this definition. See, for example, United Nations Development Programme. 2007. *Governance Indicators: A User's Guide*. p.1. Available online: [http://www.undp.org/oslocentre/docs07/undp\\_users\\_guide\\_online\\_version.pdf](http://www.undp.org/oslocentre/docs07/undp_users_guide_online_version.pdf) Accessed 9 November 2009.
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- 12 International Institute for Environment and Development. *Governance*. "It includes regionalisation, decentralisation and the informal interactions between government and other actors (including non-governmental) and the key roles they play in delivering effective, accountable solutions to shared problems." Online: <http://www.iied.org/governance/about/about-governance-group> Accessed 23 October 2009.
- 13 de Ferranti, David et al. 2009. *How to improve governance: a new framework for analysis and action*. p.8. The Brookings Institution, Washington, D.C.

## A Working Definition of Governance

A group of experts from the six Asian countries -- India, Indonesia, Maldives, Seychelles, Sri Lanka, and Thailand -- most affected by the 2004 tsunami, considered many of the existing definitions of governance and then developed a working definition to use as the basis for assessing governance in their countries. That original definition was specifically for coastal and marine resources. It became the basis for a general definition of governance that has been adapted for other types of natural resources, including forest resources and transboundary water resources. Here, it is adapted to be a definition of governance of natural resources generally.

*Governance is the interaction of statutory and customary laws and formal and informal rules, institutions, and processes through which a society exercises powers and responsibilities to make and implement decisions affecting natural resources and natural resource users and to hold decision-makers, implementers, and natural resource users accountable.*

This training will use the definition above as its working definition. This definition includes the three basic components of governance -- statutory and customary laws, institutions, and processes -- that will be discussed in detail in Sessions 8, 9, and 10.

What follows is a brief description of the thinking behind each word and part of this definition. The words used in the definition were chosen for their meanings in English, and also because they can be translated relatively easily into Asian languages.

**Interaction** -- governance is not only the exercise of authority, and not only a process. It requires laws, institutions and processes functioning together to provide the basis for making and implementing decisions.

**Formal and informal** -- rules, institutions and processes that are created or recognized by a statutory or customary authority are formal. Informal rules, institutions and processes are created and used without relying on recognition by a customary or statutory authority.

**Statutory and customary laws** -- written, or statutory, laws are not the only rules that people follow in making and implementing decisions about natural resources. Unwritten, or customary laws, are the basis for decision-making in many societies and communities. The definition uses the words “and other rules” rather than “customary law” because there are countries that do not acknowledge the existence of customary law.

**Institutions** -- government agencies, non-governmental organizations, private-sector associations, and community-based organizations are among the many different kinds of institutions that may have a role in making and implementing decisions. Some institutions are formal -- created or recognized by statutory or customary law. Informal institutions -- even though they have not been recognized by customary or statutory law -- may still play a role in making and implementing decisions. In Vietnam, for example, the customary community head or land guardian controls rights to access and use of resources on behalf of the community, often in conflict with statutory law.

**Processes** -- like institutions, processes may be formal or informal. Formal processes are usually created by law or institutions. Informal processes may be created by custom or by groups that simply recognize the need for a mechanism to make or implement a decision.

**Society** -- making and implementing decisions occurs constantly, at many levels. Decisions are made and implemented at the national level, the sub-national level, and the community level. Society -- which is defined as “the sum of human conditions and activities functioning interdependently” -- is a single word that expresses the idea of making and implementing decisions at the same time and at many levels.

**Powers and responsibilities** -- many of the definitions of governance refer to the exercise of power or authority, but none of them acknowledge that responsibility must accompany the use of power and authority. That is why this definition includes both powers and responsibilities.

**Make and implement decisions** -- this is the core of governance. Several other definitions include some reference to making and implementing decisions, but not all of them do.

**Hold decision-makers accountable** -- it is not sufficient to simply make a decision or implement one. The relationship between government and citizens that is the basis for the concept of governance requires that those who make and implement decisions must be responsible to those whose lives are affected by them. Implementation of decisions needs to be monitored and options for holding decision-makers and implementers accountable need to be provided in laws and other rules.

Another way to express the definition of governance focuses on who makes decisions, who implements them, who is accountable and how all of those things are done.

- Who has the power to make decisions that affect natural resources and natural resource users and how those decisions are made
- Who has the power and responsibility to implement those decisions and how those decisions are implemented
- Who is held accountable, and how, for implementation.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

Session

7

## Governance and Management



**Session**

**7**

# 7

## Governance and Management



### OBJECTIVES

At the end of the session, the participants will be able to:

- Distinguish between governance and management and understand the difference between them.



### STEPS

The purpose of this session is to illustrate the difference between governance and management, and to get participants started on identifying and learning to distinguish governance issues from management ones. It will be referred to again in Session 18, in which participants will use the governance framework to illustrate how governance issues relate to each other in practice.

1. Distribute Handout 10: Governance or Management in Tonle Sap.
2. Ask participants what they think is the difference between governance and management and discuss their ideas. A simple explanation of the difference is that governance is strategic, while management is operational.
3. Divide participants into groups and ask each group to identify the governance issues and management issues in the Tonle Sap example in Handout 10.

#### Time:

45 minutes



#### Materials:

1. Flip charts and markers

#### Handout:

1. Handout 10: Governance or Management in Tonle Sap

4. A spokesperson for each group will state the governance and management issues as identified by the group and trainers should record these on a flip chart. Each group should explain its analysis of the governance and management issues, and the whole group should discuss the results of each group's work, and the differences between governance and management. Even though many participants will say that they do not know the difference between governance and management, experience with this exercise indicates that groups will identify the issues correctly. There may be a difference of opinion within a group on one issue, but in general, participants have had little difficulty distinguishing between governance and management issues.
5. In concluding the discussion, explain that the best way to distinguish between governance and management is to ask what kind of action would be required to resolve a problem. If resolving a problem requires a strategic decision, the issue is a governance issue. If resolving the problem requires an operational decision, the issue is a management one.
6. Remind participants to keep the answers to this exercise, as they will be used again in Session 18.



## NOTES FOR TRAINERS

The answers to the Tonle Sap exercise are given below. They can be printed as a handout and distributed to participants, or the trainers can write them on a flip chart, or they can be projected for the whole group to see. The components and principles of governance that are illustrated by the governance issues will be discussed in detail in Sessions 8-15.

1. There is no clearly-defined route for securing approval of projects and investments for the Tonle Sap Basin.	Governance — process
2. Alien plant and animal species are being introduced into the Basin.	Management
3. Tours operating around the Tonle Sap are packaged as 'eco' and 'pro-poor', but have negative impacts on the environment and communities.	Management
4. The role of the Tonle Sap Authority is unclear.	Governance — institutions
5. Allocation of fishing lots ignores the traditional fishing rights of communities.	Governance — laws and other rules/processes
6. Untreated domestic and industrial waste is being discharged into Tonle Sap Lake.	Management
7. Urban development in the Basin is undertaken without sufficient public consultation and with little information made publicly available.	Governance — participation/transparency
8. Overlapping authority of multiple government agencies makes it difficult to determine which one has ultimate responsibility.	Governance — accountability



## Governance or Management in Tonle Sap

A survey of challenges facing the Tonle Sap Basin in Cambodia identified multiple issues related to the governance and management of water resources and other natural resources in the Basin.

The list of eight issues below is taken from the report of the survey. Five issues in the list below are governance issues; three are management issues.

1. There is no clearly-defined route for securing approval of projects and investments for the Tonle Sap Basin.
2. Alien plant and animal species are being introduced into the Basin.
3. Tours operating around the Tonle Sap are packaged as 'eco' and 'pro-poor', but have negative impacts on the environment and communities.
4. The role of the Tonle Sap Authority is unclear.
5. Allocation of fishing lots ignores the traditional fishing rights of communities.
6. Untreated domestic and industrial waste is being discharged into Tonle Sap Lake.
7. Urban development in the Basin is undertaken without sufficient public consultation and with little information made publicly available.
8. Overlapping authority of multiple government agencies makes it difficult to determine which one has ultimate responsibility.

**Please discuss in small groups and:**

- Identify the governance issues
- Identify the management issues



Session

8

## Governance Component: Statutory and Customary Laws



**Session**

**8**

# 8

## Governance Component: Statutory and Customary Laws



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain and differentiate kinds of laws -- statutory/government laws and regulations that are written, and customary laws that are often unwritten
- Identify the role of statutory and customary laws in natural resource governance.



#### Time:

1 hour  
30 minutes



#### Materials:

1. Flip charts and markers

#### Handouts:

1. Handout 11: Governance Component: Statutory and Customary Laws
2. Handout 12: Case Study: Statutory and Customary Law in Kalahan Forest, or case study extracted from participants' pre-course assignments

### STEPS

1. Explain the learning objectives. Explain that, beginning with this session, we will examine the components and principles of governance and study them step- by-step in detail.
2. Review the working definition of governance and explain that Sessions 8-10 will discuss the components of governance -- laws, institutions, and processes -- in detail. Review the definition of component given in Session 6, Note for Trainers number 2: a component is 'a part of a larger whole.' The 'larger whole' that is governance has three components -- statutory and customary laws, institutions and processes. Beginning with this session and continuing in Sessions 9 and 10, participants will have an opportunity to analyze and discuss the three components of governance.

3. Give a short presentation extracted from Handout 11 and take questions and give clarifications as appropriate, or ask questions derived from the handout and moderate a brief discussion. Emphasize that statutory and customary laws are the source of rights to natural resources for individuals and groups.
4. Refer to the decision-making game in Session 4, when some participants were allowed to fish according to different rules. What was the effect on decision-making when the same rules did not apply to all players?
5. Ask participants to give examples of statutory laws that govern natural resources. Remind participants that there are many statutory laws that govern one sector but affect other sectors. For example: a fishery law may affect national parks; a transportation law may affect a wetland. Discuss participants' examples.
6. Ask participants to give examples of customary laws that govern natural resources. Indigenous and ethnic groups may have customary laws that govern the use of forests, wildlife, water, pasture land, and other natural resources. Discuss participants' examples.
7. Break participants into small groups and ask each group to analyze the case study in Handout 12 -- and identify and discuss the issues involving statutory and customary law. Questions to guide the group analysis are in this handout.
8. The groups present and explain their discussion of the case study, and the whole group discusses the results of each group's work, based on the questions in Handout 12. Statutory and customary laws are the rules that societies make to determine how natural resources can be used and who can use them.
9. Summarize the issues brought out during the plenary discussion and draw conclusions from them. Conclusions that may be drawn from the case study include:
  - When statutory authorities acknowledge the legitimacy of customary authorities and cooperate with them, there can be positive results for sustainable natural resource use
  - Customary and statutory authorities can successfully cooperate to resolve conflicts over natural resources
  - Recognition of customary law can lead to or contribute to making statutory law
10. To draw conclusions from the entire session, re-read the first paragraph of Handout 11, which gives an explanation of the role of statutory and customary laws in governance, and relate the information in that paragraph to the conclusions from the case study and other points brought out in the discussion.



## NOTES FOR TRAINERS

Prior to the training, the trainers will review the pre-course assignments and determine whether they contain sufficient information to create a case study that involves statutory and/or customary laws. If so, the case study can be taken entirely from one participant's pre-course assignment, or it can be a composite taken from two or more assignments. It is ideal if the case study extracted from the pre-course assignments includes both statutory and customary laws. If trainers prepare a case study based on the participants' pre-course assignments, they will need to review the suggested questions for discussion in Handout 12, modify them if necessary, and include the questions with the case study drawn from pre-course assignments that will be distributed to participants.





## Governance Component: Statutory and Customary Laws

Laws – both statutory and customary laws – are one of the three basic components of governance. Statutory and customary laws create rights, provide the foundation for institutions and processes, and establish the basic principles for how people interact with each other and with natural resources. Economic and financial interests drive much of the decision-making concerning natural resources, and they are reflected in both statutory and customary law.

**Statutory law** is the written or codified law of a country. It is created by national or sub-national authorities with law-making power, usually the legislative and executive branches of government.

**Customary law** is developed over time by traditional societies and is usually transferred by word of mouth from generation to generation. There are some cases in which customary law is written down. Customary laws are the basis for decision-making about natural resources in many societies, even when there is also statutory law governing those resources.

The text that follows explains more about statutory law and customary law.

### Statutory law

Statutory law governing natural resources usually establishes institutions that manage those resources. It may also specify processes for which those institutions are responsible. Examples of natural resource laws include:

- Basic or framework environmental law
- Forest law, including community or social forestry law
- Wildlife law
- Water law
- Fisheries law
- Coastal and marine resources law.

Natural resources may also be governed by other types of laws. These may include:

- Land law
- Agriculture law
- Protected areas law
- Biodiversity law, including access to genetic resources
- Administrative law
- Civil law
- Criminal Law.

Statutory law generally focuses on the individual. It may grant and restrict rights to access and use natural resources. It may — but it does not always — provide for access to information about natural resources, public participation in decision-making about natural resources, and accountability of government officials responsible for natural resources. Statutory law usually includes provisions governing revenues from natural resources. It sometimes, but not always, also provides for sharing benefits from natural resources.

## Customary law

Customary law is usually collective, but it also frequently recognizes individual rights. For the purposes of this training, customary law is understood as the laws that a society develops over time, that are usually passed from generation to generation by word of mouth. Analysis of current practice of customary law has shown that it is consistent with the definition of governance — it establishes who has decision-making power, who has the power and responsibility to implement them, and who is held accountable and how.

Customary laws govern the use of forests, wildlife, pastures, water, and other natural resources. Customary law governing natural resources is actually far more widely applied than is often assumed or accepted. There is strong evidence that customary law currently governs large areas of forest around the world. But there is no data to prove the degree to which local communities and indigenous peoples apply their customary law. It is often the case that customary and statutory law are different and conflicting. And it is also often the case that communities are most likely to apply their customary law governing natural resources when there is no authority to enforce statutory law.



In Northern Pakistan, customary law governs water, wildlife, pasture land and forests. It establishes institutions and creates processes. Customary law in the northern areas of Pakistan has most of the fundamental characteristics of statutory law. It gives authorities the power to manage natural resources and enforce customary law governing natural resources and makes them accountable to their communities. It provides for permits for using natural resources; there may or may not be a fee for the permit. There are penalties for not obeying customary law: respected members of the community are the judges who determine how the penalties are applied. For serious offenses, an offender is excluded from the community, rather than being put in prison.

In the highlands of Vietnam, customary law provides for communal and private land ownership. Land cannot be sold or given away to someone outside the community. Rights to access and use of natural resources are based on membership in the commune. Customary law in Vietnam provides for benefit-sharing. And in Vietnam, as in Pakistan, community elders are the judges who consider violations of customary law and decide penalties.

The Karen, an indigenous people in Thailand and Myanmar, divide forests into different categories for specific purposes. People are allowed to collect timber and non-timber forest products only in designated areas.

Around the world, more than 100 countries recognize customary law by constitution, by statutory law, or both. Twenty-eight of these countries are in Asia. Even in countries that provide constitutional recognition, customary law often operates independently, sometimes in parallel to and sometimes in conflict with statutory law. A small number of countries recognize that local communities and indigenous peoples apply their customary laws within their own territories. There is increasing support for the idea that rights originating in customary law should be recognized. Several countries have done that. Many more have not.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

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## Case Study: Statutory and Customary Law in the Kalahan Forest

The Kalahan Forest Reserve in the Philippines covers 15,000 hectares. The Reserve is managed as an ancestral domain by approximately 500 households, belonging to the Kalanguya tribal community, all of whom use the Kalahan forest. The Reserve has been managed by the Kalahan Educational Foundation (KEF) since 1970. The KEF was established under national law.

Before the institutionalization of community forestry in 1974, local communities had open access to Kalahan forestland and were free to practice swidden (slash and burn) farming in the forest. People cultivated land in the forest to grow corn, potato, and upland rice as their source of livelihood. There were no restrictions on hunting wild animals and collecting fruit from the forest.

In 1974, the Kalanguya tribal community secured legal rights and tenure in the forest under a communal forest stewardship agreement, which allows the community to occupy, use, protect and manage the forest within its tribal domain. This was the first community forestry model in the country. Under the community forest management scheme, people receive a piece of land under a Certificate of Stewardship Contract. They are allowed to grow fruit and vegetables for their livelihood and for generating income, only within specific allocated sites.

To protect the forest, KEF has developed land- use plans that specify protected areas, watersheds, bird sanctuaries, and agro-forestry farming lots. In order to harvest timber, a household must submit an application to KEF to get permission in advance. Any person who wants to establish a new farm must get a permit from the forestry section of KEF and pay a permit fee. When a newly-cleared area within the forest is to be burned, the owner must maintain a fire line of ten meters. Before an area is burned, it must be inspected first by a forest guard; violation of this regulation is penalized by the KEF.

In addition to the formal rules in the constitution of KEF that govern the Kalahan Forest Reserve, the traditional council of elders, known as *Tongtongan*, makes decisions and maintains law and order in the Kalanguya community. The entire community respects the decisions of the *Tongtongan*, which functions as a local court and has the authority to make final decisions about social conflicts or problems related to ancestral land and forest resources. The *Tongtongan* is stronger than the elected local political body and the formal judiciary system.

The KEF board of trustees includes elected political leaders, elders from the *Tongtongan*, youth, and a representative from each governmental administrative unit. The KEF board of trustees is responsible for making formal decisions, but does so in consultation with the *Tongtongan*. The KEF and the *Tongtongan* use a joint decision-making process to resolve social, economical and political matters within the community.

Based on the success of community forestry in Kalahan, the President issued Executive Order 263 in 1995, which established community-based forest management as a national strategy for sustainable forest management and social justice.

Questions to guide the group analysis:

- Does the case involve statutory law or customary law or both?
- What role does customary law play in the case? Who are the customary authorities involved?
- What role does statutory law play in the case? Who are the statutory authorities involved?
- Who has the power to make decisions affecting natural resources?
- Who has the responsibility to implement decisions affecting natural resources?
- Who do the decision-makers and implementers answer to?
- Is there any conflict between statutory and customary law? If so, who resolves it?
- Do all stakeholders understand the customary and statutory laws? Is there enough information in the case to answer this question?
- Are the customary laws and statutory laws applied the same way to everyone, all the time? Is there enough information in the case to answer this question?

The group may identify other questions and issues as well.

Session

9

Governance Component:  
Institutions



**Session**

**9**



# 9

## Governance Component: Institutions



### OBJECTIVES

At the end of the session, the participants will be able to:

- Identify the role of institutions in governance
- Identify different types of institutions involved in natural resource governance.

#### Time:

1 hour  
30 minutes



#### Materials:

1. Flip charts and markers

#### Handouts:

1. Handout 13: Component of Governance: Institutions
2. Handout 14: Case Study: Institutions -- Negombo Lagoon, or a case study extracted from participants' pre-course assignments



### STEPS

1. Explain the learning objectives.
2. Give a short presentation extracted from Handout 14 and take questions and give clarifications as appropriate, or ask questions derived from Handout 13 and moderate a brief discussion. Note what the word institutions means in the context of natural resource governance and how it is used in this training. Take questions and give clarifications as appropriate.
3. Ask participants to give examples, from their own experience, of formal and informal institutions. Discuss participants' examples.

4. Break participants into small groups and ask each group to read Handout 14: Case Study: Institutions -- Negombo Lagoon, and identify and discuss the issues involving institutions. Questions to guide the group analysis are included in Handout 14. The third question in Handout 14 is designed to elicit answers that also relate to processes, to transparency, and to participation.
5. The groups present and explain their discussion of the case study, and the whole group discusses the results of each group's work. Use the questions in Handout 14 to guide the plenary discussion. Points that may come out during discussion or that trainers may wish to raise during discussion include:
  - Conflicts between statutory and customary institutions
  - Lack of coordination and/or conflicts between two or more statutory institutions
  - Power imbalances among two or more statutory institutions
  - The mandates of statutory institutions are not well understood
  - The impact of lack of resources -- financial resources, human resources, equipment, and infrastructure, among others -- on the functioning of statutory institutions.

What does the case tell us about the role of institutions in governance? Refer to the first paragraph of Handout 13, which explains the role of institutions in governance.

6. Conclusions that may be drawn from the case study include:

**Positive aspects** of the role of institutions in making and implementing decisions in the case study:

- Recognizing the need for comprehensive planning to address natural resource degradation
- Acting on recommendations in the Master Plan to create a single authority with responsibility for natural resource management in a particular area
- Recognizing the existence of customary law and the authority of customary institutions.

**Negative aspects** of the role of institutions in making and implementing decisions in the case study include:

- Older government institutions ignoring the authority given to a newer government authority
- Government institutions preparing separate plans affecting the same area without coordinating them
- Not recognizing the existence of customary law and the powers of customary institutions and authorities.

Trainers should note other conclusions that may come out of the plenary discussion.

7. To draw conclusions from the entire session, re-read the first paragraph of Handout 13, which gives an explanation of the role of institutions in governance, and relate the information in that paragraph to the conclusions from the case study and other points brought out in the discussion.



## NOTES FOR TRAINERS

Prior to the training, the trainers will review the pre-course assignments and determine whether they contain sufficient information to create a case study that involves statutory and/or customary institutions. The case study can be taken entirely from one participant's pre-course assignment, or it can be a composite taken from two or more. It is ideal if the case study can include both statutory and customary institutions, but that will depend on the contents of the pre-course assignments. When trainers prepare the case study for this session from the participants' pre-course assignments, they will need to review the suggested questions for discussion in Handout 12, modify them if necessary, and include the questions with the case study that will be distributed to participants.

Trainers may choose to vary the sequence of the steps -- analyzing the case study first and making the presentation at the end of the session, for example.



Institutions are one of the three basic components of governance. Institutions make and implement decisions. They may make and implement laws, and are responsible for processes as well. As decision-makers and implementers, institutions play a key role in natural resource governance and in economic and social development more generally. The way in which institutions make and implement decisions, and how they implement laws, has great influence on the sustainability of natural resource use.

### What is an 'institution'?

In the fields of development and natural resource conservation, *'institution'* refers to an organization or body that has responsibility for one or more aspects of natural resource governance or development. A reference to institutional strengthening usually means building the capacity of government agencies. More recently, institutional strengthening may also include building the capacity of civil society organizations. This Training Manual uses the more comprehensive understanding of the definition of institution, in which "organization or body" includes civil society organizations as well as government agencies.

### Types of institutions

Many different kinds of institutions may have a role in making and implementing decisions. Institutions may be formal or informal. 'Formal' is usually used to refer to institutions that are created or recognized by statutory law. Examples of formal institutions include: government ministries and other agencies, national and sub-national parliaments/assemblies/legislatures, the courts, non-governmental organizations, private-sector associations, and community-based organizations. Informal institutions may include citizen groups that organize to ensure that they have a voice in decision-making and implementation, but which do not take the step of formal legal registration, and may include community-based organizations working in the field of natural resource conservation.

In the context of natural resource governance, formal institutions that make and implement decisions affecting natural resources and natural resource users include government ministries and agencies responsible for sectors that include forests, fisheries, wildlife, water resources, marine and coastal resources, and agriculture, among others. Informal institutions may include community groups that use a particular natural resource. Customary institutions may include the authorities who are responsible for monitoring the use of forests, wildlife, pastures, water, and other natural resources.

Customary institutions are usually older than statutory institutions, and in some societies, remain stronger. They are very similar to statutory institutions. They include customary decision-makers and decision-making bodies, customary authorities with responsibility for natural resources, and customary dispute resolution bodies. Customary institutions include those responsible for monitoring the use of natural resources, for ensuring that it is consistent with customary law, and for considering violations and determining penalties. The names given to these institutions vary according to the language of the society which creates them.

## Institutional capacity and governance

Institutions play a significant role in governance. The internal capacity or lack of it, of institutions -- particularly statutory or public-sector institutions -- to make and implement decisions can make a significant difference in the quality of governance. When institutions responsible for natural resources are poorly-designed, inefficient, or simply non-functioning, it is more likely that natural resources will not be used sustainably. In economic terms, lack of internal institutional capacity leads to inefficient allocation of resources and often creates perverse incentives for unsustainable use.

The three key aspects of the capacity of statutory institutions are:

- Human, physical and financial resources
- Management systems with clearly defined authority, responsibility and accountability
- Management systems that enable public-sector institutions to interact and coordinate with each other and with other stakeholders.

A symptom of internal lack of capacity in public-sector institutions is the lack of skilled, well-informed public officials. An example of lack of internal institutional capacity is the absence of systems within public-sector institutions to facilitate participatory processes. Related to this is the problem that even when government institutions have a mandate to involve public participation in making and implementing decisions, public-sector officials have not been trained to facilitate participatory processes.

Internal lack of capacity within public-sector institutions often leads to a lack of coordination among them. In many countries, different institutions are responsible for administering different natural resources. The more institutions that have some responsibility for natural resource governance, the more likely it is that there will be conflict, if there is no functioning coordination mechanism. Coordination is necessary not only at the central level, but among decentralized authorities as well. Ministries with responsibility for natural resources at the central level of government -- which may include ministries of forestry, environment, fisheries, agriculture, mining, and others -- often do not

have effective mechanisms for coordinating among themselves. This means there are limited opportunities for cooperation and more possibilities for duplication of effort and even conflict. Where there is a lack of coordination at the central level, there is likely to be a similar lack of coordination among the decentralized government authorities responsible for natural resources at sub-national levels.

In economic terms, jurisdictional conflicts and lack of coordination among public-sector institutions responsible for natural resources result in transaction costs which impact the whole economy. Transaction costs are the costs of doing business. Lack of capacity and coordination among public-sector institutions also costs the economy when inadequate implementation of laws means that revenue is lost -- for example, when fees for natural resource use cannot be collected. Insufficient investment in sound institutions creates a vicious cycle: institutions that are unable to implement decisions and laws -- for example, collecting revenue from permits for legal activities and penalties for illegal ones -- have insufficient income to cover their operating costs.

The internal capacity of customary institutions also impacts the societies in which they operate. In countries which recognize customary law by constitution or by statute, there may be provisions that specify the interaction of customary and statutory institutions. More often, the interaction occurs on a needs basis. Statutory and customary authorities in the Northern Areas of Pakistan interact informally, particularly to deal with violations of statutory law governing natural resources. Where statutory institutions are not functioning, particularly in isolated rural areas, customary institutions -- even though they may not be recognized by statutory law -- often provide the only governance function.

This information is adapted from:

- Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.
- Bilal, Asad, Huma Haque and Patricia Moore. 2003. *Customary Laws Governing Natural Resource Management in the Northern Areas*. IUCN Pakistan Environmental Law Program.





## Case Study - Institutions: Negombo Lagoon

Negombo Lagoon is situated in the coastal zone. For generations, customary institutions have traditionally controlled fishing and other activities in the lagoon. In the past 30-40 years, encroachment, pollution, excessive use of resources and illegal fishing methods have led to deterioration of the productivity of the Negombo Lagoon and affected the livelihood of the surrounding communities.

More than 20 government agencies, including the national Fisheries Department, Forest Department, and Coast Conservation Department, as well as provincial and local authorities, have jurisdiction over different issues related to the Negombo Lagoon, with no clear jurisdictional boundaries. The failure of the implementation of sectoral management of the lagoon made a different approach necessary.

In 1989, the government froze all development proposals and requested the Economic Commission to prepare a Master Plan for the sustainable development of the lagoon. The Master Plan recommended strictly conserving the lagoon and setting up a single governing body. The Master Plan also recognized the powers of customary institutions to control fishing and other activities in the lagoon area.

The Negombo Lagoon Management Authority (NLMA) was established under the Fisheries Act, which is administered by the Fisheries Department. The mandate of the NLMA is set out in the Gazette, but other agencies operating in the Negombo Lagoon area continue their activities without regard to the jurisdiction of the NLMA.

The objectives of the Master Plan have not been achieved as the many agencies with operations in the lagoon area are carrying out their activities without adhering to the guidelines in it. Provincial and local authorities, in particular, who are responsible for pollution control and waste management, do not coordinate their activities with the NLMA.

In 1995, the Coast Conservation Department, acting within its authority under the Coast Conservation Act, prepared a Coastal Zone Management Plan (CZMP) that applies to the Negombo Lagoon. The CZMP was based on limited information and does not recognize customary law.

Neither the Master Plan for Negombo Lagoon nor the CZMP have the force of law.

The CZMP and the Master Plan for the lagoon give responsibility to different government institutions to manage the lagoon. In addition to the lack of information in the CZMP, inadequate consultation with the public and relevant agencies when it was being prepared made its implementation complicated and impractical.

The power of customary institutions to control fishing in the lagoon was recognized under the Master Plan and by the NLMA that was created under the Fisheries Act. The CZMP, which was developed by the Coast Conservation Department under the Coast Conservation Act, does not recognize the powers of customary institutions. When customary institutions exercise their powers with the support of the Fisheries Department, they come into conflict with the Coast Conservation Department.

Questions to guide the group analysis:

1. What institutions were involved in the case since 1989?
2. What law established the mandate for each institution involved?
3. What institutions carried out some kind of process and how did they do it?
4. What was the interaction between statutory and customary institutions in the case?
5. How did institutions promote the sustainability of natural resource use?
6. How did institutions undermine the sustainability of natural resource use?

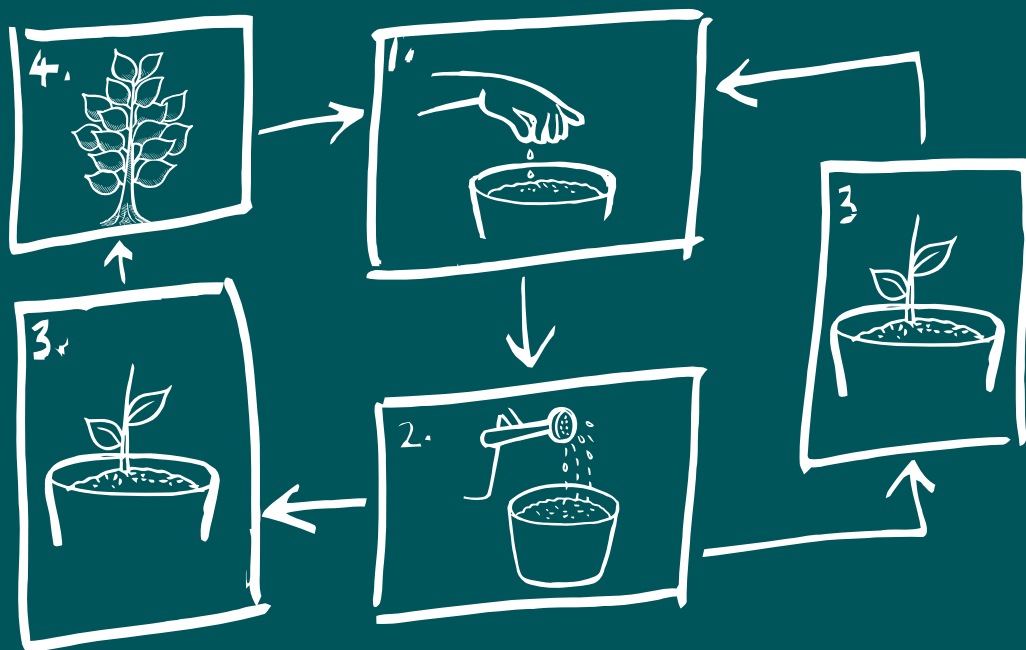
The group may identify other questions and issues as well.

This case study was originally prepared for: Moore, Patricia. 2011. "*Training Manual on Natural Resource Governance*". IUCN, Sri Lanka Country Office.

Session

10

## Governance Component: Processes



Session

10

# 10

## Governance Component: Processes



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain and identify different types of processes involved in natural resource governance
- Identify and explain the role of processes as a basic component of governance
- Explain the linkages among all three components of governance -- statutory and customary laws, institutions and processes.



### STEPS

1. Review the learning objectives.
2. Give a short presentation extracted from Handout 15, take questions and give clarifications as appropriate, or ask questions derived from Handout 15 and moderate a brief discussion. Emphasize that governance involves how decisions are made and implemented -- or how they are not implemented. Take questions and give clarifications as appropriate.
3. Ask participants to give examples, from their own experience, of formal and informal processes involved in making and implementing decisions governing natural resources.

#### Time:

1 hour  
30 minutes



#### Materials:

1. Flip charts and markers

#### Handouts:

1. Handout 15: Governance Component: Processes
2. Handout 16: Case Study: Processes -- Periyakalapu Lagoon

Environmental impact assessment and the consultations that should be carried out as part of it, is an example of a formal process. Decision-making that takes place in the context of a development or conservation project that is not mandated by statutory law is an example of an informal process. Discuss participants' examples.

4. Break participants into small groups and ask each group to read Handout 16 and identify and discuss the issues involving formal and informal processes. Questions to guide the group analyses are provided in Handout 16.
5. The groups present and explain their discussion of the case study, and the whole group discusses the results of each group's work. Use the questions in Handout 16 to guide the plenary discussion.

Formal processes in the case include:

- Making the decision to alter the design of the causeway in the 1980s
- The Road Development Authority's decision to renovate the causeways post-tsunami.

Informal processes in the case include:

- Pre-1980s, agricultural and fishing communities had set up their own processes to decide how to use the water in the lagoon in different seasons
- Post-tsunami PLCC meeting
- PLCC request to the donor.

Additional points that trainers may want to bring up during the discussion:

- What happens when the mandates of statutory institutions do not specify that the institutions are supposed to facilitate participatory processes?
  - What incentives can be provided to ensure that statutory institutions do facilitate participatory processes for making and implementing decisions?
  - What happens when the laws, rules or mandates of statutory institutions specify facilitation of participatory processes, but they do not have the internal capacity to do so?
6. What does the case tell us about the role of processes in governance?  
Conclusions that may be drawn from the case study include:

Positive aspects of the processes of making and implementing decisions include:

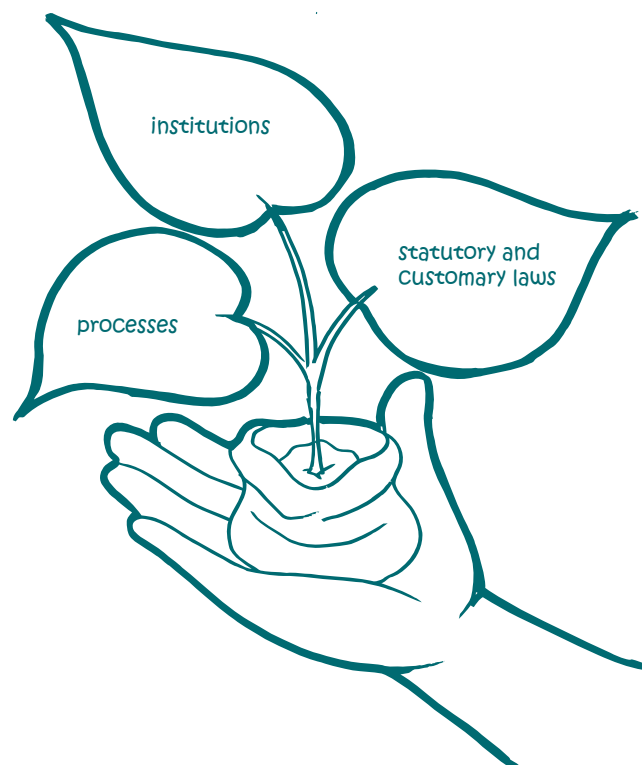
- Resource users who are familiar with an ecosystem can put in place processes to facilitate sound decision-making concerning natural resources
- Informal processes can have a significant impact
- Government institutions can learn from and replicate informal processes.

Negative aspects of the processes of making and implementing decisions include:

- Statutory laws do not require government institutions to carry out processes which provide all stakeholders an opportunity to give inputs into making and implementing decisions
- Formal processes do not take informal processes into account
- Formal processes do not provide for participation by all stakeholders.

Trainers should note other conclusions that may come out of the plenary discussion.

7. To draw conclusions from the entire session, re-read the paragraph immediately below the first sentence in Handout 15, which gives an explanation of the role of processes in governance, and relate the information in that paragraph to the conclusions from the case study and other points brought out in the discussion.
8. Review the lessons learned about the roles of the three components of governance -- statutory and customary laws, institutions and processes -- and discuss with participants how they are related and how they interact. Points to note concerning the relationships among the three components include:
  - Making laws to govern natural resource use is a process
  - Laws may create institutions and/or processes for making and implementing decisions about natural resource use
  - Formal and informal, statutory and customary institutions facilitate processes to make and implement decisions about natural resource use.





## NOTES FOR TRAINERS

Prior to the training, the trainers will review the pre-course assignments and determine whether they contain sufficient information to create a case study that involves statutory and/or customary institutions. The case study can be taken entirely from one participant's pre-course assignment, or it can be a composite taken from two or more. It is ideal if the case study can include both formal and informal processes, but that will depend on the contents of the pre-course assignments. When trainers prepare the case study for this session, they will need to review the suggested questions for discussion in Handout 14, modify them if necessary, and include the questions with the case study that will be distributed to participants.

Trainers may choose to vary the sequence of the steps -- analyzing the case study first and making the presentation at the end of the session, for example.



*A process is a series of actions carried out for the purpose of achieving something.*

Processes are an integral part of governance. Processes are required to make decisions and to implement them. Processes are essential for negotiating and mediating among stakeholders with differing interests. It is important to identify all stakeholders in a process and ensure that they are involved. When processes are open, they facilitate understanding and consensus. When they are closed, they can create the perception that decision-makers or implementers have something to hide.

Like laws and institutions, processes may be formal or informal. Formal processes are usually created by statutory or customary law or institutions. Informal processes may be created by groups of people with similar interests who simply recognize the need for a mechanism to make or implement a decision.

Making and changing a law or rule requires a process, and a law or rule may specify a process for implementing it. Examples of processes that may be created by law include:

- Processes that devolve powers to decentralized government authorities responsible for natural resources
- Processes to plan for natural resource allocation and use
- Development planning processes that include making decisions on how natural resources and natural users will be affected
- Processes for distributing benefits from the use of natural resources
- Processes for following through on agreements to share benefits from the use of natural resources between customary rights holders and commercial interests.

Ideally, laws governing natural resources will include requirements for decision-making processes that enable stakeholders to provide inputs and to see that their concerns have been given adequate consideration by decision-makers.

Institutions are usually responsible for facilitating processes that are required to implement a law or rule or a decision. Challenges arise when national and sub-national public sector institutions lack the capacity to facilitate processes and incorporate their results into decision-making and implementation.

Vietnam provides an example of an experiment with an open process related to natural resources. In 2004, Vietnam involved selected households in five ethnic villages in the buffer zone of a nature reserve, in the entire process of forest allocation including making the plan, surveying the forest, proposing the benefit-sharing policies, sharing knowledge, and setting up the forest protection team. Customary norms and practices and local knowledge on forest management were brought into public discussions at community meetings. Agreements on community-based forest management and benefit-sharing policies were documented and submitted to district authorities for approval. Even though the process did not involve all households in the villages, and even though there were problems external to the process, local people generally viewed the allocation process and its results as positive.

Community initiatives to create protected areas offer an example of an interaction between informal and formal processes related to natural resource conservation. India has many informal examples of local and indigenous efforts to protect ecosystems and species. A non-governmental organization documented these initiatives and has begun to explore possibilities for communities to take advantage of processes created by national law to have their informal protected areas recognized by the statutory protected areas system.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

## Resources

Pathak, N. (ed.) 2009. *Community Conserved Areas in India—A Directory*. Pune: Kalpavriksh.

## Case Study - Processes: Periyakalapu Lagoon

Periyakalapu is one of the largest lagoons on the eastern coast of Sri Lanka. Until the 1980s, the lagoon was seasonally connected with the sea across an ancient causeway; water was exchanged between the lagoon and the sea only when water levels rose.

The design of the causeway was altered in the 1980s, to allow continuous exchange of water between the lagoon and the ocean. Before changing the design of the causeway, there was no consultation with the agricultural and fishing communities, which had set up their own processes to decide how to use the water in the lagoon in different seasons.

When the design of the causeways was altered, the authorities did not adequately consider the possible adverse impacts on the lagoon ecosystem and on local livelihoods. The design change was faulty and, following the tsunami in 2004, it was found that sand accretion had almost completely obstructed this exchange, converting the brackish-water lagoon into a mostly freshwater lagoon. The customary processes set up by the agricultural and fishing communities broke down due to the change in the water in the lagoon. The fresh water was drawn off for irrigation, which seriously affected the livelihoods of the fishing communities living around the lagoon.

As happened in the 1980s, reconstruction of the road system in the eastern part of the country after the 2004 tsunami was planned without taking the possible impacts on coastal water flows into account. When the Road Development Authority decided to renovate the causeways, it did not have any obligation to disseminate the information to the communities and invite their participation in the decision-making process and an environmental impact assessment was not carried out.

The Periyakalapu Local Coordinating Committee (PLCC) was established post-tsunami under a development project. The project raised awareness of the ecological impacts of the causeways. Subsequently, the PLCC discussed the situation resulting from the causeways at one of its meetings. It was only after that meeting that the local representatives of the government agencies realized that procedures established by law had not been followed in deciding to renovate the causeways.

The PLCC requested the donor agency to reconsider the decision to renovate the causeways. The donor agency agreed and carried out a technical review and environmental assessment of the plan to renovate the causeways. On the basis of that review, the donor amended its agreement with the government and granted the additional funds required to build two new bridges, which was more expensive than renovating the two causeways.

Subsequently, the Road Development Authority has rehabilitated the road system along the entire east coast, using bridges instead of causeways.

Questions to guide the group analysis:

1. What formal and informal processes were involved in this case?
2. How did these formal and informal processes include stakeholders?
3. What were the strengths and weaknesses of each type of process?
4. What happened when formal processes did not take the results of informal processes into account?
5. Why do you think the links between the two types of processes were not made? What can be done to ensure that the links are made?

The group may identify other questions and issues as well.

This case study was originally prepared for: Moore, Patricia. 2011. *Training Manual on Natural Resource Governance*. IUCN Sri Lanka Country Office

Session

11

## Governance Principles: Introduction



**Session**

**11**

# 11

## Governance Principles: Introduction



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain what a principle is
- Identify basic principles of governance
- Understand why they are basic principles of governance
- Understand how governance principles apply in natural resource governance.

#### Time:

1 hour



#### Materials:

1. Flip charts and markers

#### Handouts:

1. Handout 17: Principles of Governance in International Law
2. Handout 18: Principles of Governance (list)
3. Handout 19: Governance Principles (table – to be distributed only **after** the exercise).



### STEPS

1. Review the learning objectives.
2. Revisit the working definition of governance from Session 6, Handout 7: Defining Governance.
3. Remind participants that Sessions 8-10 introduced the three components of governance, and explain that this session will introduce basic principles of governance and begin the discussion of how they apply in natural resource governance. The principles of governance, and how they relate to the components of governance, will be discussed in detail during Sessions 12-15.

4. Ask participants for their understanding of the word 'principle'. Write their answers on a flip chart or board. See Note for Trainers below, and introduce the meaning of principle as it is used in this training.
5. Distribute Handout 18, the list of principles of governance, and divide participants into groups.
6. Ask the participants in each group to review the list of principles of governance together and **select only four** that they think are the basic principles.
7. Each group explains to the others why it agreed on the four principles it chose. There can be dissenting opinions if there is no consensus within a group. Participants who do not agree with their group's selection should explain why they do not agree.
8. The trainers should keep a tally of the principles selected by the groups, either on a flip chart or by marking them on the electronic file so that participants can see them on the screen.
9. Tally the number of groups that selected each principle, and see which four principles the group as a whole thinks are the basic principles of governance. Discuss. Points to bring out in discussion:
  - Why individual participants think specific principles are particularly important for governance
  - Which principles participants thought were specifically not appropriate for governance, and why.
10. After the exercise and individual or group feedback, distribute Handout 19: Governance Principles. It illustrates principles of governance as described by a selection of UN agencies, multilateral development banks, bilateral donors, and other international organizations. Points that can be noted by reading the table in Handout 19 and that trainers need to bring out in discussion include:
  - Emphasize that the one principle on which all institutions agree is accountability
  - All other principles are identified by fewer than half of the institutions. This training uses the four basic principles --accountability, transparency, participation, and rule of law or predictability, that are identified by more than two-thirds of the selected institutions.
  - All of the selected institutions use transparency to mean openness and access to information, not absence of corruption
  - Equity means fair -- it does not mean equal. Equal is not always fair. If accountability, participation, transparency and predictability are all functioning well in a society, the chances are good that there will be equity.



11. Ask participants for examples from their own experience of how each of these principles operates in the specific context of natural resource governance and discuss.

Negative examples:

- **Accountability** — the government agency responsible for fisheries allocates fishing rights arbitrarily and does not explain to people who have applied for fishing rights why the rights are allocated as they are
- **Transparency** — information about development plans to drain a wetland that many people depend on for their livelihoods is not made available to the public
- **Participation** — women were excluded from community user groups that made decisions about who can gather non-timber forest products
- **Rule of law** — forest regulations state that permits to take timber are granted on the basis of specific criteria. Powerful people who meet all the criteria are granted timber licenses and poor people who meet all the criteria are not.

Positive examples:

- **Accountability** — the government agency responsible for fisheries makes a mistake in allocating fishing rights. The agency corrects its mistake and informs all those who are affected
- **Transparency** — a developer applies for a permit to develop land that includes a wetland that many people depend on for their livelihoods. The responsible government agency publishes the request for a permit and calls for public comments on it
- **Participation** — community natural resource user groups make their own bylaws that specifically provide for the participation of women in making decisions about who can gather non-timber forest products
- **Rule of law** — forest regulations state that permits to take timber are granted on the basis of specific criteria. Permits are granted only to applicants who meet all the criteria, regardless of their political or economic status.



## NOTES FOR TRAINERS

Review the definition of 'principle' given in Session 6, Note for Trainers number 2: a principle is "a fundamental truth or source".

For Step 2, explain that different institutions use different words for the principles of governance. The World Bank uses the term "dimensions". Others have used the words "characteristics", "attributes", and "aspects", among other terms. This training manual uses the word "principles", because its meaning is what this training seeks to convey and because it is relatively easy to translate into Asian languages. Explain that the term used in any given country may vary, depending on its translation in the national language. What is important is to find a term in whatever language is used, that conveys the idea that these principles are generally accepted by a majority of international institutions as being the "fundamental truth" of how governance should operate. Ask participants if their national language has an easily understandable translation for the English word 'principle'.

## Principles of Governance in International Law

The principle of participation is the governance principle most frequently found in international declarations and agreements.

The Convention Concerning Indigenous and Tribal Peoples in Independent Countries (United Nations International Labour Organisation Treaty No. 169) relies on the principle of participation in requiring that the free and informed consent of indigenous and tribal peoples be secured before these peoples can be relocated from lands they occupy (Article 16).

The “Rio Declaration”, adopted at the 1992 United Nations Conference on Environment and Development, the Earth Summit, includes a provision related to the governance principles of participation and transparency. Principle 10 of the Rio Declaration says:

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

There is an international treaty that specifically deals with accountability, participation and transparency -- the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. It applies only to Europe, but is an example of what other regions could do. This Convention is directly related to governance and the relationship between people and governments.

Multilateral environmental agreements (MEAs) that govern natural resources also include provisions related to the principles of governance. The Convention to Combat Desertification has comprehensive requirements for public participation, and specifies the participation of local communities.

The Convention on Biological Diversity calls for allowing public participation in Environmental Impact Assessment (EIA) processes (Article 14). It also calls for the participation of indigenous and local communities in deciding how their traditional knowledge, innovations and practices that are relevant for the conservation and sustainable use of biodiversity can be applied (Article 8j).

## References

- The full text of the Convention Concerning Indigenous and Tribal Peoples in Independent Countries is available online: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169> Accessed 5 September 2010
- The full text of the Rio Declaration is available online: <http://www.unep.org/Documents.Multilingual/Default.Print.asp?documentid=78&articleid=1163> Accessed 25 May 2010.
- The full text of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters is available online: <http://www.unece.org/env/pp/treatytext.htm> Accessed 25 May 2010.
- The full text of the Convention on Biological Diversity is available online: <http://www.cbd.int/convention/convention.shtml> Accessed 25 May 2010.
- The full text of the Convention to Combat Desertification is available online: <http://www.unccd.int/convention/text/convention.php> Accessed 25 May 2010.

1. Government effectiveness
2. Policy effectiveness
3. Effectiveness and efficiency of institutions and processes
4. Responsiveness
5. Coherence
6. Transparency/Openness
7. Consensus-oriented
8. Capacity of the State
9. Combating corruption/Control of corruption
10. Access to information and justice
11. Subsidiarity
12. Respect for human rights
13. Accountability
14. Equity
15. Equitable and inclusive
16. Strategic vision
17. Commitment to the public good
18. Participation
19. Stock of social capital
20. Political stability and absence of violence
21. Regulatory quality
22. Predictability/"Rule of Law"
23. Promoting an enabling legal and judicial framework.



Handout  
**19**

**Governance Principles**

Many definitions of governance are accompanied by descriptions of what governance is.<sup>1</sup> Nine international institutions that have described governance have used more than 20 different principles in their descriptions. The table below shows the principles that these nine institutions have used and which of them are generally accepted by the majority of the institutions surveyed.

Governance Principles									
	IUCN <sup>2</sup>	UNDP <sup>3</sup>	UNESCAP <sup>4</sup>	Commission of the European Communities <sup>5</sup>	African Development Bank <sup>6</sup>	Asian Development Bank <sup>7</sup>	USAID <sup>8</sup>	World Bank <sup>9</sup>	UK Department for International Development (DFID) <sup>10</sup>
Accountability	★	★	★	★	★	★	★	★ <sup>11</sup>	★
Transparency ("Openness" - EU Commission)	★	★	★	★	★	★	★	★ <sup>12</sup>	
Participation	★	★	★	★	★	★	★	★	
Predictability ("Rule of Law")	★	★	★			★	★	★	
Government effectiveness (World Bank); Policy effectiveness (EU Commission); Effectiveness and efficiency of institutions and processes (UNDP and UNESCAP)		★	★	★				★	
Responsiveness <sup>13</sup>		★	★						★
Coherence	★			★					
Consensus- oriented		★	★						
Capacity of the State							★		★ <sup>4</sup>
Combating corruption (AfDB); Control of corruption (World Bank)					★			★	
Access to information and justice	★								
Subsidiarity	★								
Respect for human rights	★								
Equity (UNDP) Equitable and inclusive (UNESCAP)		★	★						
Strategic vision		★							
Commitment to the public good							★		
Stock of social capital							★		
Political stability and absence of violence								★	
Regulatory quality								★	
Promoting an enabling legal and judicial framework					★				

This table illustrates the following points:

- This training uses four basic principles of governance. Where did we get these four basic principles? They were identified by analyzing the definitions and descriptions of governance used by nine major international institutions.
- No government in Asia has defined or described governance as far as it has been possible to determine. There are no principles of governance that have been identified by Asian governments.
- Four principles of governance are recognized by the majority of the international institutions surveyed that have attempted to describe it: accountability, transparency, participation, and predictability or rule of law. Nine institutions were surveyed, which means that the majority is five or more. The four principles that are used in this training are accepted by six or more of the institutions surveyed. The other 19 principles are accepted by four or fewer of the institutions surveyed. This does not mean that these 19 are not valid -- it simply means that they are not accepted by the majority.
- The one principle on which all institutions agree is accountability.
- Eight out of nine institutions identify transparency and participation as principles of governance.
- All of the selected institutions use transparency to mean openness and access to information.
- Six out of nine institutions identify predictability or rule of law as a principle of governance.
- All other principles are identified by fewer than half of the institutions surveyed. This training uses the four basic principles -- accountability, transparency, participation and 'rule of law' or predictability -- that are identified by more than two-thirds of the selected institutions.
- Law enforcement is a function of institutions. The term 'rule of law' is often confused with law enforcement, but that is not what it means, and that is why many experts now use the term 'predictability' instead.
- Effectiveness and efficiency are identified by four institutions. The UN agencies refer to "effectiveness and efficiency" of institutions and processes. This is certainly a valid principle, but it was chosen by only two institutions and is therefore not in the top four. The World Bank refers to government effectiveness only. The European Commission refers to "policy effectiveness", but it is difficult to describe what this means, since a policy usually cannot be applied without a law or rule of some kind.
- Only two institutions identify controlling corruption as a principle of governance. Both are multilateral development banks -- the World Bank and the African Development Bank.



- Equity is often mentioned as a principle of governance, but only the UN agencies list it as a principle of governance. Equity means fair -- it does not mean equal. Equal is not always fair. If accountability, participation, transparency and predictability are all functioning well in a society, the chances are good that there will be equity.
- Access to justice and respect for human rights are listed as governance principles by only one institution.
- DFID, the UK development agency, is included in the matrix even though it defines and describes governance only in terms of the government, and not as an interaction between government and citizens.

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<sup>1</sup> The World Bank uses the term “dimensions”. Others have used the words “characteristics”, “attributes”, and “aspects”, among other terms. The term used in any given country may vary, depending on its translation in the national language. What is important is to find a term in whatever language is used that conveys the idea that these four principles are the ones most generally used to describe governance.

<sup>2</sup> IUCN. *Strategies*. IUCN refers to these as “principles” of governance. Online: [http://www.iucn.org/about/work/global\\_programme/strategies/](http://www.iucn.org/about/work/global_programme/strategies/) Accessed 22 October 2009.

<sup>3</sup> United Nations Development Programme. 1997. *Governance for Sustainable Human Development. A UNDP policy document*. Available online: <http://mirror.undp.org/magnet/policy/summary.htm> Accessed 13 September 2009.

<sup>4</sup> United Nations Economic and Social Commission for Asia and the Pacific. *What is Good Governance?* Available online: <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp> Accessed 22 October 2009.

<sup>5</sup> Commission of the European Communities. 2001. *European Governance A White Paper (2001) 428 final*. Brussels, 25.7.2001. p. 8. Available online: [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0428en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf) Accessed 6 November 2009.

<sup>6</sup> African Development Bank. 2008. *Governance Strategic Directions and Action Plan GAP 2008-2012*. p. 15, footnote 1. Available online: [http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/7000017\\_EN\\_OSGE%20anglais%20OK.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/7000017_EN_OSGE%20anglais%20OK.pdf) Accessed 24 October 2009.

<sup>7</sup> Asian Development Bank. 1999. *Governance: Sound Development Management*. p. viii. Available online: <http://www.adb.org/documents/policies/governance/govpolicy.pdf> Accessed 24 October 2009.

<sup>8</sup> United States Agency for International Development. *Promoting Democratic Governance*. Available online: [http://www.usaid.gov/fani/overview/overview\\_governance.htm](http://www.usaid.gov/fani/overview/overview_governance.htm) Accessed 13 September 2009.

- <sup>9</sup> World Bank. *Governance Matters 2009*. Available online: <http://info.worldbank.org/governance/wgi/index.asp> Accessed 13 September 2009.
- <sup>10</sup> United Kingdom Department for International Development. 2006. *Eliminating World Poverty Making Governance Work for the Poor*. Available online: <http://www.dfid.gov.uk/Documents/publications/whitepaper2006/whitepaper-printer-friendly.pdf> Accessed 22 October 2009.
- <sup>11</sup> The World Bank refers to these as “dimensions” of governance and combines “voice” and “accountability” into one dimension.
- <sup>12</sup> The World Bank specifies that “public availability of knowledge and information” is a prerequisite for governance improvement and anti-corruption. <http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBI/GOVANTCOR/O,,contentMDK:20678938-pagePK:64168445-piPK:64168309-theSitePK:1740530,00.html> Accessed 13 September 2009.
- <sup>13</sup> One definition of accountability says that accountability is responsiveness: “Accountability, in general, describes the responsiveness on the part of government to citizens’ demands concerning the type of public services the public sector should provide. This may include the government’s response to citizen efforts to bring about a change in the government’s behavior by persuasion, demand, or compulsion.” de Ferranti, David et al. 2009. *How to improve governance: a new framework for analysis and action*. The Brookings Institution, Washington, D.C. p.7.
- <sup>14</sup> DFID uses the term “State capability”.

Session

12

Governance Principle:  
Accountability



**Session**

**12**

# 12

## Governance Principle: Accountability



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain the meaning of accountability in the context of governance
- Draw a diagram of who is accountable to whom in a given case and draw conclusions from the diagram
- Identify opportunities for accountability at the governance/strategic level of decision-making and at the management/operational level of implementation
- Characterize accountability in their own contexts
- Understand the constraints and difficulties involved in ensuring accountability
- Explain the interaction of accountability with all governance components and the other governance principles.

#### Time:

1 hour  
30 minutes



#### Materials:

1. Flip charts and markers

#### Handouts:

1. Handout 20: Governance Principle: Accountability (to be distributed only after the trainers have asked participants what accountability means)
2. Handout 21: Case Study: Accountability and Trees



### STEPS

1. Review the learning objectives and explain that this session is the first of four which will focus on the four basic principles of governance.
2. Remind participants of the definition of 'stakeholder' from Session 5.

3. Remind participants of the Tonle Sap exercise in Session 7 and the difference between governance and management. Governance decisions are strategic and management decisions are operational. Explain to participants that they need to distinguish between accountability for strategic/governance decisions and accountability for management/operational decisions.
4. Ask participants what they think the word 'accountability' means. The trainers should write on a flip chart all the meanings that participants come up with. The purpose of this brief exercise is to help trainers assess at the beginning of the session whether there needs to be more discussion after the presentation in Step 3 on the fact that accountability has nothing to do with finances or accounting. See Note for Trainers below.
5. Distribute Handout 20: Governance Principle: Accountability, and give a short presentation based on it. Refer to Handout 19: Governance Principles, and ask participants why they think accountability is the only principle of governance identified by all of the institutions surveyed.
6. Break participants into four small groups. Distribute Handout 21: Accountability and Trees. Ask participants to identify and analyze the issues in the case study that are related to accountability. Working groups may use cards, flip charts and/or other materials and media to create their diagram for presentation to the whole group.
7. After 30 minutes, ask each group to share their outcomes. Initiate a plenary discussion on the following questions:
  - How does the principle of accountability operate in this case? How did you decide whether there was accountability in decision-making and implementation?
  - What does the diagram tell you? Who is accountable to whom?
  - What are the stumbling blocks to accountability in decision-making? What are the stumbling blocks to accountability in implementation?
  - What actions can be taken to promote accountability in decision-making? What actions can be taken to promote accountability in implementation?
  - In addition to the accountability issues in the case study, what other accountability issues are brought out in participants' own experience?
8. What does the case tell us about the role of accountability in governance? Conclusions that may be drawn from the case study include:
  - The existence of a formal mechanism facilitates accountability
  - Even where a formal mechanism for accountability exists, ensuring accountability can be a time-consuming process.

9. To draw conclusions from the entire session, re-read Handout 20, which gives an explanation of the role of accountability in governance. Relate that information to the conclusions from the case study and other points brought out in the discussion.

Particular points in Handout 20 to focus on:

- All those who make and implement decisions that affect natural resources should be accountable to natural resource users/stakeholders. This includes government agencies, government officials, private-sector actors, formal and informal civil society groups and others.
  - Institutions and individuals should be held accountable for making and implementing decisions that affect natural resources and natural resource users.
  - Decision-makers and implementers should be accountable for how they use their power affecting natural resources and natural resource users, and for how they abuse their power.
10. Conclude the session by reminding participants that governance is the interaction of the components and principles of governance, and that in later sessions we see how accountability relates to the components and the other principles of governance. Examples of the relationship between the components of governance and accountability include:
    - Statutory and customary laws sometimes provide mechanisms for holding decision-makers accountable
    - The mandates of formal institutions sometimes require that the institution account for the effects of its decisions
    - Institutions such as an ombudsman may exist solely to provide the means to hold decision-makers and implementers accountable
    - Holding decision-makers and implementers accountable often requires processes that may be required by law and/or facilitated by institutions.



## NOTES FOR TRAINERS

Non-English speakers often have difficulty understanding the term accountability in the context of governance because it contains the root word 'account' and therefore appears to have something to do with book-keeping. Ask participants if there is an easily understandable translation of accountability in their national languages.

Trainers may choose to vary the sequence of the steps -- analyzing the case study first and making the presentation at the end of the session, for example.



*Accountability is the requirement to accept responsibility and answer for actions.*

Decision-makers and implementers, whether they are statutory public servants or customary authorities, should be accountable for the way they use -- or abuse -- their powers.

Formal and informal institutions as well as individuals may be held accountable. Formal institutions are usually understood to mean government agencies, but may also include private-sector actors and formally-established or formally-recognized civil society institutions.

Ideally, statutory law should provide clear rules and procedures for determining accountability of public institutions and officials:

- Who will be held responsible for making decisions, and by whom
- Who will be held responsible for implementing decisions, and by whom
- What are the means for holding decision-makers and implementers accountable.

If statutory law does not provide clear rules and procedures for determining accountability, it will be difficult for other stakeholders to hold public institutions and officials accountable. Where that is the case, stakeholders can explore the possibilities of amending the rules and procedures to ensure that there is support for civil society to be able to hold government decision-makers and implementers accountable.

Institutional accountability of governmental agencies means that the agency is accountable for decisions made on its behalf by government officials. Institutions are accountable for decisions at the governance/strategic policy level as well as for management decisions at the operational level. Informal and customary institutions may also be held accountable for their decisions.

Individual government officials, and individual private-sector and civil-society actors may be held accountable under their own obligations to exercise their responsibilities and to obey the law. Informal and customary systems usually have mechanisms for holding individuals accountable for their actions. Communities may use community meetings as an opportunity to discuss decisions that community authorities have made and hold them accountable.

In Vietnam, there are both statutory and customary mechanisms that promote accountability. Statutory law in Vietnam provides three options for holding government authorities accountable: through their administrative superiors; through the People's Councils at all levels, and directly to any individual or organization, under the Law on Complaint and Denunciation. Customary leaders are nominated by village elders and are accountable to them. Customary accountability mechanisms tend to function well, but customary leaders are undermined by the fact that their authority is not recognized by the government, in part because of concerns that grassroots authority could challenge the power of the State.

Government authorities in Sri Lanka are generally accountable only to the Parliament. Statutory law does not provide for an administrative review process to hold government decision-makers, including those responsible for natural resources, accountable for their decisions and how their decisions are implemented. The ways in which citizens can hold a public authority responsible for its decisions include: lobbying an individual Member of Parliament to raise questions to be answered by the Minister in charge, or submitting a public petition in order to draw the attention of the entire Parliament to a particular issue. Another option for holding government institutions and individual officials accountable is through the Human Rights Commission of Sri Lanka, which is empowered to investigate infringements of fundamental rights and to either make recommendations, or to refer these cases to a Court, to mediation, or to conciliation.

Outside of Asia, accountability of public-sector institutions and officials is the weakest aspect of forest governance in the Democratic Republic of Congo. The customary hierarchy makes traditional leaders accountable to each other, but not to the members of their communities. Chiefs of families are accountable to the chiefs of their lineages, who are in turn, accountable to group chiefs. This hierarchical structure does not allow for members of communities to hold their chiefs accountable, however.

In Africa, and also in the forest sector, Ghana experiences difficulties with the accountability of formal, governmental institutions and officials as well as of customary authorities. Both statutory and customary accountability is undermined by the institutions that are responsible for ensuring it. The statutory authority responsible for the forest sector has a charter that requires it to provide information reasonably required for stakeholders to hold it effectively accountable. But the existing institutional framework does not promote accountability. There is no effective system of checks and balances in place to monitor conflicts of interest and to hold the Commission and its officials accountable for their actions. Customary authorities are often not accountable to the members of their communities for the way benefits are distributed, or not distributed. Some customary authorities have kept benefits for themselves rather than distributing the funds among community members or investing them in community development projects.

Lack of accountability can create economic losses at the local and national levels, for communities and for the central government, and opportunities for corruption when there are no mechanisms to hold authorities accountable for how revenues and benefits from natural resources are earned and distributed. When authorities responsible for law enforcement are not held accountable for not enforcing natural resource laws, governments and their citizens can lose significant amounts of income and benefits.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

## Resources

Patlis, J. 2004. *A Rough Guide to Developing Laws for Regional Forest Management*. CIFOR, Indonesia. p. 12; referring to Turner, M. and Hulme, D. 1997. *Governance, Administration and Development: Making the State Work*. Kumarian Press, Connecticut.



In 1998, after a devastating flood which swept 12 provinces in south and southeast China, attention was drawn to the deteriorating condition of ecosystems along the water catchments of the Yongzi and Yellow rivers. The State Forestry Administration, with approval from the prime minister, introduced a logging ban to protect natural forest areas.

Though the implementation of the logging ban was accompanied by compensation for affected collectives or farmers whose plantations or natural forests were within the logging ban region, complaints were made by communities and academics. The imposition of the logging ban had stopped them from benefiting from the timber on the land for which they had contracted user rights for 50 years. According to the Forest Law and the Land Management Law, the user rights gave them ownership of the trees. They argued that the compensation provided was not sufficient to cover the losses they suffered.

Many farmers submitted their complaints to the ombudsman's office at the county level, and to the People's Council through representatives at the county level. The county level office in turn made submissions to the provincial level, to the National People's Congress, and to the State Forestry Administration.

Information about the complaints was taken seriously by both the State Forestry Administration, and the Environmental and Resources Committee of the National People's Congress. They organized several expert teams to conduct impact assessments through participatory inquiries, and produced reports based on the findings.

It was found that the 5 -15 yuan/*mu*<sup>1</sup>/year compensation would only cover a portion of the opportunity cost to farmers, and it also could not match the pattern of required cash expenditure for a given family. In some cases, farmers would sell a certain amount of timber to purchase farming tools and materials, and pay for major family expenditures when they were allowed to log. It was proposed that the logging ban be lifted, for plantation forests at least.

After receiving the recommendations, the State Forestry Administration organized several public hearings in the southern provinces, to ask for input to establish a logging quota system, set annual logging limits, and find ways to allocate the logging quota. In preparation for lifting the logging ban, and to ensure forest quality would be maintained, specialists were hired to facilitate the public hearings in a participatory manner. The hearings attracted farmers and timber traders.

<sup>1</sup> A *mu* is a Chinese measure of land equivalent to approximately 667m<sup>2</sup>.

A proposal was developed to lift the logging ban for plantations in natural forest protection areas, and another proposal will allow farmers to do thinning logging in phased trials. It took almost ten years to find a solution to redress the situation.

Questions to guide the group analysis:

1. Identify the decision-makers, the implementers, and other stakeholders in the case
2. How did the principle of accountability operate in this case?
3. Draw a diagram on a flip chart that illustrates who is accountable to whom and for what
4. Describe the difficulties involved in ensuring accountability in the case and identify possible ways to overcome them
5. Draw conclusions to share with other teams.

Session

13

Governance Principle:  
Transparency



Session

13



# 13

## Governance Principle: Transparency



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain the meaning of transparency in the context of natural resource governance
- Characterize transparency as a basic principle of governance in their own natural resource governance contexts
- Identify and explain the constraints, difficulties, and opportunities involved in ensuring transparency
- Explain the interaction of transparency with all governance components and the other basic governance principles.

#### Time:

1 hour  
30 minutes



#### Materials:

1. Flip chart and markers
2. One blindfold per participant
3. One 30-meter length of rope

#### Handouts:

1. Handout 22: Instructions for the Blind Star game
2. Handout 23: Governance Principle: Transparency
3. Handout 24: Case Study: EIA and Transparency



### STEPS

1. Review the learning objectives.
2. Distribute Handout 22 and invite seven volunteers to play the game Blind Star. Ask the team of volunteers to form a circle and put their blindfolds on. Explain that there is one 30-meter rope on the floor in the middle of the circle.
3. Ask the rest of the participants to observe carefully what happens.

4. When the trainers give the start signal, the team must find the rope and try to make the perfect five-pointed star while being blindfolded.
5. After 15 minutes, or if the team feels that it has completed the star before that, they may remove their blindfolds to see what they have created.
6. Start with the observers. Ask them:
  - Who started the process? How?
  - Who took the lead? How?
  - Who followed? How?
  - Were rules for working together established and, if so, how?
  - Were the members of the team clear about what needed to be done and how to do it?
  - Who made decisions? How were decisions made?
  - How did the members of the team communicate?
  - Who implemented the decisions? How? What was the result?
7. Then ask the whole group, including the observers, the following questions:
  - The decision was to create a perfect five-pointed star. How was that decision implemented?
  - If the team was able to create a perfect five-pointed star, how? If the team was not able to create a perfect star blindfolded, why not?
  - What was the role of communication and sharing information in the process of implementing the decision and creating the star?
  - What was the process for communicating within the team about how to do what needed to be done? What was the result?
  - Who was communicating and sharing information and how? Who wasn't? Why?
  - How did communication and sharing information -- or the lack of communication -- affect the implementation process of creating the star?
  - What does this game tell us about the importance of open communication and sharing information for making and implementing decisions?

8. Conclude the game by asking participants to describe the effect of the blindfold on communication and sharing information. Point out that making and implementing decisions without transparency and a free flow of information to all stakeholders is like trying to work blindfolded.
9. Ask participants if there is an easily understandable translation of 'transparency' in their national language(s).
10. Give a short presentation extracted from Handout 23: Governance Principle: Transparency. Emphasize that transparency is one of four basic principles of governance and that this session will examine how it affects decision-making and how decisions are implemented -- or not implemented. Take questions and give clarifications as appropriate.
11. Ask participants to give examples, from their own experience, of transparency, or lack of transparency, in making and implementing decisions that affected natural resources and natural resource users/stakeholders. Discuss participants' examples.
12. Divide participants into small groups and ask each group to read Handout 24: Case Study -- EIA and Transparency, or the case study extracted from the participants' pre-course assignments, and identify and discuss the issues involving transparency.
13. The groups present and explain their discussions of the case study, and the whole group discusses the results of each group's work. Use feedback from the Blind Star game as well as the questions in Handout 24 to guide a plenary discussion. In the plenary discussion, ask the following questions:
  - What actions could have been taken in the situation described to promote transparency in decision-making?
  - In addition to the transparency issues in this session's case, what other transparency issues are brought out in the participants' own experience and pre-course assignments?
14. What does the case tell us about the role of transparency in governance? Conclusions that may be drawn from the case study include:
  - Simply meeting minimum transparency requirements is often not sufficient. The intention of the procedure for disclosing EIA reports is to make sure that the information is available to the public. In this case study, the letter of the law was followed -- notice that the EIA report was available for review and published as specified -- but the intent or spirit of the law was not followed because the notices were small and hard to find and published in media that did not have wide circulation.
  - In addition to basic availability of information about decisions that affect natural resources and natural resource users/stakeholders, the quality of the information available is a transparency issue.

- Availability in national languages of information related to decisions that affect natural resources and natural resource users/stakeholders is a transparency issue.
15. To draw conclusions from the entire session, re-read Handout 23, which explains the role of transparency in governance. Relate that information to the conclusions from the case study and other points brought out in the discussion.

Particular points in Handout 23 to focus on:

- The importance of availability of information about rights to access and use of natural resources
- The importance of availability of information on how to get help if rights to natural resources are violated
- The effectiveness of customary methods of transmitting information about decisions that affect natural resources and natural resource users
- The effectiveness of statutory requirements for disclosing information about decisions that affect natural resources and natural resource users
- The need to ensure that information about a decision that will affect natural resources and natural resource users is made available in national languages
- The need to ensure that information is made available through media that are accessible to the people affected by a particular decision
- The importance of availability of market information related to natural resources
- The importance of timeliness of information on a decision that will affect natural resources and natural resource users, so that those affected have sufficient time to respond
- The importance of transparency for law enforcement with respect to natural resources.

16. Review the lessons learned so far about the roles of accountability and transparency in governance, and discuss with participants how these two basic principles of governance interact with each other and with the three other components of governance. Examples of the relationships between accountability and transparency and among accountability, transparency and the components of governance include:
- Accountability depends on transparency -- information about decisions that will affect natural resources and natural resource users must be available for stakeholders to hold decision-makers, and implementers, accountable.
  - Statutory laws may require disclosure of information about decisions that will affect natural resources and natural resource users but, as the case study illustrated, if the intention, or spirit, of the law is not followed, the legal requirements may not fully support transparency.
  - Information is usually held by institutions, which must be accountable for the ways in which they do or do not make it available to stakeholders.
  - Access to information held by formal institutions frequently requires following a formal process, which may or may not be accessible to all natural resource users/stakeholders.



## NOTES FOR TRAINERS

Prior to the training, the trainers will review the pre-course assignments and determine whether they contain sufficient information to create a case study that involves issues of transparency. The case study can be taken entirely from one participant's pre-course assignment, or it can be a composite taken from two or more. When trainers prepare the case study for this session from the participants' pre-course assignments, they will need to review the suggested questions for discussion in Handout 21, modify them if necessary, and include the questions with the case study that will be distributed to participants.

Trainers may choose to vary the sequence of the steps -- analyzing the case study first and playing the game at the end of the session, for example.



## Blind Star Game

1. Seven participants will volunteer to form the team to play the game Blind Star. All other participants will observe what happens during the game.
2. All participants in the team will be blindfolded. The blindfolded participants will stand in a circle.



3. The trainers will put a 30-meter piece of rope on the floor in the middle of the circle.
4. When the trainers give the signal 'Start', the team must find the rope and try to make a perfect five-pointed star while they all are blindfolded.
5. While the team is making the star, the other participants will observe carefully the following points:
  - Who started the process? How?
  - Who took the lead? How?
  - Who followed? How?
  - Were rules for working together established and if so, how?

- Were the members of the team clear about what needed to be done and how to do it?
  - Who made decisions? How were decisions made?
  - How did the members of the team communicate?
  - Who implemented the decisions? How? What was the result?
6. After 15 minutes, or if the team feels it has completed the star in less time, the members of the team may remove their blindfolds to see what they have created.
7. The team members and all participants will reflect on the points in Question number 5 above, as well as the following questions:
- The decision was to create a perfect five-pointed star. How was that decision implemented?
  - If the team was able to create a perfect five-pointed star, why? If the team was not able to create a perfect five-pointed star blindfolded, why not?
  - What was the role of communication and sharing information in the process of implementing the decision and creating the star?
  - What was the process for communicating within the team about how to do what needed to be done? What was the result?
  - Who was communicating and sharing information and how? Who wasn't? Why?
  - How did communication and sharing information -- or the lack of communication -- affect the implementation process of creating the star?
  - What does this game tell us about the importance of open communication and sharing information for making and implementing decisions?



*Transparency means sharing information and acting in an open manner.*

It requires the free flow of information. Transparent systems have clear procedures for public decision-making and open channels of communication between stakeholders and officials, and make a wide range of information accessible. Transparency allows stakeholders to gather information that is critical to uncovering abuse and defending their interests. Transparent systems will give stakeholders information on how to get involved in decision-making processes and their implementation.

Information about rights to access and use of natural resources is particularly critical for rural communities who depend on natural resources for their livelihoods. Where local communities know what their rights are, information about seeking redress through formal, statutory processes is also critical for them to be able to defeat any attempts to violate their rights.

In rural communities, transfer of information is usually by word of mouth. Smaller communities may be able to hold meetings of all members to exchange information and form opinions. Customary social networks usually ensure that available information reaches every community member, including the illiterate. There are examples, however, of customary authorities who do not routinely consult villagers, nor share the outcomes of meetings with all villagers. The result is that many villagers are out of the communication and information loop, are not part of customary decision-making processes, and decisions are made and implemented without taking their needs into account, even within their own communities.

In some countries, the constitution guarantees access to information. Statutory law in some countries enables information-sharing and transparency. Some countries have already adopted freedom of information laws that provide for citizen access to information held by government authorities and other countries have draft laws under consideration. One thing countries can do to facilitate access to information concerning governance of natural resources, is to distribute simplified versions of the main natural resource laws and regulations in national and local languages. In countries where a percentage of the population is illiterate, radio, television and other media that do not require the ability to read will need to be used to share information. Even when these media are used, there are challenges for all stakeholders to compile and analyze their own information and to access information held by others. This means that we need to find innovative approaches to address this kind of problem.

Rural communities are often at a disadvantage because they have few options for accessing information that is available with government agencies and the private sector. And government and the private sector often simply do not seek information about rural communities that may be affected by decisions and their implementation. The result is that stakeholders often make and implement decisions based on inadequate information about each other's requirements. Even when there is some level of participation in decision-making or implementation, information often reaches stakeholders too late for it to inform what they do.

Market information, including information related to collection, allocation and distribution of revenues from natural resource use, natural resource taxes, and licenses for natural resource use are necessary for informed decision-making.

Lack of transparency and information hampers law enforcement, particularly in rural communities. In many cases, rural communities are not aware of what is legal under statutory law and what is not, because the laws are not available in local languages. This also creates a problem with predictability -- when people do not know what is legal and what is not, it is easier for others to take advantage of them.

This information is adapted from Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

## References

UNDP. <http://www.pogar.org/governance/transparency.aspx>

## Case Study: EIA and Transparency

Environmental Impact Assessment (EIA) helps policymakers determine the potential environmental effects of a proposed development project. EIA is a requirement under three national laws: the National Environmental Act, the Wildlife Conservation Act, and the Coast Conservation Act. Under these laws, the government agency that is responsible for the sector in which a project will be carried out must require, review and approve an EIA report before a project can begin. If a government agency is the proponent of a project, it is responsible for preparing an EIA report, which is reviewed by the National Environment Agency. If a private-sector entity is the proponent of a project, it is responsible for preparing an EIA report, which is reviewed by the authority responsible for the sector in which the project will be carried out.

The basic procedure to be followed for EIA under all three laws is the same: following the preparation of the report, the agency reviewing the EIA report must notify the public, by advertisement in state-owned newspapers in all major national languages, of the availability of the EIA report. The advertisement must specify that there is a period of 30 days to review the report and submit comments, if any.

The Road Development Authority intends to construct a national highway and has submitted an EIA report to the National Environment Authority, as required under the National Environmental Act. The route planned for the highway will cut through a wetland, but the map included in the report does not indicate that the wetland exists.

The Road Development Authority contracted a private-sector consulting company to prepare the EIA report. The report has been prepared in English and translated very poorly into the national languages. The report is very technical and contains many graphs and charts. In addition, the report is several hundred pages long.

The report implies that people who may eventually be displaced by the highway construction will be eligible for replacement value compensation for their land and other property. In fact, they will only be entitled to statutory compensation, which is much less than replacement value compensation.

The notice that the National Environment Agency published about this EIA report was very small and difficult to see among many advertisements and it was published in three newspapers with limited circulation in the country.

The National Environment Agency received many comments concerning this EIA report. Some of the comments opposed the highway on the basis that it would destroy the wetland. Other comments, from people expecting market value compensation for their land, supported the highway. The National Environment Agency convened a public hearing, but did not publicize it well and most of the people who submitted comments did not attend.

The National Environment Agency approved the EIA report and the highway project was approved. The approval indicates that most of the comments made were not taken into account in making the final decision.

Questions to guide the group analysis:

1. How did the flow of information affect the way decisions were made and implemented in the case?
2. Who was responsible for the flow of information in the case?
3. Did different actors in this case communicate and share information differently? If so, how did they do that? Was there any institution in the case that did not take responsibility for communicating and making information available? If so, what was the impact on making and/or implementing the decision?
4. Did information flow have a positive effect? If so, how?
5. Did information flow have a negative effect? If so, how?
6. How do you know if there is effective transparency in decision-making and implementation?
7. What are the stumbling blocks to transparency in decision-making? What are the stumbling blocks to transparency in implementation?

The group may identify other questions and issues as well.

This case study was originally prepared for Moore, Patricia. 2011. *Natural Resource Governance Training*. IUCN Sri Lanka Country Office.

Session

14

Governance Principle:  
Participation



Session

14

# 14

## Governance Principle: Participation



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain the meaning of participation in the context of natural resource governance
- Differentiate various levels of participation in decision-making and implementation
- Characterize participation in governance within their own contexts
- Explain the difficulties and opportunities involved in ensuring meaningful participation in making and implementing decisions involving or affecting natural resources
- Explain the interaction of participation with all governance components and the other governance principles.

#### Time:

2 hours



#### Materials:

1. Flip chart and markers

#### Handouts:

2. Handout 25: Governance Principle: Participation
3. Handout 26: Participation Ladder
4. Handout 27: Situation for Role Play: Rem Ngong and Banthong



### STEPS

1. Review the learning objectives.
2. Remind participants of the definition of stakeholder from Session 5.
3. Ask participants if there is an easily understandable translation of 'participation' in their national language(s).

4. Distribute Handouts 26 and 27. Break participants into groups of five or six people and assign each group one of the steps in the participation ladder described in Handout 26. For example, if there are three groups, one group could be assigned the step 'participation by information giving', another could be assigned the step 'participation by consultation', and the third group could be assigned the step 'interactive participation'. Each group will use the situation and the roles in Handout 27 and create its own role play to demonstrate the level of participation assigned to the group, as described in the participation ladder.
5. Give participants 15-20 minutes to discuss the situation, assign roles and prepare their role play. Each group then presents its role play to the other groups. Discuss the difficulties involved in stakeholder participation in each situation/step on the participation ladder and how each team addressed them.
6. Questions to ask during general discussion after all groups have presented their role play, include:
  - How do you know if there is effective participation in decision-making and implementation?
  - What are the stumbling blocks to effective participation in decision-making?
  - What are the stumbling blocks to effective participation in implementation?
  - What actions can be taken to promote effective participation in decision-making?
  - What actions can be taken to promote effective participation in implementation?
  - In addition to the participation issues that arose from the role play, what other participation issues are brought out in participant's pre-course assignments/own experience?
7. Give a short presentation based on Handout 25: Governance Principle: Participation. Use the information in the handout as the starting point for putting into context what participants learned from the role play. Trainers may want to focus the discussion around the information under the heading 'Barriers to participation' in Handout 25.



8. Review the lessons learned so far about the roles of accountability, transparency and participation in governance, and discuss how these three basic principles of governance interact with each other and with the three components of governance. Examples of this include:
- Statutory law in some countries makes it mandatory to include women and minorities in decision-making processes. In other countries, statutory law does not require their participation in government decision-making or implementation at all.
  - Customary law in some societies excludes or marginalizes women and minorities from participating in customary decision-making processes, but statutory law requires that they are included. In other countries, the situation is the opposite -- women participate in decision-making under customary law, but statutory law restricts their options.
  - Lack of transparency can significantly undermine the way in which members of a society participate in making and implementing decisions that affect natural resources and natural resource users -- if people do not have information that a decision is being considered, they will not be able to participate in the decision-making process.
  - Institutions are frequently given the responsibility for facilitating participatory processes to make and implement decisions that affect natural resources and natural resource users/stakeholders, but may not have the capacity to do it.
  - Decision-makers and implementers are more likely to be held accountable for their decisions affecting natural resources and natural resource users/stakeholders if stakeholders have participated in the decision-making process.



## NOTES FOR TRAINERS

Prior to the training, the trainers will review the pre-course assignments and determine whether they contain sufficient information to create a situation similar to the one in Handout 27 that involves issues of participation. The situation can be taken entirely from one participant's pre-course assignment, or it can be a composite taken from two or more.



In the context of governance, participation means effectively taking part in decision-making and implementation, either directly or through legitimate representatives.

The challenges related to participation in making and implementing decisions about natural resources usually arise because decision-making tends to be done by two groups of stakeholders -- the government and private-sector interests -- that seek to exploit and earn revenue from natural resources, often at the expense of civil society, particularly rural resource-dependent communities.

For local resource users in many parts of the world, participation by all stakeholders in decision-making and implementation processes is a higher priority than it is for governments or the private sector. Customary law is often described as the result of participation, since its rules develop through a social process. Under customary law, participation is not an issue if communities are small enough to allow for regular meetings of the adult population, to exchange information and form opinions.

Customary practices in some countries can be used as models for designing mechanisms for community and collective participation in decision-making concerning natural resources because participatory approaches are already woven into the social fabric. Customary law, however, does not always encourage or allow participation of all members of the community. In some countries, customary processes limit the participation of certain members of the community. Customary decision-making and dispute resolution mechanisms in some ethnic groups in Vietnam are hierarchical, with elders and clan leaders making or influencing most decisions. This elite-dominated decision-making leads to the elite capturing benefits, in many cases.

The role of women and minorities in making decisions is minimal or non-existent and their role in implementing decisions is undervalued in some societies. The degree of participation of women and minorities, including lower castes and other marginalized groups, varies from country to country. In some countries, women and minorities are generally excluded or marginalized from participating in customary decision-making processes, but statutory law requires that they are included. In other countries, the situation is the opposite -- women participate in decision-making under customary law, but statutory law restricts their options.

We have read in the paragraph above that statutory law in some countries makes it mandatory to include women and minorities in decision-making processes. In other countries, Vietnam for example, statutory law does not require any participation in government decision-making or implementation at all. Policy and law in still other countries may be progressive in providing a basis for

participatory decision-making, but building on that basis can be slow in practice. Even where national policy and law provide for participation of all stakeholders, in implementation at least, opportunities for participation may remain unequal, favoring government authorities and the private sector, with natural resource-dependent local communities at the bottom of the scale.

## Barriers to participation

Lack of participation is not always due to a lack of goodwill on the part of government officials and the private sector. However, barriers to participation can include:

- Vested interests with power and influence that will not profit from participation
- A lack of institutional capacity for facilitating participatory processes
- A lack of mechanisms that support participation
- A lack of transparency, which means inadequate communication and information flow
- ‘Assumed representation’, which means that, in many cases, the people who represent groups of stakeholders do not share results of consultations with their groups
- The very difficult logistics of consulting rural people or of finding credible representatives of their communities
- A lack of capacity at the local level to participate in decision-making and implementation, among other things. Cost and benefit-sharing mechanisms may provide benefits from natural resources that will increase incentives for local participation.

Lack of transparency -- of effective communication and information flows -- can significantly undermine the way in which members of a given community participate in decision-making as well as in implementing decisions.

## Participation and law enforcement

In many countries, the enforcement of laws governing natural resources is weak, at least partly because statutory law does not enable local people who live closest to the resources to participate. Customary enforcement, on the other hand, is based on participation by all community members, who police themselves and each other.

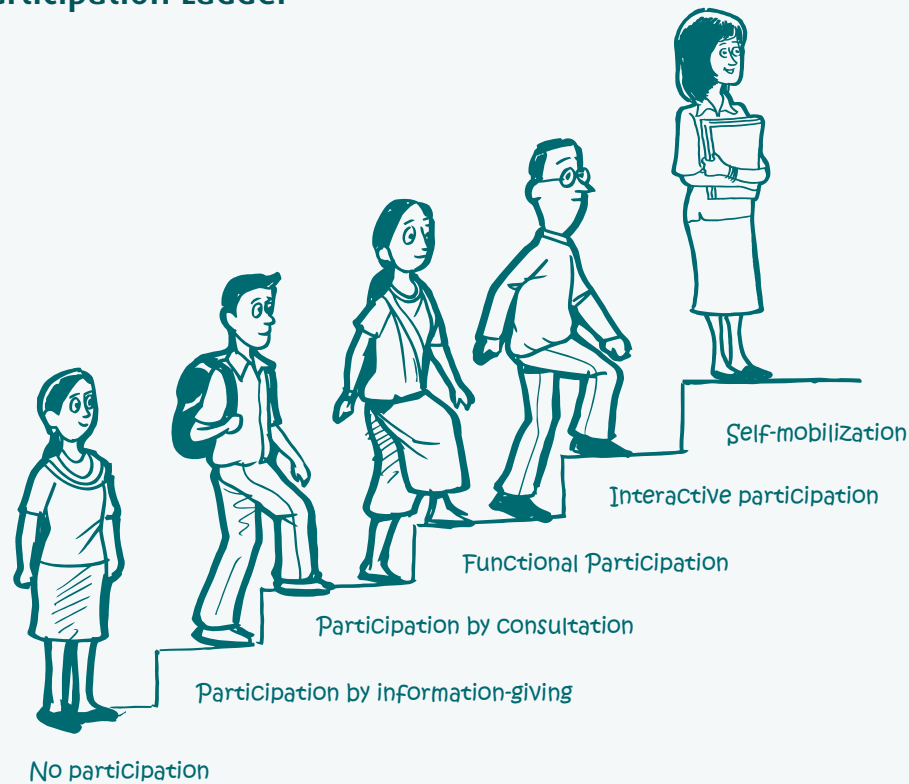
While it may not be appropriate for civil society to participate in all aspects of law enforcement, local people can be very effective in compliance monitoring. Statutory enforcement officers cannot always be present everywhere in a country, and local inhabitants can play an important role in detecting violations of natural resource laws. When violations are not detected and prosecuted in a timely manner, evidence is lost, convictions become less likely, and the lack of action provides an incentive for further illegal activity.

This information is adapted from Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

Participation covers a wide range of involvement levels, or 'steps' on the participation ladder. It is not important to know the exact terminology of the different steps, as many books use different words for them. It is important, however, to be able to differentiate between the steps, as they require different approaches. It will not always be feasible or necessary to aim for the top step. The level of participation that is appropriate for a particular situation will depend on factors such as:

- Purpose of the participation
- Time frame of the participation
- Whether there are systems in place to support participatory processes
- Whether there is a supportive political and legal environment
- Whether there is a supportive institutional environment
- Available human and financial resources.

## Participation Ladder



**Self-mobilization:** Stakeholders participate by taking initiatives independent of decision-makers to change laws or rules, institutions and/or processes. Decision-makers and others may play a facilitating or catalytic role.

**Interactive participation:** Stakeholders participate in joint analysis, leading to action by forming new groups or strengthening existing ones. Stakeholders take control over decisions, giving them an incentive to maintain institutions and processes.

**Functional Participation:** Stakeholders participate by forming groups, or informal institutions, to meet predetermined objectives set by the decision-makers. Such involvement does not tend to be at the planning stage but after major decisions have been made. These informal institutions are sometimes dependent on external initiators, but can also become self-dependent.

**Participation by consultation:** Decision-makers consult stakeholders and consider their knowledge and interests. Decision-makers define both problems and solutions, but may modify these based on stakeholders' responses. Processes do not concede any share in decision-making and decision-makers are under no obligation to take on board stakeholders' views.

**Participation by information-giving:** Stakeholders participate by answering questions posed by other stakeholders who are making the decision. Stakeholders do not have an opportunity to influence decision-making and decision-makers do not share the answers to questions.

**No participation:** Decisions are made by a limited number of stakeholders only; other stakeholders do not participate in decision-making but are simply told what is going to happen or has already happened.

## What to expect from participation

You can expect the following when people participate in decision-making and implementation processes:

- Different knowledge, views, perceptions, skills, and resources are used more effectively in making and implementing decisions
- Decisions and their implementation become more effective, more efficient, and more sustainable
- People share and enhance their views, awareness of problems, resources, and opportunities for better choices
- People share and diversify their own knowledge and skills
- When participation functions together with transparency, predictability and accountability, governance is more effective and efficient and equity is promoted.

## Challenges of Promoting Participation

- The concept of participation is not familiar to some cultures or groups
- Some national governments do not support participation, especially if they regard it as a threat to their own authority
- Participatory processes require a certain investment of time and human and financial resources
- Participatory processes require effective facilitation
- Effective participation requires commitment over time and it can take a long time for results to become evident
- Stakeholders will need to make compromises in order to avoid conflict and participate productively in decision-making and implementation
- Effective participation needs clear objectives.

### **Opportunities for promoting participation: international law includes the principle of participation**

- National law in some countries recognizes the principle of participation
- There is a great deal of awareness of the benefits of participation that can be used as a basis for further work
- Government institutions have begun to understand that participation does not have to be threatening and they are beginning to open the door to participatory processes
- Seeing positive results of participation creates more motivation for stakeholders to:
  - Invest their own time and resources to work together to resolve problems
  - Learn how to facilitate participatory processes.



## Situation for Role Play: Rem Ngong and Banthong

Rem Ngong and Banthong are villages in Thailand, situated at the edge of a wetland that the government recently designated as a Ramsar site. Although the wetland is designated as a Ramsar site, it is not designated as a protected area under the Protected Area Law.

Villagers in Rem Ngong rely primarily on fishing in the wetland for their livelihood. Villagers in Banthong rely primarily on agriculture outside the wetland and on collecting medicinal plants and reeds in and around the wetland.

The government intends to designate the wetland a protected area, and must determine what category of protection to assign to it. The options under the Protected Area Law are: strict protection, which allows no resource use or entry for any purpose into the wetland; national park, which allows entry for tourism and recreational use, but no resource extraction; sustainable use area, which allows sustainable use of resources.

Villagers in Banthong have found an export market for their reed handicrafts. A national pharmaceutical company that is part of an international conglomerate is testing one of the medicinal plants from the wetland. The results are promising and there is a reasonably good chance that a marketable product could be developed.

One fish species found in the wetland is particularly popular with restaurants in the capital. Rem Ngong village has been increasing its income selling this fish to the restaurants, but demand is leading to overfishing. Rem Ngong villagers need to diversify their livelihood base and are very interested in the reed handicrafts that Banthong villagers have been making for years, especially now that there is an export market.

The government must make the decision about what category of protection to assign to the wetland. There is pressure from national and international conservation organizations to make it a strict protected area because it is a resting area for an endangered species of migratory bird. If the government decides to categorize the wetland as a strict protected area, Rem Ngong villagers would lose their source of livelihood. Banthong villagers would still have farming, but there would be pressure on them not to use any chemical fertilizers and pesticides because they contaminate the wetland that the endangered bird relies on. There is pressure from national and international development organizations to support livelihood options for both villages.

Fundamental decisions about natural resource use in the wetland must be made.

One member from the group will take each of the following roles:

- Official from the Department of Protected Areas
- Village elders from Rem Ngong and Banthong
- Fisher
- Farmer
- Collector of medicinal plants and reeds for handicrafts.

Each group will be assigned a step on the participation ladder. Each group will create and present a role play that represents the assigned step on the participation ladder, based on the situation described above and using the roles given above. If there are more than five members of a group, the group can decide whether to allocate additional roles or to have more than one member play any of the above roles.

Session

15

Governance Principle:  
Rule of Law



Session

15

# 15

## Governance Principle: Rule of Law



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain the meaning of rule of law in the context of governance and law enforcement
- Characterize rule of law in their own language and context
- Explain the constraints, difficulties, and opportunities involved in ensuring rule of law
- Explain the interaction of rule of law with all governance components and the other basic governance principles.

#### Time:

1 hours  
30 minutes



#### Materials:

1. Flip chart
2. Cards
3. Markers

#### Handouts:

4. Handout 28:  
Governance  
Principle: Rule of  
Law
5. Handout 29:  
Case Study, Rule  
of Law: Kong  
Hong Mountain



### STEPS

1. Review the learning objectives and the three basic principles of governance covered in Sessions 12-14.
2. Ask participants how rule of law is translated in their language. In most cases, translation into languages other than English is literal and does not reflect the meaning of the term in English. Ask participants to write on a card, the translation for rule of law in their own language. Then ask them to translate the words back to English. In most cases, the words used in Asian languages for rule of law will mean law enforcement, or there will be literal translations of the word rule and the word law. Allow 15-20 minutes for this translation exercise.

3. Ask participants what they think the term rule of law means. The trainers should write on a flip chart all the meanings that participants come up with. If one or more participants say it means law enforcement, for example, trainers should explain that this is not the case and ask participants what they think is the difference between rule of law and law enforcement. The purpose of the exercises in Steps 2 and 3 is to help trainers see at the beginning of the session how much of an understanding -- or misunderstanding -- participants have of the concept of rule of law.
4. Give a short presentation based on Handout 28: Governance Principle: Rule of Law. Refer to the exercises in Steps 2 and 3 and take questions and provide further clarification, if needed.
5. Distribute Handout 29: Case Study, Rule of Law: Kong Hong Mountain. Break participants into small groups and ask them to analyze the rule of law issues in the case. Questions to guide the group analysis are included in Handout 29.
6. After 30 minutes, each group presents and explains in a plenary session, the results of its analysis and discussions.
7. In addition to the questions for analysis in Handout 29, questions to ask during the discussion include:
  - In addition to the rule of law issues in the Kong Hong Mountain case, are there rule of law issues in any participant's pre-course assignment? If so, what are they?
  - What other examples can participants give of situations involving natural resource users/stakeholders in which the rule of law does not operate? In their examples, participants should explain which stakeholders are affected and how they are affected.
8. The basis for conclusions to be drawn from this session is in Handout 28:
  - Rule of law means equal treatment -- both protection and punishment -- under the law.
  - The rule of law in the context of natural resource governance means that laws governing natural resources are applied to all stakeholders in the same way, all the time.
  - When the rule of law is operating, everyone should have the security of knowing how a law will be applied to them.
  - The establishment and persistence of the rule of law depends on:
    - Clear communication of laws
    - Non-discriminatory application of laws
    - Effective enforcement of laws

- Predictable and legally enforceable methods for changing the content of laws
  - Citizens who perceive that laws are fair, just and legitimate, and are willing to follow them.
- A conflict between statutory law and customary law often creates a situation in which local people cannot predict how a law or rule will apply to them. In the context of natural resource governance, this can result in livelihood insecurity for people whose livelihoods depend on natural resources.
9. This session wraps up the discussion of the four basic principles of governance. Review the conclusions in Sessions 12-14. Discuss with participants how the four principles interact with each other and with the three components of governance. Examples of the relationships between accountability, transparency, participation, and rule of law, and their interaction with components of governance include:
- Statutory and customary laws governing natural resources may discriminate against some stakeholders. If discrimination is built into the law, applying the law the same way all the time will always be unfair to some. Customary law can be changed the same as statutory law, but the processes are different.
  - Transparency -- access to information about the ways laws governing natural resources are applied -- supports the rule of law, and the accountability of those who apply both customary and statutory laws governing natural resources.
  - Institutions are usually responsible for applying laws governing natural resources and therefore have primary responsibility for ensuring that the laws are applied to all stakeholders in the same way, all the time.
  - When the rule of law does not operate, with respect to natural resources, natural resource users/stakeholders may use formal processes (judicial processes or approaching an ombudsman, for example) or informal processes that stakeholders create just for the purpose of resolving a particular issue to find solutions.



*...If discrimination is built into the law, applying the law the same way all the time will always be unfair to some...*



## Governance Principle: Rule of Law

*The rule of law means equal treatment — both protection and punishment — under the law for everyone in the same way, all the time.*

This principle of governance does not refer to law enforcement or to punishment alone, but it is often misunderstood to mean only that. The rule of law has to do with the security of knowing how one can expect to be treated under the law — protected as well as penalized — whether it is a statutory or customary law.

For example, a law that prohibits collecting firewood in a reserved forest should apply to a local leader the same way it applies to a poor farmer — the leader should not be allowed to collect wood to make charcoal, while the farmer who collects firewood for household use is penalized. The rule of law means that the law is not — or should not be — subject to arbitrary action by those who have decision-making or enforcement power. It requires laws and rules that are fair, an impartial and incorruptible police force to enforce them, and an independent judiciary to apply them.

The establishment and persistence of the rule of law depends on:

- Clear communication of laws
- Non-discriminatory application of laws
- Effective enforcement of laws
- Predictable and legally enforceable methods for changing the content of laws
- Citizens who perceive that laws are fair, just and legitimate, and are willing to follow them.

There is a great deal of money to be made from many natural resources, and those potential revenues could provide incentives for laws and rules to be applied in different ways to different people. Where corruption is perceived to be widespread, unequal application of the law may easily be interpreted as corruption, even though no bribes have been paid.

When the rule of law is operating, everyone should have the security of knowing how a law or rule will be applied to them. It is not functioning when:

- Penalties are applied to outsiders but not to members of the same family or group
- The law provides for permits to access a natural resource and those permits are only issued to members of a particular political party
- Nationals are penalized more often than foreigners
- The poor are punished, while the wealthy and the political elite escape punishment.

A conflict between statutory law and customary law often creates a situation in which local people cannot predict how a law or rule will apply to them. For example, a fishing village has had customary rights to fish in a certain area for generations. Other villages know the boundaries of the fishing area and in most cases they are respected. Statutory law does not recognize these customary rights and creates a process for granting fishing concessions. For years, no one is interested in getting a concession to that fishing area, there is no reason for statutory authorities to attempt to apply the law, and the traditional fishing village continues to exercise its customary rights. Even if the villagers know of the statutory law, they have reason to believe that it does not apply to their fishing area, because it has not been applied so far.

Then a businessman sees potential for making money with commercial fishing in the area, pays for a concession, and forces the traditional fishers to leave their customary fishing waters, which means they no longer have a way of making a living. The businessman may or may not know about the customary fishing rights, but he wants to have the statutory law enforced to secure his concession. The statutory authorities try to enforce the statutory law and keep villagers out of their customary fishing area, and conflict results when the villagers try to protect their source of livelihood.

This kind of problem arises all too often in natural resource governance. This situation illustrates the consequences when statutory law does not take customary law into account. And it illustrates the challenge for the rule of law when customary and statutory law conflict.

This information is adapted from Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

## Case Study: Rule of Law Kong Hong Mountain

A group of villagers from Banteay Long village on Kong Hong Mountain got off a bus in front of the gate of the District Administration office building.

One of them, Mr. Hoa, is going to pay a fine to get his buffalo back. Twenty years ago, the forest on Kong Hong Mountain was open to everybody from the villages around it; villagers could take wood and other forest products. Villagers regarded the forest on Kong Hong Mountain as belonging to them, and believed that its products were at their disposal. Five years ago, the government established a protected area that included the forest on Kong Hong Mountain. Villagers did not know about the protected area until after it was created and they did not understand the impact it would have on their lives. The law says that it is prohibited to collect or sell any timber or other products from the forest on Kong Hong Mountain.

Two days ago, Mr. Hoa's buffalo was confiscated by a forest guard in the protected area, while he was dragging a piece of rosewood off the mountain. For the past five years, Mr. Hoa had used a route that allowed him to avoid the guard. When it was not possible to avoid the guard, he would pay a small bribe to get the guard to turn a blind eye to his activities. Two days ago, there was a new guard he didn't know, who didn't take the bribe and took his buffalo. Mr. Hoa is angry because the same day that he took one tree from the forest, the village chief took three. The same guard allowed the village chief to take the trees he cut, but confiscated Mr. Hoa's buffalo.

Three other villagers, Mr. Han, Mr. Sen and Mr. Tuan, have a different problem. The people in their village on Kong Hong Mountain belong to a small ethnic group that has been living on the same land for more than 150 years. They believe that the land belongs to their village, and the villagers farm land on the mountain slopes. Each family in the village has a piece of land, and believes that the land belongs to them.

Five years ago, when the protected area was established, government officials came to the village and explained that all villagers would have to register their land and pay a fee to do so. Mr. Han, Mr. Sen and some of the other villagers paid the fee, registered their land, and were given a land certificate. Mr. Tuan and other villagers did not understand why they should register land that had belonged to their family for generations and chose not to register.

Within the past year, some families from the capital of the province moved to Kong Hong Mountain. They claimed land on the mountain belonging to Mr. Han, Mr. Sen and Mr. Tuan, paid a fee, registered the land, and were given a different kind of land certificate than the one given to Mr. Han and Mr. Sen.

Mr. Han, Mr. Sen and Mr. Tuan went to the District Land Administration. They were told that the new families from the capital now legally owned their land. The kind of certificate the new families had acquired, gave them full ownership rights to the land. The kind of certificate that Mr. Han and Mr. Sen had, gave them rights only to access resources on the land. The government officials who had come to the village to tell the villagers to register their land had not explained that there were two types of land certificates. Mr. Han and Mr. Sen, even though they had registered their land, no longer had any rights to the land, just the same as Mr. Tuan, who had never registered his land.

Questions to guide group analysis:

1. What are the rule- of- law problems in this case study?
2. Describe the difficulties involved in ensuring the rule of law in the case and identify possible ways to overcome them
3. How do you know if the rule of law is operating with respect to natural resource stakeholders?
4. What are the stumbling blocks to ensuring the rule of law?
5. What actions can be taken to promote the rule of law?

Session

16

## Governance Components and Principles: Wrap-up



Session

16

# 16

## Governance Components and Principles: Wrap-up



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain how the components and principles of governance are related and how they influence each other.



### STEPS

**Time:**

30 minutes



**Materials:**

1. Flip charts, cards, and markers
2. PowerPoint slide on governance progress, or flip chart with this illustration

**Handout:**

1. Handout 30: Governance Principles and Good Governance

1. Review the learning objectives. Explain to participants that in this session they will briefly review the components and basic principles of governance and discuss how they interact in practice.
2. Ask the participants to discuss the following questions, based on their own experience:
  - Are all the principles and components of governance at the same level of application in your country?
  - Which principles are more spoken about or practiced than others? Why?
  - Does any country start from zero in governance? Why?

3. Ask for a discussion on using 'good', 'democratic', and other terms to describe governance, from participants' own experience and their pre-course assignments. Give a short presentation based on Handout 30, using the PowerPoint slide provided, and give clarifications, if needed.
4. Ask for final questions and a discussion on the components and principles of governance. This may include further discussion on how to translate the principles of governance into national languages.



## Governance Principles and 'Good' Governance

The four fundamental principles of governance are interrelated. Transparency supports accountability and accountability supports transparency. Transparent decision-making processes require participation, and predictability is essential for accountability, transparency and participation.

The term governance itself is value-neutral, which encourages the use of adjectives to describe it. As a result, many references to governance refer to its quality -- good governance, good natural resource governance, and democratic governance, for example. Just as there are many definitions of governance, there are almost as many descriptions of what good governance is. This leads to confusion and there is a trend away from using good to describe governance.

Governance itself is dynamic and evolving and the use of adjectives to describe it is evolving as well. In 1997, UNDP referred to "good governance". Today, UNDP refers to "democratic governance", using the same definition it used for "good governance" in 1997. The United States Agency for International Development (USAID) uses the term "democratic governance". According to USAID, democracy is not strictly necessary for "good" governance and that "bad" governance is possible under a democracy.

Many criteria that are currently put forward as preconditions for good governance in developing countries were in fact the results of development in industrialized countries. The criteria for what constitutes good governance have been expanded, as attention to governance in the context of development and natural resource use has increased. Reforms in multiple sectors are being undertaken with funding from multiple donors, each of whom has its individual definition of, and approach to, governance. As the agenda expands, it is becoming more difficult to be clear about what a government and society must do to be categorized as having achieved an ideal state of good rather than bad governance, or some status in between those two extremes. One expert proposed the concept of "good enough governance" as a more realistic way to understand that any given country will have a range of ways of addressing governance.

A study commissioned by the Netherlands government recommends reducing the "good" governance agenda. It recognizes that many of the values ascribed to good governance -- transparency, participation and accountability, among others -- are not necessarily commonly understood and practiced in non-Western societies. For this reason, the study suggests that countries should focus on what is working and how to build on what is working, rather than on what is not working.

Another reason to avoid using “good” to describe governance, particularly in Asia, is that for many years, and even today, good governance to many people means only an absence of corruption -- which is not one of the basic principles of governance. As recently as ten years ago, good governance was being used primarily to refer to only one aspect of governance -- the absence of corruption. Today, only the World Bank and the African Development Bank include controlling corruption as a characteristic of governance. Even though the Asian Development Bank does not include controlling corruption in its list of principles of governance, in 2009 its loan packages were still including a good governance requirement that deals only with controlling corruption.

The lesson to be learned from this evolution is that the emphasis should not be on adding adjectives to describe governance. It should be on the fundamentals that are presented in this training -- what is governance? What are its fundamental components and principles? How can those components and principles be applied in a way that assists societies to understand them and relate them to their own situations? UNESCAP says that “good” governance is an ideal to strive for. It is more important to focus on how a society defines its ideal of governance and what it believes is needed to promote progress. Governance is not one-size-fits-all. Stakeholders in the same country will have different opinions on what the ideal is and on what needs to be done to make progress toward the ideal.

This information is adapted from:

Moore, Patricia, Thomas Greiber, and Saima Baig. 2010. *Assessing Forest Law Enforcement and Governance: Lessons from the Field*. IUCN.

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**Session**

**17**

# 17

## Governance Principle: Rule of Law



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain how the components and principles of governance are related and how they interact



### STEPS

1. Review the learning objectives. Explain to participants that in this session, they will use role play to demonstrate how the components and basic principles of governance interact. Each of the case studies in Sessions 8-10 and 12-15 focused primarily on one component or basic principle of governance. The role play in this session brings these components together in one situation.
2. Distribute Handout 31 to participants, give them time to read it, and then brief the whole group on the 'story' of the role play.
3. Explain the steps for the role play:
  - a. Ask the whole group of training participants to choose two officers to represent the Water Authority.
  - b. The two Water Authority officers will read the announcement of the public hearing.

#### Time:

1 hours  
30 minutes



#### Materials:

1. Flip chart and markers
2. Name tags for stakeholder representatives.

#### Handouts:

1. Handout 31: Role Play: Sustainable Agriculture, Water Pricing and Logging Ban -- The Story and Steps for the Role Play.
2. Handout 32: Role Play: Background information for each stakeholder group.

- c. The participants will identify the affected stakeholders in the story and nominate two representatives for each group. The trainers need to remind the participants that **all** of the stakeholders in the story need to be represented. If they aren't, the trainers must remind them and ensure this is done, particularly the two types of communities. The trainers might need to point out that it is frequently the case that groups with little social and economic power are left out of consultation processes and that natural resource governance requires that all stakeholders participate in decision-making.

Once the stakeholder groups have been identified, divide the participants into the groups, including the members of the panel for the public hearing. Distribute the background information for each group in Handout 32 only to the corresponding group. **Do not give the background for all stakeholder groups to everyone involved in the role play.** The background for each group of stakeholders is supposed to be that group's 'secret'. The background information gives each stakeholder group basic information for maintaining its position in the public hearing. Trainers may need to modify this information to adapt it to the requirements of a particular group of training participants.

- d. The participants who are role-playing as representatives of a panel for the hearing process and the two representatives of the Water Authority must not be able to hear the stakeholder groups as they develop their positions.
- e. Each stakeholder representative should have a name tag. Use your imagination to give each representative a name that fits his/her role -- these names can be funny. Each name tag should include the name and clearly indicate the stakeholder group the actor represents. Participants who are members of the panel can create a professional background and a funny name for themselves and write this on their name tag.
- f. Each stakeholder group will have 20 minutes to develop its position on whether or not each of the proposed amendments to the Water Act should be accepted.
- g. While the stakeholder groups are working on their arguments, the participants who are role-playing as panel members and Water Authority officials will set up the stage or other space where the public hearing will take place.
- h. At the end of the 20-minute preparation time, a representative of the Water Authority will announce the opening of the public hearing and the ground rules for it.
- i. The representative of the Water Authority will announce the names of the parties who registered to state their group's positions at the public hearing and introduce the panel members. (The trainers will give the representatives of the Water Authority a list of the names of all the stakeholders who will make statements.)

- j. The representative of the Water Authority will give the floor to one representative of each stakeholder group to present their group's position. Five minutes are allowed for each statement. Allow clarifications after presentation of each statement.
- k. After all statements have been made, the Water Authority will open a debate on the amendments and statements to all stakeholder representatives and all panel members for 30 minutes.
- l. Members of the panel will ask questions after each statement.
- m. At the end of the 30-minute debate period, the Water Authority will summarize the different points of view.

The Water Authority will then instruct the panel to vote on each provision in the draft amendment to the Water Act and to make its own suggestions for further revisions.

- n. The Water Authority will announce the results of the vote and any additional suggestions from the panel.
- o. One representative of the Water Authority must record the key points from each statement and panel member on a flip chart, or project it on screen. The notes should be visible during the entire hearing process.
- p. The water suppliers and timber firms did their cost/benefit analyses and presented their arguments in a meeting with the Water Authority prior to the public hearing. The Water Authority did not give the public the information that two stakeholder groups met with it, prior to the public hearing. The background information for representatives of the other stakeholder groups explains this and tells them to protest this lack of transparency during the public hearing. The representatives of the Water Authority know that they did not give all stakeholders information about the private meetings, but do not know that the representatives of the other stakeholder groups have been told to protest the lack of transparency. The representatives of the Water Authority will have to respond to the protest and keep the public consultation on track. *Trainers should ensure that all three stakeholder groups -- representing urban consumers, communities with irrigated land, and upland communities -- understand that they are supposed to protest the fact that there were private meetings with the water suppliers and timber firms prior to the public consultation, and that information from those meetings was not made public.* These three stakeholder groups can agree among themselves which group will be the first to protest; after the first group protests, the other groups should support the protest.

4. After the role play, ask the group to reflect one by one on the following questions:
  - How did your stakeholder group feel during the public hearing and why (to each group)?
  - How did the representatives of the Water Authority handle the situation when it was revealed that two stakeholder groups had met with the Water Authority prior to the public hearing? The issue in this situation is the governance principle of transparency.
  - What components of natural resource governance were most involved in this situation?
  - What basic principles of natural resource governance were most involved in this situation?
  - What was the interaction among the components and basic principles of governance and what was the effect?
  - What impact do you think this governance situation may have on the natural resources involved and why?
  - What does this tell us about components and basic principles of governance in practice?
  - Do you see similar issues in your own context or pre-course assignments? Why are they similar?
  - What general lesson do you think this role play has given you that may be applicable in your own situation?
  
5. Ways in which the components and basic principles of governance interact in this role play include:
  - The situation in the role play is part of a **process** to amend a **law**;
  - The state constitution (the basic **law** of the state) promotes **transparency** by requiring consultations with public **participation** to amend laws
  - The Water Authority is the **institution** responsible for facilitating the **process**
  - The stakeholder groups representing urban consumers, communities with irrigated land, and upland communities attempt to hold the Water Authority **accountable** for not being **transparent** and disclosing the fact that it held separate meetings, prior to the public consultation, with the timber firms and water suppliers.



## Role Play: Sustainable Agriculture, Water Pricing and Logging Ban

### The Story

Namban state – a sub-national government – is going to amend its Water Act. According to the country's constitution, the state Water Authority is responsible for drafting the amendment which must be submitted to the state government for endorsement. The Constitution requires government authorities to consult affected populations in the process of formulating legal documents.

Sometimes an authority holds multiple hearings before finalizing a proposal for legislative action. Hearings provide a forum where stakeholders -- including civil-society interest groups, the private sector, academics, officials of other government authorities, and sometimes even members of the legislature -- who are likely to be directly or indirectly affected by the proposal -- have an opportunity to present facts and opinions from their perspectives.

The initiative to amend the Water Act is the result of a water supply crisis in both urban and rural areas in the state, after two consecutive dry years. The state government and the state Water Authority are under huge pressure to provide water security for the population of the state. The Water Authority commissioned a study which was carried out by a group of scientists, including a sociologist, an economist, a water resource management specialist, and a natural resources legal expert. After a half-year investigation, the expert group produced a report, which suggests the following measures to increase water security in the state:

1. Protect water sources by managing logging and unsustainable agricultural practices. Any losses suffered by local communities as a result should be compensated by revenue generated from charges for water use.
2. Increase prices charged by the Water Authority to reduce unnecessary water consumption.
3. Increase the state's control of water supply and expand storage capacity by building more reservoirs. The expert group proposed two reservoirs in the upland areas.
4. Improve irrigation practices and irrigation facilities, where 70% of water use occurs, thus increasing water availability for other purposes.

The Water Authority acted on the report and established a committee to amend the Water Act. The Committee prepared a first draft of the amendment to the Water Act. The draft includes the following provisions:

- Amends provision 23, to establish a committee to review water prices and enables the Water Authority to increase water prices by up to 20%, based on the recommendation of the committee
- Amends provision 24, to give the Water Authority the power to propose projects to build more reservoirs
- New provision 27, which establishes a conservation zone that includes the water sources in the uplands. Logging and shifting cultivation are restricted in conservation zones
- New provision 28, which sets charges for irrigation water based on actual water consumption. This new provision required joint government and community investment to improve irrigation channels and establishes irrigation cooperatives to maintain irrigation facilities and control access to them.

In urban areas, the state's water suppliers are private companies. On the plains where the state's major agricultural production is concentrated, irrigation water supply is controlled by the state government and managed by rural communities.

In mountainous areas where water sources originate, local upland communities practice shifting cultivation and log valuable species of timber for cash income. Timber firms on lower slopes have been granted logging concessions.

The Water Authority has called for a public hearing, as required by the state constitution. At the public hearing, each stakeholder group must present its statements for or against the proposed amendments to the Water Act.

Handout

**32**

**Role Play:  
Background information for each  
stakeholder group**

The background information on each group of stakeholders should be shared only with the representatives of that group of stakeholders, and not with anyone else.



## Representatives of the Water Authority

The state constitution requires government authorities to hold public hearings when they propose to make a new law or amend an existing law. The Water Authority is amending the Water Act and must hold a public hearing.

The Authority commissioned a study to make recommendations for amending the Water Act. It then established a committee to draft the amendment to the Water Act on the basis of the recommendations in the study. The Committee prepared a first draft of the amendment to the Water Act. The draft includes the following provisions:

- Amended provision 23, to establish a committee to review water prices and enables the Water Authority to increase water prices by up to 20%, based on the recommendation of the committee.
- Amended provision 24, to give the Water Authority the power to propose projects to build more reservoirs.
- New provision 27, which establishes a conservation zone that includes the water sources in the uplands. Logging and shifting cultivation are to be restricted in these zones.
- New provision 28, which sets charges for irrigation water based on actual water consumption. This new provision required joint government and community investment to improve irrigation channels and establish irrigation cooperatives to maintain irrigation facilities and control access to them.

As required by the state constitution, The Water Authority is going to organize a public hearing before making amendments to the Water Act that will be submitted to the state legislature for consideration and enactment.

The Water Authority must give the following notice of the public hearing which is to be read to all participants:

“The purpose of the public hearing is to gather public opinion on the draft proposal for amendments to the Water Act. Affected parties are invited to make their statements to support or oppose the suggested amendments and provide evidence for their statements. The statements may be written or oral. Written statements must be given to the representatives of the Water Authority. The proceedings of the public hearing will be recorded and transcribed so that oral statements are available in written form.

A panel will hear the statements and vote on recommendations to be made to the Water Authority concerning each proposed amendment to the Water Act. The panel can make its own recommendations on the proposed amendments.



The hearing will be organized in the City Hall, at 2 pm. No party can enter the hearing after 2.30pm”.

The Water Authority must adhere to the following procedure for the public hearing:

1. Announce the opening of the public hearing.
2. Announce the ground rules for the public hearing:
  - Speak only when the Chairperson recognizes the speaker and gives the floor
  - Parties making statements will answer questions asked by the panel and others
  - State facts and positions clearly.
3. Announce the names of the parties who registered to make statements at the public hearing. (The trainers will give the representatives of the Water Authority a list of the names of all of the stakeholders who will make statements).
4. Introduce panel members.
5. Give the floor to one representative of each stakeholder group to present their group's statement. Five minutes are allowed for each statement. Allow clarifications after presentation of each statement.
6. Open debate on the amendments and statements to all stakeholder representatives and all panel members for 30 minutes.
7. Summarize different points of view.
8. Instruct the panel to vote on each provision in the draft amendment to the Water Act and to make its own suggestions for further revisions to the proposed amendments.
9. Announce the results of the vote and any additional suggestions from the panel.

## Recording

One person from the Water Authority needs to record the key points from each stakeholder on a flip chart or projected on a screen. The notes should be visible for the entire hearing process.

The water suppliers and timber firms did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. The Water Authority did not give the public the cost/benefit analyses or the information that two stakeholder groups met with it prior to the public hearing.

## Representatives of water suppliers

Your companies must maintain facilities including:

- Water treatment plants
- Water supply lines
- Water meters.

The average cost of your companies' operations is US\$ 60-70 /m<sup>3</sup>, depending on the efficiency of each company. This includes costs of maintaining the facilities and the replacement value of the facilities, along with other operational costs. Water prices are currently set by the government at US\$ 80/m<sup>3</sup>. Your companies' margin is therefore quite slim. Because the government has set a flat rate for water usage, the margin heavily depends on the volume of water your companies supply every day. That means that neither your companies nor your consumers have any incentive to save water.



One recommendation of the expert report is to increase water prices. Your companies are happy about this, but are also aware of the risk that the government may increase taxes on your companies to compensate the upland communities for the loss of their livelihoods when shifting cultivation and logging are banned in the areas where water sources originate.

Your companies need to work out a strategy to:

- Make sure your margins are increased when water prices are increased
- Make sure that government has less control over water prices.

You are aware that it is possible to better utilize your current water supply facilities and capacity to get more income.

Your companies did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. Your companies believe that the cost-benefit analyses are comprehensive and well-done and present them during the public hearing. The Water Authority did not give the public the cost/benefit analyses or the information that your companies met with it prior to the public hearing.

These considerations must be taken into account in the statements you present at the public hearing. You must explain how your companies want these concerns taken into account in the amendment to the Water Act.





## Representatives of urban consumers

You represent middle-income and low-income families in urban areas.

The average annual income for the middle-income families is around US\$ 8,000 after taxes. You have bought your apartment and are paying a mortgage, you have a car and have expenses to run it, and you pay private school fees for your one child. All these expenses mean that you have no savings. Any increase in water prices will be a burden on your family, even though water costs only 1.5 % of your monthly income.

The average annual income for low-income families is around US\$4,000. Rental on your apartment is 18% of your income; 80% of your annual income is used for meeting basic needs including food, clothes and your children's education expenses. Water costs account for 3% of your income on average. You are unable to accumulate any savings now; any increase in water prices will mean that you will have a deficit every month.

Urban consumers need to agree on a strategy to make sure that water prices do not increase, or that the increase is at minimum cost to the people you are representing. You are aware of the environmental issues involved and you would also like to see the environment and water resources better managed.

These considerations must be taken into account in the statements you present at the public hearing. You must explain how urban consumers want their concerns taken into account in the amendment to the Water Act.

*The water suppliers and timber firms did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. The Water Authority did not give urban consumers and other stakeholders the cost/benefit analyses or the information that two stakeholder groups met with it prior to the public hearing. Urban consumers, together with the stakeholders from communities with irrigated land and upland communities, must protest during the public hearing that they have not had the opportunity to consider the results of the cost/benefit analyses done by the water suppliers and the timber companies.*





## Representatives of timber firms

As timber firms, the major part of your profits come from logging in natural forests where valuable timber is still abundant and labor costs are low because you hire members of local communities at much lower salaries than you have to pay elsewhere. Winning concessions in prime locations is not easy and the cost of those concessions is high.

As a general practice, your companies currently compensate local communities in various ways to make sure that operations are not disrupted. This involves sending social workers to villages, meeting village heads to negotiate payments, and making additional payments to them from time to time.



Because of all of this upfront investment, it will be a huge loss if your companies have to stop logging in concessions that are in areas where water sources are located.

Your companies did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. Your companies believe that the cost-benefit analyses are comprehensive and well-done and present them during the public hearing. The Water Authority did not give the public the information that your companies met with it prior to the public hearing.

Your companies need to form a strategy to make sure that logging in the areas where your companies have concessions is not stopped, or at least not completely banned. Your companies are aware that there are ways to better manage forest ecosystems and watersheds. Your companies are also aware that providing benefits to local communities makes a positive contribution to your bottom line in the long term.

These considerations must be taken into account in the statements you present at the public hearing. You must explain how timber companies want their concerns taken into account in the amendment to the Water Act.



## Representatives of communities with irrigated land

The average household income in your communities is US\$ 500 a year. Livelihoods in your communities are heavily dependent on the irrigation system because 80% of family livelihoods come from the land. The main assets of families in your communities are rice fields and vegetable and fruit gardens. At least one member of each family in your communities must perform off-farm labor to bring in cash income to make up at least the 20% income shortage, particularly before your crops are harvested. Farmers depend on loans each year to buy seeds and fertilizer. Average rainfall in your area is adequate, but water is needed for crops during the dry season.



The local government manages the irrigation system. Charges for water are levied by area of irrigated land. For a one-hectare rice field, a family must pay US\$10 per crop. The cost of water is US\$12 per crop for one-hectare vegetable and fruit gardens. Water charges have to be paid on time, otherwise supply is cut off. Added to the cash payments for water, the members of each community are responsible for maintaining the irrigation canals in each village. The local government pays for some materials to maintain the canals, but each family in a community must contribute free labor for five working days before the planting season begins, to make sure the canals are functioning properly. For your communities, any increases in the cost of irrigation water are not acceptable.

Your communities need to develop a strategy to make sure that prices for irrigation water are not increased. Your communities are aware that water is wasted in many ways in the irrigation season and you are aware that there are ways to manage water shortages in dry seasons and dry years, but that is not currently being done.

These considerations must be taken into account in the statements you present at the public hearing. You must explain how communities with irrigated land want their concerns taken into account in the amendment to the Water Act.

*The water suppliers and timber firms did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. The Water Authority did not give communities with irrigated land and other stakeholders the cost/benefit analyses or the information that two stakeholder groups met with it prior to the public hearing. Your communities, together with the urban consumers and upland communities, must protest during the public hearing that they have not had the opportunity to consider the results of the cost/benefit analyses done by the water suppliers and the timber companies.*



## Representatives of upland communities

Your communities have lived in the upland area for many generations. Shifting cultivation has been the common practice for generations, largely due to poor fertility in the upland area and dependence on rainwater.

On average, each family has five hectares of land for cultivation every year, leaving land fallow for seven years before the next cultivation. Low sloping land is used for shifting cultivation; steep land remains covered by forest. Some scrub forest near residential areas is used for firewood and wild beans in the forest for food and sale for cash. Crops include dryland rice, corn and cassava. Some timber is used for building houses after approval from the local government.



The crops provide enough food for the villages in a good year. The communities raise animals such as pigs and cattle. In the last three years, families in the communities feel pressure to keep land fallow for seven years. Land available for shifting cultivation has reduced dramatically because two companies have acquired logging concessions in the territories the communities traditionally used.

The two timber firms employ experienced community members for day labour that contributes 50% of cash income for 50% of the families in the communities. The timber firms improved the school and built a road into the area.

Last year, the area experienced the first flash flood in 50 years.

The communities have generations of experience with shifting cultivation and no experience with, or skills for, fixed cultivation and are concerned that shifting cultivation might be banned. From what the communities have heard, the costs for fixed cultivation are high, due to the need for fertilizers and special seed varieties. The communities believe that the land in the area is not suitable for fixed cultivation.

They are also concerned about the possibility that logging might be banned, which would reduce their cash income.

These considerations must be taken into account in the statement you present at the public hearing. You must explain how upland communities want their concerns taken into account in the amendment to the Water Act.

*The water suppliers and timber firms did their cost/benefit analyses and presented their statements in a meeting with the Water Authority prior to the public hearing. The Water Authority did not give upland communities stakeholders the cost/benefit analyses or the information that two stakeholder groups met with it prior to the public hearing. Your communities, together with the urban consumers and communities with irrigated land, must protest during the public hearing that they have not had the opportunity to consider the results of the cost/benefit analyses done by the water suppliers and the timber companies.*



Session

18

## Governance Framework



Session

18

# 18

## Governance Framework

### Time:

3 hours  
30 minutes



### Materials:

1. Flip chart paper, markers, cards, tape, glue
2. PowerPoint presentation

### Handouts:

1. Handout 33: Governance Framework
2. Handouts 14, 16 and 24
3. Handout 34: Governance Issues and Framework for Handout 14
4. Handout 35: Governance Issues and Framework for Handout 16
5. Handout 36: Governance Issues and Framework for Handout 24



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain how the components and principles of governance relate to each other in a specific natural resource governance context
- Use the governance framework to analyze issues.



### TIME

**Sub-session 1**, approximately 2 hours

- 45 minutes to introduce the governance framework
- 1 hour 15 minutes to analyze and discuss cases in Handouts 14, 16, and 24

**Sub-session 2**, approximately 1 hour 30 minutes, to analyze pre-course assignments and present analysis.



## STEPS

### Sub-session 1

1. Review the learning objectives. Explain that after understanding the governance components and basic principles one by one, we now need to know how they interact with each other.
2. Refer back to the lessons and conclusions of Sessions 8-16 and answer any outstanding questions.
3. Distribute Handout 33: Governance Framework. Use the PowerPoint slides to introduce the governance framework.
4. After introducing the governance framework, use the results of the exercise in Session 7 to illustrate how governance issues relate to each other in practice. The governance issues are listed on Slide 10 of the PowerPoint presentation provided. In Slide 11, the governance issues are indicated in the framework. Trainers have two options with this step:
  - i. simply present these slides and invite questions about them; or
  - ii. project Slide 10 on the screen and ask participants to use the blank governance framework in Handout 33 to write the issues where they think they belong in the framework. When they have done that, project Slide 11 and discuss.
5. Divide participants into three groups. Distribute Handouts 14, 16, 24, one to each group. In addition to the governance component or principle that the case studies in these handouts illustrate, there are one or two more governance issues in each case study. One group will work with Handout 14, another group will work with Handout 16, and the third group, with Handout 24.
6. Ask each group to identify two governance issues in the case study and write them in the framework. The group working with Handout 14 should identify two issues dealing with laws. The group working with Handout 16 should identify two issues dealing with processes. The group working with Handout 24 should identify two issues dealing with institutions. It may be helpful for each group to draw the framework in Handout 33 on a sheet of flip chart paper, so that there is more space to write on it. Explain to participants that there may be more than one issue for an intersection in the matrix. For example, there may be two issues concerning laws and rule of law, or two issues concerning institutions and accountability. Or there may be more than one issue about the lack of a law or rule.
7. After each group has identified two governance issues, the groups come back to plenary and explain their analysis. Slides 14-19 in the PowerPoint presentation list issues and show how they can be illustrated in the governance framework.

8. After the whole group has discussed the first two governance issues in their case studies, ask them to go back to their working groups and identify any other remaining issues. **Do not tell participants this before they go back to their working groups:** the EIA case study in Handout 24 has only two major issues and there are no further issues to identify. The case studies in Handouts 14 and 16 have additional governance issues. This part of the exercise is to help participants see that sometimes there may be only one or two governance issues that require attention. Slides 21-26 give the complete lists of governance issues in each case study and show how they are entered in the framework. Handouts 34-36 can be distributed for reference, after the exercise is complete.

## Sub-session 2

9. Participants will work individually with their own pre-course assignments. If two or more participants prepared a pre-course assignment together, they will work with each other.
10. Each participant or group will review his/her/their pre-course assignment in light of what they have learned about governance, and identify the governance issues. It may be helpful for participants to draw the framework in Handout 33 on a sheet of flip chart paper so that there is more space to write on it.
11. **The objective is not to put something in each box of the matrix.** Remind participants that there may be more than one issue for a box in the matrix. For example, there may be two issues concerning laws and rule of law, or two issues concerning institutions and accountability. Or there may be more than one issue about the lack of a law or rule.
12. Each group will explain the additional governance issue or issues and their reasoning for entering them in the framework. (Approximately 1 hour. Time will need to be adjusted to allow sufficient time for all participants at least five minutes to make their presentations.)
13. Each participant will have five minutes to present her/his governance framework and explain how the governance components and basic principles interact in her/his own case. (Approximately 1 hour. Time will need to be adjusted to allow each participant at least five minutes)



## NOTES FOR TRAINERS

1. Descriptions of the PowerPoint slides. There is additional information in the Notes Pages for many of the slides in the PowerPoint presentation.

### Slide 3:

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

The governance framework is a matrix, which makes it easier to see how the components and principles of governance intersect and interact. There are an endless number of possible combinations of governance issues that can be illustrated and analyzed with this framework. The following slides give only a few examples.

### Slide 4:

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

This slide illustrates a governance situation in which there is no law or rule that applies to the problem. In this case, it is not a question of how a law or rule interacts with another component or a principle of governance -- the issue is simply the lack of a law or rule. Ask participants to give examples from their own experience.

**Slide 5:**

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
Statutory and Customary Laws				
Institutions Formal/statutory Customary Informal				
Processes Formal/statutory Customary Informal				

This slide illustrates a governance issue in which there is no institution with a mandate to deal with the problem. In this case, it is not a question of how an institution interacts with another component or a principle of governance -- the issue is simply that there is no institution with responsibility for the problem. Ask participants to give examples from their own experience.

**Slide 6:**

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
Statutory and Customary Laws				
Institutions Formal/statutory Customary Informal				
Processes Formal/statutory Customary Informal				

This slide illustrates a case in which the issue is participation and it cuts across all components of governance. There is no law or rule requiring participation in decision-making. The institution(s) responsible for making or implementing a decision do not facilitate participation. Decision-making and implementation processes do not provide for stakeholder participation. Ask participants to give examples from their own experience. Particularly ask if any participant has experience with customary law in the type of situation illustrated in the slide.

**Slide 7:**

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

This slide illustrates a governance issue in which there is an institution with a mandate to deal with a particular problem, but the institution is not accountable and transparent, does not facilitate participation in making and implementing decisions, and does not apply laws and rules to everyone in the same way, all the time. Ask participants to give examples from their own experience.

**Slide 8:**

	Governance Principles			
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

This slide illustrates a case in which the governance issues involve most of the components and principles of governance. There is a law or rule, but it is not applied to everyone in the same way, all the time. There is a responsible institution, but it does not have to account for its decisions or for how it implements them. There are processes for decision-making and implementation, but they are not participatory. Ask participants to give examples from their own experience. Particularly ask if any participant has experience with customary law in the type of situation illustrated in the slide.



**Slide 9:**

Components of Governance	Governance Principles			
	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

This slide illustrates a case in which there is a law or rule that gives a mandate to a responsible institution, but that law or rule does not require that the institution must answer for the results of its decisions and how it implements them. There are processes for decision-making and/or implementation, but information about them is not freely available and they are not participatory. Ask participants to give examples from their own experience. Particularly ask if any participant has experience with customary law in the type of situation illustrated in the slide.

- Trainers may need to assist individual participants as they analyze their pre-course assignments and insert the issues into the framework. During the individual presentations, trainers will need to listen and observe carefully how participants have prepared the governance framework from their own pre-course assignments/experience and clarify if there appears to be any misunderstanding of the components and/or principles of governance.



## Governance Framework

Components of Governance	Principles of Governance			
	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>				
<b>Institutions</b> Formal/statutory Customary Informal				
<b>Processes</b> Formal/statutory Customary Informal				

Moore, Patricia. 2010. *Assessing Governance*. Mangroves for the Future Initiative. Bangkok.



Handout  
**34**

**Governance Issues and Framework for Handout 14: Negombo Lagoon**

Governance issues are:

- Institutions/Statutory laws -- laws give mandates to several institutions to do the same things.
- Institutions/Customary laws -- the Master Plan prepared by the Economic Commission recognizes customary law, but not the Coastal Zone Management Plan (CZMP) prepared by the Coast Conservation Department.
- Institutions/Accountability -- multiple statutory institutions are not accountable for overlapping activities and are not accountable for ignoring the lagoon management authority.
- Institutions/Participation -- there was inadequate consultation in developing the Coastal Zone Management Plan.

Handout 14: Governance Issues -- Negombo Lagoon				
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b> Statutory laws give mandates to several institutions to do the same things  The Master Plan recognizes customary law; CZMP does not				
<b>Institutions</b> Statutory laws give mandates to several institutions to do the same things  The Master Plan recognizes customary law; CZMP does not	Multiple statutory institutions are not accountable for overlapping activities and are not accountable for ignoring the lagoon management authority		There was inadequate consultation in developing the Coastal Zone Management Plan	
<b>Processes</b> The Master Plan recognizes customary law; CZMP does not				



Handout  
**35**

**Governance Issues and Framework  
for Handout 16: Periyakalapu Lagoon**

Governance issues are:

- Processes/Participation -- no consultation before the decision to change the design of the causeways
- Processes/Customary laws/Institutions -- customary laws/institutions were ignored when the design of the causeways was changed
- Processes/Statutory law/Transparency -- there was no obligation for the Road Development Authority to disclose information about changing the road system
- Processes/Statutory law/Participation -- there was no obligation for the Road Development Authority to call for consultation or comments before making the decision to change the road system.

Handout 16: Governance Issues				
Components of Governance	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b> Customary laws/institutions were ignored when the design of the causeways was changed		There was no obligation for the Road Development Authority to disclose information about changing the road system	There was no obligation for the Road Development Authority to call for consultation or comments before making the decision to change the road system	
<b>Institutions</b> Customary laws/institutions were ignored when the design of the causeways was changed				
<b>Processes</b> Customary laws/institutions were ignored when the design of the causeways was changed			No consultation before the decision to change the design of the causeways	





Handout  
**36**

**Governance Issues and Framework  
for Handout 24: EIA**

Governance issues are:

- Transparency/Institutions/Processes -- information in the EIA report commissioned by the Road Development Authority was incorrect and misleading
- Transparency/Institutions/Participation -- the National Environment Agency followed the EIA procedure, but published inadequate notice of the public hearing on the EIA report, so very few people knew about it.

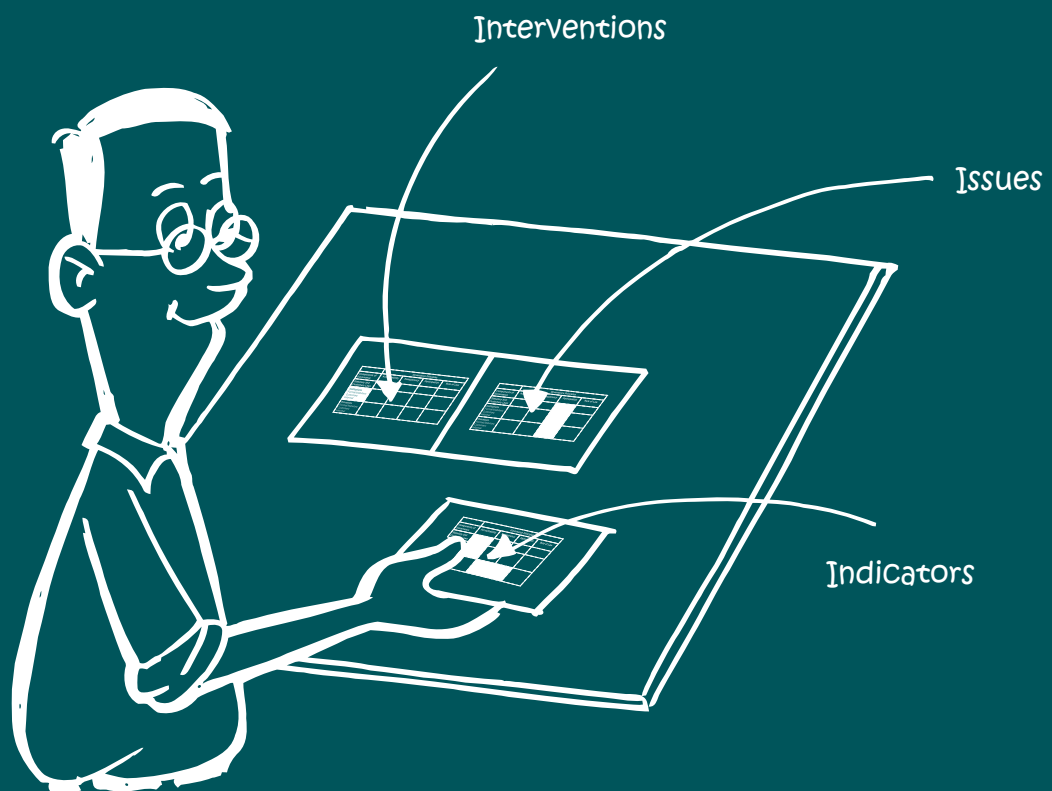
Handout 24 Governance Issues: EIA				
Components of Governance	Accountability	Transparency	Participation	Rule of Law
Statutory and Customary Laws				
Institutions		Information in the EIA report commissioned by the Road Development Authority was incorrect and misleading		
Processes		The National Environment Agency followed the EIA procedure, but published inadequate notice of the public hearing on the EIA report, so very few people knew about it		



Session

19

## Governance Framework — Issues, Interventions and Indicators



Session

19

# 19

## Governance Framework — Issues, Interventions and Indicators



### OBJECTIVES

At the end of the session, the participants will be able to:

- Explain how the components and principles of governance relate to each other in a specific natural resource governance context
- Use the governance framework to analyze issues.

#### Time:

2 hours  
45 minutes



#### Sub-session 1:

Identifying interventions

#### Sub-session 2:

Identifying indicators

#### Materials:

1. Flip chart paper, markers, cards, tape, glue

#### Handouts:

2. Handout 37: Governance Framework with “3 I’s” -- Issues, Interventions, Indicators
3. Handout 38: Indicators.



### STEPS

1. Review the learning objectives. Explain that participants will now use what they have learned so far about governance components and basic principles and how to distinguish governance and management issues to analyze their own pre-course assignments.
2. Explain that this session builds on the work done in the previous session to identify governance issues in participants’ pre-course assignments. It uses the same framework as the previous session, but takes the exercise two steps further to develop interventions and indicators to address the issues in the framework.

3. If participants' pre-course assignments do not provide an adequate or appropriate basis for the exercise of identifying issues in Session 18, participants may work with the governance issues in the case studies in Handouts 14, 16, or 24.

There are two sub-sessions: identifying interventions and identifying indicators.

If most participants do not have previous experience developing indicators, it may be necessary to allocate more time to sub-session 2 than sub-session 1.

Trainers must explain to participants that the purpose of this session is to practice using the governance framework. Participants may have experience with other project-planning formats, such as logical framework (logframe) format, but should not use those formats for these exercises.

Participants in each group must agree on the time frame for their intervention and on the amount of financial resources they will have available. This is important because it will influence the degree to which interventions are achievable. For example, a group may agree to allow one year and the equivalent of US\$100,000 for all interventions.

#### **Sub-session 1: Identifying interventions:**

- a. Participants identify at least one intervention that would resolve or help to resolve each governance issue they have identified from their case study
- b. Participants write the interventions on the governance framework on flip chart paper
- c. If there is more than one intervention for an issue, participants should prioritize the interventions they have identified
- d. Participants explain to the group what the interventions are, what the priority is (if any), and why they have prioritized them the way they have.

#### **Sub-session 2: Identifying indicators:**

- a. Trainer makes a presentation based on the information in Handout 38
- b. Participants identify at least one SMART indicator for each intervention identified
- c. Participants write the indicators on their own governance framework on flip chart paper. There may be more than one indicator for an intervention.
- d. Participants explain to the group what the indicators they have identified are, and why they have decided on them.

4. At the end of the session, ask participants to reflect on the exercises:
  - Was it easier or more difficult to identify issues from their own context?
  - If participants had never developed indicators before, what were the challenges?
  - How could participants use the framework to identify governance issues in their own work?



## NOTES FOR TRAINERS

1. An intervention is what can be done to address an issue. If the issue is that there is no rule, the intervention would be to make the rule. If the issue is that there is no participation -- for example, if a government authority makes a decision without consulting stakeholders -- an intervention would be some activity or measure that would enhance or ensure participation. For example, interventions to enhance participation could include:
  - Reforming laws to create obligations on institutions to consult with stakeholders prior to making decisions and when implementing decisions
  - Reforming the mandates of institutions to include a requirement to consult with stakeholders prior to making decisions and when implementing decisions.
2. Trainers should circulate among the groups while they are working on their governance frameworks and provide guidance as required.





## Governance Framework: Issues, Interventions and Indicators

Components of Governance	Principles of Governance			
	Accountability	Transparency	Participation	Rule of Law
<b>Statutory and Customary Laws</b>	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)
<b>Institutions</b> Formal/statutory Customary Informal	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)
<b>Processes</b> Formal/statutory Customary Informal	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)	Issue(s) Intervention(s) Indicator(s)



There are many definitions of the word 'indicator' in the context of development and natural resources. Two definitions that cover most of the characteristics of indicators are:

- "A quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect changes connected to an intervention, or to help assess the performance of a development actor"  
--Organisation for Economic Co-operation and Development/ Development Assistance Committee.
- "A variable, which purpose it is to measure change in a phenomena or process"  
-- United States Agency for International Development.

In these sessions, we will practice using indicators to measure progress on interventions to address governance issues.

It is also possible to use the governance framework to assess the overall status of governance at a given time. For this purpose, different indicators are required. Assessing governance in this way will be the subject of a different training programme.

"SMART" is an acronym for five characteristics of good indicators to measure achievement or change:

- **S** Specific
- **M** Measurable
- **A** Achievable
- **R** Relevant
- **T** Time-bound

SMART indicators should be used to measure progress on an intervention to address a governance issue. An example of an issue, an intervention to address the issue, and indicators to measure progress follows.

**Issue:** there is no law or rule requiring public participation in making decisions about a particular natural resource.

**Intervention:** amend the law governing that particular natural resource.

**Indicator:**

Within one year (time-bound), the law is amended to explicitly require the responsible institution to carry out public consultations on decisions concerning allocation and use of the resource (specific) and notification of the amended law is published in the official government journal or gazette (measurable). Another measurable indicator is the number of communities to which information on the law, and its potential impacts on the communities, is given in a form the communities can understand.

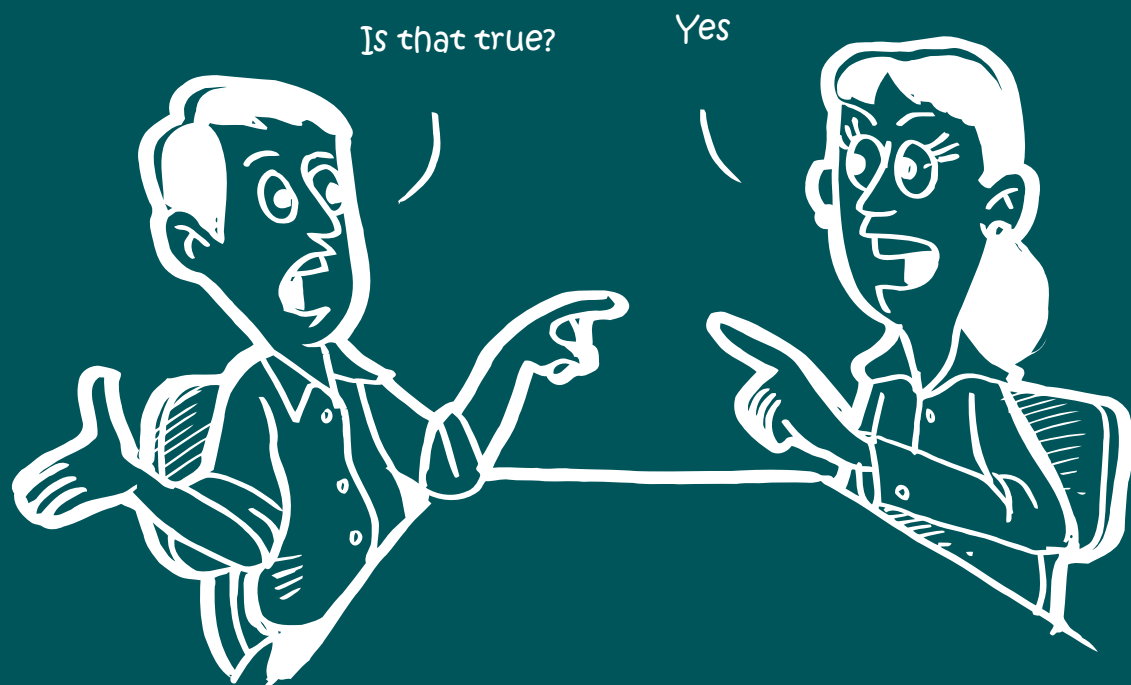
The indicator is relevant to the issue and intervention. Whether amending the law is realistically achievable or not depends on whether there is sufficient political will. That question will have to be considered at the time the intervention is proposed. If the intervention is not achievable, the indicator will not be achievable, either. The time period established for achievement, must also be realistic and achievable. Amending a law, which normally requires consideration by the national parliament, can be a time-consuming process. The indicator must take that into consideration.

Session

20

## Team Debate

Are all four governance principles equally important for natural resource governance?



**Session**

**20**

# 20

## Team Debate Are all four governance principles equally important for natural resource governance?



### OBJECTIVES

At the end of the session, the participants will be able to:

- Identify and express what they have learned about natural resource governance.



### STEPS

1. Explain that the group will take part in a debate and that arguments will be scored based on an assessment of how much knowledge from the course is applied during the course of the debate. The debate can be modified to suit the context of the training and the experience of the participants.

2. Topic for the debate:

Are all four governance principles equally important for natural resource governance?

**Do not tell participants the topic of the debate until after the groups have been created.** One of the challenges of the debate will be for participants who may have to argue the side of the question that they do not agree with.

#### Time:



2 hour  
45 minutes

#### Materials:

1. Paper and pens/pencils for participants to make their notes
2. Desktop signs with the names of each team in the debate
3. Score card for the debate
4. Prize for winner of the debate

#### Handout:

1. Handout 39:  
Team Debate -  
Are all four governance principles equally important for natural resource governance?

3. Form three teams. Two teams will debate the question and one team will be the judges. If the training is being conducted in a language that is a second language for one or more of the participants, trainers should consider whether to assign participants to teams according to language ability. If language ability is not an issue, allow participants to volunteer for the teams.
4. Give each team a name. The teams could be named by colors – for example, RED, GREY and GREEN – or each team could have the name of a particular natural resource – a species or ecosystem type, for example. Trainers can decide on names that are appropriate. This description of the steps will use colors as team names – RED, GREY and GREEN.
  - a. The RED and GREY teams will have four members each. The RED and GREY teams will debate the topic.
  - b. The other training participants will be members of the GREEN team. The GREEN team will listen to and score each round of the debate.
5. Preparing for the debate
  - a. The RED team will argue in support of the idea that all four governance principles are equally important for natural resource governance.
  - b. The GREY team will argue that only one or two or three, but not all four, principles are equally important for natural resource governance.
  - c. Trainers should give the RED and GREY teams a copy of the score card so that they know the basis on which they will be scored when they are planning their arguments.
  - d. The RED and GREY teams should prepare their arguments in separate spaces, if possible, so that they cannot hear each other as they plan their arguments.
  - e. While the RED and GREY teams prepare their arguments, the GREEN team should meet in another separate space to review the score card and agree on how they will monitor and score the debate.
  - f. In preparing their debating points, the RED and GREY teams will refer to the results of each session of the training and use examples from team discussions and case studies presented during the training, as well as other examples from their own knowledge and experience. Debating points for each team in each round of the debate must refer to at least one component and at least one principle of governance. Examples from case studies presented during the training must be used to illustrate the debating points.
  - g. The members of the RED and GREY teams will select a leader, who will either open the first round of the debate or summarize the team's arguments in the fifth round at the end of the debate.





10. Trainers invite comments on the debate and discuss with the group.
11. As this is the final session of the training course, trainers invite final comments and questions on any outstanding issues and discuss with the group.

## Session 20

### Debate Score Card

Factors to be Scored	Round 1	Round 2	Round 3	Round 4	Round 5
The argument/ opinion is stated clearly					
The argument uses specific references to the case studies from the training and to facts from experience					
The argument uses specific references to the components and/or principles of governance framework					
There is a concise summary of the argument					
<b>Total:</b>					

Instructions for using the debate score card:

1. Each member of the GREEN group will score the presenters from each team on the five factors in the score card.
2. Score each factor from 0-3 for each round.
3. Add all of the scores at the end of each round.
4. Add the total score for all rounds at end of the debate to get the final score for each team.

## Team Debate

### Are all four principles of governance equally important for natural resource governance?

1. Form three groups: RED, GREY and GREEN
  - a. The RED and GREY groups will have four members each. The RED and GREY groups will debate the topic.
  - b. The other training participants will be members of the GREEN group. The GREEN group will be the reference group that listens to and scores the debate.
2. Preparing for the debate
  - a. The RED group will argue in support of the idea that all four principles of governance are equally important for natural resource governance.
  - b. The GREY group will argue that only one or two or three, but not all four, principles are equally important for natural resource governance.
  - c. In preparing their debating points, the RED and GREY groups will refer to the results of each session of the training and use examples from group discussions and case studies presented during the training, as well as other examples from their own knowledge and experience. Debating points for each group in each round of the debate must refer to at least one component and at least one principle of governance. Examples from case studies presented during the training must be used to illustrate the debating points.
  - d. The members of the RED and GREY groups will select a leader for each group who will open the first round of the debate and/or summarize the group's arguments in the fifth round at the end of the debate.
3. Holding the debate
  - a. There will be four rounds of arguments and one summary round.
  - b. During rounds 1-4, debate team members must listen to the points made by the previous debater and respond to at least one of them. Only the first debater will not be able to do this.
  - c. Each round will be 10 minutes, with each team having 5 minutes to present its argument and summary.



## Training Participant Feedback Form

Title of the Training Course : Natural Resource Governance  
 Date :  
 Name of the Participant (optional) :

Please note that your constructive feedback is valuable as it will help in assessing quality of our training programs and improving them further to be more effective. Kindly read each question carefully and respond openly, if possible with examples and comments.

**ALL QUESTIONS MUST BE ANSWERED.**

1. The Objective of the Training Program and Contents						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
1.1	The Objectives of the Training Program were clear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	The contents of the Training Program and activities were relevant to the Objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	The length of the program was appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments</b>						
2. The Resource Person(s)/Facilitator(s)						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
2.1	Is (are) highly competent in the subject area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	delivered clear and logical sessions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	was(were) well organized and prepared.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	presented material at an appropriate pace.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5	encouraged participation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6	responded well to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments</b>						

3. The Training Course Exercise						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
3.1	were sufficient, clear and relevant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	will be useful back on the job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments						
4. The Training Course Materials						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
4.1	were sufficient, clear and relevant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	will be useful back on the job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments						
5. Environment (Training Venue, Accommodation & Logistics)						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
5.1	The venue, seating arrangement, room temperature and lighting were conducive to learning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	All administrative and logistic support was satisfactory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Accommodation was satisfactory and in close proximity to the Training Venue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	Meals and refreshments were delicious and no health problems encountered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments						

6. Conducive Working Environment						
		Strongly agree	Agree	Neither Disagree nor Agree	Disagree	Strongly Disagree
6.1	Current working environment is favorable for applying learned knowledge and skills to my work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments						
7. Do you have any suggestions to improve the training program to make it more effective?						
8. How did you contributing to achieve the training's objectives as compared with what you stated at the time of registration?						
9. Other message to the organizer?						









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