

**Process Framework for Involuntary Restrictions**

**May 2017**

**CEPF Grant 66426**

**The Nakau Programme Ltd**

*Supporting Innovative Financing for Biodiversity Conservation through Piloting Eco-Certification for Tourism in Vanuatu*

**Vanuatu, East Melanesian Hotspot**

## **Grant Summary**

1. Grantee organization. The Nakau Programme Ltd
2. Grant title. *Supporting Innovative Financing for Biodiversity Conservation through Piloting Eco-Certification for Tourism in Vanuatu*
3. Grant number 66426
4. Grant amount (US dollars). 169,902
5. Proposed dates of grant. 1 June 2017 – 31 May 2019
6. Countries or territories where project will be undertaken. Vanuatu
7. Date of preparation of this document. 06 April 2017

**The Process Framework will describe the project and how restrictions of access to natural resources and measures to assist affected communities. Affected communities should have the opportunity to participate in the drafting of the Process Framework. Typically, the Applicant will prepare a draft Framework that will then be shared and discussed with local communities and other relevant stakeholders. Based on the consultations, a final Framework will be prepared. CEPF may provide guidance on development of the Framework and will review and approve the final Framework prior to approving the final project proposal application. The Process Framework should include the following elements:**

### **A. Project background**

In 2014 Live & Learn Vanuatu (LLV) undertook biodiversity protection education with the community and surrounding schools. In 2015, Dolav community stated their interest in working with organisations to develop their skills and knowledge to better manage their resources. After the first awareness in July 2014, the community decided to engage in eco-tourism and turned the one day celebrations on the 24<sup>th</sup> of August when the missionaries first arrived in their community to Lakona Bay Custom Festival an annual event that will not only gather local communities together but to also bring yachties and other interested visitors to also come and watch the festival. The festival has run for two successful years and looks to demonstrate local culture but also focus on how ecosystem protection provides a pristine local environment for ecotourism.

The community developed an Action Plan in 2015 and have started implementation of this plan by nominating a large area for protection. The community also plans to restore the degraded watershed and create more integrated resource management planning. Suitable financing or business opportunities in tourism are seen as an opportunity for the community to develop their economy around the key ecosystems they manage.

The Dolav community have been planning for a CCA since 2014. This project will help them realise this goal and in doing so support conservation and livelihoods for the community through protected ecosystem services while generating income for the community through tourism. The demarcation of boundaries for the CCA have already been determined by the community so there is general agreement on the site to be protected. The CCA process does not create formal tenure of the land as it remains under custom ownership. The CCA process, however, will require agreement from all surrounding landowners of the boundaries of the protected area.

### **B. Participatory implementation**

While LLV has already worked with Dolav community prior to achieve their conservation goals, it will be necessary, as a first step, to receive permission from the community to undertake the CCA as previously planned. This FPIC step will be achieved prior to any other activities in Gaua. Dolav community are very remote and it costs a huge amount to travel to the site (approx. >USD1200 per

trip) which restricts the option for FPIC to be undertaken in person. Fortunately, in recent months the mobile coverage to the island has improved which means that FPIC can be undertaken via the phone. LLV will work through their key contact in Dolav to seek verbal approval from the community and will ensure that written consent can be followed up on the first trip to the community.

The project will undertake the process of developing a CCA with Dolav community in Gaua. The Department of Environmental Protection and Conservation has a prescriptive process for developing a CCA which includes documented consultations in the community, mapping and biodiversity surveys as well as a range of meetings leading to approval by all levels of local and provincial governance of the planned CCA.

The CCA process has clear and rigid expectations on consultation and requires evidenced effective community consultations in the design of the CCA. The satisfaction of community members and surrounding chiefs in the area is sought and documented as part of the process to ensure that conflicts are dealt with, documented and that all parties are in agreeance. This is assessed by the Department as part of their quality assurance that satisfactory participation has occurred in the design of the CCA.

**C. Criteria for eligibility of affected persons**

The CCA process is not designed to allow for involuntary restrictions. In Vanuatu custom law determines land use and the full rights to determine land use are enshrined in the Constitution as belonging to the custom landowners. Prior to the CCA process, no person is allowed to use the land demarcated for protection without the permission of the custom landowners. The CCA process supports custom land law by ensuring that it is the custom landowners who design the land management plan outlining the rules of the protected area. In general, only hunting and timber extraction are actively managed however this is determined by those designing the CCA. The process is completely voluntary for custom landowners within the CCA area. They elect what restrictions they wish to place on the area's resources. There will be no involuntary restrictions placed upon custom landowners within the project area. Any non-custom owners using resources within the protected area to date have only been allowed to do so by requesting access from the landowners. This situation will not change under a CCA however it will be important that the design of the CCA consults broadly, ensuring full participation of all community members in Dolav and surrounding areas to ensure broad understanding of the CCA legislation.

**D. Measures to assist the affected persons**

There is a slight chance that a non-custom landowner, who was accessing resources in the protected area will no longer have this opportunity. Restrictions placed upon this person could happen anytime and are always involuntary as they have no rights over the land according to custom law. The project will actively monitor what access rights were allowed prior to the CCA establishment and any changes during the process. Any persons who have had their access to resources affected by the project will be interviewed and asked what impacts this will have on them.

Central to this is a participative land use planning process as part of the Land Management Plan drafting. Here the community members can talk about their resource needs and where they access resources. Many resources will be allowed to be extracted from the CCA such as plant-based medicines. Should a complaint, grievance or concern arise over restrictions to land use developed in the CCA process, standard process to address this will be outlined in the complaints process. Generally, local custom law prevails and the chiefs mediate the situation. If the situation is not resolved, the Department of Environmental Protection and Conservation steps in to mediate via the Director.

#### **E. Conflict resolution and complaint mechanism.**

All projects that trigger a safeguard are required to provide local communities and other interested stakeholders with means by which they may raise a grievance with the grantee, the relevant Regional Implementation Team, the CEPF Secretariat or the World Bank. Affected local communities should be informed of the objectives of the grant and the existence of a grievance mechanism. Contact information of the grantee, the Regional Implementation Team and the CEPF Grant Director should be made publicly available, through posters, signboards, public notices or other appropriate means in local language(s). Grievances raised with the grantee should be communicated to the Regional Implementation Team and the CEPF Grant Director within 15 days, together with a proposed response. If the claimant is still not satisfied following the response, the grievance may be submitted directly to the CEPF Executive Director via the dedicated email account ([cepfexecutive@conservation.org](mailto:cepfexecutive@conservation.org)) or by mail. If the claimant is not satisfied with the response from the CEPF Secretariat, the grievance may be submitted to the World Bank at the local World Bank office. Please describe the grievance mechanism that you will use for your project, and how you will ensure that stakeholders are aware of it.

At every community interaction the community will be advised of who they can discuss a project-related grievance with. Contact information of the grantee, the Regional Implementation Team and the CEPF Grant Director will be made publicly available, through the community notice board or similar and written in Bislama. Chiefs, Area Councilors and Provincial Government Representatives will have contact details for Live & Learn Vanuatu, the Regional Implementation Team and the CEPF Grant Director.

As per local custom law in Vanuatu, grievances must first be addressed within the community. The Chief or community leader will either address the grievance themselves or raise it with the project team. Serious grievances that cannot be resolved at this level will be taken to the local Council of Chiefs and Provincial Government.

Often grievances at the community level will not automatically be shared with the project team especially where outsiders are involved. Here, Live & Learn Vanuatu play a central role as Ni-Vanuatu Team members in building and maintaining the trust necessary for grievances to become known to the team before they become serious risks to the project. Our female Ni-Vanuatu team members are especially important here in being in a position to hear the needs of disadvantaged people within the communities. Grievances raised with the grantee should be communicated to the Regional Implementation Team and the CEPF Grant Director within 15 days, together with a proposed response. If the claimant is still not satisfied following the response, the grievance may be submitted directly to the CEPF Executive Director via the dedicated email account ([cepfexecutive@conservation.org](mailto:cepfexecutive@conservation.org)) or by mail.

Grievances will be monitored by the Project Manager who will ask all team members to report any grievances they have encountered during the project. A report will be provided to CEPF every 6 months.

#### **F. Implementation Arrangements**

Live & Learn Vanuatu (LLV) is responsible for developing the CCA in a participative way with the Dolav community. LLV has a background in participative Land use planning and is familiar with the legislative process. Nakau will monitor engagement and complaints during the project. Nakau will travel to Dolav to see first-hand the level of engagement and participation occurring.