

Involuntary Restrictions Process Framework

Conserving Freshwater Biodiversity and Critical Wetland Resources for Local Communities along the Mekong River, Kratie and Stung Treng Provinces, Cambodia

This Process Framework is prepared for the World Wide Fund for Nature – Cambodia Programme (WWF). The Process Framework details involuntary restrictions to wetland resources that will be introduced and enforced in the course of this project, for which WWF is seeking Critical Ecosystem Partnership Fund (CEPF) support. The Process Framework details the project and local context and identifies the groups whose livelihoods may be affected by involuntary restrictions. It sets out the participatory process that WWF and partners will use to identify people who may experience increased vulnerabilities as a result of the changed resource access regime, and how WWF, as the coordinating agency, will respond to the situation of these people. In general the project approach is to strongly enforce laws and customary practices preventing unsustainable resource use, through a community co-management approach that provides opportunities for people to value and protect the biodiversity on which their livelihoods depend.

A. Project background

A.1 Local context

This project will implement critical management and conservation activities along the Mekong mainstem between Kratie and Stung Treng towns, north-east Cambodia. This area is located in the CEPF Priority Corridor “Mekong River and Major Tributaries” and in the CEPF Priority Site “Mekong from Kratie to Laos PDR”. Comprehensive biological mapping undertaken by WWF in partnership with the Cambodian Fisheries and Forestry Administrations in 2006-07 has confirmed the globally significant conservation value of this area, including for the preservation of South East Asian bird species, endangered flora and fauna and wetland ecosystems. The majority of this biodiversity value is located in the ‘Central Section’, which extends from approximately 40 kilometres north of Kratie town to six kilometres north of the Kratie-Stung Treng provincial border and takes in 56 kilometres of the Mekong mainstem. Involuntary restrictions to wetland resources will only occur within the Central Section, although project activities will also be undertaken outside the area.

Involuntary restrictions of access to and use of wetland resources within the Central Section will affect three groups of people:

People resident in established communities in the Eastern Channels

The Eastern Channels of the Central Section contain the lowest human populations and the most remote and least degraded wetland areas in the Central Section. Although undergoing rapid population expansion, the Eastern Channels are home to just six established communities (of

between 40 to more than 100 years old) with a population of at least 5,500. At least four of these communities are home to Indigenous peoples (Phnong and Koy ethnicities) and particular issues relating to the provision of culturally appropriate benefit are addressed in the Social Assessment and Indigenous People's Plan for this project. These six communities retain customary rights to lands and waterways taking in a significant proportion of the Central Section including the least populous and most biologically intact areas.

People resident in recently established permanent settlements

The Central Section is subject to rapid in-migration. The population and location of new settlements are not well understood, and further information about these matters is necessary to inform more detailed project planning. The most detailed information available is for the Eastern Channels, which are experiencing a rapid increase in new settlements. In 2007 WWF observed at least 31 new settlements (including seasonal/ temporary camps) in the area, most of them less than five years old. These settlements are small (ranging between one and 13 houses), and are established as a result of the expansion of villages in the Central Section, as well as in-migration to the area. New settlement is not effectively regulated, and is of unclear legal status. Socioeconomic data for these communities will be gathered through participatory consultation early in the project cycle in order to understand resource use patterns and appropriate project interventions.

People who travel to the Central Section on a seasonal/temporary basis

Seasonal/ temporary camps are established for a range of commercial and subsistence purposes, mostly fishing (although clearance, cultivation and hunting are often also undertaken). Camps are generally established only in the dry season. WWF's observation is that most migrants and temporary visitors to the area are from within a thirty kilometre radius up and down river.

A.2 Proposed intervention

Human impact in the Central Section has increased rapidly since the mid 1990s. WWF estimates that if current patterns of resource use continue, most biodiversity value in the area will be lost within five to ten years. The principle threats to biodiversity and livelihoods in the Central Section arise from the conversion of forest for cultivation, over-fishing, and unsustainable forestry practices including hunting of wild animals, among them rare and endangered species. These activities are conducted on both a non-customary commercial scale and also for subsistence livelihood purposes. This situation is compounded by rapid population expansion, resulting from unregulated in-migration and the expansion of existing settlements.

WWF proposes to coordinate four areas of project intervention in order to respond to these threats.

1. WWF will cooperate with provincial governments in Kratie and Stung Treng provinces and the Ministry of Agriculture, Fisheries and Forests to designate the Central Section a Special Management Site. This

classification will not change the legal status of the area but will formally recognize its importance for biodiversity and livelihoods, enabling collaborative management actions.

The Central Section Special Management Site will cover 56 river kilometres and take in 33,808 hectares. A proposed 20,230 hectares will be declared a protection zone, in which biodiversity conservation will be the priority. The remaining 13,478 hectares will be multiple use zones, in which regulated settlement, agricultural and other productive activities may occur. This area is composed of riverbank, islands and waterways.

2. WWF will support collaborative site-based conservation activities in the Central Section. These will include:

- Establishing access regulations for Protected and Multiple Use Zones;
- Establishing, training and deploying ranger patrol teams (including community members and government staff) to protect critical habitats and species; and
- Implementing community-based water bird nest and turtle nest protection schemes, with a focus on Protection Zones.

3. Community capacity to manage wetland resources will be built through support to Community Fisheries and Community Forestry programs, initially in six communities in the Eastern Channels.

4. Alternative livelihoods, poverty reduction and community-based conservation will be supported in communities located within the Central Section. This work will also take place outside the Central Section in villages which are heavily reliant on the Central Section's ecosystem services, and/or which are source villages for in-migration. The new management regime will be publicised in these villages following the declaration of the Special Management Site.

A.3 Preparation of the project including consultation processes

The project design reflects more than four years of research and cooperation with government agencies, non-government organisations and communities in the Central Section. The biological surveys undertaken in 2006-07 identified conservation priorities and made specific recommendations for action, which are reflected in the design of this project. In particular this research identified the boundaries of the proposed Special Management Site and designated the proposed protected zones and multiple use zones within the site. This proposed zoning is intended to limit unsustainable, illegal and destructive activity in the areas of highest conservation priority, while enabling and regulating sustainable livelihood activities in the Central Section.

The proposed zoning, and management strategy for the areas, were shared in a planning workshop in 2008 with government and non-governmental agencies working in the project area. These agencies include the Ministry of Agriculture, Fisheries and Forests (MAFF), Oxfam Australia, CRDT, CED and the Wetlands Alliance. MAFF has indicated support for the establishment of the Special Management Zone as per the

recommendations of the study, and the Fisheries Administration will likely be the lead agency for the project. The project development phase has involved ongoing consultation with MAFF and other agencies working between Kratie and Stung Treng towns. In particular WWF has established a close cooperative relationship with CED and CRDT, and has worked with these agencies to plan strategically aligned work in the area between Kratie and Stung Treng towns. This includes planning to cooperate in the delivery of the alternative livelihoods and poverty reduction component of this project. This project component will not involve involuntary restrictions.

WWF, CRDT and CED have undertaken initial consultations with communities about proposed conservation and alternative livelihoods work that will take place as part of this project. These consultations took the form of focus groups in five communities between Kratie and Stung Treng towns. Two of these communities were located in the Central Section's Eastern Channels. Both of these were established communities retaining customary land and resource access rights, and both were home to Indigenous populations. These consultations were designed to gather information about communities' land and resource access and ownership regimes, access to services, and livelihood strategies including the extent of legal and illegal fishing and hunting practices. In addition the consultations introduced the proposed project to communities, and sought to identify community expectations of and concerns about the proposed intervention. The findings of these consultations are reflected in this Process Framework, informed the recommendations of the Social Assessment and Indigenous People's Plan, and will form the basis for more detailed baseline assessment to be coordinated by WWF.

A.4 Expected impacts on resource use and livelihoods

The project seeks to alter and to regulate the resource use strategies of residents of and visitors to the Central Section, primarily as this relates to unsustainable, illegal and destructive activities.

The project aims to reduce:

- Illegal fishing and forestry activities including wildlife trade and hunting (both non-customary commercial activities and activities undertaken to support subsistence livelihoods);
- Over-reliance on limited natural resources (in particular fish stocks, wild animals and forest products, and land for clearance);
- Riverbank forest clearance and other human impacts resulting from population expansion; and
- Unregulated in-migration and settlement.

In so doing the project seeks to enhance:

- Application of relevant forestry and fisheries law;
- Community involvement in conservation and biodiversity protection;
- Regulation and sustainable management of new settlement and in-migration;

- Recognition of customary land and resource regimes;
- Normalisation of land and resource access of recent settlements; and
- Community capacity for co-management of resources on which their livelihoods depend.

Communities in the area will be encouraged to participate in the conservation and enforcement of exclusion zones that are necessary to protect both biodiversity and the sustainable livelihoods of residents and visitors to the area.

A.4 Adverse impacts on livelihoods

Customary and non-customary use

Much of the non-customary commercial scale resource extraction in the area, including fishing, hunting and trapping employing illegal methods, appears to be undertaken by non-resident visitors to the area, in contravention of customary access rights. However residents of the Central Section's established as well as new settlements also engage in illegal hunting and fisheries practices. While much of this activity is undertaken to support subsistence livelihoods, opportunistic and commercial sale of illegally harvested wetland resources also occurs. This project seeks to strongly enforce law and regulation relating to unsustainable and illegal resource use. However the project also seeks to provide opportunities for people, who are reliant on unsustainable and/ or illegal practices to maintain subsistence livelihoods, to reduce their dependency on natural resource through participation in community-based conservation and alternative livelihoods schemes. This approach is detailed below at C. and D.

Reduced access to the resources in the Special Management Zone may also affect customary livelihood activities that are not of themselves necessarily destructive or illegal. The project approach is to identify people at risk of such impacts through community consultation, to preserve sustainable access where possible by involving communities in the development of regulations governing resource use and access in the Special Management Zone, and identifying appropriate mitigation strategies in partnership with communities where restrictions are unavoidable.

B Participatory Implementation

B.1 Participatory planning process for management, restrictions, and measures to address impacts on local communities

Management arrangements

WWF will seek to provide strong management of the protected area, including enforcement of regulations about access and resource use. These zones will be enforced by monitoring patrols composed of MAFF staff and community members, with training and support from WWF. Activities will include the monitoring and prevention of illegal hunting and

fishing activities, and restricting settlement and land clearance in the protected zones.

Developing regulations for management

Affected communities will be invited to participate in the development of regulations for access, use and management of resources in the Special Management Zone. The participatory process will be based on the principles of free, prior, and informed consent. Communities will also be invited to participate in the final delineation of boundaries of the protected and multiple use zones. This process will be informed by participatory baseline assessments, which will seek to map community resource use and any conflicts or disagreements about customary land and resource use/ access. This information will be sought to ensure the management regulations support equitable and sustainable access that respect customary practice and assist the most vulnerable people.

WWF will seek to ensure that men, women, older and younger, more and less marginalized people and Indigenous and non-Indigenous people's views are sought in this process and that their distinct priorities are reflected in regulations about access and use of resources in the Special Management Site. As per the recommendations of the Social Assessment and Indigenous People's Plan, efforts should be made to identify and adapt to community preferences for consultation and negotiation processes.

C. Criteria for eligibility of affected persons.

C.1 Who will not be eligible?

Very few, if any, people will be eligible for direct compensation or "one-for-one" mitigation measures, since the involuntary restrictions overwhelmingly affect illegal, unsustainable or destructive activities.

Identifying community impacts

As detailed above, community consultations will seek to identify individuals, families and groups (e.g. Indigenous people, women, poorest families, new settlers) whose livelihoods will be affected by restrictions that may prevent them from engaging in livelihood activities that are neither unsustainable nor illegal, and/ or which are crucial to the maintenance of subsistence livelihoods. The situation of these people will be the priority when developing access regulations and designing mitigation strategies.

C.2 Vulnerable groups

All the communities with which this project will work are subsistence agricultural communities and as such can be considered vulnerable. These communities experience poverty, dependence on natural resources, lack of access to services, and lack of clear resource and land tenure arrangements. Communities holding customary title are vulnerable to non-customary resource exploitation that depletes their customary resource base. All communities are vulnerable to unpredictable impacts arising from national and regional economic development including land conflict, and possible hydrological changes stemming from the

construction of hydropower dams upstream and at nearby Sambor district, Kratie.

There is a significant population of Indigenous people in the target area who may be subject to specific vulnerabilities. This is discussed further in the Indigenous People's Plan. The project strengthens Indigenous communities' ability to protect their customary lands, while the participatory consultation process will seek to identify and respond to specific issues for Indigenous people.

New settlements in the Central Section have a particularly unclear claim to land and resources in the area. The project will seek to clarify and regulate the resource and land use regime of these people, and will develop a specific strategy to engage them. Measures to assist are discussed at D.

D. Measures to assist affected persons

As detailed above the project approach is to provide opportunities for whole communities to value and protect biodiversity and participate in conservation activities. The focus is on identifying the most vulnerable, and the people who are most heavily reliant on unsustainable or illegal practices to support subsistence livelihoods.

Measures to assist may include:

- Direct employment of community members in ranger/ monitoring patrols;
- Establishment of incentive-based conservation schemes including bird and turtle nest protection programs;
- Poverty reduction and alternative livelihoods support such as training in livestock raising, fish farming, system of rice intensification and organic vegetable gardening;
- Other activities developed based on findings of participatory consultation and baseline assessment. These might include provision of water filters to reduce the need to gather wood and charcoal for burning, or provision of fuel-efficient cook-stoves to poorest families who do not already have access to innovations of this kind.

WWF cannot guarantee that the alternative livelihoods and other mitigation strategies in place will return affected people to (at least) the level of food security and income they experienced prior to intervention. However, previous experience with similar community-based alternative livelihoods approaches in poor and resource dependent communities in Kratie and Stung Treng suggest that an increase of up to 30 per cent on pre-intervention incomes may be possible, along with measurable improvements in nutritional intake and food security. Although more investigation of the expected livelihood security that will be foregone/ generated though resource use changes should be undertaken, initial consultations with affected communities suggest widespread community satisfaction with the proposed project approach. In these consultations people expressed a desire to actively manage the resources on which they are dependent, and a motivation to experiment with alternative

livelihoods approaches. Focus groups also revealed awareness on the part of participating community members that resource conservation will provide a stronger basis for their communities to develop into the future.

New settlement

New settlement will be restricted and regulated in the Special Management Site, and will not be permitted in the protection zone. Once the Special Management Site is established WWF and partners will advertise the new management regime widely within and outside of the Central Section, in order that people who travel to the area are aware of the changes. Commune and village authorities will be engaged to inform villagers of the changes. Joint government-community patrols will be authorised to remove illegal settlement in the Protected Areas once the new regime is in place. No "one-for-one" compensation can be provided to affected people.

The project does not require the relocation of any established settlements. Rather, the project approach is to engage existing settlements in the sustainable co-management of resources in the Central Section. This may be implemented by:

- Undertaking a population survey of the Central Section, to identify the location and size of settlements. Resource use strategies, poverty status and areas used for forest/ fisheries activities should also be mapped.
- Consulting with residents of all settlements in the Special Management Site after the declaration of the area, to ascertain the impact on their livelihoods and that they are aware of the new regulations.
- This consultation will inform the development of a specific strategy to engage scattered settlements. The strategy will vary on the situation of settlements but will aim to support settlements to better manage resources in ways that do not bring them into conflict with customary use rights-holders, and support their ability to preserve biodiversity.

There will be no involuntary resettlement of existing settlements from within the Protection Zone, but no new settlement will be permitted. The new zoning will limit the expansion of villages in the area. The strategy in place is to encourage participation in incentive-based conservation schemes and alternative livelihoods programs that are designed to improve livelihoods through more effective use of areas immediately surrounding settlements.

E. Conflict resolution and complaint mechanism

Once the Special Management Zone is declared WWF will seek to ensure that there is strong community awareness of the project through community consultations and awareness raising in villages between Kratie and Stung Treng. This is intended to ensure that communities inside and outside the Special Management Site are aware of the locations of protected areas and multiple use zones, and understand which activities are permitted and in which areas. WWF will create opportunities for

community members to discuss any concerns relating to the project with WWF, partner NGOs and representatives of Fisheries Administration. WWF and other NGOs working in the Central Section will be available to community members in informal as well as formal discussions to talk about community members' suggestions, misgivings or concerns about the project, before and after the final delineation of protected and multiple use Zones within the Special Management Site. These processes should reduce the likelihood of grievances and conflicts arising from the project.

Grievances can be raised with any of the organisations with which WWF will collaborate on this project – other NGOs working in the Central Section, WWF staff, Forestry or Fisheries Administration officials, or Commune Council or formal or informal village leaders. WWF will ensure that this is communicated in culturally appropriate ways (e.g. verbally as well as in written form, and in Indigenous languages where appropriate) to communities inside and outside the Central Section, and that there are contact people in other agencies who will notify WWF of grievances. Grievances should be referred to WWF, who will work to resolve issues emerging with the villagers involved, with participation from other organisations where appropriate.

F. Implementation arrangements

WWF is responsible for project oversight and management. The project will require the close cooperation of the Ministry of Agriculture, Fisheries and Forestry, at the provincial and national level. In particular project implementation will require close cooperation with the provincial Fisheries Administrations. WWF will support the government agencies involved in monitoring and patrolling the protected areas in partnership with communities, and will play a particular role in building the capacity of both government agencies and communities to undertake this work. WWF is also responsible for establishing monitoring and evaluation processes in cooperation with the government and communities. WWF is furthermore responsible for designing the participatory mapping process, community consultations, mitigation strategies and conservation activities; with collaborative input from communities, other NGOs active in the area, in particular CED and CRDT, and the Fisheries Administration.

Data sources

Where not otherwise attributed, data in the Process Framework is drawn from:

Bezuijen, Mark, Bunna Vinn and Keavuth Huy. *Observations of Human Activity and Natural Resource Use Along the Mekong River Between Kratie and Stung Treng Towns, Cambodia, November 2006 – August 2007*, WWF Greater Mekong Programme; and

Bezuijen, Mark, Robert Timmins and Teak Seng, 2008. *Biological Surveys of the Mekong River between Kratie and Stung Treng Towns, northeast Cambodia, 2006-2007*, WWF Greater Mekong – Cambodia Country Programme, Cambodia Fisheries Administration and Cambodia Forestry Administration Phnom Penh