

Process Framework for Involuntary Restrictions

Project: Conserving A Suite of Cambodia's Highly Threatened Bird Species

Applicant: Wildlife Conservation Society Cambodia Program

In correspondence with BirdLife In Indochina it was decided that the above keystone project might possibly trigger the CEPF safeguard policy at one of its four target sites (Prek Toal). This document summarises why the other three sites are unlikely to trigger the safeguards, and to be safe, sets out a process framework for Prek Toal. The focus is on participatory monitoring of potential impacts, with mitigation activities only required if the impacts become significant. Given the judged low level of risk this framework has not been formally consulted on with local stakeholders, but they will be involved in the monitoring and design of any necessary interventions. It should be noted that the team preparing this framework has recently completed a broad, year-long study including evaluating livelihood issues surrounding management of Prek Toal and so most of the issues arising have already been the subject of consultations and focus group discussions in a slightly different context.

Overview of the three target sites that do not trigger the safeguard

ANG TRAPEANG THMOR (ATT)

ATT is a legally designated protected area. At ATT, CEPF funds will be used to expand community-based ecotourism. This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

INTEGRATED FARMING AND BIODIVERSITY AREAS (IFBAs)

The IFBAs are legally designated protected areas under a provincial order, shortly to be upgraded to a national order. In the IFBAs, all CEPF funds are directed towards the expansion of community-based ecotourism (by WCS and a local NGO - SVC), implementation and expansion of a "wildlife-friendly" produce scheme (by WCS and a local NGO – CEDAC), and increased capacity of local NGOs involved in ecotourism (SVC) and "wildlife-friendly" produce (CEDAC). This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

NORTHERN PLAINS

The majority of activities in the Northern Plains will take place in two legally designated protected areas. In the Northern Plains, all CEPF funds are directed towards the expansion of community-based ecotourism (by WCS and a local NGO - SVC), expansion of a "wildlife-friendly" produce scheme (by WCS and a local NGO – SMP), and increased capacity of local NGOs involved in ecotourism (SVC) and "wildlife-friendly" produce (SMP). This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

PREK TOAL

The Prek Toal Core Area is a legally designated protected area, part of the Tonle Sap Biosphere Reserve created in 1997. CEPF funded project activities do include support to some law enforcement activities involving involuntary restrictions on wildlife collection, primarily waterbird eggs and chicks, and the prevention of disturbance to breeding colonies of these birds by limiting access immediately adjacent to the bird colonies for other natural resource collection and fishing activities.

This document was prepared by reviewing existing literature and reports, and through informal consultation with local stakeholders, including local communities, local government, MoE staff and WCS staff. Additional information was drawn from recent WCS studies in Prek Toal, namely the on-going water bird monitoring¹ and a survey conducted by WCS on livelihoods in floating and upland villages, as part of a larger survey to assess the benefits to conservation, economic and local livelihoods from the current and potential future Lot 2/Prek Toal management systems². This involved large numbers of participatory group discussions and interviews with villagers, key informants, and local officials.

A. Project background

Background to the Prek Toal project

The Tonle Sap Great Lake large waterbird colonies, discovered in the mid-1990s at Prek Toal, are of global conservation importance, including the largest, and in some cases the only, breeding populations in South-east Asia of seven species of conservation significance. This led to approval in 1997 by UNESCO and the Royal Government of Cambodia of the Tonle Sap as a Biosphere Reserve, with Prek Toal as one of the core areas. When first discovered the colonies were heavily threatened by annual harvesting of the eggs and chicks by nearby villagers, mainly for trade and local consumption. During the 1996 breeding season, a survey interviews with bird collectors and direct observations estimated that 26,000 eggs and nearly 3,000 chicks had been harvested during the breeding season, indicating this as a significant threat (Parr et al 1996)³. Less detailed but recurrent reports of poachers with large quantities of eggs led to the establishment in 2001 of the Prek Toal conservation team to watch the colonies. This team has conducted annual monitoring and protection of the breeding bird colonies since 2001, with detailed population monitoring since 2004. Since then, collection of eggs and chicks has declined to effectively zero and all key species show increasing or stable populations.

Local context

There are no permanent human settlements inside the Prek Toal core area, but there are five floating villages located along the edge of the core area. Local livelihoods are dominated by fishing and related activities. In addition, studies show that poor villagers used to supplement their diet and income by wildlife harvesting, including collecting aquatic plants, turtles, water snakes, macaques, water birds (eggs and chicks), crocodiles (juveniles and adults), and firewood (Goes 2005)⁴. Of these, bird, macaque, crocodile, and turtle collection are now reported as minimal or non-existent, but other wildlife harvesting continues.

Within fishing activities, most villagers are effectively excluded from the Core Area for most of the year, as it is a privately operated fishing concession: the Prek Toal Core Area is entirely within the

¹ WCS Annual reports of large water bird monitoring, 2008/9, 2007/8 and 2001-2007.

² WCS (2009). Integration of commercial and conservation objectives: piloting a new model in Prek Toal, Tonle Sap and Battambang Fishing Lot #2. *In preparation*.

³ Parr J., Eames J.C, Sun 11., Hong C, Som H., Vi La P. and Seng K.H. (1996) - Biological and Socio-economic Aspects of Waterbird Exploitation and Natural Resource Utilization at *Prek Toal, Tonle Sap Lake, Cambodia*. IUCN Species Survival Commission, IUCN, Gland, Switzerland, and Cambridge, UK.

⁴ Goes (2005). Four years of waterbird conservation in the Prek Toal Core Area of the Tonle Sap Biosphere Reserve (2001-2004). Wildlife Conservation Society Cambodia Program. Phnom Penh.

Battambang Fishing Lot #2. Villagers have to purchase a fishing license from the Fishing Lot leaseholder to enter the area, and this is generally confined to wealthier households who can afford medium or large-scale fishing gears as well as the high costs of the fishing licences. During this time, the majority of households (and the vast majority of all poor households) fish in the community fishing lots and public access areas, away from the core area. In addition, poorer households are generally restricted financially to traditional/family fishing gear such as gill nets and fishing hooks. In the closed fishing season (July-September), access to the core area is open and villagers move into the area to fish.

Project activities and potential impacts to local livelihoods through involuntary restrictions

The CEPF WCS program at Prek Toal aims to continue and expand the current Birds' Nest Protection Program. Of the four activities identified⁵, only one - implementation of law enforcement activities at breeding colonies – will involve involuntary restrictions to local communities. These interventional activities under the CEPF funds are predominantly to prevent resumption of illegal egg and chick collection, and to prevent illegal and destructive fishing and wildlife collection practices which cause disturbance to the colonies in areas immediately adjacent to the bird nesting trees (but not the entire core area) during the period that birds are nesting at that tree.

The impacts to local communities on restrictions of egg and chick collection are not expected to have any negative impacts on local livelihoods. Egg and chick collection of these species is illegal, and law enforcement has been implemented since 2001. When the project was started, efforts were made to employ existing egg collectors as rangers, leading to the employment of 14 former collectors among the 21 rangers from 2001 to 2004, of which all were illiterate and from poor families. Currently, eight former collectors have remained as rangers (the others left of their own accord). Poorer families are more likely to collect eggs and chicks, so efforts have been maintained to ensure the availability of alternative livelihoods by recruiting replacement rangers from poor families in villages around the core area, in particular from the Prek Toal and Anglong Taor villages which are the closest to the colonies. Since 2004, less than one incident per year of egg or chick collection has been recorded, and each time this was done by only one person, and from unknown bird colonies (eggs were found while being sold in Prek Toal village).

The impacts to local communities on restrictions to fishing activities are also expected to be minimal. The fishing restrictions conducted by the community rangers have been enforced since 2005 and they are confined to the small area adjacent (<1 km) to nesting trees while there are birds breeding in that tree. The core area covers over 200 km². Fishing varies significantly throughout the year due to water level and management changes. The fishing and expected impacts to livelihoods at different periods of the year are outlined below:

- **Open season (October – June):** only fishers who have paid a “dong” (licence) can enter the Lot
 - **October – December (high water):** licences are sold only for medium fishing gear or “bors” (in the past they have also been sold for gill nets as well). No fishing gear is allowed near the bird colonies, but this is expected to have no negative impact on local livelihoods as both the bors and gillnets are generally set along streams and rivers (and so away from the colonies). In addition, this law has been enforced for the last five years, affects only

⁵ 1) implementation of community ranger-based law enforcement activities at breeding colonies; 2) annual training for all community rangers in Prek Toal in implementation of MIST law enforcement monitoring system; 3) conducting refresher training course for site-based data entry staff to record MIST data; and 4) ensuring that field managers and Phnom Penh staff receive monthly patrol reports and incorporate data into management planning

medium wealth families, and from mid-Nov onwards (the main breeding season for most species), the water is too low to use either fishing gear near the colonies.

- **January – June (low water):** Water levels are lowest at this time, so that only a few recession ponds remain near the colonies. Fishers buy the rights to fish ponds near to and inside the colonies where large-scale, illegal, and destructive fishing practices often occur. Rangers try to control fishing at ponds inside the colonies, asking fishers to fish only after the birds have left (late June to early July). This project would aim to enforce restrictions on fishing in ponds during the breeding season more strictly so that all fishers wait until the breeding season has finished before fishing. This is not expected to have negative impacts on local livelihoods as the fish can be harvested after the breeding season has finished. In addition, the families involved are wealthy (licences to fish ponds are comparatively very expensive) so are not expected to face short-term shortages from the delay.
- **Closed season (July – September):** open to family fishers with traditional gear
 - **July – mid-August:** There are no birds at the colonies, so no rangers, no law enforcement, and no impacts to livelihoods.
 - **Mid-August – mid-September:** There are only three active colonies at this time (other species arrive later), so law enforcement activities occur only in a small area. The 3-5 families fishing with traditional fishing gear (gill net and fishing hooks) near these colonies when the birds and rangers first arrive are then asked to move to areas away from the nesting trees. In addition, any fishers arriving at night with the illegal spot-lights and spears are moved away from the colonies. These are the only families who are directly affected by the restrictions, but the large fishing area available (both within and outside of the core area) at this time (when water levels are high) means that these effects are minimal.
 - **Mid-September – mid-October:** there are almost no fishers near the colonies, as the water level is too high (and fishers follow the water line to shallower water), so no negative impacts are expected. In addition, the Lot lease-holder prohibits motorboats and spot-light fishing in this area from the beginning of October.

Traditional fishing gears such as gill nets and fish hooks are legal in the closed season, but recent surveys show that all gill nets monitored were in fact illegal (based on their unsustainable nature), due to illegally small mesh sizes. All medium gear surveyed (due to small mesh sizes), and all large gear and spot-light fishing are illegal in the closed season, due to their unsustainable nature. During the open season, large scale fishing is legally practiced at the lake edge (away from the bird colonies), but recent surveys showed that fishing at all ponds inside the core area and all medium fishing gear monitored were illegal due to illegally small mesh sizes (medium gear) and illegal fishing practices at ponds (large fishing gear including electro-fishing and pumping). In addition, even if these gear were legal under the Fisheries Law, these fishing gear when conducted near to the bird colonies are certainly destructive and/or disturbing to vulnerable wildlife, which is illegal.

Lastly, impacts to livelihoods of restrictions to collecting other wildlife are also likely to be minimal. Collection of crocodiles, turtles and macaques is illegal, destructive, and unsustainable. It is done by almost no-one any more, and where it has been reported, it has been opportunistic. Collection of firewood and aquatic plants is legal, and most collection is reported as done within 1-2 km of the villages (and so away from the colonies). There are no restrictions to collecting firewood or aquatic plants, except in areas immediately adjacent to the nesting trees, which almost never occurs (both now and historically), but would be highly destructive to the water bird colonies should it start. Deforestation is illegal and destructive, and these laws are also enforced also by the Fisheries Administration and the Lot leaseholder, as well as the Prek Toal community rangers. The impacts of restrictions on deforestation are minimal and affect a small number of wealthy owners of large-scale fishing gear who try to burn areas of scrub and/or forest in the dry season to make way for long

fishing gear when the waters rise. These people would usually be reprimanded even without the community rangers.

Recent group discussions with villagers from all floating villages showed that the over-whelming concern of most villagers was regarding the perceived decline in local fish catches, particularly by traditional fishing gears, and the increase in illegal fishing practices (particularly large-scale or destructive fishing gears) that are believed responsible for this decline. Consequently, any decrease in these destructive fishing practices due to protection of (parts of) the core area may confer benefits to poorer villagers.

In summary, under CEPF funds, this project aims to continue and improve existing enforcement of involuntary restrictions of access to resources, but these restrictions are limited in scope and geographical area, and apply to destructive activities that are mainly illegal, unsustainable and conducted by wealthier households. Consequently, no significant impacts exist for most livelihoods.

B. Participatory implementation

The project will continue to enforce current involuntary restrictions of access to resources. Current restrictions and management arrangements will be continued for most elements of law enforcement. These restrictions have already been the subject of consultations and awareness raising, and it is not necessary to repeat this. Any later changes will be determined in consultation with local stakeholders, including local communities, government, village Community Fisheries committees, and the Lot lease-holders, building on the strong relationships forged with stakeholders during recent participatory studies. Any resulting changes to restrictions will be disseminated to local communities, via village meetings and announcements over the loudspeaker by boat (recently determined the best method by villagers, as it allows illiterate villagers to access news).

C. Criteria for eligibility of affected persons

As described in section A, the last five years of surveys and law enforcement have shown that most negative impacts to livelihoods are minimal (i.e. people are easily able to move to do similar or alternative activities in a different area) and the activities involved are illegal, destructive and/or unsustainable. However, community rangers will monitor law enforcement activities to identify any vulnerable resource user groups whose livelihoods are legal, non-destructive and sustainable, and negatively affected by the Prek Toal conservation team's law enforcement, and who have no easy and comparable alternative livelihood. Exact quantitative thresholds cannot be set for whether a family is significantly affected; this will be based on a qualitative assessment, asking local stakeholders to set criteria which make sense to them. Only people from the five villages around the core area will be considered potentially eligible on the grounds that these communities are the recognised traditional users of the area.

Vulnerable groups that could potentially be affected include firewood, aquatic plant, and traditional fishers, but these groups only have access to the bird colonies when water levels are high, at which time there is access to a large areas all over the core area and Lot 2.

Affected persons will be identified through existing project frameworks and relationships. The consultation process for new activities will enable concerns to be voiced prior to impacts occurring. At regular staff review meetings rangers will be asked to report any concerns circulating in the villages about the project activities, which is an effective and culturally appropriate method since they are trusted village residents and so usually well aware of the local situation. In addition to this, data from village surveys in early 2009 will be used as a baseline to assess the number of households participating in each livelihood activity, and the average income or value of natural resources gained from each activity. Annual focus group discussions with a sample of households using resources

around the core area will be held to discuss any changes in resource use and restrictions, and the resulting impacts to local villagers. Any significant changes or negative impacts identified will be followed up by surveys to identify affected households.

D. Measures to assist the affected persons

Should affected persons be identified as described above, communities will be consulted to establish fair, compensatory measures, which might involve making the family a priority for social assistance, training for an alternative livelihood or direct employment. However, given that criteria for affected households includes that the livelihood activity should be legal, non-destructive and sustainable and the law enforcement activities conducted by community rangers have been designed to target only illegal, destructive and unsustainable activities in a small geographical area, should any households be identified as negatively affected by ranger activities and fitting the criteria, this would also require a review of the law enforcement activities, as it would imply that rangers were targeting legal, sustainable and non-destructive activities.

General measures are already taken to support livelihoods of poor families (the most likely to be vulnerable to negative impacts of restrictions to natural resources) in floating villages, and these activities can readily be adapted to include the needs of any eligible families. New rangers are selected from among the poorer families where possible (although the need for literacy for a certain percentage of rangers is a limiting factor). Any additional employment provided by the Prek Toal Conservation Project is also targeted to the poorer, more vulnerable families, including employment as paddle-boat drivers for tourists in the dry season, boat guides for tourist boats, and more recently as data collectors for socio-economic surveys. In addition, Osmose (a local NGO) provides support for the poorest households in these communities, with funding from its tourism operations (made possible by the Prek Toal Conservation Team). Efforts would be made to include any negatively impacted families as one of Osmose's priority families. Finally, WCS aims to support improvements to ecotourism practices, and is currently working with the MoE to produce a transparent system of cash flow from tourist entry fees, including putting a percentage of that money into a community development fund, which spending would be determined by a community committee.

E. Conflict resolution and complaint mechanism

The mechanism for complaints would continue with the current system, whereby informal complaints are made to the community rangers (themselves trusted members of the community that can ensure anonymity of villagers, should it be required), who then pass on the complaints to WCS and MoE staff at the monthly meetings. Other complaints are made via local authorities (such as the village chief) or directly to park staff. Any complaints or grievances raised are then discussed with relevant stakeholders such as the village or commune chief, the community fisheries committees, the Fishing Lot lease-holder or the complainant in question, depending on the nature of the complaint.

Conflict resolution is then conducted in cooperation with local mechanisms. For issues affecting numerous villagers, group discussions will be held to establish the details of the complaint pertaining to the community as a whole. This is then taken to the local authorities in question (starting with the village council) who can decide upon a course of action, or refer the issue to commune and district authorities if necessary.

F. Implementation Arrangements

The roles and responsibilities of the stakeholders involved are described below:

- **WCS:** role is mainly through supporting community rangers and prek toal management, implementing mitigation measures, and monitoring potentially affected communities.
- **MoE management team:** organising and supporting community rangers, providing a mechanism for complaints to be made, following up complaints in conjunction with WCS.
- **Community rangers:** law enforcement activities, passing complaints to MoE and WCS staff, data collection for community surveys should they be necessary.
- **Villagers of Prek Toal, Anglong Taor, Kampong Prahok, Thvang, Prek Kantiel:** potentially affected communities (recognised traditional users of this area)
- **Local authorities (village and commune level):** the village chiefs and councils (or all five floating villages), commune chiefs and Community fisheries councils (where appropriate) will be responsible for overseeing conflict resolution, in accordance with local dispute resolution practices, where necessary.
- **District authorities:** MoE, FiA and other district authorities will be involved in conflict resolution only where resolution is not possible at the local level (e.g. occasionally people with large-scale destructive fishing gear are apprehended by local FiA staff, and taken to district authorities).
- **Fishing Lot leaseholders and sub-leaseholders:** local stakeholders, who will be involved in the conflict resolution process where it involves fishing leases during the open season (when entry to the core area is through licences paid to leaseholders).

Budget:

The likelihood of negative impacts resulting from involuntary restrictions on natural resources harvesting is deemed very small, and consequently the budget is confined to a small amount for annual meetings with potentially affected communities to monitor for negative impacts of restrictions (\$400/year). Mechanisms for complaints are conducted by rangers and the Prek Toal management concurrently with their other responsibilities, and so require no specific budgeting. The details for the Plan of Action, and contingency plans in the occasion of significant negative impacts occurring will be detailed during implementation, should they be deemed necessary.

Activity	Persons responsible		Annual amount	Total
Monitoring for negative impacts of resource restrictions: annual meeting in five villages	WCS	Travel & fuel	\$250	
		Per diem	\$50	
		Refreshments for meetings	\$50	
		Accommodation	\$50	