

Process Framework for Involuntary Restrictions

Developing and Implementing a Guidebook of Best Practices for Evaluating Natural and Social Indicators of Effectiveness for Fish Conservation Zones in Lao PDR



Submitted To:

Critical Ecosystem Partnership Fund

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I. Project Background

The overall goal of the proposed project is to improve the use of Fish Conservation Zones (FCZs) for aquatic conservation and livelihood sustainability in the Lower Mekong Basin by creating a network of Civil Society Organizations (CSOs) and fisheries co-management groups, and by providing tools for these CSOs to monitor the effectiveness of FCZs and support adaptive management according to the results of monitoring. Fish Conservation Zones, or areas that limit or prohibit fishing activity to protect fish populations, have gained widespread popularity as conservation tools in marine and freshwater ecosystems around the world. The establishment of freshwater FCZs is particularly prevalent in Lao PDR, where numerous organizations, including FISHBIO, World Wide Fund for Nature (WWF), Wildlife Conservation Society (WCS), and others, have assisted local communities to establish FCZs as a conservation tool for fisheries co-management. In Lao PDR, the Lao Fisheries Law allows for local communities at the village level to take an active role in the management of their fisheries resources through the establishment of fisheries management committees that have the right to set up aquatic protected areas and conservation zones (e.g., FCZs). Thus, the establishment of FCZs is a voluntary, participatory process by nature, and decisions about the regulations and restrictions in FCZs are made at a community level.

More than 1,000 FCZs now exist throughout Lao PDR in the mainstream Mekong River and its tributaries; however, there has been little or no monitoring and evaluation of these FCZs to determine whether these tools are successfully meeting their intended objectives. The goal of this project is to develop guidelines to help communities monitor the effectiveness of the FCZs, and adaptively managing FCZs according to the results of monitoring. We plan to work towards this goal by achieving the following objectives:

1. Synthesize existing institutional knowledge to develop best-practice guidelines for the scientific monitoring of biophysical, socio-economic, and governance indicators of FCZ effectiveness.
2. Employ participatory research methods by community fisheries organizations and CSOs at existing FCZs to test and revise the best-practice guidelines.
3. Disseminate the finalized best practices guidebook throughout Lao PDR and the Lower Mekong Basin, and encourage organizations to adopt the guidelines for monitoring new and established FCZs.

Because the project proposes to strengthen the management of FCZs, FISHBIO staff will follow this Process Framework for Involuntary Restrictions during project implementation. Project activities for the second objective will be conducted at three pilot FCZs that have yet to be identified. Once the pilot sites are selected, if it is found that indigenous people inhabit these areas and trigger CEPF's social safeguards, FISHBIO will also produce an additional Indigenous Peoples Plan and social assessment to ensure compliance with CEPF's safeguard policies.

II. Social and Threat Analyses.

Prior to implementing testing of the guidebook, FISHBIO will conduct a social assessment in villages at each of the three selected pilot sites. These pilot sites will be selected based on the existence of community-managed FCZs in the village, and the assessment will focus on aquatic resource use practices and the effects of existing FCZ regulations. Interviews will be conducted with key community members to assess:

1. The cultural, social, economic, and geographic setting of the communities in the project areas.
2. The types and extent of community use of natural resources (with a particular emphasis on fishing) and the existing rules and institutions for the use and management of natural resources, including FCZs.
3. Identification of village fishing areas and customary use rights.
4. Local and indigenous knowledge of fish and aquatic biodiversity and natural resource use.
5. Threats to and impacts on fish and aquatic biodiversity from various activities in the area, including those of local communities.
6. The potential livelihood impacts of new or more strictly enforced FCZ restrictions on use of fish resources in the area.
7. Communities' suggestions and/or views on possible mitigation measures.
8. Potential conflicts over the use of natural resources, and methods for solving such conflicts.
9. Strategies for local participation and consultation during project implementation, including monitoring and evaluation of FCZs, which is the primary purpose of the project.

III. Plans for Participatory Implementation

Prior to project implementation, workshops will be held in each participating community to solicit feedback and participation in carrying out project objectives. These workshops will include members of all segments of the community, including representatives from village leadership, Women's Union, Youth Union, local law enforcement, and primary resource users (which in the case of this project are fishers). Workshop attendees will be informed they are free to express their opinions or complaints at any time, as well as stop participation in the project if they are unsatisfied. In addition to introducing the project to the communities, the goal of the workshop will be to gather information about the existing FCZ and identify which aspects of the FCZ monitoring guidebook should be tested in that community.

Community members will select representatives from their fisheries management committees or village committees to participate in FCZ monitoring for the project. FISHBIO staff and additional CSO counterparts will then train or engage with community members during in FCZ monitoring. This could include interviews to assess socioeconomic and governance effectiveness of FCZs, or participatory fisheries monitoring to evaluate the biological effectiveness of FCZs, depending on which aspects of the monitoring guidebook are being tested in that community.

Once FCZ monitoring has been completed, project staff will analyze the data and present results of the evaluation to the communities. Based on the results of monitoring, FISHBIO and project partners will play a facilitating and supporting role to help communities to make decisions for improving the regulations and enforcement of their FCZs as part of the adaptive management process. Any decisions to strengthen community FCZ management as a result of monitoring will be decided by the communities themselves, and will thus be wholly voluntary in nature. Communities may also decide to lessen or modify the restrictions of the FCZs if the current regulations are not found to be meeting their intended goals.

IV. Identification of Vulnerable Groups and Groups Eligible for Assistance.

During the social assessment in each village, FISHBIO staff will assess which groups or individuals are primary aquatic resources users (fishers). These interviews will help identify what proportion of the community engages in fishing as a primary livelihood, compared to those who fish opportunistically. Primary resources users and will be invited to participate in project activities, and so will be directly involved in the monitoring and evaluation of the community FCZs. Groups that would be considered ineligible for assistance include those engaging in illegal, destructive fishing practices, such as fishing with dynamite, electric gear, or poison. FCZs may also prohibit fishing with traditional gear (such lines, nets, and traps) within their boundaries to protect fish populations, which could impact groups or individuals who historically used these methods at the FCZ sites.

This assessment will also identify which, if any, indigenous groups are living in the project area, and may be vulnerable to restrictions in resource use. If it is found that indigenous people inhabit these areas and trigger CEPF's social safeguards, FISHBIO will also produce an additional Indigenous Peoples Plan and social assessment to ensure compliance with CEPF's safeguard policies.

V. Measures to Ensure Mitigation or Avoidance of Potential Adverse Impacts.

FCZs in Laos should ideally be established in a participatory manner so that restrictions are voluntarily agreed upon by the communities themselves. The creation of FCZs restricts the fishing activities of community members and outsiders as well. Fishing inside a community's waters without permission is illegal in Lao PDR, and therefore impacts on illegal fishing are not covered in this framework. FCZ areas are usually quite small in size, and are intended to protect specific critical habitats for fish, while all other fishing areas remain open to use. The closing of small areas to fishing is not expected to have substantial adverse impact on local livelihoods. However, one of the goals of this project is to assess the socioeconomic and governance effectiveness of pilot site FCZs, which will help identify adverse impacts if they exist. Community interviews as part of FCZ monitoring will help ascertain whether the

FCZs are harming local livelihoods or access to food resources. Often, FCZs are established in recognition of declining fish catches, with the hope that partial restrictions to resource use inside FCZs will lead to increased fish catches outside FCZs, and bring more food security and secondary income for community members. If adverse impacts are identified as part of the FCZ monitoring process, these results will be presented to the communities to decide whether they want to lessen or modify the restrictions of the FCZs as part of the adaptive management process. This could involve moving the boundaries of the FCZ, permitting occasional harvest in the FCZ during specified time periods, reducing the restrictions on types of banned fishing gear, or lessening the fines incurred for violating FCZ regulations (see Appendix for example FCZ regulations).

VI. Mechanism to monitor safeguard issues.

FISHBIO and project partner staff will use project workshops and community interviews throughout project implementation to monitor whether CEPF safeguards are being met. The project will include check-ins with communities throughout the course of the project, and FISHBIO staff will also implement the grievance mechanisms outlined below to monitor any adverse impacts of strengthened FCZ regulations.

VII. Grievance Mechanism

FISHBIO staff will provide opportunities for community members to express complaints during all project workshops, and will inform the community about their rights to complain and to stop participation in the project at any time if they are not satisfied. All grievances aired will be addressed with the community as they are brought to attention. Community members may also choose to complain through existing channels for conflict resolution, such as through village heads and committees. FISHBIO staff will check in with these key village residents throughout the project to see if new complaints or grievances have arisen.

Additionally, informational posters will be placed in each village's community building that will explain FISHBIO's desire to address all grievances, and that villagers should contact project staff at any time. Contact information for IUCN Lao PDR will be provided in addition to FISHBIO contacts, so if community members do not feel that FISHBIO is not responding appropriately to their grievances, they can speak directly to the funder (in this case, first to IUCN Lao, due to language issues). IUCN Lao PDR can then forward this information on to IUCN Asia Regional Office. FISHBIO will have the responsibility to ensure any grievances are dealt with promptly, and will work with project partners to achieve this. Upon receipt of a grievance, we will hold meetings with local communities or individuals to discuss the issues and develop agreeable solutions to be implemented by the project. FISHBIO will keep the IUCN-Regional Implementation Team informed about any grievances that arise, and to develop the solutions that will be implemented by the project.



Figure 1. Community interview during a FISHBIO-lead FCZ project



Figure 2. Community hanging a grievance announcement related to a FISHBIO-lead FCZ project

Appendix I. Example Regulation Sheet.



**The Lao People's Democratic
Republic**

**Peace Independence Democracy Unity and
Prosperity**

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XXXXX District

No:

.....

XXXXX village

Ban XXXX, Dated:

DD/MM/YYYY

Regulations on The establishment and management of Fish Conservation zone in XXXXX, XXXXXX District, XXXXXXX Province.

I. Objective, location and size of conservation area

1. Objectives

1. To ensure successful spawning of *Probarbus jullieni* and *Probarbus labeamajor* as well as other species of aquatic life.
2. To end destructive fishing techniques such as electro-fishing and the use of explosive.
3. To improve the spawning success of multiple fish species.

2. Location and size of the conservation area

A. Location

II. Regulation, management and wise use of the conservation area

A. The regulations regarding Fish Conservation Zones.

1. During the *Probarbus sp.* Spawning period (usually January to March but if fish come early or late the ban will be put in place when ever *Probarbus* are observed spawning) all fishing gear will be forbidden from use within the FCZ.
2. Electro-fishing and the use of explosives or poison is forbidden year round.
3. Electronic fish attractants are banned

B. Penalties for violators

- If any individuals or a group of people violate regulation **No 1**, they will be penalized as follows:

1st offence: A fine of XXX,000 kip/person, seizure of evidence, mandatory education on FCZ regulations and benefits of FCZ and an official warning will be recorded.

2nd offence: A fine of X,XXX,000 kip/person, seizure of evidence and record of a final warning.

3rd offence: Seizure of evidence, detention of offenders and recommendation to send violator to the district authorities for further action regarding the case based on the regulations. This would mean a fine of more than X,XXX,000 or jail time depending on the case.

- If any individuals or a group of people violate regulation **No 2**, they will be penalized as follows:

1st offence: A fine of XXX,000 kip/person, seizure of evidence, mandatory education for the violators as to the laws regarding the use of explosives and electro-fishing techniques and their negative effects and an official final warning will be recorded

2nd offence: A fine of X,XXX,000 kip/person, seize the evidence, detain the offenders and make a case report to send to the district authorities to take further action regarding the case based on the regulations

- If any individuals or a group of people violate regulation **No 2**, they will be penalized as follows:

1st offence: A fine of XXX,000 kip/person, seizure of evidence, mandatory education on

FCZ regulations and benefits of FCZ and an official warning will be recorded.

2nd offence: A fine of X,XXX,000 kip/person, seizure of evidence and record of a final warning.

III. Awards/Policy for the working group

- | | |
|--|------|
| 1. Provide for the village coffers % | XX |
| 2. Enforcement group | XX% |
| 3. Any individuals who report the wrong doers: | XX% |
| 4. Management committee (who work in the field): | XX % |
| 5. In cases where there is other income generated from the conservation areas, the income should be used for village development | |

IV. Responsible committee for the management of conservation areas

- | | |
|---------------------------------------|----------------|
| 1. Village head | President |
| 2. Vice Village head | Vice President |
| 3. 2 members of FCZ enforcement group | Committee |
| 4. Village women's union | Committee |
| 5. Village youth union | Committee |

V. Rights and responsibilities of the committee for Fish Conservation

Zone management

A. Village head

- Will act as first liaison between local fishermen, enforcement group, field officer, district and provincial level government. They will be in charge of disseminating any new information from these agencies and organizations to village residents.
- Will select along the members of the FCZ enforcement group.
- Will act as first envoy should any disputes over FCZ boundaries should arise with neighboring villages.
- Will collect all fines after reviewing evidence gathered by the enforcement group. While this decision should be made after discussion with the rest of

the committee it is the final authority of the village head as to who receives fines.

- Will contact district officials in cases regarding repeat offenders or offenders who are unable to be caught.

B. Village's youth and women' unions

- Will provide information for the young people in the village, making sure that youth understand the regulations as well as the reasons behind them, to ensure future generations are ready to take on the management of the FCZ.

C. FCZ Enforcement group

- Regularly guard the areas by organizing a schedule and recording the work-shifts.
- Will receive training and equipment from Field Officer, IUCN staff, and provincial and district level officials.
- Have the right to seize fishing equipment including but not limited to gill nets, electro-fishing devices(including attractants), fish poison, and explosives from offenders to be used as evidence
- Will keep detailed notes on any offences encountered, photograph any offenders or evidence of possible offences. This data is to be regularly shared with the district level officials and Field Officer.
- If an offense is deemed to large or too dangerous for the local enforcement group, district level law enforcement will be brought in to assist with enforcement.

VI. Final Provisions

The regulations on the management and wise use of aquatic animal resources of Ban XXXXX are made up with consent and agreement of all authorities and villagers in the villages and other authorities in the XXXXX district. They shall be effective from the date this regulation is announced.

XXXXXX official

XXXXXX Village head

Stamped and signed

Stamped and signed

Certified and witness by:

Head of Livestock and Fisheries

Office, XXXXXX district

XXXXXXX district head