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## ***Integrated Eld's Deer Project*** ***WWF Laos***

# **Process Framework Incorporating Indigenous Peoples Plan**

### **A. PROJECT BACKGROUND**

The project will pilot Integrated Spatial Development Planning (ISDP) as a tool for reconciling conservation and development objectives for forests in Lao PDR in particular in support of Eld's Deer conservation and management. The ISDP process will guide communities and local government officials through an analysis of local resource use, ecosystem services and biodiversity needs for different areas of the core zone of the Eld's Deer Sanctuary. This process will help communities to identify the most appropriate areas for agriculture, resource extraction and conservation activities and will use the analysis to develop spatial plans at the village level. These plans will be integrated and reassessed to produce one plan for the area surrounding the Eld's Deer Sanctuary including the 93,000 hectare Sanctuary itself. The province, district and villages will develop and sign agreement contracts for the overarching land use plan, ensuring that conflicts do not arise with provincial planning or concession agreements and securing integration of the ISDP into the larger Government land use plans at the district and provincial level. The ISDP process will build local understanding and ownership of conservation activities integrating them as a component of local livelihoods and generating support from the people best suited to manage, monitor and protect threatened habitats and animal populations.

Specific Activities and Expected Outcomes include:

#### **Proposed actions**

- Agreement on process for Integrated Spatial Development Planning with District Governor's Office and Government Agencies
- Research existing socio-economic status, needs, and Environmental Service Values under natural, degraded and converted land in and around the EDS
- Training in ISDP process
- ISDP Planning with the 7 villages surrounding the EDS
- Analysis of drafted plans (including changes in environmental values )
- Integration Workshop for Core Area
- Village development support following Integrated Spatial Development Plan (based on results of the plan)
- Training of Community & Government patrolling teams and law enforcement officials (including data entry and analysis using MIST spatial analysis system)
- Support Village patrolling including incentives for work
- Support Government patrolling to respond to village findings
- Assessment of effectiveness of patrolling methodology/data collection/response

- Population assessment of Eld's Deer
- Piloting of direct incentives to villages based on conservation achievements
- Outreach and education on forestry laws and Eld's deer conservation in all villages in the sanctuary
- Monitoring and assessment of village application of the ISDP process and its effectiveness
- Provincial/District Level workshop to present the outcomes and lessons learned from the ISDP process
- Adaptation of the Sanctuary Management Plan

#### **Expected Outcomes:**

- Improved, more sustainable, village and district level planning for the core zone and the overall Sanctuary;
- Increased local support and capacity by Communities for natural resource management and Eld's Deer Protection
- Increased support and capacity of government agencies of Eld's Deer, forest protection and sustainable natural resources management
- Reduction in primary threats to the remaining Eld's Deer Populations including poaching and habitat encroachment
- Reduction in primary threats to the Dry Forest of the Eld's Deer Sanctuary including illegal logging, over harvesting of forest resources, agriculture expansion and fire
- Increased sustainable development options for villages in the core area of the sanctuary through clear spatial development plans which are based on the best use of the available resources as well as increased capacity for local resource management
- Improved understanding of the Eld's Deer Population in the Savannakhet Elds Deer Sanctuary

#### **B. THE STATUS OF INDIGENOUS PEOPLES IN THE AREA**

The project will work with a total of 26 villages which are based in and around the Eld's Deer Sanctuary in Savannakhet Province. Of these 26 villages, seven villages are located inside and along the boundaries of the Sanctuary and will be the focus of detailed integrated land planning and conservation management activities.

All but one of the 26 villages within the sanctuary (and six of the seven target villages) are from the Katang Ethnic Group. The Katang people traditionally live in upland areas (classified as Lao Teung by the Laos Government) and are the sixth largest ethnic group in Laos. Most Katang people follow old ethnic beliefs combining this with Buddhism in many areas. Traditionally Katang people are forest dwellers practicing long rotation upland rice. From studies in Savannakhet and Salavan provinces, they rely heavily on forest resources collecting non-timber forest products (NTFPs) for local use and sale and surviving fish, wild tubers and forest plants during times of rice shortage. Forest resource use is generally open access and people collect resources such as fish, frogs, mushrooms, bamboo shoots and *damar* resin. Despite traditional systems there are increasing disputes over open access resources and the need for management regulations and rights negotiations is becoming increasingly evident.

In addition to the Katang Ethnic Group there is one Lowland Laos (Laos Luem) village located in the Core zone of Eld's Deer Sanctuary. People from this village are traditionally paddy

rice farmers and practice Buddhism. They also rely heavily on forest resources collecting NTFPs for local use and sale.

From a 2013 survey the seven villages within the Sanctuary include 981 households. Together the seven villages are farming approximately 430 ha of paddy rice and have over 14,000 head of cattle and buffalo. Population data for each village is summarized in table 1 below.

**Table 1. 2013 Data for the Seven Core Zone Villages**

| Village                       | Number of Households | Total Population | buffalo | cows | Area of Paddy Rice (ha) | Year Settled | Ponds |
|-------------------------------|----------------------|------------------|---------|------|-------------------------|--------------|-------|
| Mai Sanamsai                  | 105                  | 669              | 86      | 400  | 88                      | 1992         | 2     |
| Nongsonghong                  | 82                   | 523              | 100     | 160  | 157                     | 1935         | 8     |
| Tangvainam                    | 202                  | 1663             | 285     | 608  | 158                     | 1935         | 8     |
| Tangvaikok (Nasunghor, Pasit) | 233                  | 1837             | 369     | 339  | 545                     |              | 8     |
| Kaleumvangkhae                | 147                  | 1038             | 150     | 227  | 129                     |              | 8     |
| Phosaikhoun (Meungfong)       | 138                  | 2021             | 203     | 189  | 313                     |              | 6     |
| Doungmala                     | 74                   | 528              | 98      | 105  | 75                      |              | 18    |

### C. LEGAL AND INSTITUTIONAL FRAMEWORK APPLICABLE TO INDIGENOUS PEOPLES IN LAOS

There are no formal legal frameworks or policies related to Indigenous People in Laos. The Government of Lao PDR is a Democratic Republic and operates on the principle of equality among all citizens without providing special clauses for marginalized or more susceptible groups. However the Government of Lao PDR has signed the UN Declaration on the Rights of Indigenous People and as such will have to ratify to the principles of the agreement over the coming years. Of particular relevance to Indigenous People's and Natural Resource Management are the following articles:

#### **Article 3**

*Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

#### **Article 4**

*Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*

#### **Article 8**

*1. Indigenous peoples and individuals have the right not to be subjected to forced*

*assimilation or destruction of their culture.*

*2. States shall provide effective mechanisms for prevention of, and redress for:*

*(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;*

*(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;*

*(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;*

*(d) Any form of forced assimilation or integration;*

*(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.*

#### **Article 10**

*Indigenous peoples shall not be forcibly removed from their lands or territories.*

*No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.*

### **D. POSSIBLE THREATS AND MITIGATION**

Following the CEPF Planning Framework there are a variety of possible threats to Indigenous Peoples through development interventions and in particular natural resource and land use planning. The following section summarizes these threats and outlines mitigation which will occur as part of project implementation to minimize negative impacts on local and Indigenous People.

#### **1. Infringement on customary and Indigenous Peoples' rights**

Given the lack of legal framework and regulations specifically supporting Indigenous People's in Laos there is no threat of project activities resulting in loss of formal rights. In fact a specific focus on local culture and resource use practices as part of the planning process will strengthen integration of Indigenous rights and culture into the planning process both building capacity within local government staff and establishing a framework for including these issues into land use and resource planning.

Customary rights existing within communities and between villages will be specifically examined as part of the ISDP process and as much as possible integrated into the village and core zone plans. If changes to customary rights seem necessary as part of the planning process the decision will be made by the villages themselves and should clearly be backed with justification and mitigation measures such as alternate areas identified or increased support to alternative livelihoods.

#### **2. Loss of culture and social cohesion**

Loss of culture and social cohesion is a threat of any type of development intervention with respect to indigenous communities and culture. By including culture and traditional resource use practices as part of the planning process the project will make every attempt to record and maintain culture and social cohesion. In particular the socio-economic surveys and the land use planning process will include specific questions and responses to culture

and traditional practices and every attempt will be made to maintain these practices in the long term plans.

### **3. Dependency on external support.**

Participation and capacity building will be key to every step of project planning and implementation ensuring that decisions are made by the communities themselves and are based on strong principles of sustainability and environmental management. External support will be in the form of capacity building or start up funds and will be based on needs identified by the communities themselves. The integrated land use plans will be based on appropriate resource use and management and a sustainability plan will be developed for all livelihood support activities to ensure that there is no long term dependency by local communities.

### **4. Inequitable participation**

WWF recognizes that all members of society are involved in resource use and collection. Participation in design will include all levels of community membership (in particular women and lower income groups within a village) and will be designed to build upon local decision-making structures. Appropriate capacity building will also be built into all planning processes thus building local capacity for integrating culture and resource needs into the planning process. Management functions will also be tested before full-scale implementation to ensure that they are realistic within the existing structure and workload of the target communities.

### **5. Poorly planned changes in natural resource use.**

Examination of traditional systems in participation with local communities will be key to the land use planning process. Biological and social evidence of the implications of formalization of existing management structures or changes in resource management will be assessed and communities will ultimately develop land use plans based on this assessment. In addition the implications of multiple village plans will be assessed over a larger area focusing on long term sustainability and conflict mitigation for all the villages in the Core Zone of the Eld's Deer Sanctuary.

## **E. PRIOR CONSULTATION**

As part of past WWF work in the Eld's Deer Sanctuary as well as development of the concept and proposal for the Integrated Eld's Deer Project significant consultant with both local communities and government staff has been extensively conducted over the past four years.

Village meetings were held in all villages, including village leaders and representatives from different community groups. Villagers supported the proposed concept. Specific suggestions from the villages included a need for:

- direct support to land use planning
- awareness raising among all of the 26 villages around the Sanctuary
- uniforms for the patrol team (now supported by the UNDP)
- a second or larger area for the core zone
- increased dry season water habitat (construction of a second pond)

In addition meetings were held between WWF technical staff and the PAFO/DAFO technical staff, PAFO/DAFO Heads of Departments and the District Governor's Office. Again Government representatives were very much in favor of the project. Specific suggestions from Government included:

- expand training in fire management to all villages around the sanctuary
- increased support to patrolling
- increased training and capacity building for PAFO/DAFO staff
- detailed assessment of Eld's Deer numbers
- support to tourism development for the sanctuary

Most of these recommendations have been incorporated into the project document and planning process.

#### F. PARTICIPATORY IMPLEMENTATION

Land use planning policy in Laos requires provincial and district officials to prepare land use plans despite limited experience, capacity, and understanding of how to conduct an effective planning process. The result is often poorly thought out plans which are incompatible with long term sustainable development at the village level and do not take local culture or heritage into account. ISDP is a new method of analysis and planning which aims to balance the needs of the communities and biodiversity conservation, capitalizing on the existing resources and ecosystem services of an area and incorporating conservation needs as part of the planning process. The ISDP process enshrines the principle of Free, Prior and Informed Consultation by supporting the villagers themselves in working through the planning process and supporting them in their own decision making along the way. The ISDP process will start with an overview of the project and work with communities to develop a set of clear and agreed upon objectives for their village level planning. It will then fully identify village views, customary rights and traditional use of land and resources, existing land available, biodiversity values, and village strengths or interests. With support from the project, the village will then develop a land use plan and identify capacity building needs and safeguard instruments which are agreed upon by the community members themselves and which the project and the provincial and district agriculture and forestry office can then support.

Through this ISDP process villagers and government officials will identify key opportunities for sustainable development and critical areas for biodiversity conservation and integrate these as part of their sustainable development strategy and spatial planning. A key component of this participatory planning process is the assessment of traditional practices and beliefs and integration of community needs, including cultural, into the village plans. Once village level plans are complete a second level of planning will occur integrating all village levels plans over one key area (the Eld's Deer Sanctuary Core Zone) including an assessment and mitigation of potential village conflicts thus further building long term sustainability and cultural understanding into the process.

Formal consent by local communities will occur at two different periods during project implementation. An initial meeting to start the ISDP process will be held in each village and will include village leaders and representatives from different groups within the village structure. This meeting will explain the ISDP process and work with participants to develop agreed upon village objectives and timelines for the process. Village leaders will then be

asked to sign these objectives and this will mark the start of the ISDP process at the village level. Once the village level ISDP plans are complete and have been assessed and compiled over the whole core zone area agreements on this overarching plan will be drafted and signed by the village leaders and the district officials. In this way villages agree to implement their ISDPs and these plans are formalized within the district and provincial planning process strengthening village rights and land use as a whole.

In addition to integration of traditional knowledge and cultural needs into the planning process the project has a large focus on capacity building at both the village and the District/Government level. Through capacity building activities the project will demonstrate the need to take traditional culture and needs into account and build local capacity for a more participatory and ethical process.

#### G. INDIGENOUS PEOPLES MEASURES

Actions to mitigate specific threats to Indigenous and marginalized groups are part of the existing project planning and can be summarized as follows:

- Community leaders, and heads of sub-village groups, will have direct decision-making authority over planning and management decisions taken within their respective village territories
- ISDP processes will involve, at minimum, representation from village leadership and delegates from indigenous communities (if not already represented by village leadership)
- Regulations regarding use and restrictions on natural resources will be determined on a village-by-village basis with community leadership in order to ensure that the customary rights and interests of indigenous peoples are adequately protected
- Patrolling and enforcement of regulations will be carried out by community representatives in each community, comprising of at least a representative proportion of indigenous community members
- Both the ISDP process external evaluation and the project evaluation at the end of the project will specifically review inclusivity and protection of indigenous peoples as a review criterion.

#### H. MEASURES TO ASSIST THE AFFECTED PERSONS

The ISDP process will determine whether any persons or groups will be negatively impacted by land use changes and new community plans. Mitigation measures will be developed, largely on a community basis, through capacity building and alternative livelihood support.

Both project staff and District Government Officials will develop close relationships with the target villages and will thus maintain strong communication links and be able to address issues as they arise.

In general, given the participatory nature of the process and the variety of conflict resolution mechanisms which are in place through the process, it is not anticipated that there will be large negative impacts on communities or individuals. In fact the overarching objective of the ISDP process is to more sustainable land use options which balance the needs of communities with biodiversity and the natural environment around them.

## I. CONFLICT RESOLUTION AND COMPLAINT MECHANISM

Grievances and conflicts raised by affected communities or individuals will follow official channels which communities and villagers understand and are comfortable with. The general process is to inform government representatives from in the relevant department via the village leaders and the district officials. Depending on the grievance the district or provincial officials will then either support mitigation or conflict resolution or contact the central authority or the project directly.

In addition to this recognized process the project itself will be working closely with both the district officials and the village leaders and will inform both groups that any issues or grievances can be brought directly to WWF staff, the IUCN CEPF-Regional Implementation Team, or CEPF. WWF will provide communities with the contact details of the WWF team, the IUCN CEPF-Regional Implementation Team and CEPF. All communities and Government partners will be made aware that grievances can be made at any time, to any of the above individuals/organisations. WWF and FPD should be the first point of call. Should any of these organisations receive a grievance, they will be required to report this to WWF immediately.

WWF will have responsibility to ensure these grievances are dealt with promptly and will work with project partners to achieve this. Upon receipt of a grievance, WWF and project partners will hold meetings with local communities or individuals, to discuss the issues and develop amicable solutions which will be implemented by the project. WWF will keep the IUCN CEPF-Regional Implementation Team informed and consulted regarding any grievances that arise and to develop the solutions that will be implemented by the project.

## J. BUDGET REQUIREMENTS FOR INDIGENOUS PEOPLE'S MEASURES

As the ISDP Process is specifically designed to develop village and landscape plans which are locally adapted and avoid adverse impacts on Indigenous Peoples it is not anticipated that additional funding or budget reallocation will be necessary to pay for implementation of the Indigenous People's Measures.

## F. IMPLEMENTATION ARRANGEMENTS

WWF are responsible for overall management of the project but will work very closely with the Provincial and District Agriculture and Forestry Offices and the villages themselves. WWF Laos will sign a Memorandum of Understanding for project implementation with the Provincial Agriculture and Forestry Office (PAFO). PAFO and WWF will collaborate on work planning and implementation. WWF will manage the budget and oversee all activities including contracting of consultants, staff and reporting. PAFO will support all government collaboration and jointly implement all village level planning and activities. They will also be directly responsible for reporting to the Government including the National Level Department of Forestry and the Ministry of Foreign Affairs.