Involuntary Restrictions Process Framework

Community-based Conservation of Sandbar-nesting Birds in Cambodia

This process framework was prepared by University of Minnesota (UMN) and provides social safeguard information regarding involuntary restrictions on access and use of natural resources by people during the course of this project, for which UMN is requesting funding support from the Critical Ecosystems Partnership Fund (CEPF). This process framework includes background to the project, social and threat analyses, plans for participatory implementation, explanation of how groups eligible for assistance and vulnerable groups will be identified, planned measures to mitigate impacts and assist affected groups, explanation of a mechanism to monitor safeguard issues, and a grievance mechanism.

Background

This project was developed based on existing project activities that have been conducted by UMN over the past 5 years to implement community-based nest protection for sandbar-nesting bird species. This work has been conducted in collaboration with existing nest protection and participatory, community-based conservation activities of Worldwide Fund for Nature (WWF) – Cambodia country program, and Royal University of Phnom Penh (RUPP). Focal species for conservation include River Tern *Sterna aurantia*, Great Thick-knee *Esacus recurvirostris*, River Lapwing *Vanellus duvaucelli*, Small Pratincole *Glareola lactea*, and Little Ringed Plover *Charadrius dubius*. Community-based conservation activities will focus primarily on River Tern, the species of foremost conservation concern, and will include the additional species as time and funds allow. Additionally, project activities will strive to support Conservation International's (CI) efforts to protect nesting sites of the Critically-endangered Mekong Giant Softshell Turtle *Pelochelys cantorii*.

Community-based nest protection will be implemented along the Mekong River between Kratie and Stung Treng towns, as well as on the Sesan and Sekong Rivers. Mekong River project sites are within the "Mekong Aquatic Biodiversity Conservation and Management Area", a stretch of the Mekong River between Stung Treng and Kratie, Cambodia recently designated as a protected area by the Cambodian Fisheries Administration (FiA). The Sekong River project area will include the entire Cambodian stretch of river, and the Sesan River project area will include the stretch between Ta Veng district town in Ratanakiri Province and Ksach Thmei village in Stung Treng Province.

The project will utilize a financial incentives-based approach to protect bird nesting sites, and will involve voluntary agreements with individual community members to protect nests from human harvest and animal predators. This project will not involve involuntary resettlement of people, and the amount of involuntary restriction of resources used by people will be very limited in scope.

The project's nest protection activities are in essence an extension of a WWF managed nest protection program which began four years ago with CEPF support and operating under CEPF social safeguards and principles of prior and informed consent by communities to implement a direct-incentives scheme to protect River Tern nests. This project will work with the same network of nest protectors but will expand the program to all sandbar-nesting bird species (River Tern, River Lapwing, Great Thick-knee, Small Pratincole, Little Ringed Plover). Financial benefits for nest protection will be scaled according to conservation status of bird species (i.e. higher payment for protection of River Tern that Little Ringed Plover nests) and successful outcome of protection activities (e.g. full payment if eggs successfully hatch, partial payment for failure). University of Minnesota has collaborated with WWF for the past four years on the River Tern nest protection program. Nest protectors, as well as project personnel, will attempt to locate all River Tern nests within the project areas, and as many nests of other sandbar-nesting species as possible. Upon locating a nest, nest protectors will maintain a presence for the duration of the nesting period to prevent egg collection by people, trampling by domestic water buffalo, predation by animals (to the extent possible), and disturbance by people and animals in the vicinity of nests. Nest protectors, with guidance and training from project personnel, will also set up predator exclusion devices (wire mesh fencing) around nests to protect them from predation and trampling.

In the previous years, a large proportion of community nest protectors were already seasonal residents of the same sandbar sites used by birds for nesting. People frequently build seasonal, and in some cases semi-permanent, huts on sandbars where they engage in fishing and agriculture (primarily growing watermelons as a cash crop, along with subsistence-level vegetable plots). These seasonal sandbar residents usually come from permanent villages within 10-20 km up or downstream. The voluntary nest protection agreements will require seasonal sandbar residents to alter their activities to minimize disturbance to nesting birds, but will not cause involuntary loss of access to resources.

Although a few people obtain formal commune-level permission to set up seasonal residence on sandbars, previous assessments have indicated that according to customary use by communities in the project area, the majority of temporary seasonal camps are set up on a "first come, first served" basis, and late-comers will go elsewhere to conduct fishing/farming activities rather than compete with people who have already established seasonal livelihood activities on a sandbar.

For bird nesting sites that do not already have established encampments by seasonal resource-users, we will recruit residents of nearby communities (through conservation incentives and voluntary agreements) to set up camp at the nesting site to ensure that nests are protected for the duration of the nesting period. Although establishing nest protectors at breeding sites is expected to cause some limited involuntary reduction in access by resource-users who are not participating in conservation activities, this approach will utilize the existing framework of customary resource use that is already in operation by local communities. Furthermore, the project study area contains hundreds of sandbars, only a very small number of which are used by nesting birds. Therefore, non-

participating resource users should be able to find equivalent sites nearby for livelihood activities where they will not impact nesting birds.

In some cases, financial incentives for nest protection may encourage people to set up camp on sandbars earlier than usual, for longer periods than usual, or on sandbars that they would not normally use. Increased use of sandbars by nest protectors, may cause some additional disturbance to nesting birds. However, because egg collection by humans (by passers-by, as well as people camping) is so high, the benefits to breeding birds by having community nest protectors stationed nearby are expected to outweigh the negative aspects of having some additional disturbance.

Social and Threat Analysis

In discussing the safeguards here, it should be considered that by definition sandbar-nesting bird (and in fact all wildlife) conservation could affect customary use by local communities. This reduction in use is essential in some cases and places if species are to avoid extinction. In Cambodia, previous assessments show that, due to low abundance of sandbar-nesting bird species such as River Tern, Great Thick-knee, and River Lapwing, customary use and the value in society is minimal because of the low return per effort spent to harvest eggs. Previous interviews conducted by UMN and by researcher Claassen (Claassen 2004) indicated that egg harvest for these species is opportunistic, and communities on the Mekong, Sekong, and Sesan Rivers do not rely on egg collection as a significant customary protein source. Little Ringed Plover and Small Pratincole have higher abundances making it easier to harvest eggs, especially of Small Pratincole which nests colonially. However, the latter two species have small clutches (1-3 eggs) and very small eggs (six Pratincole or Plover eggs are the equivalent volume of about one chicken egg), and egg collection is primarily a past-time of local children, rather than providing any significant contribution to nutritional well-being. Historically, populations of River Tern at least were much higher than current levels. Several interviewees on the Sesan River recalled when River Terns used to be so numerous that they could collect an entire basketful of eggs in a single hour, but stated that now they hardly see River Terns and people no longer spend time looking for eggs. The current low abundance is likely a result of massive egg collection, and as such, given the very small and dwindling River Tern population, any level of egg collection can be seen as unsustainable.

Imposing restrictions on egg collection will be voluntary, and the project will provide benefits for people who voluntarily choose to protect nests. The project will provide financial incentives to compensate people who choose to protect bird nests rather than harvesting the eggs for their personal consumption. Financial compensation will greatly outweigh the value of the eggs for personal consumption. Other resource use will only be restricted in areas of immediate vicinity to nests. Otherwise, the project will not seek to limit resource use or subsistence activities on sandbars, unless the activities are obviously illegal and destructive (e.g. illegal hunting, logging, fishing, gold mining). As stated in the previous section, non-participating resource-users are likely to experience some reduction in access to natural resources. However, loss of access to resources is expected to be limited in scope.

Other impacts to customary cultural activities will be the restriction of egg collecting as a pastime by children. However, rather than harvesting eggs, children (and their adult family members) will be encouraged to report nests and assist with nest protection activities, and will be financially compensated for doing so. Previous UMN work has seen a large number of Small Pratincole nests being successfully protected by children. During interviews, participating children reported feeling a sense of enjoyment, satisfaction, and pride in being able to work with the UMN research team to protect bird nests and contribute financially towards supporting their families.

One potential threat is that people who participate in the project will become dependent on external support and financial incentives for nest protection, and may have trouble readjusting in the event that funding for nest protection ceases. However, restrictions on legal, non-harmful customary subsistence activities regarding use of natural resources will be very limited in scope; the project will only restrict subsistence activities such as agriculture and fishing in areas immediately adjacent to nesting sites, but will not restrict people from these activities in areas that are an adequate distance away from nests to not cause undue disturbance to nesting birds. Previous experience of UMN indicated that most project participants only protected one or two bird nests, and that project participants tended to continue to engage in other livelihood activities, even while participating in the nest protection program. Therefore, even in the event of loss of financial support for nest production, livelihoods of most project participants are not expected to be greatly impacted. However, for the few multi-year participants who protect numerous nests each season, dependency on nest protection payments is a bigger issue. To reduce detrimental impacts caused by sudden loss of income, the project will phase out payments, rather than stopping them altogether. For a few key nest protectors who have may have become dependent on nest protection payments, the project will seek to identify and attain means for alternative livelihood support. During and after implementation this project, we will hold discussions with WWF regarding setting up a community conservation ambassador program to hire some of our key nest protection program participants to conduct conservation awareness in their areas. Although this will not lessen dependency on external support, it will at least ease the financial burden of loss of nest protection income for these community members who have become integral participants to the nest protection program. Additionally, together with RUPP, we will investigate potential for ecotourism or hosting international academic study tours to help generate alternative income for communities.

Broadly, the project will seek to ensure sustainability through awareness and education activities, and will also seek additional future funding to continue nest protection, as well as to expand into other potential activities such as developing alternative livelihood strategies or opportunities for ecotourism. Additionally, we are collaborating with WWF, RUPP, and government agencies such as the Cambodian Forestry (FA) and Fisheries (FiA) Administrations to ensure long-term sustainability of project goals towards supporting wildlife conservation and non-harmful livelihood activities by local communities, while reducing illegal or destructive activities within project areas.

Participatory Implementation

This project is based on several years of participatory community-based bird nest protection activities on the Mekong River (implemented by UMN and WWF since 2008), Sekong River (implemented by RUPP since 2012), and Sesan River (implemented by Claassen in 2003, and since 2011 by RUPP). Previous work by WWF on the Mekong River included awareness-raising activities and participatory consultations with numerous communities within the project area prior to and during bird nest protection program activities. On the Sekong and Sesan Rivers, RUPP has conducted awareness-raising activities and participatory consultations with eight communities prior to and during bird nest protection program activities. These previous community meetings have been primarily led by project partners WWF and RUPP, with some joint discussion and presentation of issues to communities by UMN. The community meetings are structured to be informative and participatory with discussions on bird status and conservation context, local opinions regarding project goals and design, combined with a short presentations and/or video. The UMN team has also conducted numerous informal interviews with past community nest protection participants, as well as resource users (primarily fishermen) who were not involved in the nest protection program, to gain insight into social, cultural, and economic implications of bird nest protection. During this project, we will conduct additional interviews to more accurately assess socioeconomic and cultural impacts, benefits, and implications of bird nest protection to local communities.

UMN 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 during interviews and in participatory processes. During interviews and consultations with communities, we will seek to identify the distinct priorities of these diverse groups and will strive to take these into account during project implementation. The project will strive to encourage participation by as many diverse groups as possible, especially including women, children, and Indigenous peoples to the extent possible.

Identification of Vulnerability and Eligibility for Assistance

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 hydrological changes stemming from the current and proposed construction of hydropower dams upstream, at Sambor district, Kratie, and at the confluence of the Sesan and Srepok Rivers.

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 Social Assessment and 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 issues specific to Indigenous people.

The goal of the project is to provide opportunities for communities to value and protect biodiversity and participate in conservation activities. The project will seek to identify the most vulnerable groups (poor, indigenous, women, etc.) and provide assistance to these groups though direct employment of community members and establishment of an incentive-based conservation scheme to protect breeding sites of sandbar-nesting birds.

Measures to Mitigate Impacts and Assist Affected Groups

The project does not have provisions to provide direct compensation or "one-for-one" mitigation measures for involuntary restriction on livelihood activities. However, voluntary agreements for bird nest protection will be established with as many resource users as possible, and the accompanying financial incentives are expected to be equal or greater to the limited voluntary restrictions on livelihood activities in order to ensure protection of key nesting sites. If, through interviews and community consultations, the project finds that there are opportunity costs due to loss of access to resources at nest sites under protection, we will make every effort to include resource users who lost opportunities in the project so that they can participate in conservation activities and receive financial benefits for nest protection.

Monitoring Safeguard Issues

Monitoring safeguard issues will be an ongoing process throughout the project, through interviews with project participants and non-participating resource users (e.g. fishermen), and through community consultations. Community consultations on the Mekong River will be led primarily by our partner organization WWF. Community consultations on the Sekong and Sesan Rivers will be led jointly by UMN and our partner organization RUPP. Ensuring social safeguards are a high priority for UMN and we will make assessments at least monthly, based on the ongoing monitoring of social safeguard issues.

Conflict Resolution and Grievance Mechanism

UMN will ensure that community members receive contact information for all UMN field personnel, as well as for key partner organization personnel. Community members will be encouraged to contact UMN or partner organizations immediately if project-related conflicts or grievances arise. Likewise, we will encourage community members to contact UMN field staff if any conflicts or grievances arise pertaining to our partner organizations. Before, during, and after project implementation, we will hold informal discussions with community members to discuss their suggestions, misgivings or concerns about the project. We will publicize the grievance mechanism during the informal discussions with community members, and also prior to the signing of any voluntary nest protection agreements with individuals and communities, and will provide contact information of a third party who can help with grievances if necessary. We will use an adaptive management approach to project implementation to make adjustments as

needed according to conservation needs of bird species, to incorporate community members' suggestions, and to reduce the likelihood of potential conflicts or grievances arising from the project. If grievances arise, we will work with the community members involved, with participation from other organizations where appropriate, to resolve conflicts and reach mutual agreements between all parties.