

Process Framework incorporating Indigenous Peoples Plan

for the project

Co-management of Freshwater Biodiversity in the Sekong Basin A WWF proposal to the Critical Ecosystem Partnership Fund

PROJECT BACKGROUND

The Sekong River forms one of the largest sub-catchments of the Mekong Basin and flows through three countries; Viet Nam, Lao PDR and Cambodia. The Sekong River, and important tributaries such as the Xe Khaman and Xe Pian, encompasses a wide range of habitats including high gradient upland habitats with rocky gravel substrates to lowland floodplain meanders with sandy substrate. These diverse habitats support one of the most species diverse and productive fisheries in the Mekong Basin.

The Sekong River Basin is of importance for biodiversity conservation and is classified as a CEPF priority corridor as a major tributary of the Mekong River. It supports populations of at least 15 CEPF Priority Species, including Asian Giant Softshell Turtle, Asiatic Softshell Turtle, Giant Freshwater Stingray, Jullien's Golden Carp, Green Peafowl, White-winged Duck and Asian Elephant. In 2007, WWF project staff confirmed the persistence of Asian Giant Softshell Turtle in the river system. The Xe Pian National Park, including the Xe Pian and Xe Khampho Rivers (tributaries of the Sekong) supports some of the most intact lowland forests remaining in Southeast Asia.

The freshwater diversity of the Sekong, including fish, mollusks, aquatic insects, crustaceans and turtles, all support important fisheries and are an important component of household food security and economy. A majority of households in the Sekong rely on the diverse fish and other aquatic animals as their main source of animal protein. A loss of fisheries productivity and diversity would lead to community health and nutrition problems as these communities have no other reliable or affordable source of animal protein.

Regional economic growth however, is putting greater pressure upon the Sekong to supply the increasing demand for electricity, wild fish, and forest products. Key threats identified include over fishing and destructive fishing practices, habitat loss, and changes to the hydrological regime from land conversion and hydropower development. Currently the Xe Khaman 3 hydropower project is under construction in the upper Xe Khaman, with four more dams in the planning stage; the Sekong 5, Sekong 4, Xe Khaman 1, and Nam Kong 1. Planned hydropower development in the Sekong Basin mean it is urgent to understand the current state of biodiversity of this system, how these aquatic resources are locally utilized and managed, and to assist communities in planning for different development scenarios. Irrespective of such developments the current unsustainable use of natural resources threatens both the long-term ecosystem functions of the Sekong Basin and the community health and development of those people who utilize these resources. This highlights the real need for increasing support to fisheries co-management zones, community networks for sharing lessons learned, and planning discussions at a river basin scale to begin to address emerging threats to biodiversity and the livelihoods that rely upon a healthy Sekong watershed.

It is important therefore that immediate measures are taken to strengthen the institutional and legal frameworks that support the co-management of natural resources. The communities that most rely upon sustainable use of natural resources and conservation of biodiversity are also the best positioned to serve as key agents in the monitoring and management of the resource base. The project seeks to engage communities across the Sekong drainage in the Lao

provinces of Attapeu and Sekong. Successful implementation of the project will require participation from numerous ethnic groups found within this area, such as subgroups of the Katu, Ngkriang, Brou, Triang, Nye and Brao peoples, as well as the lowland Lao people.

In total the geographic area of the Sekong Basin in Lao PDR covers an area 22,960 km² with a total population of roughly 151,399 people across the provinces of Sekong and Attapeu. Currently WWF works with 31 villages in the Sekong Basin, and will add at least another 25 villages over the period of the CEPF grant. The exact number of villages will depend upon the interest of these communities and their requests for support in fisheries co-management.

Table 1 Ethnic Groups and Population of the Sekong Basin*

Ethnic Groups in the Sekong Basin		
Sekong Province		
Ethnic Group	Sub-Groups	District
Katu		
Triang (Talieng)	Triang Yam	Dak Cheung
	Triang Kaseng	Dak Cheung
	Triang Trong Meuang	Dak Cheung
	Triang Kong	Dak Cheung
	Pa'neng	Dak Cheung
Harak (Alak)		
Ngkriang (Nye)		
Ye	Ye Kong	Dak Cheung
	Ye Yeun	Dak Cheung
	Ye Dak	Dak Cheung
Lao		
Souay (Kui)		
Brou (Ta Oi)		
Jru (Laven)		
Lavi		
Attapeu Province		
Ethnic Group	Sub-Groups	District
Lao		
Brao (Lave)	Jree	Phouvong
	Kavet	Phouvong
	Hamong	Phouvong
	Ka-nying	Phouvong
Oy		
Triang (Talieng)		
Cheng		
Laven-Sou (Jru-Jru Dak)		
Harak (Alak)		
Ye		
Heuny (Nya Heun)		
Sedang		
Sekong Province Total Population	64,170	
Attapeu Province Total Population	87,229	
TOTAL	151,399	

*adapted from Baird, I.G. and B. Shoemaker 2008. People, Livelihoods and Development in the Xekong River Basin of Laos. White Lotus Press, Bangkok, 435 + pp.

Customary and Indigenous Peoples Rights

While there are no specific laws related to Indigenous Peoples in Lao PDR, the government has signed the UN Declaration on the Rights of Indigenous Peoples.

Lao PDR is a country that has relied upon traditional use and customary resource tenure for the management of natural resources like aquatic biodiversity. As pressures for these natural resources have begun to increase in recent years this approach to natural resource management has evolved into a system of co-management or collaborative management between state agencies and communities.

Within the new Fisheries Law, articles 51, 52 and 53 serve to clarify the rights of Lao communities, including Indigenous groups, to implement co-management plans for the protection of aquatic habitat and biodiversity. Specifically Article 51 describes the institutional structure of fisheries management groups that include representatives from the village administration, fishers, village police, and mass organizations of the village (such as the village women's union). Article 52 defines the general roles and responsibilities of the management groups in demarcating the management area, communication of management objectives and regulations to the village and District authorities, and monitoring enforcement of regulations. Article 53 specifies how village regulations must be devised through a consultative process that includes neighbouring villages and District authorities. This new law therefore is in direct support of any traditional or customary tenure of indigenous groups within the project area should these communities wish to continue to apply this approach to natural resource management.

To further support the implementation of the fisheries law, and application of traditional management and/or customary resource tenure systems, the project will apply a consultative process to understand who the communities are with regular or seasonal access to the fisheries of the Sekong River and tributaries. This is important to the project as it will help to clarify who has access to the fishery, albeit on a seasonal or temporary basis, so that the project can include these seasonal fishers in any consultations on co-management. This is a key strategy to enable project success beyond the lifetime of the project, as any conflict that new management regulations create may jeopardize the long-term success of fisheries co-management in the Sekong.

The project assumption that underlies long-term success is that, regardless of ethnicity, these communities will continue to perceive the value of the fisheries as being worth investing their management effort. Should this perception change and communities switch to other sources of animal protein, then they may no longer wish to invest effort into protecting freshwater habitats and biodiversity.

Participatory Approach

The project approach is to apply the steps outlined in the Fisheries Co-management Guidelines. These guidelines were developed by WWF and the Department of Livestock and Fisheries (DLF) based upon years of experience in facilitating and supporting communities to develop fisheries co-management plans. The steps in the guidelines highlight the need for the project team to strive to raise awareness within and between communities of the overall objectives they are defining for fisheries co-management within their village boundary. This consultative process is well aligned with the CEPF policy for free and informed consultations prior to any project interventions with Indigenous groups. As part of planned consultations the project team must recognize there is broad community support for these objectives before continuation of applying the steps outlined in the guidelines. This effort by the project team to encourage general consensus or broad support for co-management objectives is necessary to ensure that the project team is following a process of informed consultations with a wide

range of people from within the community prior to continuation of the steps included in the Fisheries Co-management Guidelines. During this process the project team utilizes communication tools like posters to aid the discussion and understanding amongst all peoples present during the consultations. These communication tools rely more on images than language to help people understand the concept behind co-management. The step-wise process of the guidelines requires the project team to visit the communities on several occasions before consent is provided to approve the co-management regulations. This allows communities to discuss amongst themselves in local language without the influence of the project team to lead the discussion.

The previous work of WWF in the Sekong Basin included facilitating new freshwater protected areas in 31 villages. The majority of these villages were made up of Ye, Brao (or Lave), and Triang (or Talieng) ethnic groups. The project team has experience in communicating with these ethnic groups. Furthermore it is recognized that a high percentage of people from these communities can communicate effectively in Lao language (Lao is taught in village schools) and can serve as translators for anyone in the village who does not understand Lao. In between the visits from the project team the community is encouraged to discuss amongst themselves in local language.

As the project will work to support communities to establish freshwater protected areas in the rivers and wetlands within their village area, it is not anticipated to have any adverse impacts on these communities. Under a previous WWF project working in Attapeu and Sekong from 2005-2009 on livelihood development and aquatic resources management the target communities identified the support provided to them to establish fisheries co-management plans as the single most important livelihood activity of this project. With this new phase of the project supported by CEPF it is anticipated that target communities will have similar response to support offered by the project for assistance in demarcating new freshwater protected areas. The project approach relies on communities requesting support for fisheries co-management. This will be undertaken in the following manner:

- project team informs government agencies at provincial and district level of the objective to support fisheries co-management extension in the Sekong drainage
- project team and/or government counterparts inform villages with existing co-management plans (under previous phase of WWF) of the CEPF support for extension of fisheries co-management
- project team conducts planning meetings with government counterparts to clarify work plans, roles and responsibilities, project strategy and approach, and training in fisheries co-management if necessary
- communities inform District agencies with requests for support in co-management (i.e. consent to begin the process to establish fisheries co-management arrangements)
- project team makes initial visits to these communities to determine interest and explain overall project objectives and strategy, explaining the steps in fisheries co-management and what action will be required by the community. This is a key step in the free, prior, and informed consultation to align the project with the CEPF policy for Indigenous Peoples.
- community has internal discussion to clarify interests
- District counterparts follow up with communities to determine interest and plan a timeline for further activities
- project team follows up with District counterparts and communities to begin drafting the fisheries co-management regulations.

At no time in the process is the project team choosing target villages without prior requests for assistance (i.e. consent) from the community. Rather the steps outlined in the Fisheries Co-management Guidelines encourage the following:

1. **Consensus Building** – to achieve a high degree of participation, understanding and support for co-management from within the community. The process to build consensus within and between communities can take time, and the adaptive management approach to project design will account for this to provide the project team sufficient time to ensure there is free and prior consent to continue the process. During this process the project team will seek to gain in-depth understanding of how the fisheries are being managed and utilized, and by whom. This assists the project team and the community to clearly understand what the potential benefits are in changing and/or strengthening any fisheries management rules or access rights. This also allows the project team to discuss any potential adverse impacts resulting from management changes as a result of project interventions. If any group of people express concerns over potential adverse impacts the project strategy is to immediately seek to clarify possible solutions, compensation or mitigation that may alleviate these concerns.
2. **Drafting Co-management Regulations** – to define the roles and responsibilities of all parties to the co-management plan, and request further internal discussion and revision of the draft regulations
3. **Revision of Draft Regulations** – to have villagers present back to the project team and government counterparts any revisions to the draft regulations. To explain the purpose to any revisions in a public meeting at the village.
4. **Agreement on Revised Regulations at Community Level** – to present the revised regulations to a larger audience including neighbouring villages and related District agencies, and get approval in a public forum to continue the steps to establish the revised regulations
5. **District Approval of Regulations** – signed copies of the regulations are distributed at the community level, as well as to relevant government agencies at District, Provincial and National level. A signboard with details of the co-management regulations is erected in the village
6. **Public Announcement of the Regulations** – to invite the community and neighbouring villages to a ceremony at the village to announce the opening of the new freshwater protected area and congratulate all parties involved in the process

Consent to begin this process to establish fisheries co-management plans comes initially as a verbal request from village authorities to the District. After a period of consultations within and between communities, with feedback on draft regulations from the District, the final consent for the new co-management plan comes again from the village authorities, as well as from the District. This final consent to implement the management plan is a written document (the management plan) that is signed by village and District authorities.

Following this process outlined in the Fisheries Co-management Guidelines the project team ensures sufficient participation and understanding of overall objectives of the project. This encourages target communities to take ownership of project results, as well as allowing for the following key outcomes to occur:

- indigenous communities in the Sekong drainage are informed of project objectives, activities and previous results of WWF in facilitating fisheries co-management development
- access and utilization of fisheries is analyzed by project team in consultation with indigenous groups to identify any potential adverse impacts to local peoples by project interventions. This includes consultation to determine possible risks of

adverse impacts based on cultural norms and traditions of the Indigenous groups in the target area.

- previous or existing approaches to fisheries management, including possible customary resource tenure systems, are analyzed by the project team and discussed with indigenous groups for possible opportunities to strengthen these traditional approaches and also for group learning on key factors that influence successful natural resource management in the project area
- seasonal access to local fisheries are discussed with indigenous groups to understand temporary users of the resource base in order to factor this information into the consultation process
- the project team understands the relative importance of fisheries to indigenous groups in the Sekong Basin

The Fisheries Co-management Guidelines will be a key resource to the project team to enable sufficient understanding and participation of indigenous groups in the implementation of the project work plan. In addition to a brief summary of the steps outlined in the guidelines, a digital copy will be provided to CEPF to allow more in-depth understanding of the process the project will follow to safeguard the political and cultural identity of these ethnic groups through participation in this project.

GRIEVANCE MECHANISM

The project will seek to maintain effective communication and collaboration between Indigenous groups, local authorities, government agencies and the project team. This is inherent in the strategy of the project to facilitate free, prior and informed consultations in step with the CEPF Indigenous People's Planning Framework. The objective of these consultations is to analyze in collaboration with communities the possibility for adverse impacts from project interventions. This includes analysis of the vulnerability of the Indigenous groups to changes in natural resource management or access to fisheries, as well as identifying with these groups what possible incentives or compensation measures would be culturally appropriate for these scenarios.

In the case of any disagreements over project activities or objectives the project will seek to apply locally accepted procedure for settling these grievances. This would apply whether the grievance was from an individual, household, village, mass organization, and District or Provincial agency.

In Lao PDR the institutional mechanisms in place for resolving disagreements attempts to resolve any issues between parties at the lowest level possible. This implies that a disagreement between a villager and the project would first be resolved by involving the village authorities. The village authorities have the right and responsibility then to follow up on the complaint and take this matter up with the project team. Following this if there is still no agreement then the village authorities would inform the District authorities. The District then has the responsibility to address the matter directly with the project team to resolve any outstanding grievances. If there still remains a problem the District would have the responsibility to inform the Provincial authorities. The Province would then discuss the problem with the project team in order to determine a solution that is acceptable to all parties. Once again if there still remained any objections then the matter would be taken up with National agencies to resolve the problem. This process is a well understood and established mechanism for resolving any disputes at the local level. It is a transparent and culturally sensitive approach to conflict resolution.