

Process Framework for Involuntary Restrictions

Project: Consolidating Community Based Conservation of the Globally Threatened Species Found in the Priority KBAs in the Tonle Sap Lake and Inundation Zone

Applicant: Wildlife Conservation Society

In correspondence with CEPF it was decided that the above keystone project might possibly trigger the CEPF safeguard policy at one of its main target sites (Prek Toal) and one of its smaller target sites (Dei Roneat). This document summarises why the other sites are unlikely to trigger the safeguards, and to be safe, sets out a process framework for Prek Toal and Dei Roneat. 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 is at present updating the five-year management plan for 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 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 and a “wildlife-friendly” produce scheme (Ibis Rice), and developing a management plan. This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

BENGAL FLORICAN CONSERVATION AREAS (BFCAs)

The BFCAs are legally designated protected areas under a national order. In the BFCAs, CEPF funds are directed towards the expansion of community-based ecotourism, implementation and expansion of a “wildlife-friendly” produce scheme (Ibis Rice), and developing a management plan. This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

The project will also investigate the potential for expanding the community-based ecotourism and “wildlife-friendly” produce scheme (Ibis Rice) at other sites within the Tonle Sap Inundation Zone. This will not create or enforce any involuntary restrictions. Any restrictions put in place will be voluntary and incentive-linked.

PREK TOAL and DEI RONEAT

The Prek Toal Core Area is a legally designated protected area, one of three core areas of the Tonle Sap Biosphere Reserve created in 1997 and managed by Ministry of Environment. Following the cancellation of the Fishing Lots in 2012 it is now contained within a much larger Fisheries Conservation Area, managed by Fisheries Administration of the Ministry of Agriculture, Forestry and Fisheries. Dei Roneat consists of two small Fisheries Conservation Areas contained within a large Community Fishery. 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, government 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, managed by the Ministry of Environment. 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. The satellite waterbird colony at Dei Roneat was established owing to the increase in numbers of birds breeding at Prek Toal. It has occasionally been protected and monitored since 2006.

Local context

There are no permanent human settlements inside the Prek Toal Core Area or Dei Roneat Fisheries Conservation 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.

¹ WCS Annual reports of large water bird monitoring, 2008/9, 2007/8, 2001-2007, 2008/9, 2009/10, 2010/11 and 2011/12.

² Allebone-Webb & Clements, T. C. (eds.) (2010). *Integration of commercial and conservation objectives in Prek Toal, Tonle Sap and Battambang Fishing Lot #2. Phase 1: Understanding current management systems and recommendations for reform*. Wildlife Conservation Society and Fisheries Administration, Royal Government of Cambodia. Phnom Penh.

³ Parr J., Eames J.C, Sun Visal, 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.

Up until March 2012 Prek Toal Core Area was entirely contained within Fishing Lot No. 2, which effectively prevented local people from fishing within the Core Area during the open season. Since the cancellation of the fishing lots, local people have increasingly begun entering the Core Area for fishing. The fishing lots were immediately replaced with a network of Fisheries Conservation Areas (where fishing is not permitted) and Community Fisheries; Lot No. 2 was made into a Fisheries Conservation Area and the Core Area is contained within this, thereby making all fishing in the Core Area illegal.

Dei Roneat is located immediately to the south of Prek Toal Core Area and the overlapping Fisheries Conservation Area. It is located within the now cancelled Fishing Lot No. 1, which was replaced with a Community Fishery containing two (704ha and 254ha) Fisheries Conservation Areas where all fishing is illegal. The waterbird colony is located within those Fisheries Conservation Areas. To date, some waterbird protection and monitoring measures similar to those implemented at the Prek Toal colony have taken place at Dei Roneat, although they have not taken place every year.

Project activities and potential impacts to local livelihoods through involuntary restrictions

The CEPF-funded WCS program at Prek Toal aims to continue and expand the current Birds' Nest Protection Program using community rangers and develop a Community Protected Area that will legalise fishing in a part of the Core Area, away from the waterbird colony. Of the four activities identified⁵, only one – At least 40 community members receive financial incentives for waterbird nest protection at two KBAs – will involve involuntary restrictions to local communities. At Dei Roneat the project will replicate the Bird's Nest Protection Program under the activity 'Community based waterbird protection model (developed at Prek Toal) replicated at Dei Roneat'. 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. Activities that relate to supporting the development of a Community Protected Area within the Prek Toal Core Area aim to set aside part of the Core Area (away from the waterbird colony) where legal, sustainable family fishing gears can be used according to regulations developed by the community.

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 32 rangers from 2001 to 2013, 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). At Dei Roneat, the colony was established after egg collection in the area ceased, so there is no history of egg collection from this site.

⁵ 1) Community management committees meet at least twice yearly with protected area managers at ATT, Stoung-Chikraeng BFCA, Baray-Chong Duong BFCA and Prek Toal; 2) One Community Protected Area established and managed at Prek Toal; 3) At least 40 community members receive financial incentives for waterbird nest protection at two KBAs; and 4) Threatened bird species populations stable or increasing at Priority KBAs.

Throughout the Tonle Sap Lake, open season for fishing runs from October to July, during this time people are permitted to use medium sized fishing gear and 'family fishing' gear; during the closed season (August and September) only family fishing gear is permitted. All large-scale fishing gear was made illegal in early 2012. Family fishing gear is defined as small scale fishing gears such as hook and line, small length gill net and spears: these are used to catch fish for family consumption. Based on the law, no fishing (even using family fishing gear) is allowed in the Core Area and Fisheries Conservation Areas, therefore all fishing activities in these areas are illegal, regardless of the time of year. However, in Prek Toal this leaves a large number of families without any areas to fish, so the community rangers only enforce the Fisheries Law in the small area adjacent (<1 km) to nesting trees while there are birds breeding in those trees (August-June), and for part of the year along three of the seven streams in order to prevent access to the waterbird colonies (to prevent egg and chick collection) and protect key fish spawning areas. The latter protection focuses on restricting the use of illegal and destructive fishing methods (primarily electro-fishing). The impacts to local communities on restrictions to fishing activities are expected to be minimal, because they apply only to a small proportion of the overall area (the core area covers over 200 km²) and protect a valuable resource that benefits the wider fishing community. The fishing restrictions conducted by the community rangers have been enforced at Prek Toal since 2005. Under the project a Community Protected Area (CPA) will be developed in the Core Area to legalise the arrangements that permit family fishing outside of the waterbird colony and key spawning areas. At Dei Roneat, restrictions will only be enforced from August-June in the Fisheries Conservation Area, where fishing is illegal.

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:

- **October – December (high water levels, waterbirds nesting):** No fishing gear is allowed near the bird colonies, but this is expected to have no negative impact on local livelihoods as family fishing gears are generally set along streams and rivers (and so away from the colonies). Access to streams is not restricted at this time. From mid-Nov onwards (the main breeding season for most waterbird species), the water-level is too low to use most family fishing gears near the colonies.
- **January – June (falling water levels, waterbirds nesting):** Water levels are lowest at this time, so that only a few recession ponds and streams remain near the colonies. Any fishing at these ponds and streams is illegal, and illegal, destructive fishing practices often occur (such as electro-fishing). Community rangers only 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 is not expected to have negative impacts on local livelihoods as the fish can be harvested after the breeding season has finished. Fishing along streams is restricted; during village consultation meetings in late 2013 this activity was welcomed by poorer community members from Prek Toal village, because it protects a resource (spawning fish) from exploitation by medium scale fishers (who typically use illegal and destructive fishing gears). They perceive that stream protection has meant that they can catch a greater number of larger and more valuable fish species using family fishing gears.
- **July – mid-August (increasing water levels, no nesting waterbirds):** There are no birds at the colonies, so no rangers, no law enforcement, and no impacts to livelihoods.
- **Mid-August – mid-September (high water levels, waterbirds nesting):** There are only three active colonies at this time (other species arrive later), so law enforcement activities occur only in a small area close to the colonies. The 3-5 families fishing with family 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 illegal spot-lights and spears are moved away from the colonies to prevent disturbance. 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. 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.

- **Mid-September – mid-October (high water levels, waterbirds nesting):** 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.

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, 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 family 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 and protection of spawning grounds is perceived as conferring 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 illegal and unsustainable. These restrictions are unchanged from those enforced at Prek Toal under a previous CEPF-funded project implemented by WCS (Conserving a Suite of Cambodia's Threatened Bird Species: 2008-2013). Consequently, no significant impacts exist for most livelihoods. Local people perceive these restrictions as beneficial because they are thought to lead to increased fish catches using family fishing gear. The restrictions are also offset by the development of a Community Protected Area, which will legalise family fishing in part of the Core Area away from the area used by nesting waterbirds.

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 as recently as December 2013, and during the project will be the subject of participatory meetings towards the development of a Community Protected Area (which will legally define parts of the Core Area where family fishing is legal). Any later changes to restrictions will be determined in consultation with local stakeholders, including local communities, government and village Community Fisheries committees, building on the strong relationships forged with stakeholders during previous participatory studies and the development of the new five-year management plan. Any resulting changes to restrictions will be disseminated to local communities, via village meetings

and announcements over the loudspeaker by boat (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 ten 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, Fisheries Conservation Area and surrounding Community Fisheries.

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. 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, which is not their purpose.

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 and boat guides for tourist boats. 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 ensure that benefits from providing ecotourism services are shared equitably among the villagers.

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 committee 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 Core Area 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).

G. 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 (\$500/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	\$310	
		Per diem	\$70	
		Refreshments for meetings	\$60	
		Accommodation	\$60	