

Process Framework for Involuntary Restrictions

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CEPF Grant: CEPF-103464

Fauna & Flora International

Participatory gazettement of KBAs for Primate Conservation in Myanmar

Grant Summary

1. Grantee organization: Fauna & Flora International
2. Grant title: Participatory gazettement of KBAs for Primate Conservation in Myanmar
3. Grant number CEPF-103464
4. Grant amount (US dollars): \$179,997.70
5. Proposed dates of grant: 1.4.2018 – 31.3.20120
6. Countries or territories where project will be undertaken: Myanmar
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The Process Framework describes the project and how restrictions of access to natural resources and measures to assist affected communities will be implemented. This is a preliminary draft and affected communities will have the opportunity to participate in the drafting of the Process Framework. This draft Framework will be shared and discussed with local communities and other relevant stakeholders if funding is secured to deliver the project. Based on the consultations, a final Framework will be prepared, with the additional support and guidance of CEPF.

A. Project background

The project's target species for primate conservation in Myanmar are the Myanmar snub-nosed monkey (*Rhinopithecus strykeri* - CR), the Shortridge langur (*Trachypithecus shortridgei* - EN) and the Western hoolock gibbon (*Hoolock hoolock* - EN). All three species are priority species for CEPF investments. The main threats for all three species are hunting pressure and loss of habitat.

Priority sites of known populations of all three species are currently unprotected. Based on the Myanmar Hoolock gibbon conservation status review (FFI 2013)) and Myanmar Leaf-monkey conservation status review (FFI/ DPZ, 2017 in print) three KBAs have been highlighted for their priority populations for these species, all three sites have been proposed for protected area gazettement or extension: Imawbum proposed NP - *Rhinopithecus strykeri*, Indawgyi WS (proposed northern extension - *Trachypithecus shortridgei*), Pauksa proposed WS (Rhakine Yoma).

The Myanmar snub-nosed monkey was discovered in 2010 by a team of Flora & Fauna International (FFI) and the Biodiversity and Nature Conservation Association (BANCA), and described as new species the year after. Based on intensive field studies between 2010 and 2014, the monkey occurs in mountain forests between the N'mai Hka River (Kachin State, northeastern Myanmar) and Salween River (northwestern Yunnan Province, China). In Myanmar, the species range encompasses the mountain forests in the watershed area of the Maw River. The Myanmar snub-nosed monkey is currently listed as Critically Endangered on the basis of criteria A4cd (IUCN 2001, Appendix A) and there is no protected area in the snub-nosed monkey range in Myanmar. The gazettement of

Imawbum proposed National Park and effective community-based patrolling and monitoring were proposed by FFI to be crucial for the survival of the species. FFI has already initiated a community based conservation program for the species and succeeded in the area to be declared by the Forest Department as 'proposed National Park' through an initial stakeholder consultation process. This project will follow-up with the participatory gazettement of the National Park based on free, prior and informed consent of local communities and other relevant stakeholders and the development of management recommendations.

The second target species is the Shortridge Langur. There is only very limited information available on behavior, ecology and current status of the Shortridge Langur. It is classified as endangered by the IUCN Red List. Its distribution is limited to northern Myanmar and adjacent China. Total numbers are not known, but are believed to be declining owing to loss of habitat and hunting. The total population must be small, given the species' restricted geographical range. For China very recent estimate is only 250-370 individuals for the Gaoligongshan Nature Reserve, the only protected area where this species occurs in China. For Myanmar only limited data is available. In Myanmar the species has only been well documented in the Indawgyi Lake basin, both inside and outside the Wildlife Sanctuary. Illegal logging and forest fragmentation are major threats to the forest habitat at this protected area. Along the northeastern ridge the forest is still quite intact and first rapid assessments revealed several groups of langurs in that area. More populations are confirmed in forest blocks around Nyaung Kwin Lake which is northwest of the Wildlife Sanctuary and proposed as Wildlife Sanctuary extension to off-set the loss of habitat caused by illegal gold mining inside the wildlife sanctuary. The Forest Department has asked our local partner FFI to facilitate the justification and community consultation process to gazette the northwestern extension of the Wildlife Sanctuary.

Two species of Hoolock gibbon are recognized in Myanmar: the Western hoolock gibbon (*Hoolock hoolock*), which is listed as globally Endangered, and the Eastern hoolock gibbon (*Hoolock leuconedys*), which is considered globally Vulnerable. In Myanmar Indawgy WS and its proposed extension is a priority site for the conservation of Eastern hoolock gibbon in Myanmar (Myanmar Hoolock gibbon conservation status review, FFI 2013).

The proposed project area at Pauk Sa forest is located in the Rakhine Yoma corridor and besides the Rhakine Yoma Elephant Reserve supports the most important population of Western hoolock gibbons (*Hoolock hoolock*) in Myanmar (FFI 2013). Pauk Sa is covered by contiguous evergreen forest. In contrast to other fragmented forest blocks in the Rhakine Yoma corridor this forest appears to be unusually large. A rough estimate suggests an area of about 400 km² of contiguous forest. Slash-and-burn agriculture poses a serious immediate threat to the future of the forest remaining in the area, it currently only occurs outside of the project area, however it may expand in the future, if the forest is not protected. FFI has initiated a community-based conservation program and local communities have agreed to core conservation area, which are patrolled by local communities. The Forest Department has listed the area as priority site for protected area

gazettelement, but would like to see this protected area to be established under regional governance based on a local community-based conservation constituency. This project will develop the first pilot protected area under a joint governance mechanism of regional government and local communities.

The project will support expansion of the protected area network in Myanmar using participatory gazettal and community consultation processes in all three proposed protected area sites (Imawbum proposed National Park, Indawgyi Northwestern proposed extension, Pauk Sa proposed regional wildlife sanctuary). The project will also support community-based biodiversity monitoring and patrolling.

B. Participatory implementation

i. Procedure development

FFI has a position statement and guidance document related to displacement (including economic displacement i.e. the loss of or restricted access to livelihood resources) that was approved by FFI's Council in 2016. FFI endeavors to ensure that our conservation activities do not disadvantage or undermine poor, vulnerable or marginalized people who are dependent upon or live adjacent to natural resources, and wherever possible we seek to conserve biodiversity in ways that enhance local well-being and social equity. We are committed to respecting human rights, promoting their protection and realization within our conservation programs, and supporting the governance systems that can secure those rights. We are one of the founding members of the Conservation Initiative on Human Rights (<http://www.thecihr.org>), a consortium of international conservation NGOs that seek to improve the practice of conservation by promoting the integration of human rights in conservation policy and practice.

FFI seeks to uphold this position in all of its partnerships, including with government departments, the corporate sector and civil society organizations.

This draft procedure has been developed by FFI as part of the CEPF proposal development process.

Prior to finalizing and implementation it will be discussed, revised and approved with:

- The Forestry Department
- Nature and Wildlife Conservation Division (NWCD)
- Park wardens
- Relevant Local communities
- CEPF

ii. Project implementation

The project will support the expansion of Myanmar's PA network to secure priority areas for the conservation of endangered primates using participatory consultation processes for PA gazettements based on free and prior, informed consent (FPIC) as well as support a community-based conservation approach to reduce the hunting of these flagship species. The project will build the capacity of local civil society in participatory gazettement of PA and community-based conservation of primates and other threatened species as well as the capacity of local communities to survey, monitor and protect primate populations.

The key project activities are:

1. Support the participatory gazettement of participatory gazettement process based on free, prior and informed consent for Imawbum proposed National Park, Indawgyi Northwestern proposed extension, Pauk Sa proposed regional wildlife sanctuary). This will focus in particular on participatory boundary delineation and zonation.
2. Support the participatory development for recommendation for collaborative management of the proposed protected area. Pauk Sa will be a pilot site for the development of a new decentralized governance system of protected areas under the jurisdiction of regional government
3. Provide training and basic equipment for community-based biodiversity surveys, biodiversity and threat monitoring
4. Provide training and basic equipment for community-based/ collaborative patrolling
5. Operate community-based biodiversity and threat monitoring and community-based patrols
6. Facilitate national lesson learned workshop on community involvement in protected area gazettement and management to inform national policy development.
7. Training and capacity building for local CSO partners in project cycle management, proposal writing, accounting and reporting, technical training for community-based monitoring and patrolling

C. Criteria for eligibility of affected persons

The World Bank defines affected persons as, *'all persons losing assets or use of resources as a direct result of a Bank-supported project'*. Project 'affected people' are entitled to compensation and/or other forms of assistance. This includes people losing land they have held under customary or traditional rights, people utilizing common property resources, squatters residing on public lands, and encroachers deprived of established access to resources, as well as those with formally recognized property rights. It also includes tenants, artisans, and wage earners whose livelihoods or living standards would be adversely affected as a direct result of the project. It does not include persons opportunistically invading a site after disclosure of project plans for the purpose of obtaining assistance.

Based on this definition, the project will not have any impact on any person or group of people right to access resources.

All three proposed protected areas or new core/ buffer zones are surrounded by villages with indigenous people: Imawbum (Law Waw, Lisu, Lecik), Indawgyi (Shan and recently in-migrated Kachin).

None of the protected areas, core and buffer zones will include any settlement, agricultural or fallow land. Core zones are only established in primary forest areas. The protected area gazettment and zonation does not affect sustainable NTFP extraction.

Access restrictions only apply to illegal or unsustainable extraction of natural resources, such as hunting and trade of protected species and illegal logging. Therefore there are no negative impacts expected on the livelihoods of indigenous people in any of the three sites. In fact the designation of buffer zones will increase legal access to forest areas in comparison to the previous status of 'reserved state forest'.

FFI is actively supporting community forestry rights in the proposed buffer zones of all three sites and has NORAD co-financing to support community forestry and Helmsley Charitable Fund co-financing to support sustainable and alternative livelihoods. All indigenous people and all other relevant stakeholders have actively participated in the initiation of the gazettment process at all three sites and the project as well as the forest department are fully committed to complete the participatory gazettment process on the basis of free, prior and informed consent of all indigenous people, local villagers and other relevant stakeholders.

D. Measures to assist the affected persons

We do not anticipate that any individuals will be eligible for compensation as a result of this project. This is because the project itself will not limit or prohibit access to natural resources.

E. Conflict resolution and complaint mechanism.

The project intends to use the stakeholder consultation process to resolve any conflicts that may arise from the project implementation as much as possible, however, if the matter is beyond the capability of direct project partners, an intervention of respected local leaders such as elders and religious leaders will be sought. These key local authorities will be engaged from the start of the project and their overall support to the project will be sought through regular updates.

A grievance mechanism will be established to enable the receipt, review and addressing of communities' concerns and complaints. Any person or group who feels disenfranchised - most likely as it relates to community access of specific forest areas during survey periods or through competition resulting from the selection process of community field assistants to support field research - has a right to raise a grievance and the project proponent has the responsibility to respond within a reasonable time period.

Participating communities will be provided with the contact details of the FFI Project Team as well as the CEPF-Regional Implementation Team at MERN, so that anyone who wishes to can raise a grievance directly with them. FFI will assign one office staff in the FFI Yangon office to respond to any grievances. FFI will publicise phone numbers and email addresses under which anybody who wants to express a grievance can contact FFI Myanmar and the CEPF-Regional Implementation Team at Myanmar Environmental Rehabilitation-conservation Network (MERN). All grievances – and a proposed response by FFI – will be shared with the Regional Implementation Team and the CEPF Grant Director within 15 days. If the claimant is not satisfied following the response, they may submit the grievance directly to the CEPF Executive Director at cepfexecutive@conservation.org or by surface mail. If the claimant is not satisfied with the response from the CEPF Executive Director, they may submit the grievance to the World Bank at the local World Bank office..

For complaints that cannot be resolved through this mechanism, the grievance will be escalated as per the CEPF grievance policy and procedure

F. Implementation Arrangements

FFI is responsible for the overall implementation of the project and will ensure that the Process Framework is followed. FFI will closely collaborate with relevant government authorities, including the Wildlife Sanctuary Management and Forestry Department at township and district levels.

This project builds on existing initiatives and collaborations, through or ongoing work in Myanmar, and has been developed in consultation with project stakeholders. Thus we have already begun implementing methods to reduce the likelihood of conflict and complaints.

With regard to the grievance mechanism, participating communities will be provided with the contact details of the FFI Project Team as well as the CEPF-Regional Implementation Team at MERN. This will be done by each project site leader (as we have three sites) during project start up meetings with the community. The contact person in Yangon that will be responsible for dealing with these grievances will be the Project Manager, Ngwe Lwin and the Programme Officer, Gurveena Ghataure.

Regular meetings with project proponents will provide a forum for issues to be shared and resolved in a timely and transparent manner. This should reduce the need for a formal grievance mechanism to be used.