

Process Framework for Involuntary Restrictions and Social Assessment

15 January 2018

CEPF Grant 103512

FISHBIO Laos

***Strengthening Community Co-Management of a Mekong River Fish Conservation
Zone Network***

Lao PDR

Grant Summary

1. **Grantee organization:** FISHBIO Lao Sole Co. LTD
2. **Grant title:** Strengthening Community Co-Management of a Mekong River Fish Conservation Zone Network
3. **Grant number:** 103512
4. **Grant amount** (US dollars): \$100,000
5. **Proposed dates of grant:** 1 May 2018–30 June 2020
6. **Countries or territories where project will be undertaken:** Lao PDR
7. **Date of preparation of this document:** 8 January 2018

1. Project background

In Lao PDR, the Lao Fisheries Law allows for local communities to take an active role in the management of their fisheries resources at the village level through co-management with district-level government agencies. This is achieved through the formation of fisheries management committees that establish and enforce regulations that align with the national Fisheries Law. Such community-established regulations can include setting up aquatic protected areas known as Fish Conservation Zones (FCZs), which are small conservation areas enforced by local communities with the help of district government officials that prohibit fishing activities in discrete locations to protect important aquatic species and habitats. The proposed project is an opportunity to empower communities in fisheries conservation and amplify a network of Fish Conservation Zones (FCZs) on the Mekong River in northern Lao PDR by building upon four previous or ongoing CEPF-funded projects related to community fisheries and FCZs.

Since 2014, FISHBIO Laos personnel have implemented three small grants from CEPF to create and enhance four FCZs among seven communities in the Mekong River (Figure 1). These projects occurred in two phases (see below), and paved new ground by establishing the first ever FCZs in the mainstem Mekong River in Xayabouri, Luang Prabang, and Vientiane provinces. These four FCZs are located in habitat that was identified as important for endangered Jullien's Golden Carp (*Probarbus jullieni*) and endangered Thicklipped Barb (*Probarbus labeamajor*). The habitat was identified through village interviews during a 2013 ecological survey led by IUCN and funded by CEPF. All FCZs were implemented in a participatory manner. The proposed project will extend this FCZ network to two additional villages in Santhong District, Vientiane Capital (Figure 1).

The proposed project will provide an opportunity to connect FISHBIO's several CEPF-funded FCZ projects and organize a central framework to provide more efficient and effective support to participating communities. The project will work with community members to learn conflict resolution approaches, hold refresher trainings for enforcement protocols, provide resources for more efficient FCZ enforcement, and work to build community support for the FCZs through traditional Buddhist ceremonies and fish releases to consecrate the areas. This project will empower the communities to work through the challenges related to community fisheries management, and help them understand and utilize the full range of fisheries management strategies at their disposal. We will also bring together community members from nine different villages to learn from each other and exchange ideas and experiences to strengthen the capacity and confidence of all teams. This will lay the foundation for building a network of community-managed FCZs along the Mekong River in northern Lao PDR with members who can turn to each other for support.

Phase 1: Establishment of Three FCZs in Xayabouri and Luang Prabang Provinces

No.	Village Name	District	Province	Total Population (2017)	#Female	Households (2017)	Full-time fishers (male + female)		Part-time fisher (male + female)		Ethnic group
							M	F	M	F	
1	Houaykhoulouang	Xayabouri	Xayabouri	498	224	91	0	0	20	0	Lao Loum
2	Korkfak	Xayabouri	Xayabouri	216	96	47	1	0	43	37	Lao Loum
3	Pakpee	Nan	Luang Prabang	155	81	31	0	0	17	6	Lao Thueng

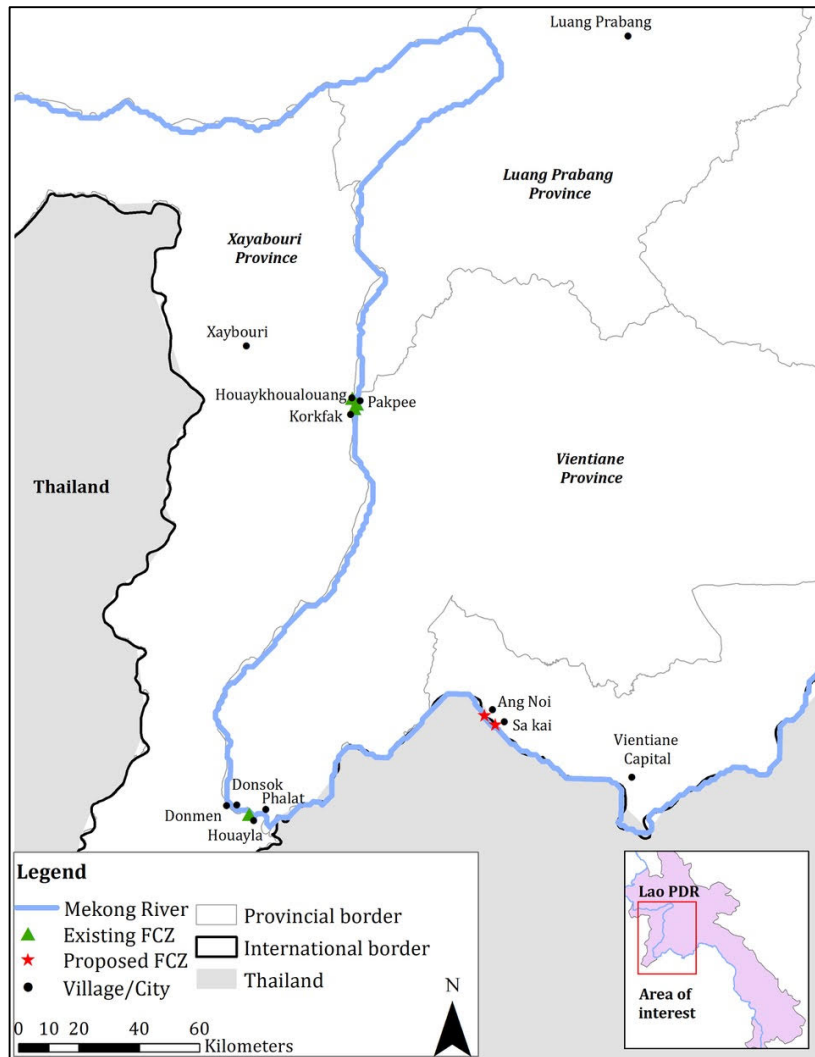
Phase 2: Establishment of One FCZ at Kengmai Rapids in Xayabouri and Vientiane Provinces

No.	Village Name	District	Province	Total Population (2017)	#Female	Households (2017)	Full-time fishers (male + female)		Part-time fisher (male + female)		Ethnic group
							M	F	M	F	
4	Don Sok	Sanakham	Vientiane	322	173	89	0	0	10	0	Lao Loum
5	Phalath	Sanakham	Vientiane	847	425	165	0	0	40	0	Lao Loum
6	Don Men	Kenthao	Xayabouri	1115	566	228	0	0	50	0	Lao Loum
7	Hoayla	Kenthao	Xayabouri	338	180	80	0	0	25	0	Lao Loum

Phase 3: Establishment of Two FCZs in Sangthong District, Vientiane Capital

No.	Village Name	District	Province	Total Population (2017)	#Female	Households (2017)	Full-time fishers (male + female)		Part-time fisher (male + female)		Ethnic group
							M	F	M	F	
8	Ang Noi	Sangthong	Vientiane Capital	842	434	177	7	0	80	20	Lao Loum
9	Sakai	Sangthong	Vientiane Capital	972	530	203	0	0	27	3	Lao Loum

Note: Phase 3 also involves strengthening the FCZs established in Phases 1 and 2, and will therefore involve all nine communities listed.



The project will also build on FISHBIO’s existing relationship with two villages in Sangthong District of Vientiane Capital to establish two new FCZs on the Mekong River, extending the network of FISHBIO-facilitated FCZs for endangered *Probarbus* fishes further downstream. These villages are located near a reported spawning area for *Probarbus*, where gravid fishes are often captured for a conservation hatchery in Thailand. FISHBIO previously conducted participatory data collection with fishermen in these two villages, and documented that both adult and juvenile *Probarbus* fishes are caught in local fisheries at these locations. At the end of the project, the communities expressed interest in creating fisheries management committees and FCZs to better manage their local fisheries. FISHBIO Laos will replicate the successful FCZ implementation strategy developed under previous CEPF-funded projects to develop community fisheries management in the Shangthong District, and add two additional FCZs to the Mekong River network in northern Lao PDR. This will expand the network to a total of six FCZs in a 290-kilometer stretch of the Mekong River.

A key element for ensuring successful long-term conservation is performing assessments to identify management strengths and weaknesses. FCZ assessments can determine which management strategies are succeeding and should be continued, and which are not succeeding and should be changed. As part of an ongoing CEPF-funded project, FISHBIO Laos is developing a guidebook for civil society organizations (CSOs) to help communities assess their FCZs. The proposed project will build on the guidebook project by helping project communities use this tool to assess FCZs and improve community management. In summary, this proposed project will integrate all of FISHBIO's previous CEPF-supported projects on community fisheries management and FCZs in Lao PDR, and will strengthen the impact of that investment by amplifying a network of freshwater protected areas and empowering Lao communities to sustainably manage their local aquatic resources for the conservation of freshwater biodiversity into the future.

2. Participatory preparation and implementation

Prior to the creation of FCZs in Phases 1 and 2, several communities were identified by the International Union for Conservation of Nature (IUCN) as potential sites/partners for projects related to fisheries conservation and community management. FISHBIO was hired to consult on aquatic resource conservation, especially the establishment of FCZs. Areas identified as having biodiversity resources in need of better management were cross-referenced with a list of all communities that had stated a need and interest in sustainable development projects during previous IUCN interview surveys in the villages. This ensured that only communities with an expressed desire for outside support were approached. These communities included the villages of Pakpee, Houaykhoulouang, Khokfak, Don Sok, Don Men, Hoayla, and Phalath.

Following village selection, FISHBIO Laos staff and IUCN developed a series of participatory workshops to ensure that project needs and goals came from the communities themselves. IUCN and FISHBIO Laos ensured that these workshops included members of all segments of the community, including representatives from village leadership, Women's Union, Youth Union, local law enforcement, and primary resource users (which in the case of this project are fishers). Only after communities expressed needs and goals for fisheries conservation with consensus did IUCN and FISHBIO introduce the concept of FCZs and resource management committees. Community members then worked to achieve consensus to agree to the establishment of FCZ in their villages. Workshop attendees were free to express their opinions at any time and did so often.

In these workshops, community members were asked a series of questions and asked to answer and present their ideas in three or four groups. By dividing participants into groups, it was ensured that responses would express a diversity of viewpoints, and not simply an agreement with village leadership. In all of the FCZ workshops, answers to these questions were detailed, informed, and consistent, showing that these communities have a clear understanding about threats and solutions to conserving their fish resources.

During all workshops, participants showed both a keen awareness of the seriousness of fish declines and motivation to reverse the trends. Only once this desire for action was expressed did IUCN staff present the concept of FCZs. By limiting fishing activity in the FCZ, fish species will be given areas for refuge and breeding, which should stabilize or enhance fish populations. Fishers working outside the boundaries of the FCZs may benefit from a wide range of fish species that swim out of their protected habitat. All participating communities expressed very similar viewpoints on future conservation/management plans for *Probarbus*, and all agreed upon an FCZ-based strategy. In most

villages, participants claimed that *Probarbus* were important food species; however, fish in general were of lesser importance to the Khmu people. They explained that they are an upland people, and that they were relocated to their current site by the government in the 1970s. Ultimately, village committees in each village, including Ban Pakpee, gave unanimous consent for the establishment of FCZs.

After these workshops, FISHBIO Laos biologists and IUCN staff went into the field with fishermen from the village to survey the area agreed upon as the FCZ location. The boundaries of this site were discussed and agreed upon with resource users. With the comments and suggestions made by community members, FISHBIO staff drafted FCZ regulations, and held a series of workshops for communities to review the proposed documents and discuss any changes. The only major change to these documents was that the communities wished for the FCZ restrictions to be in place year-round rather than during just the *Probarbus* spawning period. Thus, the communities voluntarily requested stricter fishing restrictions for the FCZ. The community of Ban Pakpee and other project villages actively participated in every step of the FCZ establishment process. A similar participatory process will be followed during the establishment of two new FCZs in the proposed project. The enforcement of the FCZs will also be participatory in nature, as the enforcement teams will be selected by each community and will consist primarily of fishermen and village security members.

3. Criteria for eligibility of affected persons

The restrictions of the FCZs will have the biggest impact on community members engaging in fishing. During meetings with the communities, FISHBIO staff will assess which groups or individuals are primary aquatic resources users (fishers). Interviews will help identify what proportion of the community engages in fishing as a primary livelihood, compared to those who fish opportunistically, and whether community members identify negative personal impacts resulting from the restrictions of the FCZs. Primary resources users will be invited to participate in project activities, and will be directly involved in the monitoring and evaluation of the community FCZs. Groups that would be considered ineligible for assistance include those engaging in illegal, destructive fishing practices, such as fishing with dynamite, electric gear, or poison. The FCZ also prohibits fishing with traditional gear (such lines, nets, and traps) within their boundaries to protect fish populations, which could impact groups or individuals who historically used these methods at the FCZ site.

4. Indigenous People affected: This section will describe the Indigenous People in the project area.

Much of the lower elevation and river valley areas in Lao PDR are inhabited by the Lao Loum (lowland Lao), who are the nation's most populous group. While the Lao Government only officially recognizes one "Lao" nationality, they have also declared 49 officially recognized ethnic groups. FISHBIO's CEPF-funded projects have worked with one of these groups in the village on Ban Pakpee: the Khmu (also known as Lao Theung). Ethnic groups in Lao PDR have been classified in many different ways, and difficulties sometimes arise due to differing unofficial definitions still in use. "Lao Theung" is a term that is no longer recognized by the Lao government, and refers to multiple ethnic groups that inhabit mid-level elevations; it is also how the villagers of Pakpee self-identify. This is the only village in the proposed project inhabited by an indigenous minority group.

- 5. Potential impacts:** This section will assess expected project impacts (both positive and negative) on Indigenous People.

Of all the communities partnering with FISHBIO on this FCZ project, the Khmu are the least dependent on fish. During previous workshops, the Khmu in the villages of Pakpoui and Pakpee said that they originally lived in the uplands and traditionally rely on farming and livestock. These communities have much fewer people involved in fishing than Lao Loum villages in the area. Thus, the fishing restrictions from the FCZ are expected to have fewer impacts on Indigenous People than other community members in the proposed project. Throughout previous project workshops, the Khmu made many statements and requests for replacing fishing with the raising of chickens and goats. The salaries earned by participation in the enforcement teams, as well as the money raised by the community conservation committee (from project funds as well as a large share of fine revenue), can be used by members of the community to invest in other sources of food or livelihood, such as crop planting or goat herding, which are both profitable and more traditional for the indigenous groups in this area.

- 6. Mitigation Strategies / Measures to assist the affected persons**

The enforcement teams working during the *Probarbus* spawning season will be made up of community members, including village security/police and fishers. These team members will receive three months' salary for their participation, and will be able to fish in areas outside of the protected spawning area. The FCZ is relatively small in size compared to the larger fishing grounds, and the majority of each village's fishing areas will remain open year round. FCZs have been shown to increase fish populations inside and outside their boundaries, and are often established to address declining fish catches, with the hope that partial restrictions to resource use inside FCZs will lead to increased fish catches outside FCZs, and bring more food security and secondary income for community members. If adverse social impacts from the FCZ are identified during the project, these results will be presented to the communities to decide whether they want to lessen or modify the restrictions of the FCZ as part of the adaptive management process. This could involve moving the boundaries of the FCZ, permitting occasional harvest in the FCZ during specified time periods, reducing the restrictions on types of banned fishing gear, or lessening the fines incurred for violating FCZ regulations.

In the case of Indigenous People in Ban Pakpee, where fishing is not as important a source of livelihood or food security, earnings from enforcement team patrolling may be used to purchase livestock as well as farming implements, which can be used to grow food in a more traditional manner. Therefore, the community will have an opportunity to focus on improving their livelihoods and food sources in a way that has been clearly requested and is more in accordance with their traditional lifestyle, which ensures that the social and economic benefits are culturally appropriate. FISHBIO staff will make it clear during all future workshops and trainings that community members can feel free to report any issues of cultural appropriateness in this project.

- 7. Conflict resolution and complaint mechanism.**

FISHBIO Laos staff will provide opportunities for community members to express grievances during all project workshops, and will inform the community during consultation meetings about their rights to complain and to stop participation in the project at any time if they are not satisfied. All grievances aired will be addressed with the community as they are brought to attention. Community members may also choose to complain through existing channels for conflict resolution, such as through village heads and committees. FISHBIO Laos staff will check in with these key village residents throughout

the project to see if new complaints or grievances have arisen. A mid-project assessment will also be conducted in the villages, which will allow villagers to provide feedback on the effects of the FCZ, and any grievances will be addressed.

Additionally, informational posters will be placed in each village's community building that will explain the project's desire to address all grievances, and that villagers should contact project staff at any time. Contact information for IUCN Lao PDR will be provided in addition to FISHBIO contacts, so if community members do not feel that FISHBIO is not responding appropriately to their grievances, they can speak directly to the funder (in this case, first to IUCN Lao, due to language issues). IUCN Lao PDR can then forward this information on to IUCN Asia Regional Office. Posters will also include email and telephone contact information for the local World Bank office in Vientiane and the email of the CEPF Executive Director (cepfexecutive@conservation.org).

FISHBIO will have the responsibility to ensure any grievances are dealt with promptly, and will work with project partners to achieve this. Upon receipt of a grievance, we will hold meetings with local communities or individuals to discuss the issues and develop agreeable solutions to be implemented by the project. FISHBIO will keep the IUCN-Regional Implementation Team informed about any grievances that arise, and to develop the solutions that will be implemented by the project. We will share all grievances – and a proposed response – 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 Vientiane office

Additionally, activities of this project will specifically focus on conflict resolution. Communities included in this project have expressed that some conflicts have emerged around the enforcement of their FCZs, including fishermen becoming angered and damaging personal property of the FCZ enforcement teams after fishing gear was confiscated from within the FCZ boundaries. FISHBIO will work with an external consultant to hold conflict-resolution training workshops in project villages that will help communities explore non-violent interaction strategies between enforcement teams and fishers, help the communities and government staff ensure fairness in legal processing of FCZ violations, and find mechanisms for community members to express and address grievances about the FCZ within the fisheries co-management framework.

8. Implementation Arrangements

As FISHBIO Laos has worked previously with all communities included in this project, the process will benefit from continuity among the project staff, and our existing relationships with the participating communities. We will work directly with major stakeholders during this project, including the community members of each target village, especially fisheries management committees and local fishers. Community members have expressed a strong desire to better manage their fish resources, and were actively involved in the planning and design stage of the FCZs. Consultations have held with the villages of Ang Noi and Sakai, and the communities have affirmed their desire to establish new FCZs in their communities. The Lao Department of Livestock and Fisheries has also agreed to support this project, and government staff will participate in project meetings and activities.

9. **Monitoring and evaluation:** This section will explain how compliance with the safeguard policy on Indigenous Peoples will be monitored, and reported to CEPF and/or the Regional Implementation Team. Monitoring and evaluation methodologies should be adapted to the local context, indicators, and capacity.

FISHBIO and project partner staff will use project workshops and community interviews throughout project implementation to monitor whether CEPF safeguards are being met. The project will include check-ins with communities throughout the course of the project, and FISHBIO staff will also implement the grievance mechanisms outlined below to monitor any adverse impacts of FCZ establishment. Interview surveys to assess community satisfaction with FCZ management and project activities will be conducted with communities at the beginning, middle, and end of the project, and the results will be reported to CEPF. The conflict resolution activities in this project will also provide opportunities to monitor compliance with social safeguards.

10. **Budget:** This section will summarize dedicated costs related to compliance with the safeguard policy on Indigenous Peoples. These costs should be incorporated into the budget of the CEPF grant and/or covered by co-financing.

Multiple workshops will be held during which all community members will be able to discuss any grievances or misunderstandings about the project. A series of training workshops will specifically be held explore conflict resolution mechanisms with the community to ensure compliance with CEPF social safeguard policies. The estimated budget for this activity is about \$8,700, which includes payment for an external consultant, project staff time, travel, and workshop hosting costs. Knowledge, Attitude, and Practice (KAP) surveys will also be conducted three times during the course of the project, which will be used to assess community satisfaction with the FCZs and the project, and record any grievances. The estimated for this activity is about \$7,250, which includes project staff time, travel, and workshop costs.