

Process Framework for Involuntary Restrictions

for the project

Protection of a priority population of Saola: flagship species of the Indo-Burma Hotspot

supported by the

Critical Ecosystems Partnership Fund

Prepared by

The Wildlife Conservations Society Lao PDR Program

A. Project Background

Saola was discovered only in 1992, and is one of the world's least known large mammals. It is found only in forests of the Annamite Chain and some foothills along the border of Lao PDR and Vietnam. Recent villager and GoL interviews/discussions indicate the continued presence of saola in the general landscape but further survey work is required to pinpoint precisely where the species still occurs. However the border areas near Vietnam show signs of intensive hunting. According to the draft Saola Action Plan and recommendations of the Saola Working Group, indiscriminate snaring and hunting with dogs are the major threats to saola survival. Saola are by-catch for the wildlife trade market but eaten when caught. Reduction of the killing and capture of saola by Lao villagers can be achieved through initiatives outlined under Lao national legislation, awareness programs, and law enforcement.

The project is located in Bolikhamxay Province in Lao PDR. Using methods developed in conjunction with the Saola Working Group, Wildlife Conservation Society (WCS) and the Government of Laos (GoL) via the Integrated Ecosystem and Wildlife Management Project, conducted surveys in north eastern parts of the province. These surveys were conducted between April and July 2011. The results of this survey, previous records of Saola presence from other survey efforts, as well as the establishment of a new provincial protected area by the GoL in Xaychamphon district targeting the conservation of Saola, lead to the conclusion that all project activities should be focused in the Phou Sithone Endangered Species Conservation Area (PST ESCA). These components of the project include;

1. Area(s) with high likelihood of supporting core populations of saola identified in eastern Bolikhamxay province, as a basis for on-the-ground conservation interventions
2. Poaching of Saola halted within area(s) identified as the highest priority for targeted enforcement efforts
3. Village-level constituency to help Saola protection and recovery efforts established
4. Foundation of management capacity and financial support put in place to sustain Saola protection activities in the targeted area(s)

Activities in component 2 include but are not limited to;

- a) Development and implementation of an effective enforcement strategy to reduce threats to saola and other threatened species in PST ESCA
- b) Conduct ground based law enforcement actions

Despite the simplification of the law enforcement activities as presented in the paragraphs above, actual enforcing of the law is only one action that needs to be taken to begin effective management of the PST ESCA. Other components of the project that we intend to implement and are critical in the lead up to on the ground enforcement include;

- i. consultation with stakeholders about the project establishment,
- ii. conducting of a community outreach campaign to build awareness about saola, threats to saola, sustainable natural resource management, local laws and regulations relating to wildlife and forest management, and boundaries and local regulations relating to the PST ESCA
- iii. development of draft local regulations specific to the PST ESCA
- iv. development of draft zoning for the PST ESCA in accordance with Lao law
- v. conduct consultations in an appropriate language at the village level regarding regulations and zoning to allow input from community members
- vi. finalisation of zoning and local regulations, signed by local authorities
- vii. boundary demarcation of the PST ESCA

During the surveys undertaken in 2011 we conducted community mapping exercise with 15 villages in and around priority habitat areas for Saola in north eastern Bolikhamxay. The results of these mapping exercises identify six villages that use the PST ESCA for both hunting and collection of NTFP's.

Several activities under component 2 will have potential implications on the resource use of communities around the PST ESCA, most particularly in relation to unsustainable and illegal hunting practices such as snaring and hunting with dogs as well as other activities.

Depending on the enforcement strategy implemented and the overall approach to managing the PST ESCA landscape, such as zoning of the protected area into total protection zone and management zone in which certain activities are or are not permitted, we anticipate that this may affect local community members in the following ways;

- Possible reduced access to forest resources such as permitted wild animal harvesting including fishing, collection of non-timber forest products, and collection of legal forest timber products such as fuel wood
- Possible reduced access to cultural and spiritual sites
- Possible reduced availability of agricultural land
- Possible increased long term availability of non timber forest products through applied and effective sustainable management
- Increased potential for alternative income sources such as from tourism, labour services, guiding services, enforcement ranger services
- Continuation of environmental services such as water and air quality and retention of soils

B. Participatory Implementation

As mentioned in the section above all activities undertaken during the project will be highly participatory involving several stakeholder groups. These include;

Surveys to establish key areas with high likelihood of supporting core populations of saola

Following the prioritisation of key areas in north eastern Bolikhamxay using remote sensing analysis we will implement surveys to establish those areas with a high likelihood of supporting core populations of saola. Survey will be undertaken using both village based interview methods as well as field based ground truthing of information obtained during interview and discussions at villages.

Community mapping exercise will be conducted to provide a better understanding of local needs, local biodiversity values, local land and resource use, and clarify local knowledge. During community mapping exercises we will ask local communities to provide spatial information about the areas they use for both hunting, collection of non-timber forest products, and finally records relating to the presence of saola. This information will then be integrated into zoning plans for the PST ESCA. Community mapping exercises will involve participation from local community members, both men and women. The discussion sessions will be facilitated using the Lao language. Hmong facilitators will be part of the implementation team and facilitate in the Hmong language if required.

One on one interviews will be conducted using a semi structured format. The interview sessions will be facilitated using the Lao language. Hmong facilitators will be part of the implementation team and facilitate in the Hmong language if required.

We will then attempt to ground truth data from interviews by conducting forest searches/walks. During these forest searches the survey team will ground truth key data provided by informants using GPS (both Saola records and landscape features), collect information about habitat types and quality (e.g. establish photo reference points), document any suspected evidence of Saola (dung, hoof prints), and set camera traps at mineral licks. During the field work for ground truthing data local community members will participate as guides and porters.

First stakeholder workshop

This will involve stakeholder representatives from both provincial and district governments as well as from all villages relevant to the immediate project area. At this workshop participants will be provided with an overview of the project objectives, review current progress, and participate in the development of a conceptual model for management of the PST ESCA. Following this all participants will be given an opportunity to comment on the materials presented and contribute to finalising the conceptual model. They will also discuss next steps and priority actions.

Community outreach and awareness campaign

This campaign will be implemented in 12 target villages in the immediate project area with the objective of developing village level constituency to support saola protection and support species recovery efforts. Participating in the campaign as facilitators will be district government staff as well as team members of the Integrated Ecosystem and Wildlife Management Project. The methods of delivery for this campaign will be highly participatory, based on the RARE PRIDE¹ model principles, and involve interactive techniques such as theatre, games, and question and answer sessions. The campaign will be delivered using the Lao language. Hmong facilitators will be part of the implementation team and facilitate in the Hmong language if required.

¹ <http://rareconservation.org/empowering-local-communities-solve-global-conservation-challenges>

Enforcement actions

In order to reduce and eventually halt poaching of saola in high priority areas we will conduct enforcement operations in the PST ESCA. Enforcement ranger teams will involve participation of local community members as rangers, guides and porters.

Regular meetings with Enforcement Team Leaders

A good professional working relationship between enforcement staff and local community authorities is critical for long term success. As enforcement operations proceed the teams will on occasion pass through or stay at local communities. During these times it will be standard protocol for the leader of the enforcement teams to meet with local community authorities to present recent results, listen to community feedback and advice, and act as a relay for this advice back to district authorities and project staff.

Development of local management regulations and zoning

Local regulations and zoning of the protected area will be developed to guide the management of the PST ESCA. According to the Lao Forestry Law 2007 governing conservation forests all protected areas in the country are to be zoned into Total Protection, Controlled Use, and Buffer Zones. Using these categories as a guide we will develop zoning of the PST ESCA in collaboration with local communities and government. During the zoning development we will also be consulting with local communities about any sites of particular spiritual or cultural importance in the PST ESCA.

These management regulations and zoning will be developed using the following steps;

1. Review current regulations and zoning for other similar protected areas in Lao PDR
2. Draft regulations and zoning development by WCS, project staff, and government staff from the Integrated Ecosystem and Wildlife Management Project
3. Consultation meeting with local district and provincial government to discuss draft regulations and zoning, with approval to proceed to local community level consultation²
4. Consultation meetings held with all villages in the immediate project area to review draft regulations and zoning, and propose modifications or raise concerns. Every effort will be made to ensure maximum attendance from each local community and facilitation of the meeting will be in Lao language, and Hmong language where required. All meetings will be documented with attendance records, minutes of meeting, photographs, and video if possible.
5. Final draft of regulations and zoning developed by WCS and IEWMP staff based on comments provided during village consultation meetings
6. Final regulations and zoning approved by local district government
7. Distribution and extension of the regulations and zoning in all villages in the immediate project area

² See Appendix 1 for protocol for consultation meetings

Boundary demarcation

Based on the zoning plan developed through consultation with both local government and local communities we will proceed with demarcation of the boundary of the PST ESCA in high priority areas and considering available funding. In areas nearby villages the physical demarcation of the boundary will be done in collaboration with local communities.

C. Criteria for eligibility of affected persons

Certain components of the project, particularly enforcement of national laws and local regulations, will impose restrictions on activities which are illegal, unsustainable, and destructive. As such we anticipate that there will be few persons from those groups engaged in illegal, unsustainable and destructive practices and therefore eligible for mitigation or compensation as affected persons.

Despite this the WCS, and the government of Lao PDR, are committed to establishing a sustainable conservation model that seeks to benefit both the unique biodiversity of the PST ESCA including saola, and the local communities that rely on resources and services that the protected area provides.

Currently there is little information about the biodiversity of PST ESCA. Throughout the project we will consider appropriate methods to monitor biodiversity in the PST ESCA and seek funding to implement these methods. Possible methods for monitoring biodiversity include ecological surveys and monitoring implemented by local communities around the protected area which have been previously implemented in Lao PDR and other developing countries (Steinmetz 2000, Ling 2000, Danielsen *et. al* 2000).

There is also little information about how local communities access and use biological resources in the PST ESCA. Throughout the project we will implement activities with the aim of developing a better understanding of local natural resource use. This will include participatory activities such as the community mapping exercises, and activities implemented during the Free Prior and Informed Consent processes mentioned in section B above. This will provide opportunity for local communities to input to the development of land use planning (zoning) of the protected area and regulations to govern access and use of resources in the protected area. We expect that these consultative processes will at least initially identify broad groups that may be affected by improved management of the protected area, and thus eligible for assistance via mitigation measures.

Where possible we will also collaborate with other local development partners to monitor changes in socio-economic indicators. For example, the Luxembourg Agency for Cooperation and Development (Lux Dev) is currently implementing a Bolikhamxay Livelihood Improvement and Governance Programme in collaboration with the Bolikhamxay Provincial Planning and Investment Department. This programme focuses on the agriculture and food security sector, and the project area includes all villages in Xaychamphon district. As part of their programme Lux Dev and the government of Lao PDR will monitor socio-economic indicators in all target villages. We hope to be able to access the socio economic data collected by this programme to assist us to identify local community groups that may be eligible for assistance and mitigation measures.

Further to this we intend to implement a Rapid Rural Appraisal³ methodology on an annual basis. This methodology was developed by the WCS and local government partners with the aim of provide information regarding key questions such as;

1. How do local people make their living?
2. How do the livelihood systems of women and men compare?
3. How do the livelihood systems of varying socio-economic groups differ?
4. How do the livelihood systems of varying ethnic groups differ?
5. Are there households or individuals unable to meet their basic needs?
6. How diversified are people's livelihood activities?
7. What are the patterns for use and control of key resources?
8. What are the most important sources of local income?
9. In what ways do local people expend their income?
10. What negative impacts do local people perceive as possibly resulting from improved management of the PST ESCA, the causes of these issues, and possible solutions to mitigate these impacts
11. What positive impacts do local people perceive as possibly resulting from improved management of the PST ESCA, the causes of these issues, and possible solutions to mitigate these impacts
12. Which groups of people have livelihoods vulnerable to change due to improved management of the PST ESCA

Via regular interaction with local communities during consultations and throughout the RRA process, and by monitoring socio economic indicators from development partners, we will be able to accurately identify local groups and persons eligible for assistance and/or mitigation measures. Continued monitoring will be required to identify how communities are affected over time as the project progresses and beyond the term of the current grant.

D. Measures to assist affected persons

The community consultations, review of socio-economic data, and the RRA analysis will allow us to identify any persons or groups eligible for assistance and/or mitigation measures. Throughout these activities we will discuss possible mitigation measures with both local communities and government. Despite this it is evident that we do not have the financial resources available in this grant to provide substantial mitigation, even though we anticipate there will be few persons and groups directly affected. The WCS through our long term collaboration with GoL and the IEWMP has developed several natural resource management systems that may be appropriate mitigation measures in the future such as management of local fisheries and non timber forest products. First we will need to establish which persons groups are affected, how they are affected, then collaboratively develop what assistance activities are suitable as mitigation measures, and then implement these activities with subsequent funding sources.

It is possible that other development activities in target villages, such as those undertaken by Lux Dev, will provide some mitigation of impacts that come about due to restricted access to the PST ESCA. For example, the Lux Dev programme will establish village development funds in all villages in Xaychamphon district. The guidelines for these funds are under development. Lux Dev and the local

³ Methods Manual for Rapid Rural Appraisal (RRA) for the Integrated Ecosystem and Wildlife Management Project

government have requested that WCS contribute to the development of specific guidelines so that they are consistent with the sustainable management goals of the PST ESCA.

E. Conflict Resolution and Complaint Mechanism

Throughout the project period and the highly consultative processes described in section B and C local communities will have significant opportunity to raise any concerns they have with the implementation of project activities. There will be opportunities for local communities to consult and meet with local government and WCS staff as well as other neighbouring communities to discuss concerns or raise key issues.

Grievances and concerns can be brought to the local village authorities, district administration office, district agriculture and forestry office, IEWMP staff, WCS technical staff, and the CEPF Regional Implementation Team. WCS and project staff will provide contact details for all the above mentioned groups to all local communities. Given the remoteness of the project location and lack of both transport and telecommunication infrastructure it is likely that any concerns and grievances will follow local practices which is have them relayed to the village authorities and then on to district government staff and WCS.

It will be made clear that any community member from any of the villages surrounding PST ESCA can lodge queries or grievances at any time. WCS and local government authorities will share responsibility to ensure that all queries and grievances are addressed promptly and in accordance with local regulations. After receiving a grievance WCS and local government partners will coordinate a response. This will likely involve travelling to the local community where the grievance arose and conduct a community level meeting to discuss the issue of concern and collaboratively develop an appropriate response. Any grievance, associated mediation, and response will be noted in a report and submitted to CEPF via the appropriate reporting channels.

F. Implementation Arrangements

Implementation of the project will be conducted by all stakeholders identified in this document.

The WCS are responsible for overall management of the project although will require close collaboration with the both provincial and district government authorities including the Provincial Office of Agriculture and Forestry, District Administration Office, District Office of Agriculture and Forestry, and District Police and Military authorities. The WCS will also be responsible for providing technical advice and training as well as developing capacity throughout all project activities. Monitoring and evaluation of activities throughout the project period will be implemented by the WCS

The IUCN SSC Saola Working Group will also provide technical advice for the survey and enforcement components of the project. The Saola Working Group will also be involved in sourcing additional funds to complement the existing CEPF grant and for future site based interventions.

The Provincial Office of Agriculture and Forestry and its district agency will be responsible for designating team members to implement saola surveys. Local community members will also participate in all survey activities.

The Provincial Office of Agriculture and Forestry and its district agency, the District office of Information and Culture, will be responsible for providing staff for the outreach campaign.

The Provincial Office of Agriculture and Forestry and district police and military will be responsible for providing appropriate enforcement personnel. Village authorities will appoint local community members to train as enforcement rangers in collaboration with local government agencies and WCS.

References

Steinmetz, R. 2000. Ecological surveys, monitoring, and the involvement of local people in protected areas of Lao PDR. *Evaluating Eden Series, Discussion Paper No. 13.*

Ling, S. 2000. *NBC Biodiversity Monitoring. Part One: Monitoring Manual. Part 2: Trainers Notes.* Forest Management and Conservation Programme. Lao-Finnish-World Bank-GEF Cooperation, Vientiane, Lao PDR

Danielsen, F., Balete, D.S., Poulsen, M.K., Enghoff, M., Nozawa, C.M. and Jensen, A.E. 2000. A simple system for monitoring biodiversity in protected areas of a developing country. *Biodiversity and Conservation*, 9, 1671-1705.

Appendix 1- Consultation Protocol

1. Background

The PST ESCA was declared a Provincial Protected Area on 1 March 2011 by the District Governor of Bolikhamxay province. The PST ESCA falls into the category of “Conservation Forest” under Article 11 of the Lao Forestry Law. In terms of this classification, the villages in and around this area are subject to the relevant Lao laws applicable to this category of land management.

In August 2010 WCS received a grant from CEPF primarily for the protection of a priority population of Saola within the PST ESCA. A large proportion of this grant is earmarked for the enforcement of the current laws in place. As a result of this enforcement, there is the potential for communities around the PA to be negatively affected (initially) in terms of the extent and range of previous livelihood practices and activities.

It is critical that these communities play an integral part in the development of a protection strategy for the natural resources and processes they depend on for the future survival of their socioeconomic and cultural heritage. This process will attempt to ensure that the collective knowledge, ideas and concerns of the affected communities be fully integrated into the planning and implementation process to follow.

2. FPIC Process guidelines

(Taken from CEPF guidelines)

The Applicant undertakes a process of free, prior and informed consultation with the affected Indigenous Peoples’ communities during project preparation to inform them about the project, to fully identify their views, to obtain their broad community support to the project, and to develop project design and safeguard instruments.

For projects affecting indigenous communities, whether positively or adversely, a more elaborate consultation process is required. This may include, as appropriate:

Inform affected indigenous communities about project objectives and activities

Discuss and assess possible adverse impacts and ways to avoid or mitigate them

Discuss and assess potential project benefits and how these can be enhanced

Discuss and assess land and natural resource use and how management of these resources may be enhanced

Identify customary rights to land and natural resource use and possible ways of enhancing these

Identify and discuss (potential) conflicts with other communities and how these might be avoided

Discuss and assess food security and how it might be enhanced through project interventions

Elicit and incorporate indigenous knowledge into project design

Facilitate and ascertain the affected communities’ broad support to the project

Develop a strategy for indigenous participation and consultation during project implementation, including monitoring and evaluation.

All project information provided to indigenous peoples should be in a form appropriate to local needs. Local languages should usually be used and efforts should be made to include all community members, including women and members of different generations and social groups (e.g. clans and socioeconomic background).

3. Activity Goal

To identify, understand and incorporate the views of local communities that could be affected by the implementation of this project within the PST ESCA and to obtain their broad support to the project through a process of free, prior and informed consultation.

4. Objectives

- a. Develop a proposed enforcement strategy based on the relevant and currently applicable Lao Laws.
- b. Obtain broad support for the FPIC process and the enforcement strategy at district level.
- c. Hold fully representative public meetings (Free) in each of the villages around PST ESCA that share the resources of the PA.
- d. Fully inform these communities (Informed) of the project implementation design and strategy, clarifying the potential and real implications to the community.
- e. Provide a forum for communities to fully express their views, and to incorporate these into the project design.
- f. Obtain broad community consensus (Consent) with regards to the implementation of the project.

5. Target villages

Ban Sopkhon	Ban Phonkham
Ban Phonngam	Ban Thenkuang
Ban Phonesy	Ban Khamkoun

6. Methodology

The following procedure will be followed during this process:

A) District authority support and input process.

Consultation meeting with local district and provincial government;

- Provide overview of the FPIC process included proposed timeline
- Obtain support for the proposed Zonation and Regulations
- Finalizing logistical details related to the FPIC campaign

AGENDA - PST ESCA – District level Input regarding Zonation and Regulation.

27 June 2012

08:30 – 15:30

08:30 – 08:50 – Opening address.	KVD
08:50 – 09:20 – Introduction to FPIC process and activities	Ben
09:20 – 09: 50 – Presentation of Zonation proposal	Ben

09:50 – 10:20 – Tea

10:20 – 11:20 – Zonation proposal discussion.	Led by PNV
11:20 – 12:00 – Presentation of proposed regulations	PNV

12:00 – 13:30 - Lunch

13:30 – 14:30 – Discussions of regulations.	Led by PNV
14:30 – 15:00 – The way forward regarding the FPIC process	Ben /PNV
15:00 – 15:30 – Closing remarks	KVD

Participants:

IEWMP – Management team - 1	District police
IEWMP – Enforcement supervisor	District military
WCS – Technical Advisor	Head of Zone – Khamhouna
District governor – Xaychamphon district	Head of Zone - Phonengam
District co-ordinator of project	Head of Zone – Phone Si

B) Local community consultations (both regulations and zoning)

Day one

1. Meet with the Village executive with the following agenda
 - a. Introductions
 - b. Outline the FPIC process and timeline for future activities
 - c. Brief overview of Zonation and regulations
 - d. Complete questionnaire with executive
 - o Contact person for the process, including contact details
 - o Information on LUP

- Current village regulations (Photo copy if possible)
- e. Make logistical arrangements for the consultation process tomorrow.
- f. Resources needed:
 - Questionnaire form
 - Presentations / Documents (non electronic)
 - FPIC process outline
 - Copy of Zonation and regulations proposals
 - Village executive questionnaire

Day two

Suggested agenda		
8:00	8:30	Registration
8:30	8:40	Welcome and introductions
8:40	8:50	Purpose of consultation
8:50	9:10	Ice -breaker game
9:10	9:20	Zonation - Introduction
9:20	9:30	Zonation - PST ESCA
9:30	10:00	Zonation - Local area
10:00	10:30	Tea break
10:30	10:50	Ice -breaker game
10:50	11:50	Zonation - Discussion
11:50	12:00	Summery of decisions
12:00	13:00	Lunch
13:00	13:20	Ice -breaker game
13:20	13:30	Regulations - Introduction
13:30	13:50	Regulations - Main highlighted regulations
13:50	14:50	Regulations - discussions
14:50	15:00	Summery of decisions
15:00	15:30	Tea break
15:30	15:40	Next steps in the process
15:40	16:00	Final game
16:00	16:15	Clossing and group photo

❖ Opening address

➤ Welcome and introductions

➤ Purpose of consultation

- To provide information regarding the upcoming management activities.
- To hear the views ideas and support for two aspects of PST ESCA management, Zonation and Regulations.
- To record these views / ideas and try to incorporate them into the management strategy for the area.

- To gain the support of the community for the protection of the PST ESCA.

❖ Ice-breaker game

- Must allow for active participation – Stimulate interest and concentration
- Reward based
- Repeatable during the presentation
- Build up to finale and reward at the end of the meeting – To retain attention and expectation.

❖ Introduction to Zonation

- Describe zoning and what this means in terms of limitations and regulations.

❖ Zonation-PST

- Present map of PST Zonation proposal and provide orientation
- Explain zones on the map

❖ Zonation – Local area

- Present map of local area and ensure orientation
- Explain zones on the map

❖ Discussion

- Allow for discussion (actively encourage discussion)
 - In what way will this Zonation plan limit your previous access to recourses?
 - How will this affect your current livelihoods in the short term?
 - In what way will this limit your access to spiritual and cultural sites?
 - Can you think of any way to improve on the current plan?
- Record all important issues raised
 - Name of person
 - Position / role
 - Key idea or request
 - Action

❖ Summery and consensus of decisions

- Must try to reach consensus on all decisions
- If not, then record in details the issues for later discussion and attention.

- ❖ Ice breaker continue
- ❖ Regulations introduction
 - Laws already relevant to PST
- ❖ Highlight main regulations relevant to Village
 - Take max of 4 - 6 main regulations to focus on
- ❖ Discussions
 - Allow for discussion (actively encourage discussion)
 - In what way will these regulations limit your previous access to resources?
 - How will this affect your current livelihoods in the short term?
 - In what way will this limit your access to spiritual and cultural sites?
 - Can you think of any way to improve on the current regulations?
- ❖ Summary and consensus of decisions
 - Must try to reach consensus on all decisions
 - If not, then record in details the issues for later discussion and attention.
- ❖ Next steps in the process
- ❖ Final ice breaker game and prizes
- ❖ Signing of minutes
 - Everyone present must sign (or thumb print)
- ❖ Meeting close and thanks
- ❖ Group photos