

PROCESS FRAMEWORK FOR INVOLUNTARY RESTRICTIONS

A. INTRODUCTION

The Letter of Inquiry (LoI) to the Critical Ecosystem Partnership Fund (CEPF) for the 'Establishing sustainable management at key wetlands for Sarus Crane in the Cambodian Lower Mekong' outlines the implementation of law enforcement activities and the ongoing support of the legally designated management and conservation area in Boeung Prek Lapouv (BPL) and the soon to be legally designated management and conservation area at Kampong Trach (KT), and how these continued activities have the potential to trigger CEPF's Safeguard policy to address social impacts from restrictions of access to natural resources as per the World Bank's Involuntary Resettlement Policy (OP 4.12).

CEPF reviewers have requested Wildfowl & Wetlands Trust (WWT) and its partners to produce this document, the Process Framework (PF), to address how the project will avoid, minimize, or mitigate potentially adverse effects of restrictions of access to natural resources. The PF, will also outline how the local communities will participate in the project activities and how they will be involved in the decision making process. Please note that no indigenous peoples live at the project sites or use its natural resources.

Negative social impacts on the people and communities who currently use BPL and KT may exist if law enforcement is continued at the site and given that the site has legal protection as a protected area. The negative social impacts would be due to restrictive or limited access to or total loss of access to income generating natural resources.

If negative social impacts on the people and communities occur while continuing to support the protected area, its conservation objectives and law enforcement activities, relevant provisions of the laws of Cambodia, such as the Ministry of Agriculture, Forestry, and Fisheries, Forestry Law (2002), the Ministry of Environment's Environmental Protection and Natural Resource Management Law (2006), the Royal Decree on the establishment and designation of Natural Protected Areas (1993), other legislations and the World Bank Operational Policy, OP 4.12 on Involuntary Resettlement are invoked.

B. PROJECT DESCRIPTION

Sarus Crane is a priority for the IndoChina CEPF, because it is a globally threatened (Vulnerable VU), 'landscape species' which requires species-focused interventions at the landscape scale. The two sites that are the focus of this project support significant (over 300 birds, >20% of the regional population collectively) numbers of Sarus Cranes during the dry season. They form the Cambodian parts of a small, connected network of transboundary sites for the species in the Lower Mekong.

The two sites also support important representative areas of Lower Mekong seasonally inundated grassland – a habitat which has suffered massive conversion to agriculture - and

several other bird species of global concern, including Bengal Florican *Houbarops bengalensis* (Critical, CR; with very recent sightings at BPL), Lesser Adjutant *Leptoptilos javanicus* (Vulnerable VU, 6 recorded at BPL in 2009), Greater Adjutant *L. dubius* (Endangered EN, 8 recorded at BPL in 2009), Black-headed Ibis *Threskiornis melanocephalus* (Near-threatened NT, 285 recorded at BPL in 2009 and 16 at KT), Spot-billed Pelican *Pelecanus philippensis* (NT, 21 recorded at BPL in 2009), Painted Stork *Mycteria leucocephala* (NT, 398 recorded at BPL in 2009 and 6 at KT) Oriental Darter *Anhinga melanogaster* (NT, 36 recorded at BPL in 2009), and Asian Golden Weaver *Ploceus hypoxanthus* (NT, 20 recorded at BPL in 2009).

Kampong Trach IBA is located in the district of Kampong Trach of Kampot Province, and includes the communes of Boeng Sala Khang Tboung and Preak Krus. Boeung Sala Khang Tboung commune is comprised of 3 villages with a population of approximately 8,096 people (1,727 families, 50% are female) while Preak Krus Commune consists of 4 villages with a population of approximately 9,886 people (4,902 families, 50% are female). All are Cambodian people and there is no indigenous group. A recent social economic survey in sites (ICF, BirdLife, 2008) indicated that most residents are living in poor conditions, making US\$1.5-2.5 per day, per household (\$575 to 900 per household per year). Soil quality is poor, being sandy with acid water. The majority are dependent on agriculture for their livelihood due to limited alternatives. The two main economic activities are rice production and making Lepironia and bamboo products. Most people in these two communes have traditional skills in making handicrafts from Lepironia, but the site is not suitable for Lepironia growth so local people have to cross the border to buy the raw material from Vietnam. There is currently no government or NGO assistance to improve and market their product. At least one third of households depend on the natural resources of Kampong Trach IBA and the surrounding area for their livelihood, particularly cattle raising, fishing and collecting fire wood (*Melaleuca*) for cooking. Increasing numbers of people accessing this IBA is thought to result in disturbance to Sarus Cranes and other bird species at the sites.

Boeung Preak Lapouv is surrounded by two communes (Chey Chouk and Kampong Krasang) of Borey Chular district and four communes (Romenh, Prey Klar, Chhouk, and Prey Yuthkar) of Kok Andeth district. In total there are 4,689 households living in these six communes (all are Cambodian and there is no indigenous group). Most of these local people previously had land within the reserve and they still depend on its natural resources for fishing, collection of lotus, water lily, morning glory, fire wood and grass for cattle. In the past, people living in Borey Chular and Koh Andeth districts cultivated deepwater rice which provided good yields to support their families. However, in the last 5- 8 years floods have destroyed their crops as a result of a dam constructed in Vietnam along the border to prevent flood waters from entering the country. This has caused an impact on the local communities in the area (Seng, 2005) and currently local people can only grow dry season rice, once a year with a low yield. A recent study conducted by a student from the Royal University of Agriculture, showed that most local households still don't have formal land tenure yet except Chey Chok Commune. BPL is not a suitable site for cattle rising due to this area being flooded six months of the year. Most (80%) residents live in poor conditions (Seng, 2003), and income from cultivation is insufficient to meet their needs. Local people (mainly men) have to go fishing and rat-catching in the reserve at night for both commercial and for household consumption whilst women have to collect grassland products.

Both sites suffer acute human pressure that threatens the cranes and other biodiversity, primarily exploitation of wildlife, agricultural encroachment, agro-chemicals pollution, inappropriate fishing methods, hydrological changes and consequent vegetation changes, use of fire, and invasive alien plants.

There is an urgent need to address these threats. Designation of BPL as a Protected Area has recently been achieved, and designation of Kampong Trach KT is expected within months. A management plan has only recently been produced for BPL whilst one has not yet been prepared for KT. Even with a plan there are few resources for implementation, and long-term sustainable resourcing has not been considered.

Recent CEPF-funded work at KT by Mlup Baitong and at BPL by Chamroien Chiet Khmer (CCK) will be completed in June 2010 and both projects have recognised that longer term project activities are required to ensure the sustainable conservation of the sites for Sarus Cranes. We will work with Mlup Baitong, CCK and a third organisation, the Cambodian Institute for Research and Rural Development (CIRD), to build on the activities undertaken under these projects. It is hoped that CEPF funding will be secured for four coordinated projects, led by each project partner, as soon as possible to ensure a smooth transition of project activity. These projects will deliver the following:

WWT - Overall coordinating role among the four projects. Will directly support management structures and activities at both of the sites and build capacity among partners. Three year project.

Mlup Baitong - Will undertake awareness raising, community activities to support protection of the site and livelihood support activities in KT and support the establishment of community organisations. Three year project.

CIRD - Will support agricultural improvement activities and undertake a feasibility study investigating the labelling of wildlife friendly products to generate income to support management of KT. One year project.

CCK - Will undertake awareness raising, community activities to support protection of the site and livelihood support activities in BPL and support the establishment of community organisations. One year project.

The project **purpose** is:

To fully establish and conserve two protected areas representative of lower Mekong floodplain wetlands, and contribute to their long term sustainable management, thus securing a priority non-breeding population of Sarus Cranes.

Project **objectives** are:

1. Embed conservation planning of Boeung Preak Lapouv (BPL) and Kampong Trach (KT) within national and local organisations.
2. Strengthen conservation management actions at BPL and KT.
3. Promote innovative long-term funding mechanisms.

4. Co-ordinate and disseminate results from projects delivered by WWT, Mlup Baitong, CCK and CIRD

Objective 2 gives the biggest cause for concern in relation to impacts on household livelihoods as detailed in the World Bank Operational Policy, OP 4.12. Objective 2 activities will include, albeit limited, involuntary restrictions to resources. The project supported Local Conservation Groups (LCG) will only enforce against activities which are illegal, unsustainable and destructive as listed below:

- Burning of vegetation (grass and forest burning for the purpose of encroachment, wildlife poaching or unsustainable resource collection).
- Poaching of wildlife (including all species of mammals, birds, reptiles, amphibians, insects, other invertebrates, and their eggs or offspring).
- Trapping of rats in the core zone during the dry season.
- Use of illegal fishing gear (vertical slit traps, long traps, electrocuting devices, fishing nets and/or bamboo fences with mesh size of less than 1.5 centimeters).
- Land encroachment (for the purpose of agricultural expansion, urban development or canal development for irrigation).
- Unsustainable resource exploitation (all activities that are excessive, including abusive collection of native timber, forests or wetland pollution, forests or grassland fires, uprooting of Chinese water chestnut, *Eleocharis dulcis* and Water lily, *Nymphaea* sp.).

All these activities will be enforced under the following legislation:

- Prime Ministerial Decree (Sub Decree) on establishment of a Boeung Prek Lapouv Management and Conservation Area for Sarus Crane and other birds located in Borei Chulsa and Koh Andeth districts, Takeo province. Received approval of the ministerial meeting on 14 September, 2007.
- Proposed Prime Ministerial Decree (Sub Decree) on establishment of Kampong Trach Management and Conservation Area for Sarus Crane located in Kampong Province.
- Forestry Law, 2002
- Fisheries Law, 2006
- Land Law, 2003

C. PARTICIPATORY IMPLEMENTATION

The project has been designed to support the management of the protected areas and support the LCGs to enforce wildlife protection legislation. Previous CEPF funded projects, delivered by Mlup Baitong and Chamroien Chiet Khmer (CCK) initially supported the LCGs and carried out awareness raising activities and livelihood support activities with local communities. Local communities are represented on the LCGs through membership of Commune Chiefs so all LCG activities are understood and communicated to communities surrounding both the sites.

As part of this project a new six monthly forum will be instigated that will bring together the LCG, partner NGO staff and village representatives. Management decisions for the two sites and the implications these have on local people will be discussed in this forum to ensure that there are no negative impacts on the communities. A principle embodied in all activities undertaken within this project is that ecosystem service values derived from the sites by local people will be maintained, improved or replaced by equivalent sustainable livelihood activities.

Furthermore, WWT will be collaborating with three other CEPF-funded projects undertaken by Mlup Baitong, CCK and Cambodian Institute for Research and Rural Development (CIRD) that focus on developing alternative and sustainable livelihoods for local communities. People most affected by the enforcement laws and have restricted access to wetland resources will be targeted among these projects for support.

D. CRITERIA FOR ELIGIBILITY OF AFFECTED PERSONS

It is unlikely that many persons will be eligible for compensation measures as involuntary restrictions will be predominately placed on activities which are clearly illegal, unsustainable and destructive.

However, as discussed previously, WWT and its partners are aware that limiting access to some wetland resources will impact on the livelihoods of some members of the local communities. Where restricted wetland resources used to make up a significant proportion of household incomes then households will be eligible for support. These individuals and households will be identified through the following two mechanisms:

- Socio-economic assessments undertaken at the sites by partner NGOs
- Representation from the Village Volunteer Committees and Self-Help Group leaders (It will be made clear, at the six monthly forum and through awareness raising meetings, that individuals and households that have been adversely impacted should contact the head of the Village Volunteer Committees and Self-Help Groups to raise their specific concerns with the LCG and NGO project managers)

E. MEASURES TO ASSIST THE AFFECTED PERSONS

Individual households that have been significantly impacted by a restriction on specific wetland resources will be encouraged to participate in sustainable livelihood support activities. These will be developed within the CCK, Mlup Baitong and CIRD projects to support and encourage livelihood activities such as:

- Improved organic rice production;
- Cattle husbandry; and
- Eco-tourism.

As a result of project activities it is envisaged that household incomes will be significantly increased beyond current levels. This will be monitored as part of project delivery.

F. CONFLICT RESOLUTION AND COMPLAINT MECHANISM

Grievances and conflicts raised by impacted households can be brought to the LCGs, to the six monthly forum, to the Village Volunteer Committees, to the Self-Help Groups and the NGO project staff. All communities will be made aware that grievances can be reported at any time to any of the organisations listed above. If any of these organisations receives a grievance it will be passed to WWT and the partner NGOs for a response. WWT will immediately notify BirdLife and CEPF of any grievances received, and keep them updated about any follow-up action.

WWT and the partner NGOs have the responsibility to communicate any grievance raised to each other and to ensure that they are dealt with promptly. Upon receipt of a grievance, all project partners will meet with the persons affected to discuss the issues and develop an agreed solution which will then be implemented by the project(s).

Independent mediation for any grievance can occur through one of the partner NGOs, not operating at the specific site, if required.

G. IMPLEMENTATION ARRANGEMENTS

WWT will have overall responsibility for coordinating the project and coordinating with the other three proposed project partners. They will have ultimate responsibility for the implementation of this framework but will work closely with the other three partner NGOs in actual delivery.

All project NGO partners, community groups and the LCGs will be made fully aware of this process framework to ensure it is delivered successfully and to ensure no negative impacts on household livelihoods as a result of project activities.