

WWF-Cambodia -December 2015-

Project: Mainstreaming biodiversity values into land-use decision making in Cambodia's Mekong Flooded Forest

Social Assessment, incorporating Process Framework for Involuntary Restrictions on Access to Natural Resources

1. Introduction

This social assessment is building on the previous social assessment conducted between 2010 and 2013 by World Wide Fund for Nature - Cambodia Country Programme (WWF), Cambodian Rural Development Team (CRDT) and Community Economic Development (CED), in the framework of the implementation of a Critical Ecosystem Partnership Fund (CEPF) project to protect freshwater biodiversity and community livelihoods along the Mekong river mainstem between Kratie and Stung Treng towns, in Kratie and Stung Treng provinces, northeastern Cambodia.

The logic for building on the 2013 previous social assessment is based on the recognition that:

- The project area is the same as in the previous project
- The targeted local communities including indigenous people (IP) are the same or similar as in the previous project

It is assumed that, two years only after the end of the previous social assessment, the social, economic and political contexts are similar enough to still be considered relevant for the implementation of the proposed project. Issues affecting IP are the same as two years ago, even if the scale of these issues may have changed in some areas.

2. Project Area

WWF will implement two key objectives that will address drivers of community natural resources, biodiversity and ecosystem services loss within the Mekong Central Section between Kratie and Stung Treng towns. The focus is the management of this 'Central Section' of this area, which extends from approximately 40 kilometres north of Kratie town to six kilometres north of the Kratie-Stung Treng provincial border, taking in 56 kilometres of the Mekong mainstream. The project's objectives contribute to empowering and building the capacity of local communities in the protection and sustainable use of their unique natural forest and freshwater resources as well as engaging key stakeholders to adopt a landscape approach and to integrate natural capital and ecosystem services evaluation into decision making related to investments-driven land-use change throughout the Mekong Flooded Forest. The project area is located in the CEPF Priority Corridor "Mekong River and Major Tributaries" and in the CEPF Priority Site "Mekong from Kratie to Laos PDR".

Biodiversity value

More than 10 years of survey, field work and program implementation in the project area have confirmed that the area supports:

- Populations of critically-endangered species of mammals including the iconic Irrawaddy Dolphin, fish, birds, mollusks, crustaceans and reptiles;
- Six distinct freshwater wetland zones, all of which are usually only found outside the area in isolation and/ or in highly degraded states; and
- Extensive forest, timber stocks, unsettled land and nursery and breeding grounds for economically important fish species.

The majority of this biodiversity value is concentrated in the Central Section. Preservation of the area is critically important to the maintenance of Indochinese bird populations and fish stocks, as well as endangered flora and fauna. The Central Section is also critical to the livelihoods of the area's resident population, people who travel (usually from within a 30 kilometre radius) to access wetland resources, and communities up and down river who depend on the Central Section's unique wetland ecosystem services.¹

Communities in the Central Section

Little up-to-date population data is available for the Central Section. Within the Central Section more population data is available for the Eastern Channels, than for the more populous and accessible Western Channels. The Eastern Channels support the lowest human population densities between Kratie and Stung Treng towns and contain the most intact wetland areas of the Central Section. They are home to just six established communities with an estimated population of at least 6,000. The customary boundaries of these villages cover a significant proportion of the Eastern Channel's land and water resources, including the areas of greatest biodiversity and conservation value.

Indigenous peoples in the Central Section

There is a significant population of Indigenous peoples in the project area. Indigenous peoples make up seven per cent of Stung Treng's population and eight per cent of Kratie's but just one per cent of the national population. Kratie and Stung Treng provinces are home to Koy, Phnong, Kachak, Charay, Mel, Kraol and Brao people. Survey of villages along the Mekong between Kratie and Stung Treng towns indicates that Koy, Phnong and small numbers of Charay people are resident. As detailed above, the Central Section is home to Phnong and Koy people as well as ethnic Khmer. These Indigenous peoples make up to 10% of the approximately 50,000 people whose livelihoods depend on the natural resources of the Project area.

Table with list of villages and target areas of the project can be found in Annex 1.

3. Livelihoods

Indigenous and Non-Indigenous People Livelihoods

Indigenous peoples in the lowland Mekong basin of Cambodia, including in the project area, are thought to have migrated from ancestral homes in the hilly upland areas of Monduliri, Rattanakiri and Kratie. Little is documented about in-migration histories into this area. However, Indigenous communities include well-established settlements of between 50 to 100 years or more.

During its 13 years of work with local communities living between Kratie and Stung Treng towns, WWF has observed that Indigenous communities in this area have adopted a rural lifestyle that is in many ways similar to that of ethnic Khmer. In particular, observations of livelihood strategies and natural resource management patterns in the area suggest few, if any, significant differences between the practices of Indigenous and ethnic Khmer communities in these areas.

Both Indigenous and non-Indigenous communities living along the Mekong between Kratie and Stung Treng towns rely heavily on natural resources generally exploited at small-scale or household level. For an aggregate population in the two provinces of around 460,000 people, there are only 9 companies employing 50 people or more. In the absence of large manufacturing companies, the main sources of income for the communities are by far family agriculture (rice and cassava respectively accounting for 53% and 26% of the total cultivated land) and fisheries (92% fishing and 8% aquaculture). Other livelihood activities include small-scale livestock raising, chamkar farming (rice or mixed crop gardens located on cleared land away from the village), hunting, timber collection, non-timber forest products collection, vegetable farming, boat construction and the sale of labour. Communities are not observed to practice the shifting agriculture that is characteristic of upland Indigenous peoples in Cambodia. Some natural resources-based illegal and unsustainable activities such as gold mining, logging, illegal fishing, river sand extraction also attract outsiders to the area. The expansion of these activities, especially on a non-customary commercial scale, is placing increasing pressure on the established livelihood strategies of (Indigenous and non-Indigenous) resident communities.

While the livelihoods and resource management strategies of IP and non-IP in this area appear similar, IP may retain specific knowledge and/ or distinctive practices that are not readily apparent to outsiders. Such research was conducted during the 2010-2013 CEPF-funded program social assessment, including analysis of Indigenous people's relative reliance on forest products (including non-timber forest products), time spent in forestry activities, reliance on wildlife hunting, and use of chamkar farms (including cropping practices and whether fallow periods are observed). However on-going monitoring of IP's livelihood strategies will be conducted throughout the project cycle, to ensure the project maintains updated social assessment information about IPs in the project area.

Based on 2010-2013 field surveys, there is no evidence to suggest whether Indigenous communities between Kratie and Stung Treng towns experience greater poverty and marginalization than ethnic Khmer residents of the project area, including whether there are disparities in land and resource ownership and access. In general communities in the target area live a remote lifestyle characterised by poverty and limited access to services. In focus groups, Indigenous people have identified lack of village infrastructure and basic services, in particular healthcare, as factors limiting their quality of life. Four of the six communities with customary resource rights in the Central Section's Eastern Channels are Indigenous and the project will work with these and other Indigenous (and non-Indigenous) communities to support the sustainable management of their lands and waterways. An on-going participatory social assessment process will help to maintain regular update about the social and economic situation of IP and non-IP communities.

Threats to livelihoods

The most pressing threats to livelihoods within the Central Section stem from rapid population expansion combined with unsustainable patterns of resource use by the communities themselves, particularly forest burning and conversion, over-fishing and unregulated hunting, and by land-use decisions at governmental level such as the granting of economic land concessions to agro-industrial private companies. At current rates of development and expansion of settlement, and with no change in resource use patterns, WWF estimates that the last remaining intact forest and many threatened species could disappear from the Central Section within ten years.

Both Indigenous and non-Indigenous participants in focus groups have identified commercial-scale fishing and hunting by outsiders in their customary lands as a particular threat to livelihoods. Illegal fishing including gill-netting, explosives and poison, is widespread. Illegal logging, while generating short-term income for villagers, further decreases wildlife habitat and the availability of non-timber forest products.

Other threats to livelihoods and biodiversity stem from national and regional economic development processes. In particular, the proposed construction of hydropower dams on the Mekong and tributaries, including the Don Sahong dam in Laos at the border with Cambodia which is currently being built, and the Sambor dam just upstream of the town of Kratie, may alter river hydrology and impact both numbers and species of migratory fish.

Also of great concern, and although land conflict is relatively low in Kratie and Stung Treng when compared to the national situation, large commercial concessions for rubber and teak plantations have been granted between Kratie and Stung Treng towns. In focus group discussions, people in some proposed target villages reported that their livelihoods have been severely impacted by the granting of concession lands, as they are no longer able to access areas they would customarily use for hunting, fishing or to cut timber and gather other forest products. This alienation from land and resources may constitute a push factor for in-migration as well as over-reliance on the resources of the Central Section. Given the relative abundance of unclaimed land in the Central Section, this situation is being monitored closely. The project partners including MAFF should ensure that environmental and social impact assessments are conducted for any proposed concession claims and projects affecting freshwater hydrology in the project area, particularly within the Central Section. This may be particularly important for protecting the rights of Indigenous people, who are nationally over-represented among communities involved in land and resource conflicts.

4. Project activities

The project proposes two main areas of intervention to strengthen the management framework for community empowerment and private sector and government involvement in ecosystem and natural resources conservation within the Central Section, while supporting Indigenous and non-Indigenous communities within and beyond the boundaries of the Central Section to practice environmental stewardship.

The framework for improved management of the area will involve two key areas:

1. Working with Provincial, National authorities and the private sector to promote sustainable land-use planning and development in the MFF, to minimize the adverse impacts of large development projects on local livelihoods and biodiversity. An example of this natural capital valuation strategy will be the production and endorsement by the end of the project of the official management plan of the recently-designated (2013) “Mekong Fisheries Biodiversity Conservation and Management Area” in the “Central Section”, final step after having formally recognized the importance for biodiversity conservation and community livelihoods of the area.

The Central Section Special Management Site covers 56 river kilometres and takes in 33,808 hectares. 20,230 hectares are protected zones, where human activity is limited and regulations on resource access strictly enforced. A further 13,578 hectares are proposed as multiple use zones, mostly for human settlement and agriculture.

2. Community-based forestry and fisheries management activities to empower IP and non-IP groups in securing their land, status and natural resources-based livelihood while also protecting endangered species of flora and fauna. These include:

- Finalizing sustainable functionality of 10 CF and CFi;
- Implementing community-based water bird nest protection schemes

5. Indigenous People's Plan

Expected impacts from the project

Both Indigenous and non-Indigenous peoples stand to benefit from the proposed project intervention. The new management regime proposed for the Central Section should enhance the community-level application of relevant laws, including laws relating to the protection of Indigenous people's rights, the role of Indigenous peoples in the management of biodiversity, Indigenous and non-Indigenous people's rights to use and own land, and community co-management of customary land and resources. Community co-management of forestry and fisheries resources may serve to increase community control over wetland resources and enhance the ability of government agencies to respond to community needs. Collaborative mapping of communities' resource use and customary management practices is helping to identify and assist in managing any emergent resource conflicts (for instance between older and more recently established settlements, between Indigenous and non-Indigenous communities) in equitable ways. Regulation of in-migration and new settlement will protect the customary lands and waterways of Indigenous (and non-Indigenous) communities resident in the proposed Special Management Zone i.e. the Central Section. Regulated and functional CFi and CF will provide enhanced livelihoods to their IP or non-IP members avoiding any marginalization within IP and non-IP communities in the project area.

The declaration in 2013 of the Central Section as the Mekong Fisheries Biodiversity Conservation and Management Area and the subsequent endorsement of its Management Plan expected under the proposed project will allow critical actions to protect biodiversity and the livelihoods of IP (and non-IP) residents in the Central Section. The project's participatory approach to conservation and resource management activities has the potential to strengthen social cohesion, and IP's ability to interact effectively with Forestry, Fisheries, land-use planning administrations or with the private sector having development plans near the project area. This approach seeks to reduce community dependence on ongoing NGO support, within the framework of WWF's long-term commitment to this area. The community-based components of the project will be delivered through technical and material support to CF and CFi's committees and members. Technical support and advice for the landscape-based components of the project will assist national and provincial government and private sector in land-use and investment decision-making process.

Involuntary resettlement of IP or non-IP communities

No involuntary resettlement of IP or non-IP communities is likely to happen as a consequence of the proposed project as we will work with well-established beneficiary communities to strengthen their access rights to their customary land and to the sustainable management of natural resources through functional CF and CFi.

Some IP may feel they are affected by the new management regimes of the Central Section once its Management Plan gets under implementation, and by the establishment of a Bird Nest Protection Area. This applies primarily to people involved in illegal, destructive or unsustainable activities. Given the apparent similarity in Indigenous and non-Indigenous peoples' livelihood and resource use patterns in the

area, the risks and potential benefits of the project are unlikely to differ significantly between these populations.

The project will benefit both IP and non IP communities and will mitigate the impacts of reduced access to the resources of the Central Section.

Restrictions on access to natural resources

Critical conservation outputs of the project are the implementation of an approved government management plan for the Mekong Fisheries Biodiversity Conservation and Management Area and the establishment of four Community Forestry, six Community Fisheries and one Bird Nest Conservation Area. These outputs have the potential to introduce or strengthen restrictions on access to natural resources by some components of society.

However all management rules and regulations within Community Forestry (CF), Community Fisheries (CFi) and Bird Nest Protection Areas (BNPA) that have the potential to impact access to natural resources will be developed by the local communities which currently have traditional-use-rights to these areas. Such regulations will be developed inclusively through village meetings and consultations (**Activity 2.7**). We also believe that for the majority of community members the establishment of these community managed protected areas is likely to benefit livelihoods through strengthening land tenure.

The management plan for the Mekong Fisheries Biodiversity Conservation and Management Area will also be developed through consultation with local communities (**Activity 1.6**). Access to natural resources within the Mekong Fisheries Biodiversity Conservation and Management Area will be aligned with Cambodian Species, Forestry, and Fisheries legislation. Therefore only illegal resource extraction e.g. use of prohibited fishing gear or capture of protected species will be impacted.

Given these safeguards we believe there are potentially two scenarios whereby the introduction of these regulations could be perceived as being involuntary or have minor impacts on livelihoods.

- 1.** Regulations will prevent illegal hunting and persecution of threatened and legally protected bird, mammal, reptile, and fish species. For bird, reptile and mammal species hunting within the landscape is largely incidental and opportunistic and is not a significant source of income for local communities. Therefore preventing this is unlikely to reduce livelihoods and income within communities.

However there are likely to be a small number of individuals who use illegal fishing gear and techniques, including poisoning and dynamite fishing, within potential CFis and within the Mekong Fisheries Biodiversity Conservation and Management Area. These individuals, many of whom originate from outside the villages within the landscape but we cannot rule out that some villagers are involved, may also be making potentially substantial financial gains from such illegal activity. However through reducing unsustainable and illegal fishing activity we believe that livelihoods benefits to the wider community, through ensuring sustainable fish stocks, are likely to counteract any livelihood reduction to individuals engaging in corrupt and illegal practices.

- 2.** The establishment of CF, CFi, and BNPA may impact access to natural resources by communities and individuals who do not currently use the land or have traditional-use-rights. Through empowering local communities in managing these community protected areas and formalising local land tenure, new settlements and cultivation by outsiders and migrants to the landscape will be prohibited. Therefore the project could be perceived as preventing access to resources by communities who, in theory, could currently access (due to poor regulations and the lack of community land tenure leading to open-access) these resources but in future will be prevented from doing so.

Therefore despite these potential impacts we do not believe that the project will have any negative impacts on livelihoods of communities **currently** using the landscape or introduce involuntary restrictions on their current, and potential future, access to natural resources. Nevertheless there is a need to ensure that any impacts are monitored and an appropriate grievance mechanism exists.

As such WWF Cambodia will continue our regular interactions with all communities in the landscape and ensure that community members and community leaders have regular opportunities to raise issues with WWF Cambodia project staff (**Activity 2.8**). We will also maintain regular contact with partners in the landscape including local NGOs CRDT, NRD, FLO, and CEPA and human rights CSOs including AdHoc (**Activity 2.6**) to ensure that they are able to easily raise any concerns they encounter from communities and village members with WWF project staff.

6. Safeguard policies and frameworks

Free Prior and Informed Consent (FPIC)

This social assessment is guided by the Free, Prior, and Informed Consent principles. FPIC was obtained in 2010 when WWF, CRDT, FLO and NRD and CED jointly conducted planning and outreach activities in all villages that will be affected by the project. Meetings were typically held with the full community to explain the opportunities and constraints of establishing CF and CFi. Special efforts were made to insure the participation of Indigenous People. Proposed management designations and management activities were discussed with the community and the consent of the community was obtained before any designations and activities were implemented. Village authorities organized a voting session asking all community members if they were interested in participating in the action or seeing the action being implemented even without their participation (typically elderly people). The project could be implemented after FPIC was obtained under the rule that at least 60% of the villagers agreed on the project implementation. The 2010 FPIC is still relevant to the proposed project since all 10 target communities (6 CFi and 4 CF) were already target communities under the 2010-2013 project.

Compliance with safeguard policies

WWF staff will have regular opportunities to meet with the communities to monitor and discuss the progress and challenges faced during the project, through opportunistic field visits, CF and CFi establishment meetings, awareness meetings. Those formal and informal meetings will be the platform to monitor project compliance with safeguard policies and to assess the communities' perception of the project progress and the quantified impacts on their livelihood, and to ensure that this perception is not less positive than at the start of the project. Should concerns arise from community members and should grievance be requested, the grievance mechanism will be explained and reminded as necessary during community meetings. We will also ensure that there are opportunities for community members to directly interact with the CEPF Implementation Team through providing phone and FaceBook contact details, with FaceBook being largely used even in remote communities of the project area.

WWF social safeguards policy

WWF social safeguards policy outlines WWF's commitment and approach to integrating the social dimensions of conservation into its institutional policies and practices and to address issues such as human rights, indigenous peoples, poverty, population, gender and HIV/AIDS. Conservation is about social change and WWF's work is largely about influencing and changing people's behaviour, policies and social institutions towards a more sustainable use of natural resources.

Much of the success of our work depends on the degree to which conservation contributes not only to the maintenance and preservation of biodiversity and ecosystems but also to equitable and sustainable development for the wellbeing of such people.

Growing out of earlier initiatives on poverty, equity, indigenous peoples, WWF established **the Social Development for Conservation (SD4C) team** to address social and development dimensions in conservation and to promote conservation solutions that integrate social dimensions to achieve better and more lasting impact.

Cambodian National Indigenous People Alliance

Issues affecting IP and local communities in Cambodia such as land-grabbing by large agro-industrial companies and denial of land tenure have been brought to the awareness of the Royal Government of Cambodia for many years. Little, if any, has been achieved so far in settling those issues due to the lack of capacity of local communities, particularly IP communities, to speak with one voice under one legal and recognized framework.

Therefore, the historic decision of the First Assembly of Cambodia's indigenous peoples to affirm and formally launch the Cambodia Indigenous Peoples Alliance (CIPA) in December 2015 was a breakthrough. After existing informally for some time, CIPA was embraced by more than 100 delegates of 17 indigenous peoples from 12 provinces as their national alliance. They also created the CIPA Executive Council as the provisional governing body of the Alliance.

CIPA is an alliance of indigenous communities and peoples' organisations, associations, and networks. It serves as a platform for solidarity, cooperation and coordination of actions for the promotion and assertion of the collective rights of indigenous peoples in Cambodia within the framework of the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP]. The Royal Government of Cambodia voted favorably for the adoption of the UNDRIP at the UN General Assembly in 2007.

This alliance will be an additional stakeholder in the implementation of the project and will help ensure that strong IP safeguards policies are in place and that any grievance from IP and non-IP communities will be addressed with due process.

Grievance mechanism

Any person in the project area who feels like they have been treated unfairly or not properly informed about project activities is encouraged to contact one or more of the following persons/organizations:

Horm Chandet
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WWF-Cambodia, Kratie Office
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Kratie town, Kratie province - CAMBODIA
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ANNEX 1: VILLAGES IN THE MEKONG FISHERIES BIODIVERSITY CONSERVATION AND MANAGEMENT AREA

Villages in the Mekong Fisheries Biodiversity Conservation and Management Area					
No	Village	Commune	No	Village	Commune
Stung Treng province			Kratie Province		
1	Siem Bouk	Siem Bouk	1	Boeung Char	Boeung Char
2	Ton Saung	Siem Bouk	2	Ou Krosang	Boeung Char
3	Oh Long	Siem Bouk	3	Kampong Damrei	Boeung Char
4	Svay	Koh Srorlay	4	Koh Entchey	Boeung Char
5	Pchul	Koh Srorlay	5	KamPong Kboeung	Boeung Char
6	Sre Krasang	Sre Krasang	6	Koh Dambang	Boeung Char
7	Koh Krouch	Sre Krasang	7	Samphin	Kampong Cham
8	Koh Preah	Koh Preah	8	Khsach Makak	Kampong Cham
9	Koh Chrem	Oh Mareas	9	Ampil Toeuk	Kampong Cham
10	Tbong Khla	Oh Mareas	10	Ksach Leav	Oh Krieng
11	Oh Mreas	Oh Mareas	11	Pun Chea	Oh Krieng
12	Oh Chralang	Oh Mareas	12	Koh Kngear	Oh Krieng
			13	Oh Kok	Oh Krieng
TARGET AREAS OF THE ACTION			14	Kampong Phnoav	Koh Kngear
Community Forestry			15	Koh Chbar	Koh Kngear
Community Fisheries			16	Yeav	Kampong Cham
Community Forestry and Community Fisheries			17	A Chen	Kampong Cham
			18	Sampung	Koh Kngear