

Process Framework for Involuntary Restriction on Access to Resources

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5. **Location:** Timor-Leste (Timor-Wetar Corridor)

6. Project Background

In Timor-Leste, an initial list of 15 declared Protected Areas (PAs) (known as "Protected Wild Areas")¹ was developed under the United Nations Transitional Administration in East Timor (UNTAET). In March 2016, Timor-Leste updated this list under the Protected Area Decree Law² to a total of 46 protected areas. These areas have not undergone classification and include a range of areas, from national parks to community protected areas under traditional law.

Since Independence, much progress has been made in Protected Area (PA) legislation, most notably the establishment of the country's first national park, NKS, in August 2006. NKS sits within the Monte Paitchau–Iralalero area and covers approximately 680 km². This includes some of the most pristine tropical evergreen forest on the Timor Island, and is contiguous with primary and secondary drier tropical forests in the vicinity of Tutuala, Mehara and Com. NKS also incorporates three of the original "wild areas" – Jaco Island (number 1), the Lore reserve (number 11) and Tutuala Beach (number 2). CI is currently supporting the Government of Timor-Leste to complete the first management plan for NKS. As the first of its kind, this process has pioneered a pathway for future management plans to be submitted and approved for PAs in Timor-Leste.

Despite this monumental achievement, the majority of Timor-Leste's 46 proposed protected areas are not adequately protected. Only four out of the 46 have completed ecological/biological surveys and/or demarcation of the boundaries. To date, no PAs in Timor-Leste have a management plan, dedicated staff, or assigned budget to ensure its continued protection. Further, assessments documenting the extent or impact of introduced species have not been conducted within any PAs.

To ensure the longevity and sustainable development of the national PA network, it is critical that areas of high biodiversity and ecosystem services are identified and categorized according to their importance. Under the Timor-Leste Programme of Work on Protected Areas (PoWPA)³, Goal One, Objective Five identifies three clear targets to guide this process. These guidelines state that practitioners must: 1) ensure that PAs are as large as necessary; 2) ensure that PAs connect with other PAs, especially along terrestrial elevation gradients, and finally; 3) within the PA system, climate refugia are protected within areas of geological significance. To support this, ground surveys such as Rapid Assessment Programs (RAP) must be undertaken to establish the state of the protected area and create a baseline for ongoing monitoring and management plan development. Without this baseline, there is a significant risk that PAs will remain "paper parks," lacking formal management support and increasing potential loss of key ecosystem services and biodiversity.

There is limited capacity within the national government, local NGO, or communities to undertake any form of assessment that would contribute to the development of management plans for the PAs. Although the communities have a great deal of local and traditional knowledge about their community lands, there are significant gaps in their knowledge caused by the loss of over 25% of the population during the conflict era with Indonesia. That traditional knowledge is passed down from generation to generation, and with the loss of whole generations, we have also lost

¹ *On The Establishment of Panels With Exclusive Jurisdiction Over Serious Criminal Offences*. Timor-Leste, June 06, 2000, *United Nations Transitional Administration in East Timor*. UNTAET/REG/2000/19. Accessed from: <http://www.un.org/en/peacekeeping/missions/past/etimor/untaetR/Reg0015E.pdf>

² Decreto-Lei N.º 5/2016: Sistema Nacionalde Areas Protegidas. Accessed from: http://mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_11.pdf

³ Department of Protected Areas & National Parks 2011. *Timor-Leste Programme of Work on Protected Areas: Strategic Action Plan Final*

entire communal histories of knowledge. As a result, current government staff also possess a limited history of the land and the traditional needs of communities. Until recently, the local NGO community have focused largely on health and education; through the efforts of CI, these NGOs are starting to develop conservation and natural resource management activities and programming. Although their overall capacity is low, they are very passionate and keen to learn.

At present, there is significant opportunity to both fill critical data gaps, and support capacity building of national government in the design, management and monitoring of Timor-Leste's protected area network. Capacity building of local stakeholders and government staff in biological monitoring and assessment techniques is absolutely critical to ensure sustainable protection of Timor-Leste's biodiversity in perpetuity. In 2018, with CI as the implementing agency, Timor-Leste will receive USD 3.75 million in funding from the Global Environment Facility (GEF6) to establish a functioning Protected Area Network (PAN), establish community-based management practices for forestry and natural resources, and implement a nationally accredited training program to increase the capacity and understanding of management for conservation and protection of biodiversity in sustainable production landscapes.

7. Participatory Implementation

Rights Based Approach: Recognizing these potential positive and negative impacts, CI uses its Rights-based Approach (RBA) to ensure that human rights are respected in all of our work. By addressing the links between biodiversity conservation and human rights, CI increases human well-being benefits such as improved accountability, empowerment of marginalized communities and access to a healthy and productive environment.

CI's RBA is built upon a foundation of institutional principles and policies, complemented by tools for the implementation and assessment needs of these policies. CI has developed capacity-building modules, guidelines, pilot tests, case studies and examples of practical application that improve understanding of the Rights-based Approach and demonstrate how it yields benefits to people and conservation on the ground. Finally, CI amplifies its impact by integrating our Rights-based Approach into positions targeting the conservation policy arena and by leading discussions at the international scale as a founding member and current secretariat of the Conservation Initiative on Human Rights. CI's capacity building efforts and suite of RBA tools and resources focus on the following priority areas: stakeholder engagement; free, prior and informed consent; gender; and research ethics

Participatory implementation in Timor-Leste: Under the Coral Triangle Support Program (CTSP) CI worked with government staff and communities to develop the first community based marine protected areas in Timor-Leste. From this experience, the Co-Management Model was created and a set of guidelines developed and printed in 2013⁴. The Co-Management Model has become the government and communities preferred model to be used when working with communities on their natural resources management. Through this project, CI will use the Co-Management Model as a guide to work with key stakeholders, most notably the Ministry of Agriculture and Fisheries (MAF), as well as communities within and surrounding these PAs and local NGOs, to build technical skills for design and implementation of field ecological and biological surveys using CI's RAP methodology. The project will also lead a core national team of local stakeholders to develop a management plan for a protected area under the new Decree Law for Protected Areas.

The project is designed as a series of key survey trainings and on-the-ground activities to provide hands-on learning opportunities. The training and surveys, will engage up to four national government staff who have been identified by the Director General of Forestry, Coffee, and Industrial Crops, whose Directorates are responsible for the oversight of the forests and terrestrial protected areas, and who owns the mandate for the Decree Law of Protected Areas. These key staff will learn the surveying and training techniques for vegetation, birds, small mammals (including bats), herps, and freshwater quality assessments. They will also be taught the demarcation process by the Head of Department for Nature Conservation and his team.

⁴ 2013, Guidelines for Establishing Co-Management of Natural Resources in Timor-Leste: <http://www.coraltriangleinitiative.org/library/technical-report-guidelines-establishing-co-management-natural-resources-timor-leste>

The national government staff will form the core team of trainees and survey team. Then within each municipality, local NGOs and members of the Community Conservation Groups (CCG) will join in the trainings according to their relevant area of expertise. The Forest Guards and Coast Guards will also join where appropriate. For example, when the training and surveying for Mount Legumau is implemented, the Forest Guards responsible for that area will join, as will the CCG from Uacala, Larisula, & Baricafa Sucos, given that their boundaries cross over the PA boundary and they are responsible for the monitoring of the area.

When undertaking the design and development of the Management Plan for the protected area, the establishment of the Management Committee will follow the standard structure which has been tried and approved for Nino Konis Santana National Park. The Group consists of national government, Municipality staff, Chefe du Suco and Chefe Aldeas as well as Women and Youth group representatives.

Gender: Women are key stakeholders in a large number of activities that occur within and adjacent to the Protected Areas. These activities range from direct collection of firewood, farming, to running households, and as part of Sucos, and national governments. The proposed project is firmly rooted in CI's belief that in order for conservation work to be successful gender and the understanding of gender roles plays an important role in achieving our long-term goals and objectives. As part of Conservation International's existing Rights-based Approach to conservation, CI has identified gender as a critical component of the overall strategy to protect human rights and ensure equitable participation and decision-making by stakeholders at all scales in our project activities. Both men and women encounter constraints based on gender to varying degrees and if unaddressed, these constraints can cause delays or impediments to achieving CI's global mission.

8. Criteria for eligibility of affected persons

All persons living within and surrounding the protected area, will be considered "affected persons" should any issues arise during the zoning or management planning process. As CI engages communities and government staff in all their activities, and the approved co-management model will be followed, we do not foresee any situation where persons will be impacted negatively by the implementation of this project.

9. Measures to assist the affected persons

To offset any potential issues that may impact persons living within or surrounding the protected area, CI will ensure that a Project Implementation meeting is held in each Suco, and that all Chefe Aldeas and community representatives are invited, so that any concerns can be raised and addressed prior to the project activities starting. One of the outcome of the meetings will be to ensure that all participants are aware of the CEPF and CI grievance processes, as well as all necessary contact information. An outline of these process will be translated into Tetum, and provided to each community and group, engaged in the project. As this project is based around community engagement and decision making over their own natural resources, we do not see any conflict of interest occurring, as the community are making their own decisions about their own resources—not the project nor CI.

10. Conflict resolution and complaint mechanism

CI's Right-based Approach to Conservation:

Conservation has the ability to support human rights and well-being by protecting the healthy ecosystems that people rely on and promoting good governance. At the same time, however, conservation can undermine human rights if rights are not considered throughout the life of a project. Recognizing these potential positive and negative impacts, CI uses its Rights-based Approach (RBA) to ensure that human rights are respected in all of our work. By addressing the links between biodiversity conservation and human rights, CI increases human well-being benefits such as improved accountability, empowerment of marginalized communities and access to a healthy and productive environment. The RBA includes a grievance feedback mechanism that allows targeted project communities to relay concerns and challenges back to the CI or partners supporting implementation of the program.

Both CEPF and CI grievance processes will be introduced during the project implementation meetings to ensure that all participants understand their rights in relation to the project and its planned activities. At the meetings, project recipients and community participants will receive details of both CEPF and CI contacts for the grievance process, should they at any time feel they need to raise a concern related to the project. . This will ensure that communities and project participants have the necessary information to directly relay complaints to CEPF, CI, or partners.

For any dispute which involves Contracts, that cannot be sorted out by conversation or negotiation, the project will abide by the Decree Law 12/2005⁵ which outlines the legal regime and jurisdiction to settle possible disputes between parties. All concerns, or conflicts raised to CI or partners throughout the project will be submitted to CEPF within 15 days of the communication.

11. Implementation Arrangements

The project is being implemented by CI in coordination with the Ministry of Agriculture and Fisheries (MAF), Directorate of Forestry, Coffee and Industrial Crops, Department of Conservation and Protected Areas (DCPA). The design of this project was carried out by a joint team of CI and DCPA staff, and included representatives from the Ministry of Commerce, Industry, and Environment (MCIE), Directorate of Environment, Department of Biodiversity.

CI as the implementing agent will manage all funds and procurement, including the advertising and selection of staff. CI and DCPA staff will create the project workplan together, and conduct community entry and all communications under a joint process. It should be noted that CI has a Memorandum of Understanding (MOU) with MAF, and a Draft MOU is currently with the Minister of MCIE for signing.

CI will be responsible for all reporting, but the report information will come from CI, government, communities, and local NGOs who are participating in the project.

12. Monitoring and Evaluation

CI will develop a workplan in coordination with DCPA staff, and will lead the monitoring of the project activities. Progress against the workplan will be reported at each reporting period, to ensure that CEPF and project partners can transparently assess the progress of the project against the original design.

Based on the monitoring protocol, should any activities be evaluated as not performing due to unforeseen circumstances, CI will inform CEPF immediately to discuss the best way forward for the project.

⁵ Decree-Law No 12/2005 Legal Regime of Public Contracts (RPC)