

**27633**  
**D R A F T**

**INDIGENOUS PEOPLES AND INVOLUNTARY RESETTLEMENT  
PROCESS FRAMEWORK**

**INTEGRATING WATERSHED AND BIODIVERSITY MANAGEMENT IN  
CHU YANG SIN NATIONAL PARK PROJECT  
VIETNAM**

## **Project Description**

This project seeks to establish public support and effective management for Chu Yang Sin National Park, more specifically to (a) stabilise the interface between natural and agricultural landscapes, (b) protect key biodiversity values, (c) promote an integrated approach to watershed and biodiversity management, and (d) create the conditions for realising the future development benefits of the park. The project has five components: (i) Enforcement and Protection; (ii) Information and Planning; (iii) Public awareness; (iv) Capacity building of the park management board; and (v) Monitoring and evaluation.

The population of Krong Bong and Lak Districts is 72,250 and 45,390 respectively, comprising four main ethnic groups: M'ngong, Ede, H'mong and Kinh. A traditional subsistence society of M'ngong and Ede tribes people is rapidly transforming into a multi-ethnic and market-driven agricultural society. Over the past six years, approximately six thousand people of H'mong ethnicity have spontaneously migrated into Krong Bong District from northern Vietnam.

## **World Bank Policies**

The World Bank's safeguards policies on involuntary resettlement (OP/BP 4.12) and indigenous peoples (OD 4.20) apply to this project. The principle objective of the involuntary resettlement policy is to ensure that all project-affected persons will be assisted in their efforts to restore or improve their livelihoods; the introduction of restrictions of access to resources is an impact included in the World Bank's involuntary resettlement policy. The objectives of the indigenous peoples policy are to ensure that indigenous peoples benefit from the project, that adverse impacts are avoided, minimized or mitigated, and to ensure the informed participation of affected indigenous peoples.

In compliance with these policies project preparation included a number of activities, primarily social analysis and fieldwork, to assess the local context and consult with local communities. Further activities during project implementation to satisfy the requirements of the World Bank's safeguards policies are described in this Framework, including social assessments, consultations with local communities, participatory decision-making processes and mitigation of possible adverse impacts.

The project intends to benefit local communities, while protecting the biodiversity of the area. Boundary delineation will be based on further studies and consultations with local communities. Forest Protection Contracts as well as land allocation in the non-protected area matrix are intended to increase tenure security and regulate access to resources. Regulations will aim to achieve sustainable harvests of forest resources consistent with existing livelihoods. Mitigation of project-induced impacts on the livelihood of local communities will be provided to enable affected people to maintain or improve their livelihoods.

No communities live within the National Park and there will be no involuntary resettlement under the project. However, new restrictions and increased enforcement of existing restrictions of access to natural resources may affect people living near the National Park, mainly indigenous peoples (ethnic minorities). Thus, these guidelines are provided to ensure that eligible affected persons are assisted in their efforts to maintain or improve their livelihoods in a participatory manner in line with the World Bank's policies.

## **Process Framework**

The objectives of the Framework are:

- a) To ensure that project benefits to local communities are culturally appropriate and acceptable to the communities who are stakeholders in the Park;
- b) to provide full consultation with, and the informed participation of, local people, particularly indigenous peoples;
- c) to avoid, minimize or mitigate potentially adverse effects of new restrictions and increased enforcement of access to natural resources.

The principles laid out to ensure the above are:

- i) definition of protected area boundaries, new restrictions and increased enforcement will be based on biophysical as well as socio-economic assessments. The latter will include an assessment of potential adverse impacts of such decisions on people living in the area or utilizing the Park;
- ii) definition of protected area boundaries, new restrictions and increased enforcement will be based on the informed participation of people living in the area or utilizing the Park, in the form of consultations and agreements reached between the affected people/communities and the respective local and project authorities;
- iii) restrictions that will adversely affect the livelihood of people will be mitigated by the project in order to ensure that affected people will be able to improve their level of livelihood.

### Criteria for Eligibility:

Communities living in or near the National Park are eligible for benefits from the project according to this Framework. Members of the ethnic minorities in the project area, i.e. the

M'ong, Ede, and H'mong, are covered by the provisions related to the indigenous peoples policy. Particular attention will be paid to the original inhabitants of the area, the M'ong and Ede, who are likely to be most vulnerable in the development process.

Communities and/or individuals whose livelihood is affected by resource restrictions and/or improved enforcement are eligible for assistance (mitigation measures) to maintain or improve their livelihoods. More specific definition of criteria for eligibility and determination of eligibility is facilitated through the social assessment and consultation process and described in the plan of action.

#### Social Assessment:

A series of social assessment exercises will be conducted during the first phase of implementation. These assessments will build on the rapid assessments conducted in five communes under the PDF and other studies undertaken by the GTZ SMRP project. The assessments will aim to: a) describe the broad demographic, socio-economic, and socio-political composition of the two districts (base-line data); b) describe changes and trends of migration and settlement within the last 10-20 years in the area; c) identify different uses of the park and associated groups; c) establish whether swidden cropping still exists within the park and the extent of dependency of this and forest products for basic food security; d) map old village and sacred sites and associated customs that may require access rights; e) assess possible impacts of project activities, mainly resource use restrictions, on local communities; and e) understand the actual and potential impact on the park of the recently arrived H'mong.

A suite of techniques will be employed, including PRA, landscape assessment, and review of hard copy satellite images to identify historic and present areas of cropping in the park. These assessments will feed into most other activities of the project, and identify further scope for co-management activities of the park. Other areas include marketing and awareness strategy, definition of resource use and possible resource use restrictions and mitigation measures (see also section below on the plan of action), design of patrolling protocol, the brief management plan, and the monitoring and evaluation plan. They are scheduled to be conducted during the first year of the project in parallel to start-up phase activities.

#### Consultation:

Consultations with local communities will be an important part of the social assessment process described above and the process for determining the various boundaries of the protected area, access and resource use that will continue to be allowed, and any possible resource use restrictions introduced by the project activities (including improved enforcement). Decisions affecting public access and resource use will be made with the participation of the affected communities, with the aim of achieving consensus of local support.

In order for meaningful consultation and participation to take place, several mechanisms will be put in place. These are:

- a) information dissemination will, as needed, be in the local languages and using visual, oral and other appropriate means of communication in communities with limited literacy and/or Vietnamese language skills;
- b) acknowledged ethnic minority leaders and organizations will be consulted as appropriate;
- c) appropriate consultation methods and a time frame will be established which allows ethnic minorities, including adequate gender and generational representation, to express their views and preferences;
- d) to ensure genuine and comfortable participation of the ethnic minorities, villages where strong social and cultural cohesion among households is assumed to exist, will be the entry point for consultation;
- e) representatives from NGOs or a social scientist knowledgeable of indigenous peoples will be used as appropriate to help facilitate the consultation process; and
- f) meetings will be recorded and minutes shared with the concerned ethnic minority groups.

Mitigation:

For villages that are adversely affected by new restrictions and increased enforcement, the project will ensure that they are assisted with remedial measures necessary to maintain or improve their incomes or living standards, e.g. in the form of assistance in establishing alternative livelihood activities that are environmentally sustainable. Appropriate mitigation measures will be identified with the participation of the affected communities. Local authorities and other donor-assisted projects will be consulted as needed. Mitigation of impacts may be provided by government or donor-assisted projects; the executing agency is responsible for coordination of such arrangements.

The project will pay particular attention to land tenure issues, including traditional land rights and obligations and use practices of ethnic minorities, when determining impacts and mitigation measures. This concerns, for instance, NTFP and shifting cultivation, whereby land officially classified as 'forest land' or 'unused land' could in fact be kept fallow under the traditional farming systems practiced by ethnic minorities. These activities, and income and resources achieved from it, will be included when assessing potential adverse impacts on ethnic minorities.

Plan of Action:

Based on the scientific studies, social assessments and consultation process a plan of action is prepared, e.g. in the form of a natural resource management plan, acceptable to the Bank. The plan of action describes: (i) National Park boundaries and the restrictions and natural resource use arrangements agreed to; (ii) specific measures to be undertaken to assist the affected people in maintaining or improving their livelihoods and ensure their informed participation; and (iii) the arrangements for their implementation, including complaint mechanism and monitoring.

Conflict resolution: The risk of conflicts arising between communities and the project and local authorities, between different communities, and between community members

is real and should be addressed. A two-fold mechanism, with both proactive and reactive elements for resolution of conflicts, disputes and grievances that might arise, will be put in place.

Recognizing that many conflicts arise due to difference in understanding and perceptions, a *proactive approach* would be adopted to avoid conflicts before they start. This approach would promote a common understanding through a four-pronged approach, including: (a) community conservation education and public awareness regarding values of biodiversity conservation, threats to the National Park, and options for mitigating these threats (b) wide-spread disclosure of project background information; (c) clarification of the criteria of eligibility for assistance under the Process Framework; and (d) clarification of the duties and responsibilities of all stakeholders in the process.

Conflicts that do arise will be dealt with through a *reactive approach* of conflict resolution and grievance redress mechanisms that will be developed in culturally appropriate ways, familiar to the ethnic minorities, and ensuring adequate representation of the ethnic minority communities. As a starting point existing systems will be used, which provide the following: District and Commune level Peoples' Committees have one day a week to receive complaints; the Chairpersons of the above bodies are responsible for settling complaints, and the Fatherland Front and citizens are responsible for supervising the process. In addition, affected communities will be able to bring complaints to the executing agency after having gone, or before going, through the official channels. The executing agency ensures that affected communities are informed of these mechanisms, and documents and monitors how complaints and conflict resolution have been handled.

#### Staffing:

Wherever possible, ethnic minority members and people with experience in working with ethnic minorities should be hired by the project, e.g. as part of the social assessment team, the monitoring team, and as park rangers.

#### Monitoring and Evaluation:

Monitoring arrangements should include baseline data; household surveys, case studies, community feedback and other instruments to assess general trends in income and living standards as well as possible impacts of the project on local communities.

An evaluation of the implementation of the Framework will be included in the independent mid-term review included under Component E: Monitoring and Evaluation. Any revisions to the Framework, suggested by the independent review or other monitoring and evaluation exercises, will be agreed to with the World Bank.

Roles and Responsibilities: Overall responsibility for the implementation of the Framework lies with the executing agency, BirdLife International, which works closely with the relevant local authorities and communities. The Dak Lak Department of Agriculture and Rural Development (DARD) and the Chu Yang Sin National Park (under DARD's management) will be the lead governmental counterparts of the work, while appropriate district-level People's Committees will provide support to the social survey

field activities. Additional support from Tay Nguyen University, the DANIDA project and the Dutch/WWF project may be sought to assist with the procurement of secondary socio-economic information for the area. Capacity building activities may be needed to improve capacity of local authorities and communities to participate in the implementation of the Framework.

BirdLife International will contract a team of international/national social scientists to undertake the social assessment activity and develop mechanisms for consultation, mitigation and conflict resolution between the National Park and local villages. An international expatriate with experience in socio-economic assessment, protected area planning/management, and conflict resolution, particularly with ethnic minority groups of Vietnam and knowledge of World Bank Social Safeguard Guidelines will be hired as a short-term consultant to the project.

The purpose of the above-mentioned consultancy is to conduct a participatory social assessment of forest resources use and assist the project staff with the development of a strategy to increase dialogue between and understanding among ethnic minority communities and the National Park. The main tasks include:

1. Conduct a participatory social assessment of traditional forest resources use by each ethnic minority community in the project area, including: a) describe changes and establish trends in the broad socio-economic composition of the districts; b) characterize different user groups in relation to the park; c) establish whether swidden cropping still exists within the park and the dependence of this and forest products for basic food security; d) map old village and sacred sites and associated customs that require access rights; e) assess possible impacts of project activities, mainly resource use restrictions, on the local communities; and f) understand the potential impact on the National Park and SFEs of the recently arrived ethnic minorities. A suite of techniques will be employed, including PRA, landscape assessment, and review of hard copy satellite images to identify historic and present areas of cropping in the park.
2. Advise National Park staff of the purpose of the social assessment and management implications of such information.
3. Develop a strategy to increase dialogue between and understanding among ethnic minority communities and the National Park. Develop a strategy for increased understanding and respect for ethnic minorities among park staff.
4. Facilitate the development of institutional mechanisms to increase dialogue between and understanding among ethnic minority communities and the National Park.
5. Facilitate the strengthening of Community Forest Protection Units (CFPUs) or other appropriate mass agency to serve as focal points for community liaison at the village-level.
6. Provide training for Community Awareness Officer to develop a system for monitoring key social indicators and reporting this information to the Project Manager.

Budget:

Funds to implement this Framework are included in the overall operational costs of the project. It is estimated that an additional \$25,000-\$40,000 will be needed to support the above-mentioned consultancy; the cost depends largely on the daily fees and experience of the international social science expert hired. Co-financing from BirdLife International will support this work, to be undertaken in the earliest phase of project implementation.

Funds for providing assistance and mitigation measures to offset any impacts on the livelihoods of affected people may be provided by government or other donor-assisted projects.