

*NAM THEUN 2 WATERSHED MANAGEMENT AND PROTECTION AUTHORITY*

**SOCIAL AND ENVIRONMENT MANAGEMENT  
FRAMEWORK AND OPERATIONAL PLAN (SEMFOP-1)**

[1<sup>st</sup> April 2005 to 30<sup>th</sup> September 2011]

**PART 6**

**INSTITUTIONAL AND  
MANAGEMENT FRAMEWORK**

(January 2005)

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## **6.1: WATERSHED MANAGEMENT AND PROTECTION AUTHORITY**

In order to:

- i) ensure that the monies to be contributed by the NTPC to the management of the NT2 Watershed-NPA are use effectively and efficiently; and
- ii) involve all relevant stakeholders in this internationally important project, and in the effective management of the NNT NPA

the GoL has established a specific entity, the Watershed Management and Protection Authority (WMPA), to be responsible for coordinating and implementing the management and development of the NT2 Watershed/NPA (PM Decree 25, General Annex 4.ix). The authority will be a perpetual Government organization, established within the Government framework, but its Executive Secretariat will have financial and staffing independence.

### **6.1.1: WMPAs Objectives and Functions**

The Objectives of the Authority (Decree 25, article 4) are:

- i. Protection and rehabilitation of forest cover in the NT2 Watershed/NPA to assure adequate water flows with low sedimentation to the Nam Theun 2 Reservoir.
- ii. Conservation, maintenance and promotion of biological diversity coupled with the development of national park appropriate for tourism and scientific research.
- iii. Building and strengthening capacity of the Authority and those Stakeholders contributing to management and implementation of the Authority's activities.
- iv. Facilitation of improved livelihoods for inhabitants of the NT2 Watershed/NPA by focussing on poverty reduction through environmentally sustainable development.
- v. Prudent management and effective use of funds for the purpose of furthering the above objectives.

While the functions of the Authority (*Decree 25, article 5*) are specified to include:

1. Coordination and management of all activities designed to further the Objectives in the NT2 Watershed-NPA;
2. Consultation and planning with Stakeholders to prepare Management Plans and Operational Plans;
3. Preparation of detailed annual budgets based on the Management Plans and Operational Plans;
4. To coordinate, facilitate, and, as necessary, fund implementation of the Management and Operational Plans by Implementing Agencies;
5. To receive, disburse and account for moneys paid to the Authority by NTPC and other donors;
6. To manage and control activities that may impact upon the objectives by:
  - i) developing rules and regulations, systems of permits and licences applicable in NT2 Watershed/NPA;
  - ii) monitoring and enforcement of such rules and regulations, systems of permits and licences
  - iii) monitoring implementation of Management Plans and Operational Plans;
7. To promote and support scientific surveys, technical research and data collection;
8. To facilitate improved livelihoods by focussing on poverty reduction through environmentally sustainable development; and
9. To perform other activities consistent with objectives and as approved by the Board of Directors.

A practical implication of Article 5, clause 1 will be the WMPA's coordination and management of any remaining activities of the LiL funded DUDCP project. In addition, the Japan Social Development Fund grant, currently managed by the DUDCP project will be transferred to the WMPA administration and implementation, via an amendment to the JSDF Grant agreement. JSDF funds are already factored into the SEMFOP-1 budgets for health, education and intra-NPA access development and maintenance. Funding from the JSDF also illustrates the scenario envisaged by Article 5 clause 5, whereby funds from other donors (other than the NTEC) can be received and managed by WMPA.

### **6.1.2: The WMPA - General Structure**

The WMPA will have two main components, the Board of Directors and the Executive Secretariat (see Figure 6.4). While Decree 25 states quite specifically, and in detail the structure of the BoD it gives little guidance as to the Executive Secretariat. As there is no precedence for such an authority in the Lao PDR, the WMPA's relation to other Government institutions will require time to evolve and develop, such evolution being influenced by the following conditions:

- i) most of the NT2 Watershed/NPA is in Nakai District, and conversely most of Nakai District is in the NT2 Watershed-NPA;
- ii) the mandate of the WMPA covers many of the functions of the range of Government agencies active at the local level, i.e., there is much functional overlap with District agencies;
- iii) the WMPA and RMU together will provide most, if not all, funds for development and basic support activities in 92 % of Nakai Districts villages, and these funds will be far more than the District has ever dealt with before;
- iv) the current capacity of Nakai District and its agencies is weak, and it will no doubt seek to strengthen its staff capacity. However, the large staffing requirements of the NT2 Project construction and the Resettlement program will, in the early years at least, see Nakai District overburdened with responsibilities and tasks. As such, it will not have the ability to take the leading role in implementation of the SEMFOP for the NT2 Watershed/NPA.

Thus, while the general organizational structure of the WMPA will undoubtedly evolve over time, an organizational structure for at least the first six years – this SEMFOP-1 – has been reviewed and planned (Figure 6.1), and is composed of:

A: Board of Directors

B: Executive Secretariat, the operational branch of the WMPA, with a relatively large number of staff in the following units: i) a Directors Cabinet; ii) Operational Divisions; iii) Support Units and Offices; and iv) Joint Offices.

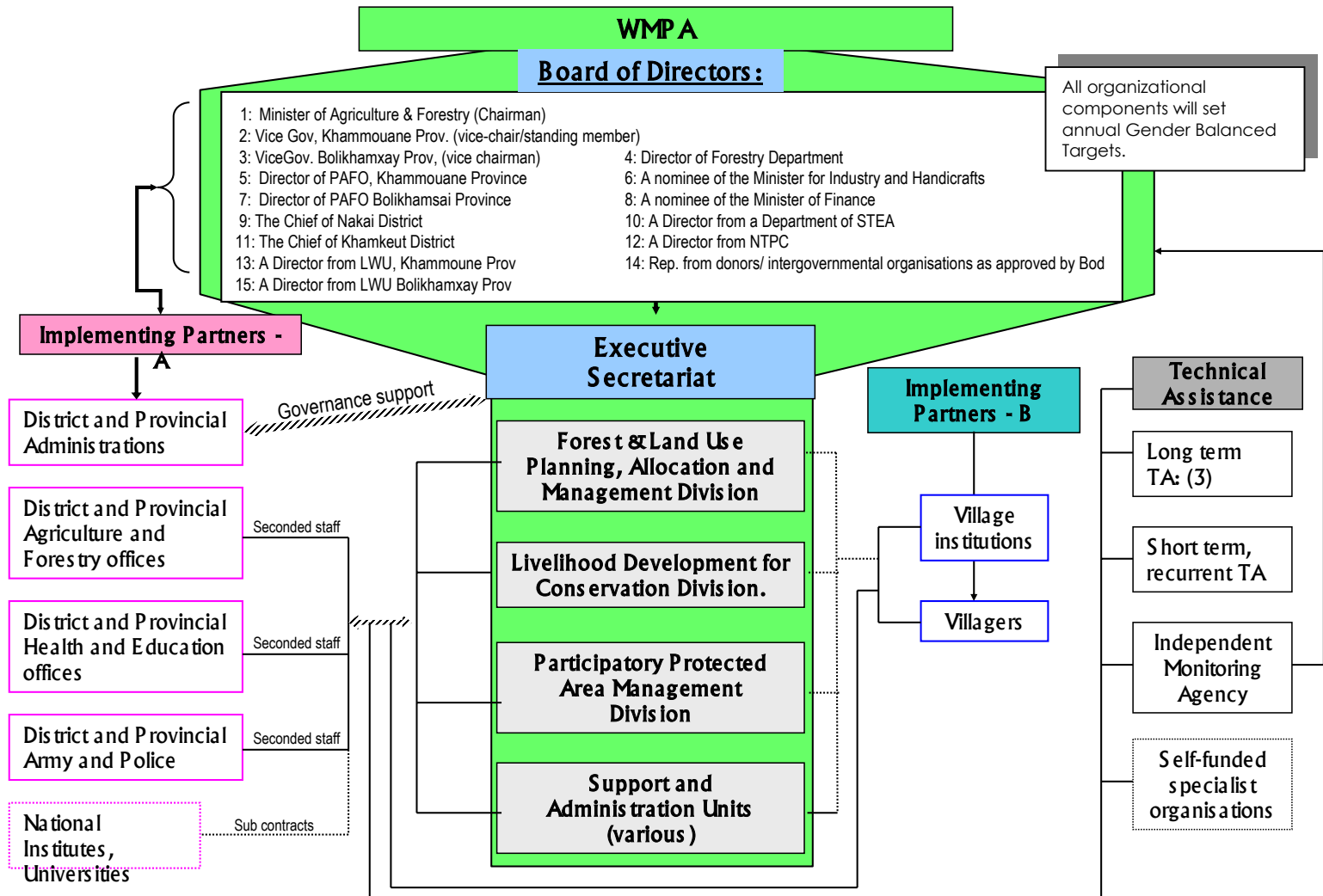
### **6.1.3: The Board of Directors**

The responsibilities of the Board of Directors (BoD) are partly defined by its membership, its relationship to the operational planning and reporting of the Executive Secretariat, and to financial planning, disbursements and accounting tasks. A range of Government agencies are represented on the Board of Directors of the WMPA (article 8 of decree 25 – Box 6.1), and in this respect the BoD is a perpetual form of the 'steering committee'. It should be able to provide co-ordination amongst a range of Government agencies and institutions. This BoD, however, does not include a representative from the Ministries of Interior or Defence, two agencies which currently and will continue to play a major role in the activities of the WMPA, as these agencies are considered represented by the District and Provincial Governors.

#### **Box6.1: WMPA Board of Directors membership**

1. Minister of Agriculture & Forestry (Chairman)
2. Vice Governor of Khammouane Province, (vice-chairman and standing member)
3. Vice Governor of Bolikhamxay Province, (vice chairman)
4. Director, Department of Forestry
5. Director of PAFO, Khammouane Province
6. Director of PAFO Bolikhamxai Province
7. A nominee of the Minister of Industry & Handicrafts
8. A nominee of the Minister of Finance
9. A Director from a Department of STEA
10. The District Governor of Nakai District
11. The District Governor of Khamkeut District
12. A Director from LWU, Khammoune Province
13. A Director from LWU Bolikhamxay Province
14. An NTPC Division Director
15. Representatives from donors or inter-governmental organisations as may be approved by the Board of Directors .

Figure 6.1: Organization of the WMPA and implementing partners.



#### **6.1.4: Role of the Board of Directors**

The BoD will act as a steering and oversight committee for the implementation of SEMFOP, and provide direction and guidance to the WMPA's ExSec who will make all day-to-day executive decisions. The BoD will meet annually to approve annual workplans and budgets. Between annual meetings, the BoD Standing Member is empowered to make decisions on behalf of the Board in regard to issues of an extraordinary nature.

The role of the BoD can be deduced from its duty statement, article 23 of Decree 25, including;

- 1: to promote the goal and objectives of the Authority;
- 2: to formulate policy and management guidelines for the Executive Director and Staff to effect the policy and perform the functions of the Authority;
- 3: to monitor the activities of the Executive Secretariat, and its compliance with gender, ethnic and poverty alleviation safeguards, as required;
- 4: to approve management plans, operational plans and budgets prepared by the Executive Secretariat on an annual basis;
- 5: to approve the rules and regulations, systems of permits and licences, as formulated by the Executive Secretariat in relation to activities which may impact on the Objectives;
- 6: to appoint a duly qualified professional investment agency to manage the Fund and invest surplus funds;
- 7: to determine investment policies and management guidelines for the professional investment manager;
- 8: to appoint an independent monitoring agency and an independent auditor to facilitate transparency and accountability of management and activities undertaken under supervision of the Authority;
- 9: to appoint the Director of the Executive Secretariat of the Authority;
- 10: to fix appropriate remuneration for the Director and staff of the Executive Secretariat, as well as advisors and consultants to the Authority;
- 11: to report on the progress of the Authority to the Government on a regular basis; and
- 12: to perform such other activities consistent with the Objectives as are resolved by the Board of Directors.

### **6.2: THE EXECUTIVE SECRETARIAT**

#### **6.2.1: Role of the Executive Secretariat**

The focus and burden of the operational role of the WMPA will lie with its Executive Secretariat, whose role could be deduced from the rights and duties statement given in article 24 in Decree 25, as follows;

- 1: to coordinate and carry out the day-to-day activities of the Authority in accordance with the general policies, safeguards, and other specific directions of the BoD;
- 2: to consult and plan with Stakeholders to prepare Management Plans and Operational Plans for approval by the BoDs;
- 3: to prepare detailed annual budgets based on the Management Plans and Operational Plans for approval by the BoDs;
- 4: to coordinate, engage, facilitate and supervise implementation of the Management Plans and Operational Plans by Implementing Agencies;
- 5: to enter into contracts under the authority of the Board of Directors;
- 6: to ensure that all money received is deposited as soon as possible in the Authority's bank account;
- 7: to disburse funds in accordance with the annual budgets approved by the Board of Directors;
- 8: to manage and control activities that may impact upon the Objectives by:

- (a) developing the rules and regulations, systems of permits and licences applicable in the NT2 Watershed/NPA for activities which may impact on the Objectives, following consultation with Stakeholders, for approval by the Board of Directors; and
  - (b) enforcing and monitoring enforcement of such rules and regulations, systems of permits and licences applicable in the NT2 Watershed-NPA;
  - (c) monitoring implementation of Management Plans and Operational Plans;
- 9: to promote and support scientific surveys, technical research and data collection;
- 10: to facilitate the development of environmentally sustainable forms of livelihood for local communities.; and
- 11: to keep proper accounts and records of financial transactions and affairs of the Authority and arrange for accounts to be audited at the end of each financial year;
- 12: to prepare quarterly progress reports of the Authority for distribution to the BoD, to include:
- (a) the proceedings and activities of the Authority for that quarter;
  - (b) a summary of the financial transactions of the Authority for that quarter;
  - (c) the extent to which the WMPA objectives, and plans have been achieved in that quarter;
  - (d) the plans of the Authority for future quarters;
- 13: to perform such other activities consistent with the Objectives as are authorised by the Board of Directors and under the guidance and direction of the Board of Directors.

**6.2.2: Organization and Structure**

Thus, the organisational structure of the Executive Secretariat is a logical extension of:

- a) The functions and mandated tasks of the WMPA; and
- b) The need to effectively administer and support a relatively complex and operational agency.

As summarized in Figure 6.2 and illustrated in detail in Figure 6.3, the Executive Secretariat will include the following components:

- i) Directors cabinet and Planning and Coordination Unit.
- ii) Technical Divisions (operational managers, professional staff and technical staff)
- iii) Support units and administration offices.

**Figure 6.2: Simplified layout of the organisation of the NT2 WMPA’s Executive Secretariat**

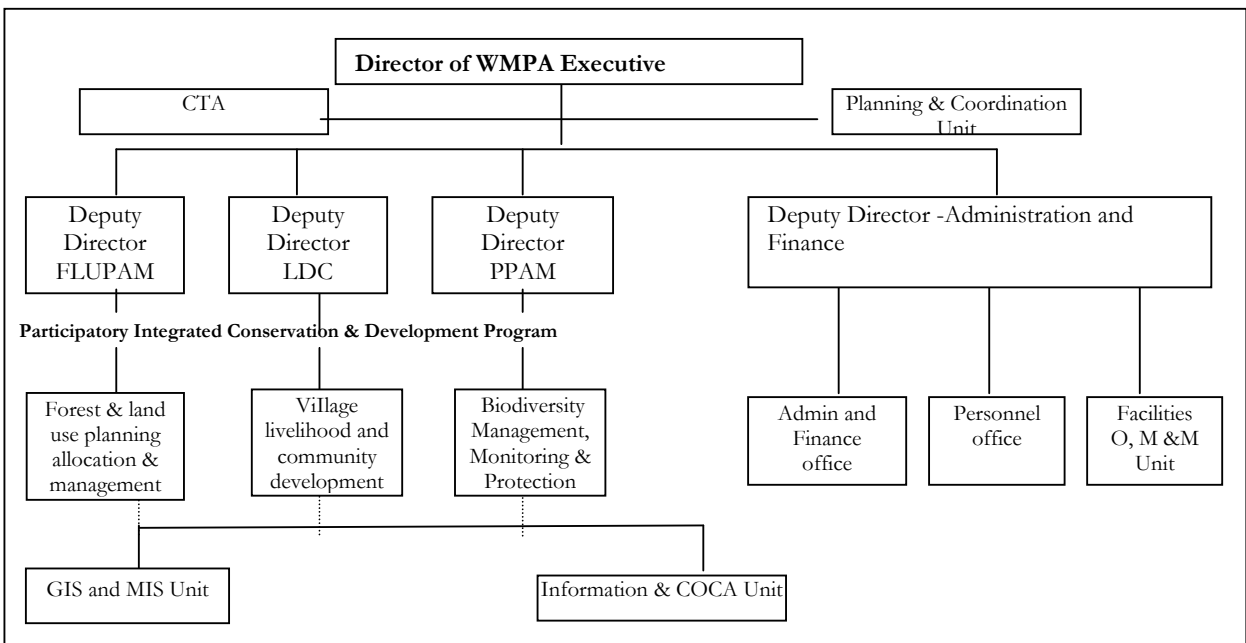
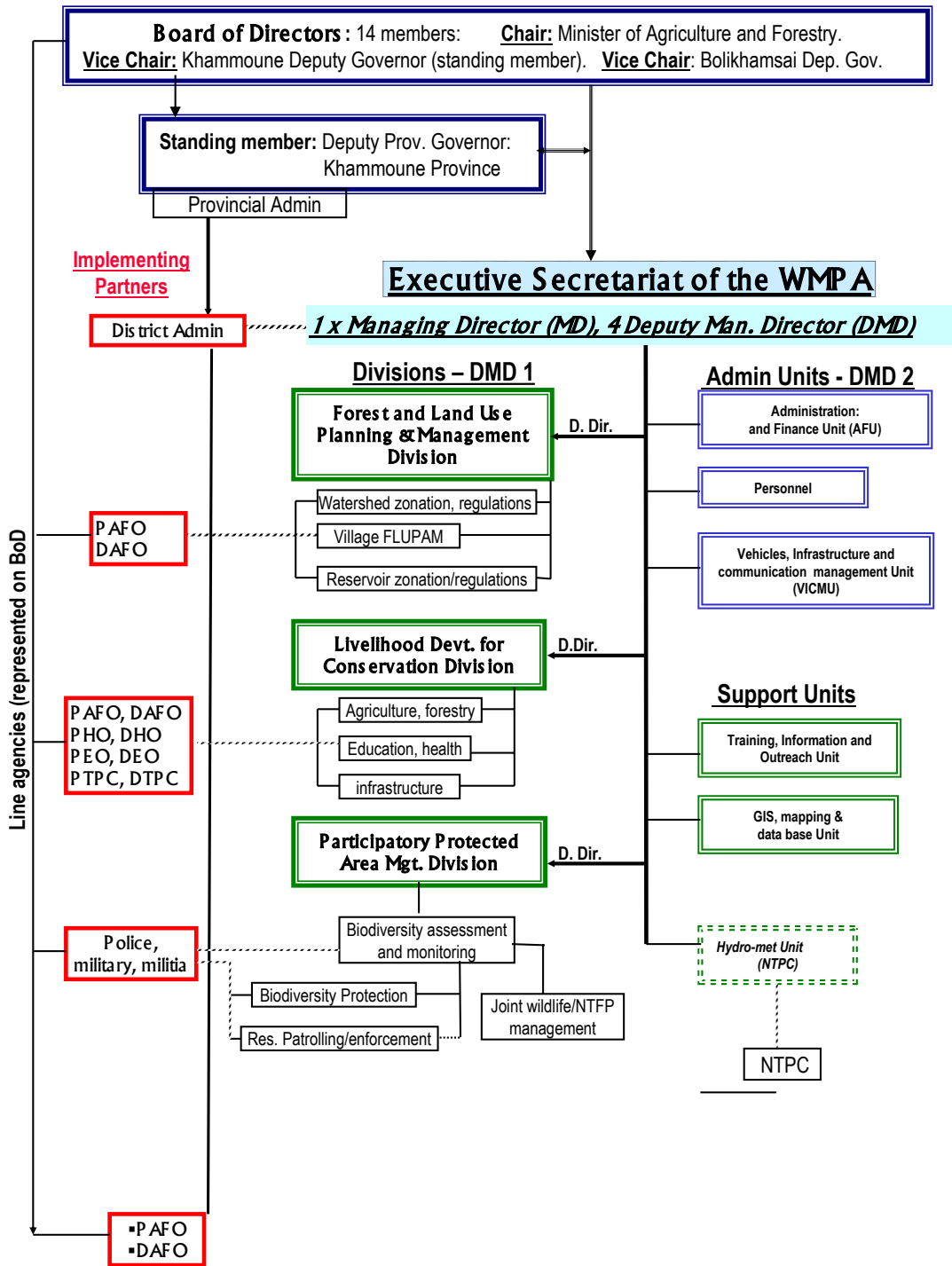


Figure 6.3: General organisation of the WMPA, Executive Secretariat and partner agencies.





### **6.2.3: Location of the Executive Secretariat**

The Executive Secretariat will establish its main office, or headquarters in Nakai District. A sub-office will be established in Lak Sao town of Khamkeut District.

#### *Headquarters*

The WMPAs Executive Secretariat main office in Nakai District town will take 2 years or more to design and construct. During this initial period (the first 2 years) it will renovate either/or both the current NPA office, a current District office or other buildings available, to be used as temporary headquarters. During the first year, some use may also be made of the DUDCP office in Thakek town, mainly for faxing and emailing (if the systems do not work adequately in Nakai) and for Provincial level coordination.

The main office or headquarters will be located in Nakai District centre, either;

- a) near the District administration and DAFO office; or
- b) on the shores of the new reservoir.

This office will house all the operational Divisions, the administration and support Units, the library, and the vehicle and boat repair facility. Some accommodation facilities will be built next to the office, and some will be in the old (and renovated) NPA office.

#### *Khamkerd Branch Office*

An office will be built in Luk Xao town of Khamkerd District, to be the Khamkerd base for coordinating all of the WMPA's operational activities in Khamkerd District in relation to sections of the NT2 Watershed and the peripheral impact zone villages in this District.

#### *Office Accommodation*

In Nakai town, some staff accommodation facilities will be built next to the main office, and some will be available in the old (and renovated) NPA office. If all staff and TA cannot be accommodated in these buildings, then they may (or may choose to) seek private accommodation in the town of Nakai. In Khamkerd District, accommodation will be the responsibility of the staff.

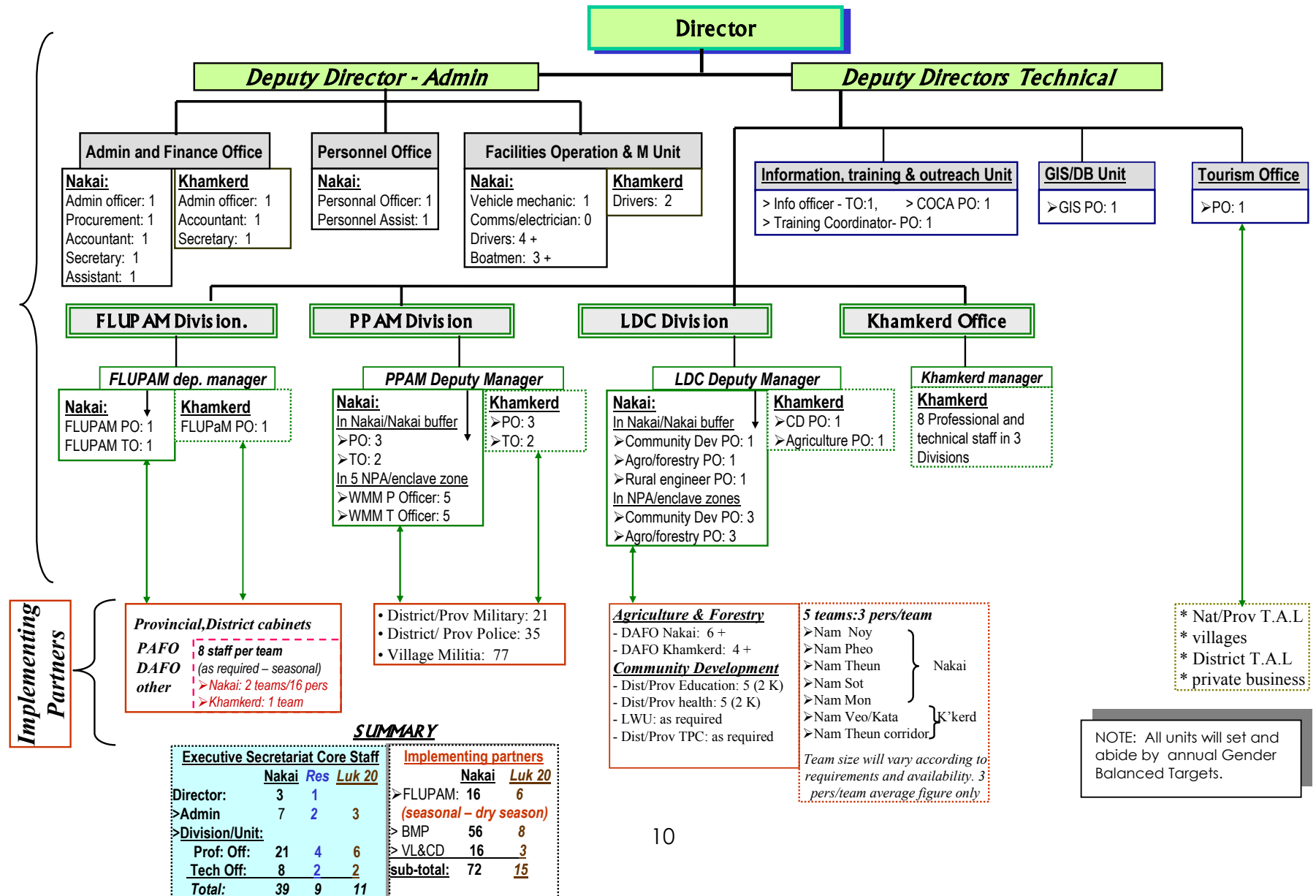
### **6.2.4: Director and Deputy Directors**

It is planned to engage one Director and four Deputy Directors of the Executive Secretariat. These Directors, who will be seconded from the Government, should have considerable experience in either NPA management, land use planning and livelihood development. They should also show readiness to abide by good management and accountability practices, and be willing to apply program safeguards. This will ensure that the smooth, effective and timely development of the Secretariat on the early years. It is anticipated that the contractual term of these Directors, over the six year period of SEMFOP-1 would be two 3-year terms, to ensure they have enough time to develop the understanding and skills required by the positions.

The Director will have overall responsibility and accountability for all of the WMPA's activities and will be supported in this role by a Planning and Coordination Unit and the CTA. Deputy Directors will be specifically responsible for management and operation of each of the Technical Divisions. The BoD may decide that the Deputy Directors are always sourced from DoF's Divisions of Forest Resource Conservation, Land Use Planning or Extension, on a rotational basis. The fourth Deputy Director will be responsible for Administration and Finance.

Terms of References for the Director and Deputy Director positions are presented in General Annex 1. The role and main functions of each Division, Unit and Office is summarised in Figure 6.4 (and detailed in Part 7).

Figure 6.4: Summary of Staffing of the WMPA and Executive Secretariat.



### **6.2.5: Admin and Support Units**

The Exec Sec will have an Administration and Finance Office (AFO) who will be responsible for finance and accounting matters, including banking, procurement, disbursements, salary and dsa payments etc., plus the full range of office management and administrative matters.

The AFO will include a Personnel Unit with responsibility for organizing the selection and engagement of staff, (see 6.2.7), for coordinating the finalization of the ToR and contracts, and advertising staff positions, in Lao and English language newspapers. They will also coordinate the interviews for prospective candidates. Following selection, the Personnel Office will finalize the contracts with the administration unit, and maintain all relevant files on Executive Secretariat staff, technical assistance and implementing partners. This unit will also assist in setting staff Gender Balance Targets and monitoring performance on these.

The Vehicle, Communications and Infrastructure Management Unit (VCIMU) will established under the mandate of the Deputy Director - Administration. This Unit it will be responsible for the operation and maintenance of the vehicle fleet (both 4 and 2 wheeled vehicles, and the public bus), the boat fleet and the radio communications systems. It will also be responsible for ensuring the maintenance of the various project buildings, other project infrastructure (not at village or forest level) and the projects equipment.

The Information, Training and Outreach Unit will assist the Deputy Directors with the storage, compilation, presentation and dissemination of information about the WMPA and the NT2 Watershed-NPA. It will maintain a library and publications office, and be closely linked to the GIS and database Unit. It is envisaged that various rules and regulations will be developed, over time, to define, licence and control activities in and around the NT2 Watershed/NPA, including local or village level rules and regulations regarding forest and land resource use and management. Many legal documents will be collated and organised by the unit, which will be responsible producing user friendly versions of these and making them available to all stakeholders including villagers, Division staff and implementing partners.

This Unit will also be responsible for coordinating, facilitating and organizing training courses for WMPA staff and implementing partners in the full range of disciplines. It will not be specifically responsible for villager training, but should assist other staff in this task, especially as part of the community outreach and conservation extension activities that this unit will also be responsible for.

The GIS, Mapping and Database Unit will be responsible for the compilation, storage and analysis of all biological, physical and socio-economic data sets, Which will be integrated into a GIS system. The Unit will also keep and publish all topographic maps, aerial photos and satellite data for all users, and produce GIS and other maps as and when required. This Unit will closely support the FLUPAM Division in particular.

The LDC Division will be responsible for all tourism related activities and will liaise with the Provincial Tourism Office in this regard. Both the NT2 Watershed/NPA and the Reservoir have considerable potential for a wide range of tourism activities such as nature and eco-tourism, cultural tourism, recreational boating and fishing, and the development of other recreational facilities. Three main issues arise, relating to:

- a) management of such activities to ensure minimal environmental or cultural impact; and
- b) management of such activities to ensure optimisation of revenues from licensing or fees
- c) placing management roles with villagers themselves to ensure that they derive maximum benefit from the activities.

A joint agency comprising the WMPA (and its ResMO), District administration and the Tourism Authority of Lao will have to be developed to oversee this sector.

## **6.2.6: Operational Divisions**

### *6.2.6.1: Forest and Land Use Planning Allocation and Management Division*

The FLUPAM Division will be headed by a Deputy Director plus 2 permanent professional and technical officers, one in Nakai and Khamkerd District. The Division will be responsible for coordinating FLUPAM activities (see Part 7) at both the village and the NT2 Watershed/NPA level, and for both in-holder villagers (type 1) and those in the peripheral impact zone (types 2, 3 and 4).

Most of its field activities – participatory forest and land use survey and planning in villages and in the forest in general - will be undertaken in the dry season, and will include staff from other Divisions and staff from appropriate implementing partners. In the wet season it will mainly concentrate on data collation and analysis, agreement and mapping compilation for the village management planning, reviewing remote sensed imagery, field reports and information of village level planning. This will lead to the development of macro and micro level zonations within the NT2 Watershed/NPA and villages, as a key component of management plans for NT2 Watershed-NPA and stakeholder villages.

### *6.2.6.2: Participatory Protected Area Management Division*

This PPAM Division will be responsible for a wide range of activities related to the monitoring and protection of the natural resources of the NT2 Watershed/NPA, both in the totally protected zones, in which implementing partners will include the military, police and villagers, and in controlled use zones which will include mainly the relevant villagers as implementing partners. It will also be responsible for facilitating the work of biodiversity research teams. Some of its implementing partners – those manning posts and gates - will be engaged full-time (probably on rotational basis) while those participating in forest surveys and patrolling will be undertaken on an as-needs or as-planned basis (Part 7).

The PPAM Division will also work closely with the FLUPAM Division – it may even take the lead - in developing management strategies and plans for the management of biodiversity by stakeholders, particularly at the village level and as relates to sustainable offtake and consumption levels.

### *6.2.6.3: Livelihood Development for Conservation Division*

The LDC Division's role is to foster and facilitate the development of appropriate livelihood improvements, income generating activities and culturally sensitive community development initiatives. As such, the 12 professional and technical officers in this Division will cooperate closely with full time teams of implementing partners drawn mainly from representative government line agencies. These staff will also participate in land and forest use planning programs, and maintain close relations with the PPAM Division staff.

## **6.2.7: Core Staffing (Executive Secretariat)**

Article 26 of PMs Decree 25 states that "The Executive Director may, from time to time: employ and dismiss managerial, technical and administrative staff as required; engage consultants and advisers; and may, with the consent of a State organization and on such terms as may be mutually arranged, make use of the services of any of the officers or employees of that State organisation".

Due to;

- i) the crucial importance of the Secretariat in the management and development of the NT2 Watershed/NPA;
- ii) the scale and difficulties of the tasks of the Executive Secretariat;
- iii) the difficulties that will be faced by Nakai District and Khammoune province (in terms of human capacity) to deal with the many and varied issues and responsibilities presented by the NT2 project and the Resettlement activities; and
- iv) the experiences and lessons learned of the LIL funded DUDCP projects,

the institutional framework proposed in this SEMFOP-1 specifies a significant number of core managerial and technical staff be retained by the Executive Secretariat, as illustrated in Figure 6.5 and detailed in Tables 6.1 and 6.2.

Figure 6.5: NT2 WMPA Executive Secretariat Staffing and Implementing Partner Teams.

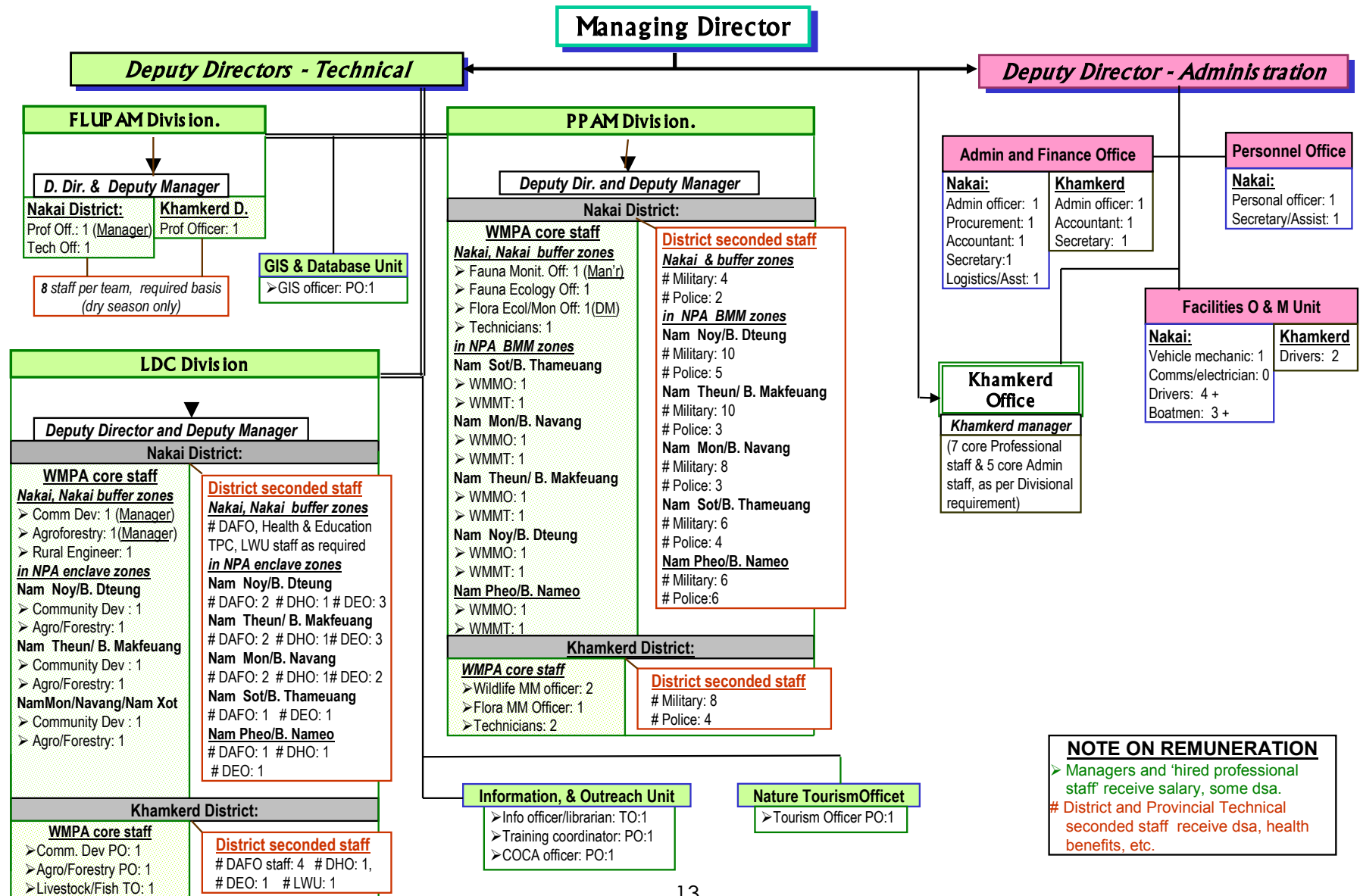


Table 6.1: Proposed (indicative) type and number Executive Secretariat technical staff

Staff Positions	Total		Nakai	Khamkerd
	prof- essional	tech- nical		
<u>Directors Cabinet</u>				
i) Director	1		1	
ii) Deputy Directors, Technical and Administration	4		4	
iii) Khamkerd Manager	1			1
iv) Planning and Coordination Unit	1	1	2	
<u>FLUPAM Division</u>				
i) Professional Officer	3		3	
ii) Technical Officer		4	3	1
<u>PPAM Division</u>				
i) PPAM – Professional Officers	4		3	1
ii) Wildlife – Rangers		15	10	5
<u>LDC Division</u>				
i) Community Development Professional	3		3	
ii) CD - Technical		3	2	1
iii) Ethnic and cultural development Professional	1		1	
iv) Gender Specialist Professional	1		1	
v) Rural Infrastructure Officer	1		1	
vi) Tourism Officer (from year 4 only)	1		1	
<u>GIS/Database Unit</u>				
i) GIS and database Officer	1		1	
<u>Information, Outreach and Training Unit</u>				
i) Information Officer: Technical	1		1	
<b>Sub-total</b>	<b>23</b>	<b>23</b>	<b>37</b>	<b>9</b>

Table 6.2: Proposed type and number of support staff.

Administration Support Staff	Total	N	K	Support Staff	Total	N	K
	1. Admin Office support	2	1		1	1. Vehicle mechanic/drivers	6
2. Accountant	2	1	1	2. Boatmen	3	3	
3. Secretary/computer operator	3	2	1				
4. Procurement and logistics officer	1	1					
5. Personal Officer	1						
<b>Sub-total</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>Sub-total</b>	<b>9</b>	<b>8</b>	<b>1</b>

6.2.7.1 Staff Recruitment

While the Director and Deputy Directors will be directly seconded from Government agencies, Professional and technical staff will be recruited on the open market, via an advertisement, interview and selection process. They may come from Government sector, in which case they will be temporarily seconded from the Government - if agreed to by their supervisor - or they may be sourced direct from the private sector. Staff who previously or are currently working on projects or Government programs related to the NT2 Watershed-NPA will of course be given priority, on the condition that their past or current work has been good quality and they have basic skills for future development.

Wherever possible, support staff such as rangers, drivers, boatmen, cleaners, etc. will be recruited from NPA communities to give these communities a stake in the WMPA and the opportunity for capacity development and career advancement.

6.2.7.2: Salaries

The Executive Secretariat will have its own salary scale as detailed in Section 7.2.1. The salary scale is intended to give qualified, experienced and diligent staff an opportunity to work on a national and regional priority, and gain appropriate recognition and ‘compensation’ for their efforts. These salary levels are significantly higher than other Government agencies, but the Executive Secretariat staff will be expected to

work to rigorous standards, with more responsibilities, and for longer hours. Providing adequate salaries to Executive Secretariat staff is fundamentally important for at least 3 reasons;

- i) Many, if not most donor projects in the Lao PDR employ international and considerable numbers of national advisors and short term consultants to assist the Government staff allocated to the projects. This is because Government staff salaries are so low that they (Government staff) must spend considerable time and mental energy in non-official activities in order to feed, cloth and shelter their families. Successful rural development and conservation projects usually requires more mental application and (over)time allocation than most government staff can afford to give. Without hired national staff, these projects usually either fail or significantly under achieve.
- ii) The Nakai Plateau and especially the NT2 Watershed/NPA is remote and somewhat risky in terms of disease and travel. In this difficult environment, full application to the tasks at hand requires incentives payments and adequate compensation.
- iii) Apart from the Directors, all other staff will be sought from the open market. That is, the positions will be advertised, and either present government staff or private individuals may apply and be considered for one or two year contracts. Applicants will expect to receive at least the current market rate for remuneration.

The salary scale will be reviewed by the BoD at appropriate intervals to make any necessary adjustments.

Critical for the development of the capacity of the Executive Secretariat is a stable and encouraging institutional environment. Thus, a human resources management policy is required that will encourage the engagement of high quality staff and ensure their continuity of service - and thus maximise the return on this investment in human capacity. Such a policy will ensure that;

- a) the staff selection criteria and process is professional and independent, based on merit and ability to do the work;
- b) salaries are paid on time and in full;
- c) health and medical insurance is available to all staff and families of staff; and
- d) other family benefits such as housing and schooling support are included.

#### 6.2.7.3: Tenure

This first SEMFOP is expected to cover approximately six years. The tenure, or contract period of the Director and the Deputy Directors other professional staff, technical officers, and administration and support staff is proposed to run for 4 years. A 4 year, rather than a 2 year, contract period is required to ensure the directors have enough time to develop the knowledge and skills required by their positions. All staff are required to sign the WMPA personnel regulations and behavioral guidelines as part of their contract .The WMPA will retain the right to terminate the contracts of any staff whose performance or behavior is deemed to be detrimental to the objectives of the WMPA.

#### 6.2.7.4: Staff Performance Evaluation

The effectiveness of each staff position – including Directors, managers, professional officers, technicians and administration staff – will be evaluated towards the end of each two (and three) year contract. This will ensure that staff application to work, and the effectiveness and technical quality of the work is up to the standard required by the WMPA and its stakeholders. All staff will also be judged on their compliance with regulations on management and accountability practices, and the application of safeguards. Most likely, three levels of evaluation would be applicable, as follows:

- Case 1: work satisfactory or better, and continued engagement recommended;
- Case 2: work not satisfactory, but could be improved by remedial measures; and
- Case 3: work not satisfactory, not likely redeemable and thus termination recommended.

The evaluation of the five Directors (one chief and four deputies) will be conducted by the Independent Monitoring Agency (Section 6.5.4). The decision of this evaluation panel (as to whether to the Director

meets the required standards, and as to whether the incumbent will be continued, or if alternative replacements should be found) will be passed to the BoD for adjudication.

The evaluation of staff will be conducted by the Secretariat Directors, assisted by the CTA. Evaluation findings will be passed to the BoD for adjudication as to whether to the incumbent is up to the required standard, and as to whether they will be continued, or a replacement found. Besides these regular, biennial evaluations, ad-hoc evaluations may be undertaken, as required, at the discretion of the Managing Director. Ad-hoc evaluations of the Managing Director or Deputies themselves will also be undertaken if required by more than 50% of the Directors cabinet.

Wherever appropriate, staff performance evaluations will adopt the 360 degree approach where appraisals are conducted with supervisors, horizontally with colleagues, and with subordinates.

### **6.2.8 Gender Awareness and WMPA Gender Balance Targets**

The WMPA intends to comply with GoL policy on the promotion of women, as well as meet the standards set in the ADB's Policy on Gender and Development in ADB Operations (OM – C2/OP). Therefore, WMPA will:

1. give opportunity to women professionals and technicians in the forestry, conservation and community development fields, and
2. promote the concept that everyone in WMPA should develop his or her gender awareness and promote gender sensitive actions.

To encourage gender awareness and cultural sensitivity the WMPA will organize Social Awareness Seminars for staff, focusing on social issues such as gender, ethnicity and poverty. The aim will be to assist staff to mainstream these issues into all aspects of program planning, implementation and evaluation. This activity will be facilitated by the international Community Development Advisor, the national Ethnic Minorities Advisor and the WMPA Gender Specialist, with inputs from relevant NGOs, such as the LWU's Gender Research and Information for Development Center (GRID) and the National Cultural Institute.

Gender Balance Targets (GBT) will be set for staff recruitment, training and promotion in order to open opportunities for women within SEMFOP and to promote a gender-balanced approach to FLUPAM, PPAM and LDC activities. GBT's will be used to set targets for and monitor male to female ratios in each of the 4 divisions. Given the nature of conservation work, current GoL staffing patterns and difficulties in attracting female staff to remote areas such as the NNT Watershed, initial targets will be extremely conservative, but progressive steps will be made over the lifetime of SEMFOP-1 to recruit more women to work on all components of the program.

## **6.3: TECHNICAL ASSISTANCE**

### **6.3.1: Role and Scope of Technical Assistance**

The SEMFOP-1 is designed to ensure that the Technical Assistance will assist the WMPA's Executive Secretariat, rather than direct it or run in parallel to it. This will be achieved through the engagement of 3 long term TA, as counterparts to the Deputy Directors of each of the WMPA Technical Divisions as follows:

- A Biodiversity Conservation advisor will act as counterpart to the Deputy Director responsible for the Participatory Protected Area, Management Division.
- A PICAD and Land Use Planning advisor, will act as counterpart to the Deputy Director responsible for the FLUPAM.
- A Community Development advisor will act as a counterpart to the Deputy Director for the Livelihood Development Division, and will work with all division staff with the objective of mainstreaming ethnic, gender and poverty issues into all three technical programs.

Depending on qualifications and experience, one of the long-term TA members will be selected as CTA and thus also act as a counterpart to the WMPA Director. Ideally this would be the Biodiversity Conservation advisor. The primary, and probably the most important role of the long-term Technical



Assistance, will be to provide on-the-job training to the directors and staff of their respective division. This will emphasise team-building and competency, with the objective of developing staff capacity throughout the WMPA to the point that the TA will be able to withdraw at the end of their respective terms, leaving competent and self-reliant management and staff in place.

The international and national, short-term, Community Development Advisors, will work together in close collaboration with the 3 WMPA Technical Divisions to ensure that ethnic issues and concerns are fully incorporated into the activities of each. Similarly, the GIS/database advisor will assist each of these Divisions in the development of appropriate Management Information Systems. Other short term but recurrent TA will assist each of the WMPA Divisions on specific tasks as required. The type, number and persons months of technical assistance to be engaged by the Executive Secretariat over the six year period is detailed in Table 6.3 below. The process and procedures by which Technical Assistance will be sought, selected, hired, coordinated and technically monitored needs to be approached carefully. ToRs for the TA will need to be reviewed and finalized, based on those presented in General Annex 2. International positions will be advertised widely – nationally, regionally and internationally. Interview procedures and selection criteria will be clearly defined, based on the ToRs, and rigorously applied.

The selection and interview panel for the long term positions should include the Executive Secretariat Directors, and selected BoD members. Short term consultants will be reviewed by the Executive Secretariat Directors, and their recommendations passed to the BoD for approval.

**Table 6.3: Technical assistance required to support the Executive Secretariat**

POSITION	SOURCE	INPUT (OVER 72 MONTHS)	
<u>LONG TERM ADVISORS</u>			
1: Biodiversity Conservation Advisor	Int'l	Pers mths 44 pm	
2: PICAD Advisor	Int'l	42 pm	
3: Community Development Advisor.	Int'l	42 pm	
<u>SHORT TERM ADVISORS</u>			
1: Social and Development advisor/trainer	Nat'l	14 pm	
2: Financial/Institutions management advisor.	Int'l/Nat	5 pm	
3: Conservation ecologist – plants.	Int'l	6 pm	additional inputs from other donors welcomed
4: Botany and ecological survey team	Nat'l	9.5 pm	
5: Rural Engineer	Int'l/Nat	6 pm	
6: GIS, remote sensing, database advisor	Int'l	5.5 pm	
7: Biodiversity monitoring specialist	Int'l	9 pm	
8: Ranger enforcement training specialist	Int'l	3 pm	
<u>MONITORS</u>			
1: Independent Monitoring Agency	Int'l/Nat'l	1 month/yr	2 int'l, 2 national
2: Auditors	Nat/Int'l	Annually	

(Note: source: Int'l = international, Nat'l = national)

The effectiveness of TA input will be regularly evaluated, at the end of each input for short term advisors and every year for the full time advisors. This evaluation will be conducted by Executive Secretariat Directors cabinet, and their findings passed to the BoD for adjudication as to whether an Advisor is of the required standard, and as to whether the incumbents tenure will be continued, or if alternative replacements need to be found. TA will be required to abide by the personnel regulations and behavioral guidelines set for all WMPA staff.

**6.3.2: Long Term TA**

The long-term Technical Assistance team will be sought, selected and engaged early in the 1<sup>st</sup> year of the Executive Secretariat’s operation. The positions will not be full time for the entire duration of the SEMFOP-1. Due both to (i) budget constraints, and (ii) the need to test and understand the capacity and capability of the Executive Secretariat without intensive assistance, the TA will essentially ‘hand-over’ responsibilities WMPA after about 3.5 years, but will provide follow-up support through short term inputs over the remaining period of the SEMFOP-1 (Figure 6.6).

Figure 6.6: Phasing of long term TA inputs.

Long term TA	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7
PPAM biodiversity advisor	■	■	■	■	1 pm	1 pm	3 pm
PICAD/LUP advisor	■	■	■	■	1 pm	1 pm	1 pm
Community Devt. advisor	■	■	■	■	1 pm	1 pm	1 pm

On contracts of 2 years duration, the PPAM, PICAD and CD advisors will work daily and closely with their respective directors, be based at the Nakai headquarters but travel frequently to the field. All will be multi-skilled, technically and administratively, with excellent personnel management skills and a good grounding in participatory methods as applied to their specific area of responsibility. Lao language skills are essential, although these could be developed through language training, if a language capacity can be demonstrated by applicants. All TA must sensitive to ethnic, gender and poverty issues..

6.3.2.1: Biodiversity Conservation Advisor

The PPAM Advisor will work closely with the Deputy Director responsible for the PPAM Division. He/she will, be based at the Nakai headquarters but travel frequently to the field, villages and forest of the Operational Area. The advisor will be from a wildlife management background and be multi-skilled in all aspects of biodiversity management and protection, with good personnel management skills. Lao language skills are essential, although they could be developed through on-the-job language training.

6.3.2.2: PICAD Advisor

The PICAD advisor will have responsibility for overall management and coordination of the PICAD approach with specific responsibilities for the FLUPAM program. He/she will counterpart directly with the Deputy Directors responsible for the Land Use Planning and Livelihood Development Divisions.

6.3.2.3: Community Development Advisor

The CD advisor will work closely with all three of the SEMFOP Technical Divisions and assist them with ethnic issues. In particular, he/she will counterpart with the Deputy Director responsible for the LDC division and assist with all aspects of the program. The advisor will have extensive experience in ethnic issues, indigenous land and resource use systems, livelihood development and participatory methods and will help to ensure that these are mainstreamed within the SEMFOP, along with ethnic sensitivity. He/she will be supported by a national counterpart advisor, and have responsibility for capacity and skills development in this person. The community development advisor will be responsible for recommendations concerning social and ethnic aspects that would facilitate project objectives in a culturally sensitive manner. In collaboration with national community development advisor, he/she will work closely with the FLUPAM, LDC and PPAM Programs to ensure that ethnic minority issues are mainstreamed across all SEMFOP programs, following a PICAD approach. The advisor will also be responsible for overseeing the development of village specific “cultural and ethnic development plans”.

**6.3.3: Short-Term, Recurrent Advisors and Consultants**

*Social and Ethnic Development Advisor (National).*

The national advisor will be responsible for designing and implementing sensitization and training programs on ethnicity, gender, poverty, and participatory development for the field implementation staff of technical all programs. He/she will work with the International CD Advisor to ensure that social, gender and ethnic development issues are addressed in an effective and practical manner within the framework of project activities and are mainstreamed across all programs. Through a series of short term inputs, the advisor will work as a professional partner of the International CD advisor to learn new skills and techniques in the first 3 years and develop adequate capacity to take over most CD responsibilities from year 4, supported by short term inputs from the international advisor. This position requires prior training and experience on ethnic, gender and poverty awareness issues.

*Financial/Institutions Management Advisor.*

The F/IMA would provide technical and advisory support to the Managing Directors, with a focus on the administration and finance procedures. The advisor would provide about 2 months input in both the first and second years operation, and then again in the fourth and sixth years.

*Plant Ecologist*

Parallel to the biodiversity monitoring and protection, a better understanding of flora ecology is required in order to (i) describe and understand more fully the status of plant diversity in the NT2 Watershed/NPA, and(ii) to develop a more realistic basis on which to develop protection, management and utilisation strategies. The plant ecologist would work via short term inputs at periods appropriate that their particular discipline, for up to 3 months per year. International advisors would be accompanied by national consultants in the same field, and in the case of flora it will be a team from the NUOL.

*Rural Engineer*

Infrastructure requiring specialist review of design and construction includes irrigation systems, the internal NT2 Watershed/NPA track network, and the river/reservoir transportation network. International and experienced advisory is essential for the planning and design of such infrastructure in order to ensure the facilities are technically sound and durable and that their construction is correct.

*GIS, Mapping, Remote Sensing, Database Advisor*

Mapping is essential for many Protected Area management tasks such as forestry and biodiversity monitoring, forest and land use planning and land allocation. Maps are also be the best way to represent information, data and management plans. Thus, a GIS mapping and database Unit will be established with one full time staff. The establishment of GIS process and database, and the training of the full time staff member requires input from an experienced GIS and database expert.

6.3.2.5: TA Selection and Management

The strategy for, and procedures by which the Technical Assistance will be sought, selected, hired, coordinated and technically monitored needs to be approached carefully. Detailed ToRs will need to be finalised (based on those detailed in General Annex 2), advertised widely and the selection criteria clearly defined and rigorously applied. The selection and interview panel for the three long term positions should include the Executive Secretariat Directors, and selected BoD members. Short term consultants could be reviewed and proposed by the Executive Secretariat Directors and the CTA, and their recommendations passed to the BoD for approval. If none of the candidates for a particular short term position are considered appropriately experienced and skilled, then engagement of a person for that particular TA position will be postponed – until an appropriate candidate can be found. That is, a TA position will not be fielded just for the sake of filling a TA position. In the case of female candidates for TA positions at least one women will be on the interview panel.

6.3.2.6: TA Performance Review

The effectiveness of the TA input will be regularly evaluated at the end of each input for short term advisors and at the end of every year for the three long term advisors. The evaluation of all consultants will be conducted by the Executive Secretariat Directors cabinet. The findings of this evaluation panel as to whether to the advisor meets required standards, and if the incumbent should be continued or replaced, will be passed to the BoD for adjudication.

**6.4: IMPLEMENTING PARTNERS**

The role of Executive Secretariat managerial and professional staff in relation to;

- a) the administrative agencies of District and Provincial Governments; and
- b) the technical staff of Government sectoral agencies such as agriculture, forestry, health and education, etc,

may initially be problematic. This is because (after the establishment of the Executive Secretariat and the RMU) Nakai District will be composed (almost totally) of three main zones;

- i) the area under the mandate of the WMPA, the NNT NPA and its corridors;

- ii) the resettlement area on the southern and western shore of the reservoir, assisted by the RMU and RMO; and
- iii) the reservoir.

Thus, while the District may still nominally be responsible for community administration and protection functions, most of its other functions will be 'funded' by either the RMU (responsible for 12 resettlement villages) or the WMPA's Executive Secretariat (responsible for 31 villages). Nakai District administration would have sole, full responsibility for only about 20 villages, all on the border of the Phou HinPoun NPA, which is also a peripheral impact zone of relevance to the WMPA.

SEMFOP-1 envisages that administration and support activities will be undertaken exclusively by Executive Secretariat staff, with limited interaction with or inclusion of 'implementing partners'. On the other hand, the field and activity based functions of the Executive Secretariat's Operational Divisions will be managed and monitored by Executive Secretariat professional officers but be implemented together with the teams of 'implementing partners'. These implementing partners would be involved in planning of all activities, both on an annual and monthly basis, and then arrangements made to contract the partners on either annually or on a project basis. It is proposed that some staff from the full range of District (and some Provincial) agencies be seconded for one (or two) years to specific Divisions and tasks of the Executive Secretariat. It is envisaged that at least 16 technical staff and up to 60 military and police staff will be required to be seconded to work with the WMPA. Although at the present time the majority of district staff are men, every opportunity will be provided for the secondment of women in line with the WMPA's gender balance targets. Staff of implementing agencies will, every two years or so, be able to apply to become core staff of the Executive Secretariat, selection being based on past record, merit and GBTs.

#### **6.4.1: District - Provincial Agencies**

The Executive Secretariat will work closely with District and Provincial governance, administration and technical offices through a cost-sharing, partnership approach, with the possible secondment of some staff. Partnership relations and 'ownership' for SEMFOP will be promoted by full consultation with district authorities prior to the implementation of activities. Wherever, possible district agencies will be given leadership for activities within their remit, with technical support and capacity-building for their staff provided by the WMPA. Working relationships will also be developed, wherever possible, by relevant divisions of the ExSec sharing accommodation with district offices, with expansion and renovation of these where necessary supported by the WMPA.

- **District Governors Office:** In general, or in similar situations to this NPA program, staff from the Governors office are not actually seconded to the NPA Management Unit or project. The Governor's or their staff are sought for advice, and requested to chair meetings to discuss and resolve the full range of issues concerning governance or other aspects relevant to the NPA. However, as the NT2 Watershed/NPA covers so much of Nakai District, and 50 % of its villages, the Nakai Governors office may elect to actually second staff to sit in the Executive Secretariat to ensure full coordination between the WMPA and the local authorities.
- **District Agriculture & Forestry Office (DAFO):** Significant numbers of staff from this office will work virtually full-time with the WMPA. They will effectively be counterparts to Executive Secretariat core staff, and receive regular dsa payments for their work. Wherever possible, the secondment of female staff will be emphasised, as experience throughout the Lao PDR indicates that they are most effective, particularly in extension work on home gardens, and small livestock raising, as these are tasks usual undertaken by women.

**District/Provincial Health Office (DHO):** Will provide four nurses, preferably from NPA villages, to be stationed in four zones of the NT2 Watershed/NPA, as indicated in Table 6.4 below. These nurses must be educated to at least an '11+ 2' years standard. They will receive a monthly stipend of about \$100 per month. (They will be assisted by 2 health workers, villagers, who have received some training in the district or province, and will receive dsa for days worked at the health centre or in the villages. District nurses stationed within the Watershed should provide first aid training to VCMUs and interested villagers in general. Once health staff are appointed, the LDC division will assess their existing competence to provide this training, and whether some capacity enhancement would be required.

**Table 6.4: Health staff working with the WMPA, and village health worker assistants**

Location	District	Village Health
Navang zone	1	2
Makfeuang zone	1	2
Dteung zone	1	2
Ban. Nameo	1	2

In addition, Nakai based health staff will liaise closely with the WMPA, helping plan and implement public health facilities and services. They will also, at times, be required to make trips to NPA and peripheral impact zone villages under the auspices of, and supported by, the Executive Secretariat.

- **District/Provincial Education Office (DEO).** Nakai-based district education officers will liaise closely with the WMPA, helping plan and implement education development. They will also be required to make trips to NPA villages and, at times peripheral impact zone villages under the auspices of, and supported by the WMPA. Teachers will be essential to ensure education facilities are put to use and that the younger generation have the opportunity for skills and mental development, and will be permanently placed in NPA villages, as proposed in Table 6.5 below.

**Table 6.5: District teachers required to be permanently placed in NPA villages**

Location	Teacher	Assistant	Location	Teacher	Assistant
<u>Navang zone</u>			<u>Dteung zone</u>		
B. Fangdaeng	1	2	B. Dteung	1	3
B. Navang	1	2	B. Thong	1	1
B. Thameuang	1	1	B. Tong	1	1
<u>Makfeuang zone</u>			B. Makka		1
B. Makfeuang	1	3	<u>Nam Noy valley</u>		
B. Peung	1	3	B. HuaySarn	1	1
B. Soklek	1	3	B. NaMeo/NaMeuy	1	2
B. Vangchang		3	B. Kunae		1
B. Nava		3			

Teachers must be educated to at least an ‘11+1’ years standard. They will receive a monthly stipend of about \$100 per month. (They will be assisted by villager assistants who have received basic training in the district or province, and who will receive dsa for days worked at the school).

- **District/Provincial Transport and Communication Office:** Access into the NPA– both by track and by water - and tracks within the NPA will be developed and maintained, while the Executive Secretariat will support a public transport system into and from the NPA. The District TPC office will be required to plan and manage these developments, assisted by the Executive Secretariat staff and engineer.

*6.4.1.1: Tenure and Remuneration of District – Provincial Staff*

Those staff from these local agencies to be seconded to work (regularly, on a daily basis) with the WMPA on annual contracts will continue to receive normal government salaries and benefits, but will be eligible to receive dsa, field equipment and will be covered for health service costs at a level necessary to attract and keep good partner staff<sup>1</sup>.

<sup>1</sup> Due to the many other activities and programs in Nakai District (resettlement and dam construction, both of which will have a large demand for human resources and present economic opportunities outside the WMPAs program etc, ) it is very likely that the capacity of Nakai District agencies will be totally stretched. Local authorities have emphasised this potential problem, although it is possible that they do not realise that ‘District’ and ‘WMPA’ activities are one and the same.

Local authority staff who are not seconded specifically to the WMPA, but join in its work on an ad-hoc and as-needed basis, will also be eligible for per diems at the same rate, and coverage for health problems incurred during the period working with the WMPA.

Additional incentives for district authority cooperation will include training and staff development programs, based on the needs of SEMFOP. In order to reduce staff turnover after training and skills development, agreements will be sought with the corresponding provincial authorities to restrict this in return for the above incentives, so as to provide staff continuity under SEMFOP. It is recognised that some staff turnover will necessarily occur, and repeat and refresher training will be scheduled at appropriate intervals.

#### **6.4.2: District - Provincial Military and Police Agencies**

The Governments military and police units are mandated (generally) to maintain security, monitor unlawful activities and make arrests as appropriate. The police have an extra duty of manning border posts, and thus checking and keeping records of both persons and goods entering and exiting from the NT2 Watershed/NPA across international borders.

The police are the only agency who can officially make arrests, or apprehend perpetrators of illegal activities, although the military can also do this if no police staff are present. The police have a village police representative in each village, while the village protection militia, who will play the most crucial role in biodiversity protection, are officially under the mandate of the military. There is a specific cross-border agreement that military staff are not to work within 30 kms of the Lao – Vietnamese border. Thus, for patrolling or posting near the border, the police and village militia must work without the military.

These agencies already, or potentially, play a key role in the monitoring and protection of biodiversity, especially wildlife, and as biodiversity monitoring and protection is an explicit objective of the NT2 WMPA, a way must be found to integrate these agencies, or at least staff from these agencies into the WMPA's activities. Thus, it is planned that police and military staff be seconded to work with the Biodiversity Monitoring, Management and Protection Division. A few will assist in managerial roles, and be based in Nakai, while the bulk, about 23 police and 40 military staff will participate in biodiversity monitoring and protection activities in specified zones throughout the NT2 Watershed/NPA (See Section 7.8.5).

#### **6.4.3: Village Institutions**

It is intended that village institutions will play a key role in the planning implementation and evaluation of all SEMFOP activities at the grass roots level. The main village institutions concerned, in some way, with natural resources management and livelihood development, and their anticipated functions (shown in italics) at the village level are:

- i) The village chief, who is basically responsible for all activities in the village, including natural resource management. The village chief is elected every 2 years. As a rule, the persons elected are those with better education, writing and communication skills, and respect of the community.

*The village chief will be helpful in organizing and mobilizing the community for SEMFOP initiatives. They will also be responsible for liaising with WMPA and district authorities, particularly in respect to infringement of rules and regulations and problems in regard to livelihood development activities.*

- ii) The deputy village chiefs. Also elected, one is generally responsible for economic development and taxation.

*Deputy chiefs will assist the chief in all matters, but will be directly concerned with livelihood development activities. They will also be responsible for managing any locally levied income coming from forest products and incomes coming from fines and penalties for infringements to the conservation agreements;*

- iii) The village head of Party, who is responsible for ensuring that (a) party policies related to sustainable development, biodiversity conservation and village development are implemented in a balanced and appropriate manner.

*The head of party will be valuable in providing two-way feedback to the district party on all aspects of SEMFOP and thus of critical importance in gaining party commitment to and ownership of it.*

- iv) The village elders, are respected, usually older, village members who have the respect of the entire community.

*Village elders have the institutional memory of prior natural resource management and wildlife conditions and will thus be valuable in providing time series data on this. They will also play a key role in the selection and management of LDC activities. In addition, they have influence over the younger generations and are thus expected to be helpful with conflict resolution, public consultations and awareness raising activities.*

- v) Village women's union are usually one or two of the more educated and active women in the village, who liaise with the District LWU or participate in appropriate village activities. However, LWU village representatives are not always present or active in all villages, and additional capacity development may well be required in many situations. Thus, in this case it is important to approach all women in the village as a group, when initiating new discussions or interventions. Furthermore, response is best when women staff approach female villagers and speak in local languages, as this makes women more comfortable about expressing themselves.

*LWU will play a critical role in ensuring the active participation of women in all aspects of decision making regarding SEMFOP. They will also play a key role in livelihood activities in relation to NTFPs and will be critical in the demographic management activities under FLUPAM.*

- vi) The village militia who are officially responsible for defense of the village territory, and thus the nation as a whole.

*There have been relatively few national security issues in NNT in recent times, and the militia often use their spare time (and issue of automatic guns) to hunt wildlife. As such, they should be among the most eligible candidates for the village conservation monitoring units, so as to employ their spare time in conservation rather than in hunting.*

- vii) The village police, usually a single person, who is the contact point for District police.

*The village police will play a role in the apprehension and management of offenders to laws and conservation agreements by both local people and particularly outsiders. They will also be prime candidates for VCMUs as they will lend them some authority and also assist in communicating information to the district police authorities.*

- viii) Village conservation monitoring units (VCMUs).

*These have already been established in some NPA villages, initially with the support of the NTSEP/IUCN pilot project and by the WB funded DUDCP project. These units are primarily responsible for patrolling and gathering monitoring data on wildlife and habitats;*

- ix) According to the land and forest directive, a Village Forest and Land [Use Planning and Allocation] Committee (VFLC) is also to be formed for land and forest allocation.

*During LUP and thereafter they are responsible for land and forest management. Theoretically this would be the group most concerned with biodiversity resource management and will thus have to be closely linked (and membership overlapped) with the VCMU. This group would have responsibility for monitoring the adherence to village conservation agreements. The status of this group is, however, unclear, and it often reverts to village chief and his deputies to take charge of this activity. This situation will be improved under SEMFOP.*

- x) Some villages support the establishment and/or election of a Village Development Committee (VDC). Sometimes membership of this committee reverts to the mainstream village leadership

*This group would certainly be concerned with natural resource management, at least in context of PICAD agreements etc., and, with the VFLC, would be responsible for evaluating the impacts of development on conservation.*

It is critical to recognize that women's voices and viewpoints are often only marginally represented in the above village institutions. Therefore, taking opportunities to expand women's involvement and empowerment will be a conscious effort of the WMPA.

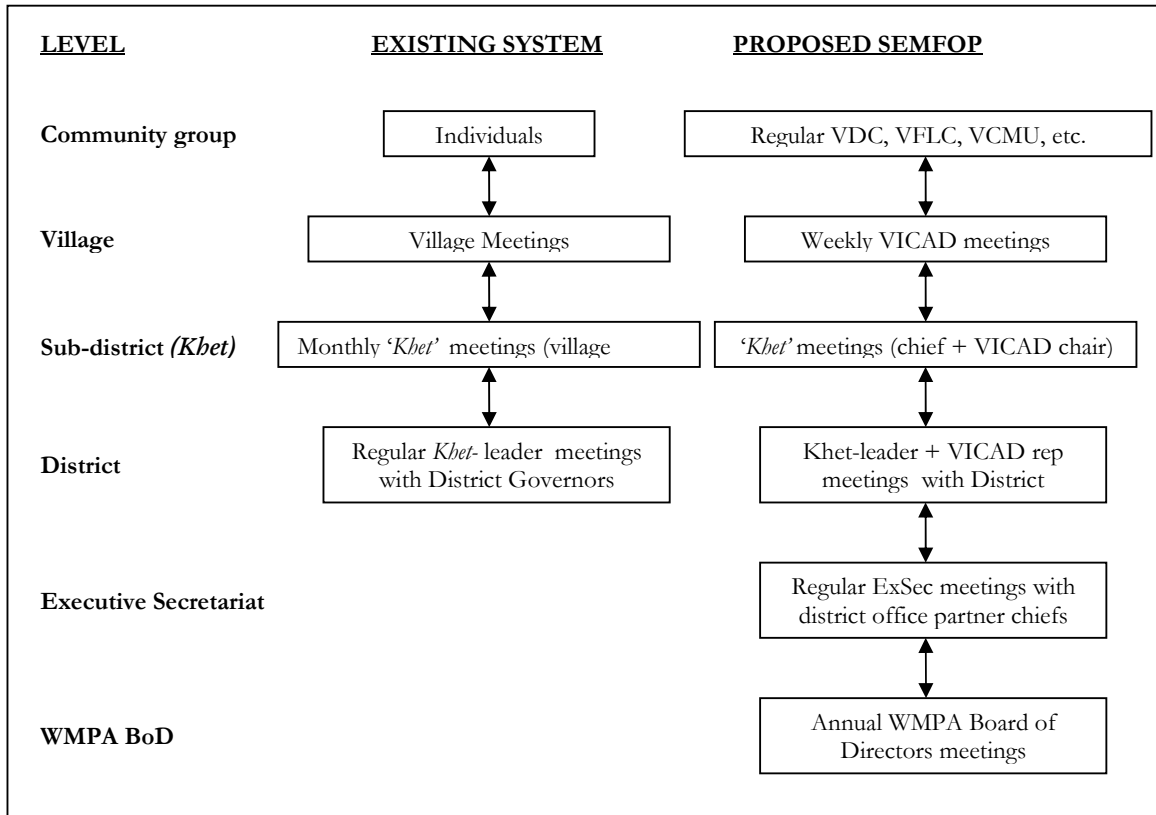
With all of the above in mind, it is essential that all villagers and community level institutions are linked with and fully represented in higher level SEMFOP decision-making processes up to the level of the WMPA Board of Directors in a 'fully inclusive' manner. Rather than attempting to create a new bureaucratic hierarchy to achieve this, it is proposed to use existing administrative communication and representation systems and to strengthen these and align them more closely with SEMFOP's conservation and livelihood development objectives.

To achieve this, it is proposed to establish Village Integrated Conservation and Development (VICAD) committees representing the interests of all community groups (ethnic minorities, women, youth, the elderly, disabled, female headed households, etc). GBTs will be set for PICAD representatives and progress monitored over the lifetime of the SEMFOP. Through PICAD support, these persons will be encouraged to be active, but as informal as possible. They will be led by a village elder or other broadly respected community member and comprise representatives from all village institutions concerned with both conservation and livelihood development, including the VCMU, VFCL, VDC, LWU, etc. At the same time, VICADs will be strongly encouraged and supported to be more fully inclusive in regard to ethnicity, gender, the poor, etc. than the current formal village groups and committees usually are.

As shown in Figure 6.7, the chairpersons will represent their respective VICADs at all sub-district (*Kbei*) meetings. With the assistance and support of the WMPA, sub-districts will also elect an appropriate sub-district conservation and development representative, who will represent his/her entire constituent's (all villages in the sub-district) interests at the district level through the regular monthly meeting system already in place. With the more regular discussions on conservation and development issues in the monthly district meetings that the proposed system will promote, District Governors will be better prepared and briefed to fully represent his constituent interests at all WMPA Board meetings.



Figure 6.7: Proposed communication, coordination and representation system for village institutions



#### 6.4.4: National Institutes

Implementing partners will include national levels agencies and organizations which have specialists or specific skills required by the Executive Secretariat. Agencies and organizations will be urged to recruit gender-balanced teams and persons with strong experience in remote ethnic minority areas for their involvement in WMPA work. They will be sub-contracted for specific tasks, and they may include, for example;

- *Division of Forest Resources Conservation in the Department of Forestry*, who may assist in wildlife issues, development and implementation of regulations, and help organise cross border dialogue and arrangements.
- *National University of Lao PDR*, whose Forestry Faculty and Botany Department, in cooperation with relevant TA, will spend considerable time in the field in conducting studies and surveys of the areas of floral biodiversity and ecology. They may include undergraduate or post graduate students in their team, thus contributing to the national human resource and knowledge base.
- *Forest Inventory and Planning Centre*; may assist in the better definition of the areas forest cover, forest type and land use mapping.
- *National Agriculture and Forestry Research Institute*; are already collaborating with Edinburgh Botanic Gardens, through the Darwin Initiative, on a training and capacity development program for local counterparts on tropical plant taxonomy, data management and field techniques. This program is being implemented in the NNT NPA (see Section 4.2.3.1).
- *Science, Technology and Environment Authority*, may assist in any areas where they have the required competencies. These might include reservoir monitoring and survey, watershed studies, etc.
- *Living Aquatic Resources Research Institute*; will assist in better definition of the areas aquatic fauna and ecology, and on completion of the reservoir will be closely working at monitoring biological status and dynamics of this aquatic environment.

- *Institute of Cultural Research*, may assist in improving the knowledge of the cultural diversity of the ethnic groups in the NPA and PIZ, including their indigenous knowledge of plants and medicines, their relationship to the forest and cultural traditions.
- *Institute for Linguistic Research*, who may assist in improving the knowledge of the languages of the various ethnic groups, and who may assist in developing special education programs for the ethnic groups.

#### **6.4.5: International Organizations**

Regional and international organizations (and individuals) with specific expertise of relevance to the WMPA and with the funds to co-support such research or advisory work will be invited to establish cooperative programs with the WMPA, if these are seen to contribute to WMPA objectives. For example, organizations with faunal biodiversity expertise could assist in two major areas:

- a) research into distribution, abundance and ecology of endangered species;
- b) research into the dynamics and resolution of wildlife-human contact and conflict, and management strategies for the same; and
- c) research into those species commonly consumed by villagers, and their impact on predator species, and the possible development of sustainable off take levels and other management parameters.

Most of this work would be conducted with established monitoring and patrolling units, of the WMPA.

Organizations or individuals with expertise in floral biodiversity (botany and ecology) could assist in various ways, such as;

- a) research and survey to catalogue all the plant species occurring in the NPA;
- b) research into the ecology of key species, and to identify if any species are endangered; and
- c) research to fully catalogue and describe the use of flora by villagers, and to contribute to the development of sustainable off take levels and other management parameters; and
- d) research to identify any species whose genetic properties have commercial value, and thus should be copyrighted for commercial gain.
- e) establishment of permanent botanical plots to study species diversity, density, structure, growth rates, and phenology.

Organizations with expertise in community development could assist in various ways, including:

- a) organizing and strengthening Village Development Committees;
- b) training and supporting district and WMPA officials;
- c) providing additional funding and technical assistance in a variety of areas, including health care, agriculture, livelihood enhancement, etc.;

Organizations with expertise in gender awareness, ethnic and cultural development, indigenous land tenure systems and community development:

- a) enhancing the villages' land and resource use tenure security and management systems;
- b) developing culturally appropriate community development for the various ethnic groups; and
- c) training WMPA staff on participatory approaches, gender awareness and ethnic sensitivity.

##### 6.4.5.1: Ongoing Collaborative Programs

Work has begun on a training and capacity development program by Edinburgh Botanic Gardens, funded under the Darwin Initiative (see Section 4.2.3.1). This project will focus on the NNT NPA for field work and, in cooperation with NAFRI, will train local counterparts in tropical plant taxonomy, data management and field techniques. It is expected that this initiative will lay the foundation for a National Plant Species Database and the establishment of a Threatened Plant list. It will also produce an up-to-date multilingual botanical dictionary and thus allow previously inaccessible botanical texts to be used throughout the Lao PDR.

A Cooperation Agreement is currently being developed by the WMPA and WCS under which they will undertake to collaborate to implement conservation projects and to raise the human and financial resources necessary to implement such programs. The agreement has the following objectives:

- Jointly develop biodiversity conservation programs, species action plans and monitoring and enforcement programs.
- Jointly develop research projects where mutually beneficial collaboration can occur, such as, but not limited to the development of a field research station for the NNT National Protected Area.
- Collaborate to promote training and capacity development for the next generation of conservation professionals.

## **6.5: MONITORING, EVALUATION AND AUDITING**

Internal monitoring and evaluation will be a specific function of the reporting schedules of the Executive Secretariat. The monthly reporting format will include a section requiring an analysis of good and weak aspects and of lessons learned. These reports will be submitted to all BoD members. In addition, the BoD will make 2 trips to the NT2 Watershed/NPA, as part of their annual meetings to be held in Nakai, and this will represent a form of internal monitoring by the BoD itself.

Similarly, such an internal evaluation will be included as a specific section of the Annual Report, as presented to the IMA and then the BoD's annual meeting. The inclusion of such M & E reporting requirements will require that Executive Secretariat Directors maintain a constant analytical framework in the way they plan, conduct and then report on the work, and as such can be an effective method for internal monitoring and evaluation.

An in-depth, independent SEMFOP project evaluation of all work to date will be conducted in year 4-5 to evaluate progress towards objectives and provide recommendations on required changes that should be made under SEMFOP-2.

### **6.5.1: Monitoring and Evaluation Framework**

Internal M&E systems will be outcome focused (impact monitoring) where the outcomes of conservation activities will be measured against baseline indicators. M&E systems will be developed for each of the major SEMFOP components. The M&E framework will emphasize participatory evaluation procedures, particularly for evaluating the outcomes of village level activities and for WMPA staff appraisals and performance evaluations. Staff performance evaluations will adopt the 360 degree approach where appraisals are conducted with (i) superiors or supervisors, (ii) horizontally with colleagues, and (iii) with subordinates.

Effective M&E capable of assessing the extent to which conservation objectives are reached under SEMFOP will require a system capable of measuring the following in a quantifiable manner:

<b>Monitoring information required</b>	<b>Examples of types of indicator</b>
1. The extent that activities are being implemented according to the Workplan	Number of village forest & land use agreements drafted Number of checkpoints established Number of VCMUs formed and trained
2. The extent the activities are reducing the major threats to biodiversity conservation	Number of cases of land use infringements Number of poachers arrested Number of incidents reported
3. The effect that reduction or removal of the threat is having on biodiversity values	Rate and extent of deforestation Wildlife population numbers and distribution Range and extent of wildlife populations
4. The extent that activities are improving the quality of life and livelihoods of participating NPA and PIZ villagers	Income levels in NPA and PIZ villages Education levels and health status of villagers Food security levels in NPA and PIZ villages

- |  |   |
|--|---|
| 5. The extent to which poverty levels and the number of vulnerable families are diminishing. | Number of most vulnerable families within village<br>Number of poorest children attending school full time.<br>Number of months with rice sufficiency |
|--|---|

Such a system will necessarily cut across all technical divisions and require monitoring data from each on a timely basis and in a standardized format compatible with the overall evaluation framework.

The SEMFOP M&E framework will be based on a logical framework approach, an early indicative, but incomplete, draft of which is presented in Table 6.6. Detailed objectives, expected outputs, objectively verifiable indicators, means of verification and potential risks will be developed as part of this log-frame process following the ZOPP (objective oriented planning) approach. This will be done as a participatory process involving all Directors and long term TA at the start of SEMFOP.

**Table 6.6: Monitoring and evaluation framework for the SEMFOP.**

<i>Narrative Summary</i>	<i>Key Performance Indicators</i>	<i>Monitoring and Evaluation</i>	<i>Risks</i>
<b>1. Strategy-related Goal</b>	<b>1A</b>	<b>1B</b>	<b>1C (From Goal to Mission)</b>
Protection of the NNT NPA and of the livelihoods of people who depend on its resources.			
<b>2. Project Development Objective</b>	<b>2A Outcome/Impact Indicators</b>	<b>2B Project reports/Process involved</b>	<b>2C (From Objective to Goal)</b>
Effective participatory management of the NT2 watershed/NNT NPA.	No new clearance of primary forest after signing of (conservation) village agreements until the end of the SEMFOP-1.  Upward trend in population abundance in key wildlife species (elephant, tiger, hornbill, gaur, ..... ) starting 2008.  Effective resolution of 90% of complaints within 3 months.	<ul style="list-style-type: none"> <li>• WMPA Progress reports</li> <li>• Ranger reports</li> <li>• Baseline inventories and monitoring</li> <li>• GIS maps</li> <li>• Field visits</li> </ul>	Insufficient support from stakeholders.  Logistical constraints.
<b>3. Expected Outputs</b>	<b>3A Output indicators</b>	<b>3B Various project reports, supervision missions and evaluation reports</b>	<b>3C (From Outputs to Objective)</b>
A 'model' watershed management protection authority.	Average annual disbursement of 75% of the work plan.  Trained staffing according to SEMFOP plan.  Turn-over of staff less than ...%.  Unqualified audit reports for the last 3 years.  Involvement of both women and men, better-off and poorest families	<ul style="list-style-type: none"> <li>• WMPA Progress reports</li> <li>• Ranger reports</li> <li>• IMA reports</li> <li>• Audit reports</li> </ul>	Sufficient capable staff available.  Recruitment of staff can be implemented smoothly (WB/GoL procedures).  Slow NTPC procurement and funding replenishment.  Erosion of decision making authority.  Poor technical assistance.  Change in institutional support (and/or memory).
Increased awareness of and involvement in conservation of the natural resources by the local stakeholders.	Conservation agreements for 31 NPA villages.	<ul style="list-style-type: none"> <li>• Conservation agreements</li> <li>• WMPA progress reports.</li> </ul>	All 31 villages are willing to cooperate.
Improved patrolling program.	Increase in patrolled area and frequency of coverage.  VCMUs operational in all NPA villages and in a minimum of 8 PIZ villages.  Constructed facilities for rangers (3 field stations, 7 gates and 15 patrolling posts).	<ul style="list-style-type: none"> <li>• WMPA Progress report</li> <li>• Field inspections</li> </ul>	Intense patrolling leads to increased enforcement

<i>Narrative Summary</i>	<i>Key Performance Indicators</i>	<i>Monitoring and Evaluation</i>	<i>Risks</i>
Empowered and healthy communities.	Increased wealth indices for all ethnic groups. Established functioning village development funds. Increased school attendance Increased number of schools, clinics, teachers. Decline in morbidity rate. Increase in women's involvement Reduction of female labour, particularly concerning water and rice milling Increase in literacy rates	<ul style="list-style-type: none"> <li>• Interviews with village representatives</li> <li>• Village statistics</li> <li>• VDF Disbursement</li> <li>• Comparison of Gender and Age Based Division of Labour records</li> <li>• School records</li> <li>• Number of graduates of primary schooling</li> </ul>	Illegal in-migration Time constraints Aggravated social-economic inequality Increased pressure on natural resources.
<b>4. Project Components/ Activities</b>	<b>4A Inputs (budget for each component)</b>	<b>4B</b>	<b>4C (From Components to Outputs)</b>
Project Management		IMA reports <i>Audit reports</i>	
Land-use planning (FLUPAM)			
Protection (PPAM)			
Sustainable Development (LDC)			
Capacity Building of WMPA staff and Partners			

6.5.1.1: Baseline Data and Benchmarks for M&E

Base line benchmarks will need to be established as a prerequisite to evaluating progress towards SEMFOP's stated objectives. Although a significant amount of quite recent data that could be used for baseline purposes already exists, these need to be clearly identified and organized as a baseline benchmark for SEMFOP. In addition, relevant indicators need to be identified, monitoring systems designed, and mechanisms established to ensure that relevant data are available on a timely basis for comparisons with the baseline benchmarks as part of the M & E process. These tasks will all be performed as an initial priority under SEMFOP following further development of the log-frame. Indicative guidelines on how this will be achieved have been developed and are presented in a summary format in Table 6.7.

In regard to monitoring socio-economic change, data collection needs to be gender, ethnic and poverty sensitive. Therefore, several data collection processes are essential:

- 1) Gender breakdown in statistical data collection.
- 2) Wealth ranking within Villages at the initial stage
- 3) Family Farm Labour Division by Gender and Age.

These are all used during FLUPAM (see Section 2.2) which will provide a detailed socio-economic baseline for all households, in addition to regular updates as part of the FUPAM monitoring process.

**Table 6.7: Guidelines on baseline benchmarks and future monitoring needs for key monitoring and evaluation indicators.**

Impact area	Indicators	Baseline data sources/needs	Future monitoring requirements
Biodiversity values	Floral species occurrence, abundance & distribution  Habitat types, extent & quality  Faunal species occurrence, abundance, distribution	Floral/botanical surveys NTFP surveys/villager-use records FIPC forest inventories Aerial-photos, satellite-imagery Wildlife surveys/patrol records VCMU patrol records Villager hunting records	Botanical survey system established LUP village data collection system reviewed/ modified Forest inventories planned & conducted GIS established and operated by WMPA Patrol sectors organized/data recording systems set VCMU training in data collection LUP village data collection system reviewed/ modified
Watershed values	Stream/river flow, sediment load, water quality, Fish stocks and species distribution  Riparian vegetation Land use in critical watershed areas	NTEC hydrological studies Fisheries surveys Villager fish records Aerial photos/satellite-imagery Aerial photos/satellite-imagery	Stream-flow monitoring stations established in NPA Fish resources baseline needs to be completed Fisheries monitoring systems established LUP village data collection system reviewed/ modified GIS established and operated by WMPA
Villager quality of life	Health status of villagers Education levels among villagers Access to markets Access to government services Population trends Up-take levels of external employment	National census data Village problem census data Socio-economic studies/surveys Local authority records National census data	Health monitoring systems established LUP problem census methods reviewed/modified Socio-economic monitoring systems established WMPA database unit established and operating LUP village data collection system reviewed/ modified
Socio-cultural cohesion	Retention of traditional culture/customs Ethnic population numbers Women's empowerment Intra and Inter-village cooperation levels	Anthropological studies/surveys National census data LUP population trend records Gender, ethnic and poverty studies LUP village problem census records	LUP problem census methods reviewed/modified LUP village data collection system reviewed/ modified Comparison of gender, ethnic and poverty data WCDNs established and functioning
Livelihood systems	Farming system types & productivity Forest resource dependency - types/levels  Alternative livelihood systems	Agricultural studies/surveys NTFP surveys LUP village problem census records Socio-economic surveys in FLUPAM	LDC databases designed/monitoring systems set NTFP use database designed and operating LUP village data collection system reviewed/ modified FLUPAM databases designed/monitoring systems set
Land use	Village land use patterns Village agriculture land areas Inter-village boundary agreements Village land use agreements	Aerial photos/satellite-imagery Village LUP records Village LUP agreements District LUP records	GIS established and operated by WMPA LUP database established with GIS capability FLUPAM agreements archive designed/established Land use agreement monitoring systems established
Forest resource use	Access to forest resources Sustainable use of NTFPs Community fisheries conservation Sustainable hunting regimes	Village LUP records NTFP surveys Fishery surveys Village LUP records	Land use agreement monitoring systems established NTFP use database designed and operating Fisheries monitoring systems established Conservation agreement monitoring systems set

6.5.1.2: Certification Standards for Forest Management

The certification standards for forest management required under the World Bank's Forests Policy will be applied to NPA management under SEMFOP. These will be developed during the design of the log-frame and later used as an M&E tool to monitor a set of standard of forest management indicators. These will be consistent with the following:

- (i) compliance with relevant laws;
- (ii) recognition of and respect for any legally documented or customary land tenure and use rights as well as rights of indigenous people and workers;
- (iii) measures to maintain or enhance sound and effective community relations;
- (iv) conservation of biological diversity and ecological functions;
- (v) measures to maintain/enhance environmentally sound multiple benefits accruing from forest;
- (vi) prevention or minimization of the adverse environmental impacts from forest use;
- (vii) effective forest management planning;
- (viii) active monitoring and assessment of relevant forest management areas; and,
- (ix) maintenance of critical forest areas and other critical habitats affected by the operation.

Once these management standards have been verifiably achieved, the WMPA intends to apply for and obtain independent certification.

6.5.1.3: Management Effectiveness Tracking Tool

The A Management Effectiveness Tracking Tool has been developed by the World Bank and WWF to help track and monitor progress in protected area management. The WMPA intends to use this tool at regular intervals to help monitor progress towards improving management effectiveness. The tracking tool will be used to monitor the following aspects of PA management under SEMFOP.

**Context** - An assessment of importance, threats and the legal and policy environment:

- Significance of the PA
- Threats to the PA
- Vulnerability
- National legal and policy context

**Planning** - Assessment of protected area planning and policy:

- Protected area system design
- Management planning

**Inputs** - An assessment of resources needed to carry out management:

- Resourcing of agency
- Resourcing of site Resources

**Processes** - Assessment of the way in which management is conducted:

- Suitability of management processes

**Outputs** - Assessment of the implementation of management programmes and actions:

- Delivery of products and services
- Results of management actions

**Outcomes** - Assessment of the outcomes and the extent to which they achieved objectives:

- Impacts
- The effects of management in relation to objectives



### 6.5.2: Risk Management Strategy

The approach to risk management under this SEMFOP-1 will be to identify those proposed plans or activities with a significant level of risk, identify the sources of potential risk and lay out options for dealing with or mitigating the risk. The ultimate aim of such a risk management strategy is to be able to not only identify potential risks and their source, but also quantify these and assess the extent to which available options will provide mitigation. The process comprises 6 steps as follows:

1. Identification of likely risks and threats (narrative description and explanation of the risk)
2. Their likelihood of occurrence (percentage probability).
3. Quantitative assessment of their impact on project objectives if risk occurs (percentage).
4. Scale of impact on objective (rating and/or percentage)
5. Mitigation options available if risk occurs (narrative description).
6. An assessment of the degree of alleviation provided by each mitigation option (percentage)

As was the case for the M & E system, detailed risk identification and quantification will be conducted during and after log-frame development. However, indicative examples of the types of likely risks facing SEMFOP are presented in Table 6.8, grouped according to source.

**Table 6.8: Indicative examples of risks identified during SEMFOP design**

Source	Risk or threat
Institutional	WMPA objectives conflict with those of local authorities Capacity of GOL partner agencies is inadequate for their required tasks WMPA's conservation objectives conflict with NTPC's power generation objectives Objectives of SEMFOP-participating provinces are in conflict High turnover/transfer of GOL district partner staff negates WMPA's HRD efforts Women staff are less empowered than before the project began.
Management	WMPA lose control of decision making in regard to reservoir management and development ExSec loses day-to-day authority for executive decisions to WMPA BOD WMPA has insufficient management authority over PIZ areas Lack of management cooperation from local (district/provincial) authorities
Political	Legal recognition of NPA village rights of abode and livelihoods is withdrawn by GOL WMPA's autonomy is eroded by central government interference International pressure to relieve cross border restrictions that may be imposed under SEMFOP Vested interests in illegal activities in the NPA cause non-cooperation from enforcement agencies Support for conservation ceases to be a government policy priority
Technical	Improved NPA access creates new NPA exploitation opportunities for outsiders WMPA unable to fill technical staff positions with adequately qualified people Livelihood and community development activities fail to improve land and resource use and improve livelihoods.
Economic	Extreme energy/power price fluctuations affect NTPC's ability to fund the WMPA Value of wildlife/forest resources become greater than returns from livelihood activities Increases in the value of timber causes illegal logging within the NPA GOL funding to district authorities is reduced as a result of SEMFOP
Social	WMPA livelihood development activities attract in-migration of people into the NPA Project activities result in social stress for NPA and PIZ communities. Socio-political or economic change in neighboring countries causes increased trans border poaching Dam construction crews engage in forest extraction activities Tourism brings negative social and economic impacts.

Source	Risk or threat
Natural	Extreme climatic conditions cause NPA village livelihood systems to fail Domestic livestock spread disease to wildlife populations Uncontrollable forest fires within the NPA

6.5.2.1: Risk Mitigation

As far as possible, the risks described in Table 6.8 (above) have been considered during the design of SEMFOP and measures have been taken to mitigate against them. These risk mitigation measures are described as follows:

Source of risk	Mitigation strategy
<u>Institutional risks</u>	
WMPA objectives conflict with those of local authorities	- Local authorities are to be cultivated as full partners to instill ownership of the SEMFOP with them.
Capacity of GOL partner agencies is inadequate for their required tasks	- WMPA staff and TA will conduct both formal and 'hands-on' capacity development programs for partner organization staff.
WMPA's conservation objectives conflict with NTPC's power generation objectives	- Develop continuous dialogue with NTPC towards common objective of maintaining watershed values.
Objectives of SEMFOP-participating provinces are in conflict	- Provincial authorities are to be cultivated as full partners to instill ownership of the SEMFOP with them.
High turnover/transfer of GOL district partner staff negates WMPA's HRD efforts	- Agreements for staff retention to be negotiated with provincial authorities at the start of implementation.
Female staff are less empowered than before the project began.	- Gender Balanced Targets are set for all activities concerning training, recruitment, promotion and involvement in village activities.
<u>Management risks</u>	
WMPA lose control of decision making in regard to reservoir management and development	- Strategy for full inclusion of all stakeholders in the Reservoir Management Authority has been developed.
ExSec loses day-to-day authority for executive decisions to WMPA BOD	- This risk is already apparent and pressure from the WB has been helpful. Improved reporting and regular feedback from ExSec will be used to keep BOD informed of actions taken by ExSec.
WMPA has insufficient management authority over PIZ areas	- A partnership, cost-sharing approach with local authorities will be adopted to develop co-ownership.
Lack of management cooperation from local (district/provincial) authorities	- Cost-sharing and capacity development incentives will be used to ensure full cooperation.
<u>Political risks</u>	
Legal recognition of NPA village rights of abode and livelihoods is withdrawn by GOL	- Partnership approach to conservation with villagers will show that NPA villager rights are in GoL's best interests.
WMPA's autonomy is eroded by central government interference	- Assistance will be sought from provincial governors, NTPC and WB to put pressure on GOL.
International pressure to relieve cross border restrictions that may be imposed under SEMFOP	- Improved transborder dialogue, at national and particularly provincial levels.
Vested interests in illegal activities in the NPA cause non-cooperation from enforcement agencies	- Incentive based approach with enforcement agencies to develop partnership and co-ownership under SEMFOP.
Support for conservation ceases to be a government policy priority	- Development of NNT NPA into an international conservation 'showcase'
<u>Technical risks</u>	
Improved NPA access creates new NPA exploitation opportunities for outsiders	- The access strategy developed has fully considered this and will be implemented with extreme caution with this threat in mind.
WMPA unable to fill technical staff positions with adequately qualified people	- ExSec staff salary structure, incentives system and capacity development programs developed.
Alternative livelihood systems fail to promote change	- Livelihood development will build on existing systems using an incremental rather than a transformational approach.

Source of risk	Mitigation strategy
<u>Economic risks</u>	
Extreme energy/power price fluctuations affect NTPC's ability to fund the WMPA	- Guarded against in Concession Agreement and later trust fund development will mitigate against instability in WMPA funding.
Value of wildlife/forest resources become greater than returns from livelihood activities	- Improved enforcement and alternative livelihood activities such as ecotourism will mitigate against this.
Increases in the value of timber causes illegal logging within the NPA	- Partnership approach with NPA and PIZ villagers, district, province and enforcement agencies will mitigate against this
GOL funding to district authorities is reduced as a result of SEMFOP	- WMPA cost sharing and proactive approach to attract additional donors.
<u>Social risks</u>	
WMPA livelihood development activities attract in-migration of people into the NPA	- In-migration strategy already developed under the SEMFOP to be implemented with district authorities.
Socio-political or economic change in neighboring countries causes increased trans border poaching	- Improved transborder dialogue, at national and provincial levels.
Project activities result in social stress for NPA and PIZ communities.	- Participatory nature of FLUPAM, community development advisors hired, ethnic and cultural sensitivity training for WMPA staff, and special programs for Vietic groups.
Dam construction crews engage in forest extraction activities	- Strategy for this to be developed with major contractor, to include registration agreement and penalties in worker's contract.
Tourism brings negative social and economic impacts.	- Villagers and district authorities learn from exchanges and study tours about safe, effective and empowering eco-tourism.
<u>Natural risks</u>	
Extreme climatic conditions cause NPA village livelihood systems to fail	- Climatic instability will be considered livelihood development planning and robustness of current systems will be improved.
Domestic livestock spread disease to wildlife populations	- Improved health care and less extensive grazing systems proposed will mitigate against this.
Uncontrollable forest fires within the NPA	- Improved equipment, patrolling and partnerships with VCMUs and villagers.

### 6.5.3: Conflict Resolution

Because of different perceptions, cultural values, objectives and responsibilities among different stakeholders, a range of conflicts are likely to occur among NPA communities, PIZ villages, the WMPA, district authorities, the NTPC, central government and others. Obviously, the most important step in conflict resolution is conflict avoidance, and the consultative and participatory nature of decision making under the SEMFOP is very much aimed at reducing the occurrence of disagreements and conflicting positions. In instances where disagreements do occur, it is similarly important that they are resolved quickly and through a participatory process before positions harden and the conflict escalates.

Thus, different approaches may be required according to the level that any conflict has reached, while at the same time recognizing that the earlier a potential conflict is recognized and dealt with, the higher the chance of a successful outcome. These phases of conflict development and appropriate interventions can be summarized as follows:

Type of Conflict	Means of Resolution
1. Conflict avoidance:	Consultation & participation in planning and decision making
2. Simple disagreements:	Informal negotiation, discussion and mediation
3. Early conflict development:	Reference to SEMFOP 'guiding principles' (see later)
4. Conflicting positions taken:	Reference to customary rules, NPA regulations & national laws
5. Fully developed conflict:	Refer conflict to WMPA arbitration panel
6. Intractable conflict:	Review & adjudication by district governor or district court.

In order to deal with disagreements and resolve conflicts in a fair, transparent and culturally sensitive manner, it will be helpful to have a number of ‘guiding principles’ that can be applied to all conflict situations. It is important that all stakeholders are aware of these from the outset, so that all parties involved in any conflict understand the rationale and logic employed in resolving and adjudicating in any disagreement. Thus these principles will be further developed by the WMPA and then presented and explained to all stakeholders as part of the consultative process. The principles will then be refined, modified and expanded according to feedback from stakeholders. An initial draft version of the principles for conflict resolution have been developed as follows:

1. Biodiversity conservation is the primary and overriding objective of the SEMFOP and will take precedence in guiding decision making.
2. Customary use, tenure, traditional livelihoods, and cultural values of local communities will be respected and given equal standing to biodiversity objectives in decision making.
3. All conflicts will be dealt with in an ethically fair and culturally sensitive manner.
4. The WMPA, district authorities, local communities and all ethnic groups are equal partners and have an equal say in all decisions.
5. The greater good to the entire NPA community will take precedence over the interests of individual communities or specific groups of individuals in all decision making.
6. The long-term sustainability and equitability of the outcomes of all decisions will take precedence over short term gains by one or more groups of people.
7. Laws of the Lao PDR will be abided by in all decisions which will be arrived at under the principles set out in the constitution.
8. The views of women, the poor, ethnic and other minorities and other disadvantaged groups will be given equal standing with all others in making decisions.
9. Any restrictions imposed on current livelihoods will not infringe on traditional rights and values and will be compensated for by activities/support of at least equal value to those foregone.
10. All NPA/PIZ communities and ethnic groups will be treated equally and fairly in regard to compensation, livelihood support, remuneration for assistance, etc.
11. NPA and PIZ villagers will be given equal opportunity to share in the economic benefits of biodiversity conservation from such sources as eco-tourism, research, intellectual property, media rights, etc.

All WMPA staff will be given training in conflict resolution procedures, as well as cultural, gender and poverty sensitivity as an early priority under SEMFOP. In addition, an NT2 Watershed/NPA arbitration and reconciliation panel will be established and will assist in impartially resolving conflicts that cannot be reconciled by other means. Membership on the panel will include:

1. WMPA representative
2. District Governors Office representative
3. NTPC representative
4. NPA village representatives
5. PIZ village representatives
6. LWU representative
7. Lao Front for National Construction representative
8. Reservoir management representative
9. Representative from civil society
10. Ethnic Minorities Advisor
11. Representative from a participating or informed NGO

Every effort will be made to resolve conflicts by mutual agreement of the parties involved. In some cases, arbitration and adjudication on disagreements by an external mediator will be required. Responsibility for and the means of adjudication will vary according to the parties involved, but will need to be referred to a higher level of authority than the parties concerned. The strategy for this is outlined in Table 6.9.

**Table 6.9: Means of adjudication and arbitration responsibilities for conflict resolution.**

Parties to the conflict	Final decision/adjudication	Key mediator/arbiter
Within village disputes	Majority decision of village meeting	Village Chief and Village Elders Relevant WMPA Technical Division
Village-village disputes	Joint agreement of appointed village representatives	Relevant district authority Relevant WMPA Technical Division
Village - WMPA/district disputes	Joint agreement of both parties endorsed by province	Watershed arbitration panel Provincial authorities
WMPA-district disputes	Joint agreement of both parties endorsed by province	Watershed arbitration panel Provincial authorities
District-district disputes	Joint agreement of both parties endorsed by province	Watershed arbitration panel Provincial authorities
Province-province disputes	Joint agreement of both parties endorsed by PM's Office	Watershed arbitration panel

*6.5.3.1: Apprehension and Enforcement of Regulations*

With the exception of minor offences by local inhabitants, which can be dealt with by the village chief, only the police, and at times the military, can apprehend suspected law offenders. As a general rule, such apprehension only occurs once the police have firm evidence, that the offender is in fact guilty. Evidence often comes from multiple witnesses, a common feature in a highly interactive society such as Lao PDR.

Penalties for the more minor infringements usually deal with first offenders by the confiscation of illegal materials and equipment and a warning. Second offences usually result in more severe warnings and a fine, and after this penalties would normally involve a fine and/or imprisonment. The legal processes and penalties for the infringement of forestry and wildlife laws for different groups of offenders are summarized in Table 6.10.

**Table 6.10: Legal process followed for offences committed in the NPA by different categories of individual.**

Enforcement process	NPA Villager	Construction worker	Non-NPA Lao	Foreigner
<b>Relevant laws and regulations</b>	Customary law VFLMA Forestry law	Employment contract	Forestry law	Immigration law Forestry law
<b>Presentation of evidence</b>	Evidence presented to village chief/elders Evidence forwarded to district	Evidence presented to contractor Evidence forwarded to district	Evidence presented to district	Evidence presented to district Evidence forwarded to province
<b>Judicial body</b>	Village chief/forest land use committee District court (more serious offences)	Employer (contractor) District court (more serious offences)	District court Provincial court (serious offences)	District court Provincial court
<b>Possible penalties</b>	Community sanction or fine Fine or imprisonment	Pay deduction or dismissal Fine or imprisonment	Fine or imprisonment	Fine or imprisonment Deportation

At the start of SEMFOP steps, procedures and authority issues in regard to enforcement will be discussed with all relevant local authorities. The aim will be to ensure that everyone concerned is familiar with and correctly understands the legal framework and to reach agreement on the steps, procedures and penalties to be used in regard to infringements related to the NT2 Watershed/NPA. Agreements will also be sought in regard to the use and possible sharing of fines and the disposal of confiscated articles.

Ideally the rights and duties of villagers to patrol, monitor and enforce forestry activities within the village boundaries are governed by a Village Forest Management Agreement (VFMA), drafted for the local context, and consistent with forestry legislation. The Forestry Law, Articles 59 to 74, provide the framework for monitoring and enforcement conducted by the four forest management organizations (MAF, PAFO, DAFO and villages). Article 63 lists specific duties for village authorities which include:

- monitor forestry activities and changes in forest quality in village areas and report information to DAFO;
- monitor, inspect and prevent illegal hunting, buying and selling of wildlife; and
- assist in timely enforcement of illegal forestry activities such as illegal logging, burning forest, or harming wildlife, aquatic species and water resources.

MAF Regulation 535 on Village Forest Management (2001) states that the duties of Village Forest Units are to patrol, monitor and enforce activities in village boundaries such as illegal logging, hunting, trading and processing of forestry products and report illegal activities to DAFO and take offenders to village authorities (Article 11). PM Decree 59 and the MAF Regulation on Sustainable Management of Production Forestry (to be issued in 2003) further provide that village forest organizations and villagers shall participate in all aspects of monitoring of forestry activities, including pre-harvest, harvest and post-harvest, and collaborate with DAFO to report any findings. Generally, villagers, village militia and village forest monitoring units have the right to suspend use, temporarily detain suspect and seize evidence, warn, educate and collect small fine based on local rules, the Forestry Law, Articles 70-74, and relevant legislation, but this right needs clarification and to be better implemented on a consistent basis at the local level. Village Conservation Monitoring Units have been established and utilized in various projects and can be the basis for further implementation in accordance with the law.

#### 6.5.3.2: Adjudication on Infringement of Regulations

The authority for adjudication depends on the severity and location of the offence. For minor offences committed by villagers the village chief has the power to impose appropriate sanctions and penalties. For more serious offences adjudication is the role of the district (or provincial ) judge. For less serious infringements, a first offender is usually given a warning. A second offence incurs a fine, and a third a possible jail term. Village regulations refer to a (similar) fining process, but it is unclear if the village can impose the fine, or if it must be the District. If the offenders is a villager, then the village is very reluctant to impose a fine for fear of creating animosities within the village. If the offender is an outsider, the village may impose a fine, but actually receiving this from a distant villagers may not be possible without district help.

The Constitution does provide for villagers and organizations to lodge complaints, petitions or to propose ideas to relevant state organizations on issues pertaining to their rights (Article 28). However, there is no administrative procedure or forestry legislation that specifically outline how to appeal government decisions or failure to act or to resolve conflicts in the forestry sector. Individual VFMAs, lease agreements and MOUs with the GOL, MAF and DAFO should include conflict resolution provisions consistent with various cultural mechanisms. PM Decree 59 and the implementing MAF Regulation to be approved in June 2003 contain articles to govern conflict resolution in established production forest areas utilized by village forestry organizations. The GOL, MOJ and MAF should collaborate to adopt administrative procedures legislation applicable for the forestry sector.

#### **6.5.4: Independent Monitoring Agency**

The IMA will undertake annual missions around August each year to:

- a) Review progress towards SEMFOP's stated objectives over the previous year.
- b) Provide inputs to, and assist the WMPA in preparing next year's annual workplan for submission to the BoD for approval.
- c) Provide their recommendations to the Board in regard to BoD's comments on next year's workplan.
- d) Assist the Executive Secretariat in any other way as specified in their detailed ToR.

The philosophy governing the IMA is that they should be independent, that they should provide technical inputs, valuable to the WMPA, and that they have the opportunity to respond to comments from the BoD on the next year's work plan. By providing such inputs on a regular annual basis, they can help to ensure that SEMFOP implementation remains consistent with its stated objectives. Their conclusions in this respect will be conveyed to the WMPA Board of Directors, the World Bank and the NTPC.

The IMA will comprise 2 individuals of international standing, with regional and Lao experience, one with PA experience and the other with institutional management experience in a development setting. It will also include 2 Lao experts with similar or complementary experience and expertise. It would be highly desirable if at least one of the 4 members were a woman. They will undertake one mission per year, of 4 weeks duration, timed to coincide with the preparation and submission of the annual work plans to the BoD as follows:

Week 1	Exec finalise first draft of annual work plan
Week 2	IMA team arrive IMA help to finalise draft annual work plan
Week 3	Draft work plan submitted to BoD BoD members review draft work plan IMA in field
Week 4	BoD members review draft work plan IMA consultations with WMPA staff and selected BoD members
Week 5	Comments on work plan received from BoD IMA receive comments from BoD IMA assist Executive Secretariat in finalising annual workplans
Week 6	IMA depart
Week 7	BoD meeting

The WMPA's financial year is planned to run from October 1 to September 30 so as to coincide with the Lao financial year and also to be consistent with the seasonality of protected area management and livelihood development activities. The BoD meeting to approve the annual work plan would normally be held in the first week of September to give the statutory 30 days to NTPC before they release the funds at the start of the financial year. Thus it is anticipated that the IMA would make their in about August.

A ToR will be drawn up by the WMPA prior to each mission of the IMA, and their overall mandate will include the following:

- Review work conducted in the previous year.
- Assess progress made towards SEMFOP's stated objectives.
- Assess progress towards certification standards for forest management and assist with moving towards such certification.
- Identify any areas of weakness and provide recommendations for improvement.
- Review the first draft of the following year's annual workplan and provide assistance in finalising the draft.
- Review the efficiency and effectiveness of the WMPA in support of SEMFOP objectives and provide recommendations for any required organisational changes.
- Assess the situation of the NPA/watershed in relation to the NT2 Project as a whole and, if necessary provide recommendations for improved coordination with other project components, agencies, etc.
- Assess improvements in the socio-economic well-being of the most disadvantaged families.
- Assess the compliance with gender, ethnic and poverty safeguards and provide recommendations for improvement.

In addition, the IMA may be requested to provide assistance and guidance in any area that the WMPA considers helpful. Such tasks will be outlined in the detailed ToR each year. Although the IMA will be appointed and funded by the WMPA, their independence and impartiality will be ensured by seeking World Bank approval prior to their engagement. In addition, the names of 3 international and 3 national candidates will be provided to NTPC who have the right of veto of one candidate from each group.

#### **6.5.5: Independent Auditor**

An internationally reputable, Lao auditing firm will be engaged to undertake annual audits of WMPA's accounts, and report to the IMA and all of the BoD members, prior to the annual BoD meeting.

### **6.6: COORDINATION**

#### **6.6.1: Co-ordination with the Resettlement Management Unit**

During and following reservoir filling, most of the flooded plateau villages (which are ethnically related to NPA villages) are intending to resettle on the southern shores of the reservoir (which is, geographically, actually part of the NT2 watershed. The Resettlement Management Unit (RMU), responsible for managing this resettlement in conjunction with the NTPC's RO, will be relying on similar or the even the same 'implementing partners' – Provincial and District agencies. The funding source of these two agencies is also similar. Thus, close co-ordination between these two agencies is imperative. One effective way to ensure co-ordination and avoid confusion and staffing problems is for the Executive Secretariat and the RMU to share offices and facilities, for those years that the RMU is operational..

Coordination with the RMU/RMO will be also be vitally important for other reasons including;

- a) sharing of training facilities developed on the plateau, by both resettlers and by NT2 Watershed/NPA in-holders;
- b) the RMU is mandated to help the resettlement of current plateau in-holders. However, there may be a problem with NT2 Watershed-NPA in-holders moving to the resettlement area – lured by the development – and the WMPA should take all efforts to avoid this, especially by trying to ensure adequate development in-situ, in the NT2 Watershed-NPA.

#### **6.6.2: Coordination with the Nakai Reservoir Coordination Authority**

The NT2 reservoir will be of crucial interest and concern to a range of stakeholders. The reservoir may evolve into a geographically complex system of open water, waterways, seasonally flooded wetlands and forests, and large drawdown areas, all of which may be important to, a range of interested stakeholders.

The pertinent NNT-NPA boundary map used for the interpretation of PM Decree 193 effectively excises the reservoir from the protected area. As a consequence, the WMPA will no longer be directly responsible for reservoir management. Nevertheless, as the reservoir will border directly with the NT2 Watershed/NPA and because the power generation, livelihood activities of resettled villagers, and the reservoir transport system, are all likely to have significant impacts on the PA, it is essential that the WMPA are closely involved in all reservoir management decisions and work closely with the relevant authority on an ongoing basis. Responsibility for reservoir management decisions is to be vested in the NRCA (Section 1.4.3) which will allow for the interests of all stakeholders to be taken into consideration during decision-making in regard to the reservoir generally, and in particular, the Special Conservation Areas.

### **6.7: INSTITUTIONAL EVOLUTION**

#### **6.7.1: Evolution of Institutions After SEMFOP-1**

The NT2 project's emphasis on developing and funding a planned and effectively implemented social and environment program to manage the NT2 Watershed-NPA is new in the Lao PDR. New institutions are being developed to assume semi-independent managerial and financial responsibility for a range of functions. In addition, they are being developed to manage a new geophysical and social environment, and this environment is likely to change over time.



Thus, the institutional planning being undertaken at present cannot hope or predict, in detail, all of the required institutional arrangements required in the medium and long terms. It is assumed the institutional arrangements will need to respond to the changing socio-economic and geophysical environment. However, it is possible to make some more general predictions as to the possible evolution of some institutions.

Possibility 1. Relationship of the WMPA to the District of Nakai:

About 90 % of Nakai District will be in either the NT2 Watershed-NPA or in the Reservoir. 5% of the Districts remaining area will be on the southern shores of the reservoir designated for resettlement, which for the first 9 years is assisted by the RMU. It is only the remaining 5 % of the Nakai District, containing about 20 villages on the southern peripheral impact zone of the NNT-PHP corridor which is not directly affected by or supported by a component of the NT2 project. About 95 % of the development and other funds to be spent in Nakai District will actually come from the RMU (and RMO) and the WMPA.

Thus, to ensure that both the WMPA and the RMU/RO have the administrative and political mandate and that Nakai District has adequate funding and implementing functions, it may transpire that the WMPA (and its RMD) and the Nakai District somehow merge. It may that Nakai District somehow ceases to exist as a normal District, but becomes the 'Nakai-Nam Theun Special Zone'. In this scenario, the NNT Special Zone Chief would be equivalent to the District Chief and would effectively replace the Director of the WMPA (Nakai section).

Possibility 2. Phase down of WMPA.

Decree 25's article 4.3 requires that the WMPA strengthen the capacity of local institutions. Thus one possible future scenario is that the WMPA would become relatively smaller, yet more efficient and effective, while the local authorities would become relatively larger, more effective and take on more operational responsibility.

Possibility 3. Changed status of WMPA

Another possibilities is that, due to the fact that the WMPA's legally mandated operational area is the NNT National Protected Area and corridors, it may be decided to change the name of the authority from the NT2 WMPA to the NT2 Protected Area Management Authority – or PAMA.

**6.7.2: Evolution of Activities After SEMFOP-1**

For a period of 6 and a half years, SEMFOP-1 will focus on:

- i) establishing the WMPA and developing capacity within it and its partners;
- ii) developing forest and land use zones, regulations and procedures;
- iii) improving villager livelihoods in a manner consistent with conservation needs; and
- iv) conducting biodiversity research, monitoring and protection.

Funding at current levels is assured for a total of 30 years, and thus some form of management plan for the watershed will be required throughout and beyond this period. Although future management plans will undoubtedly contain elements of the above objectives, no attempt will be made at this stage to predict how needs and priorities might have changed in 7 years time.

In order to prepare for the next iteration of SEMFOP, a working group comprising selected WMPA Board members and the Director and Deputy Directors of the Executive Secretariat will be formed to prepare institutional and management plans for the following 5 year funding period. Three months of time for the CTA and one month each of the other long term TA advisors has also been budgeted for in support of this strategic planning activity in the final year of the current SEMFOP (see Figure 6.6, Section 6.3.2).