#### Preliminary Assessment Summary

Prakas: Management of Communities of Protected Areas (CPA)

Ministry: Ministry of Environment (MoE)

Ref no: 000011 / System no: 33

Date: 05 December 2012

The Prakas sets out the procedures, rights, roles and responsibilities for establishment and management of CPA. In doing so, the Prakas supports a number of existing laws on the declaration and management of natural protected areas; in consistency with Article 25 of the law on natural protected areas.

CPA are intended to balance the interests of local communities that live in or near designated natural protected areas with that of preserving the characteristics of the protected area and ensuring the sustainability of natural resources within CPA. Through the CPA process a part of the protected area can be designated as a CPA and this permits local people to use and manage the area in a sustainable way, in accordance with a management plan agreed as part of the process.

There is a small cost to the local community to be involved in the process. For most people this will be the time to attend community-wide meetings. Those who are part of a community working group will incur a larger time cost. To the extent that any conduct a business activity, this might be considered a business cost.

Depending on the nature of any agreement reached, a CPA may have the effect of restricting the activities in which the community (and their businesses) can engage. However, the largest restriction of activities would have arisen from the previous designation of protected areas, so any such cost arising from the CPA will be relatively minor. An alternative possibility is that the CPA will open up new opportunities, which could have an economic benefit for the local people. In particular, there may be possibilities to provide services to eco-tourists attracted to the natural areas. Business costs have been assessed to be non-significant.

The largest costs arising from the Prakas are borne by government, but these would be easily outweighed by the benefits if local people participate in sustainable management of natural protected areas as a result of establishment of CPA.

Alternative options of providing awareness-raising education to local people and providing vocational training to develop alternative skills are examined. It is judged that these have broadly similar costs to the Prakas, but are unlikely to deliver equivalent benefits.

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# **Preliminary Assessment**

Prakas: Management of Communities of Protected Area (CPA)

Ministry of Environment

Reference no:

000011 / System no: 33

Date started:

11 October 2012

Date finished:

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#### A brief description of the proposal

The Prakas sets out the procedures, rights, roles and responsibilities for the establishment of Communities of Protected Areas (CPA) (also referred to as natural protected area communities) within the sustainable management zone of natural protected areas, as permitted under Chapter VI of the Protected Areas Law (Preah Reach Kram No NS/RKM//0208/007, dated on 15 February 2008). CPA are intended to balance the interests of local communities, including indigenous ethnic minorities, that live in or near designated natural protected areas, with that of preserving the characteristic of the protected area and ensuring sustainability of natural resources in CPA. This is done by using the seven steps process which involves: conducting a feasibility study, recruiting community working group, writing community statute, demarcating community zones, writing a management plan, making an agreement and implementing CPA (including follow up, monitoring and evaluation).

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#### Is this proposal regulatory in nature?

Does it change the behavior of businesses? Yes

Law	Royal	Sub	Prakas	1	Decision	Circular	Other (describe)
	Decree	Decree					

#### Does this proposal impact on business? Yes

Direct benefit to villagers who always reap benefit from natural forests and tourist arrivals, as the number of tourists has been increasing. This generates income for the villagers by way of ticket sales (to the community) and food & accommodation for individual villages. This also has several spin off benefits – tour operators, etc. In addition, this provides access to villagers to outside markets.

Indirect benefit – by increasing the attraction of Cambodia to tourists, mainly those after eco-tourism, wild-life tours, etc. As tourism is a major export earner, the benefits can be significant.

However, there is a cost to the community (and business) who is involved in preparing a management plan. Also, this may have the effect of restricting the activities in which the community (and their businesses) can engage – which could have an "opportunity cost" on businesses.

#### 1. Problem - Why are we making this regulation?

Common themes	Intended to be addressed by this regulation	Evidence (attach notes if necessary)
Public health and safety	No	
Environmental protection & conservation	Yes	By designating specific areas for local people, the Prakas aims to preserve the protected natural areas (23 areas), helps the local people and maintains the environment.
Social, gender equity & cultural conservation	Maybe	There may be preservation of socio-cultural aspects. It may also aid women by offering a source of income. Also, the villagers may benefit from the opportunity to interact with outsiders.
Promote competition	No	
Collection of information	No	

Comply with WTO and international agreements	Yes	- Convention on Biological Diversity (CBD)
		- United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (UN-REDD)
		- UN Environment Program (UNEP)

#### If there is any other problem, describe and provide evidence.

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None.			

#### State how the regulation will improve the situation.

By helping the local people to manage their environment, the Prakas aims for sustainable development of the area. It also provides income for the community and preserves its culture for the next generation.

## 2. Objective - What do we want to achieve?

Conserve and protect the forest, wildlife and biodiversity, and to ensure sustainability of resources for local people.

#### 3. Options - Consider all alternatives

# 3-A List any (existing) regulations that are related or similar?

- Royal Decree on the establishment of protected area (1993) specifies the 23 areas to which this Prakas applies.
- 2. Law on Protected Area (2008) this Prakas is made under the power provided by this law.
- Law on Environmental Protection and Natural Resource Management (1996). (This is a general law covering environment.)
- 4. Law on Forestry, 2002. Chapter 9: Traditional use of community forest and private forest. This law authorizes the Ministry of Agriculture Forestry and Fisheries to develop a plan for traditional use. It provides for setting the boundaries under the agreement on the community forest. It also provides rights for the communities living in the forest for the sustainable use of the forest. This law provides for managing forests whereas the proposed Prakas deals with the communities living in the forest, designated by Royal Decree (see #1).
- Sub-decree on the management of Fisheries Community.

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#### State why these regulations are inadequate?

All of the above regulations seem to be sufficient to protect the designated natural areas; however, enforcement is problematic, particularly in the remote zones in question. The empowerment and motivation of local people to protect natural areas through CPA will encourage them to participate in enforcement in order to protect their own interests, as well as the interests of the society as a whole. Technical guidance is also needed on procedures to establish CPA to ensure that the rights, roles and responsibilities of each party are clear.

#### Alternatives

## 3-B Feasible alternatives (for impact analysis)

- Educate local people and promote public awareness about sustainable management of protected areas.
- 3. Provide vocational training to local people, such as furniture making.

# 3-C Alternatives which are theoretically possible, but unlikely to be feasible (no further analysis required, unless the status changes during the RIA process)

4. Resettle the local people in the protected area to a non-protected area. This option is infeasible because it would involve a large number of people and be very costly, through the need to obtain alternative land, build new infrastructure and transport the people and their belongings. It would also create social problems such as cultural identity crisis and unemployment.

# 4. Preliminary estimate of compliance costs and competition impacts

## 4.1 Identification of tasks and cost-categories

# 4.2 Scope of the options

The attached spreadsheet estimates costs for government, businesses and the affected villages, so addresses both of the above points.

# 4.3 Estimate the level of compliance cost increases for business & government

BUSINESS	Level of incremental compliance cost	Justification
Option 1: Prakas	Non-significant	Small opportunity cost (\$4/person/day) for villagers

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		conducting a business to participate in consultation.	
Option 2 : Educate local people and promote public awareness		Small opportunity cost (\$4/person/day) for village conducting a business to participate in awareness education campaign.	
The state of the s		The government pays the fee to compensate the opportunity cost of participants.	
GOVT	Level of incremental compliance cost	Justification	
Option 1: Prakas	Significant	The estimated cost of \$ 197,250 per year is around 3% of MoE's budget. This cost is for 10 communities and we have a large number of communities to be established in the coming years, so the cumulative cost over the life of the program is substantial.	
Option 2 : Educate local people and promote public awareness	Significant	The estimated cost of \$ 57,333 per year is around 1% of MoE's budget. This cost is for 200 villages and we have more than 2000 villages in total to be covered by the campaign in the following years. So the cumulative cost over the life of the program is substantial.	
Option 3 : Provide vocational training to local people	ocational training Significant Significant Significant Significant		

# 4.4 Estimate the level of benefits

Option	Level of benefit	Reasons		
Option 1: Prakas	Significant	<ul> <li>It provides for tailored management plans for protected areas and alternative livelihood for villagers.</li> <li>As the management plan is to be developed in consultation with the villagers, a high level of</li> </ul>		

		ownership of the plan is anticipated and villagers will participate in protecting their areas sustainably.  - Traditions and customs of villagers will be preserved.
Option 2 : Educate local people and promote public awareness	Non-significant	The educational campaign is not likely to persuade villagers to change behavior because personal interest is more important than common one. In addition, even if it were to change behavior, it would take a long time for the education campaign to cover all the villages, so the destruction of natural resources in the protected areas would continue while the awareness raising progresses.
Option 3: Provide vocational training to local people	Non-significant	This option provides narrower scope to establish alternative sources of livelihood for villagers within their village than Option 1, because only a limited range of vocational skills can be taught and all participants in the training will be competing to supply the same product markets, which may become oversupplied. Therefore, it can be expected there will be a continued incentive for some villagers to exploit the protected areas and less participation of villagers compared to Option 1 in managing protected areas. It also takes a long time to cover all the villages so the destruction of natural resources in the protected areas would continue over the years while the training is being delivered.

# 4.5 Is there any competition impact? NO

#### 4.6 Is there any gender impact?

There may be a positive effect for women (individuals and women owned businesses) from the creation of CPA, as described below:

It may aid women by offering new sources of income, such as from preparing foods, offering home stay accommodation and making souvenir handicrafts for tourists who visit protected areas. It also may help them to collect forest products (fire wood, foods, traditional medicine, vines, etc.) nearer to their homes than before establishment of the CPA, so that would save their energy and time. Specifically, before establishment of the CPA the natural resources near their homes were likely to be destroyed by overexploitation, but with the introduction of

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protection and establishment of the CPA the natural resources would regrow near their homes.

# 5. Initial consultation

Group	Firms	Method	Summary of views
Local people (villagers) - includes those conducting business activities	Community working group	Workshops (5 at different times and locations)	Support the Prakas in general, but sought revision of some substantial elements of the Prakas.
Govt	Relevant provincial departments within MoE	Workshops	Support the Prakas in general, but sought revision of some substantial elements of the Prakas.
	Ministry of Tourism & Ministry of Agriculture	Workshops	Support the Prakas
Gender	Women's groups	Workshops	Support the Prakas in general
NGOs	World Wide Fund for Nature (WWF), Fauna & Flora International (FFI),	Workshops	Support the Prakas in general, but sought revision of some substantial elements of the Prakas.
	MLUP BAITONG,		
	International Union for Conservation of Nature (IUCN),		
	Wildlife		

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	Conservation
1	Society (WCS)
	Society (WCS)

#### 6. Conclusion

## 6.1 Summary of incremental costs and benefits

Option	Costs to the industry	Costs to the public sector	Benefits
Option 1: Prakas	Non- significant	Significant	Significant
Option 2: Educate local people and promote public awareness	Non-significant	Significant	Non-significant
Option 3: Provide vocational training to local people	Non-significant	Significant	Non-significant

## 6.2 Is a RIS required?

• NO - Provide justification and complete the rest of the PA

The Prakas does not impose significant compliance costs or competition impacts.

#### 6.3 Selected option

Option 1, the proposed Prakas, which sets out the procedures, rights, roles and responsibilities for the establishment of CPA, is recommended.

Criterion		Reasons	
Is this the least cost option to industry and community?	No	Option 2 has the lowest cost, but the difference is small.	

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Does this option offer the greatest benefit?	Yes	The incentives generated for the community to participate in managing the natural protected areas are substantially stronger than for the other options, so greater protection of natural areas is expected. The option is also most likely to preserve the traditions and customs of villagers.	
Is this the least risk option to public?	Yes	It is most likely to provide an adequate alternative livelihood for the local people, preserve the natural areas on which the local people depend and preserve local traditions and customs.	

#### If all the answers are YES proceed to step 7, else continue

If any of the answers to the above is NO why was the option selected?

Combination of criteria was favorable, even though one or two were negative Justify and go to step 7

The costs of Option 1 are only a small amount higher than alternatives, but the benefits are substantially larger.

## 7. Implementation

If a regulatory option was selected:

# 7.1 What measures were adopted to enhance transparency and good governance during the implementation stage?

The Department of Research and Development Natural Protected Areas of Community of MoE is partnering with NGOs to promote the CPA establishment process contained in the Prakas. Staff from the Department will also go into the field to monitor and assess the outcomes of community management plans.

## 7.2 Should this regulation be reviewed post implementation?

If so when and how should it be reviewed?

A review of the Prakas by this Department is planned for three years' time.

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