

## **COMPONENT 1 GOOD GOVERNANCE**

**CRITERION 1.1 Guarantee Legitimacy and Voice:** There are clearly defined, legitimate, equitable, and functional governance arrangements, in which the interests of civil society, rights-holders and stakeholders, are fairly represented and addressed, including those relating to the establishment or designation of the site.

**GLS 1.1.1** The site's governance structure is clearly defined and documented and in accordance with relevant national or regional government, jurisdiction or recognised authority specifications.

**Sample Means of Verification:**

Foundational documents or equivalent containing rules, bylaws, governance structure.

**Current Status 1.1.1.1: The governance structure for the Nam Et-Phou Louey National Park requires updating**

The current legislation for the governance structure refers to appointing a committee responsible for the management of a National Protected Area through Agreement. No. 4622/DOF dated 13 December 2017. There is no updated legislation for the Steering Committee to provide management oversight over the re-designated national park, although Article 3 of the PM Decree No.35 stipulates the formation of a National Park Administration Committee through separate legislation. The governance structure relating to the management of Nam Et-Phou Louey National Park requires updating.

**Current Means of Verification:**

Department of Forestry. 2017. Agreement on the appointment of a committee responsible for the management of National Protected Area. No. 4622/DOF dated 13 December 2017.

Government of Lao P.D.R. 2019. Prime Minister Decision No.35/PM on the establishment of Nam Et-Phou Louey National Park dated 15<sup>th</sup> February 2019.

**Desired Status:**

A new Decision prescribing the Nam Et-Phou Louey National Park Steering Committee.

**Gap to achieve Desired Status:**

A new Decision prescribed for the Steering Committee to replace Agreement. No. 4622/DOF dated 13 December 2017.

**Desired Means of Verification:**

A Ministerial Decision for the Steering Committee.

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**GLS 1.1.2** The site's and local governance structures and mechanisms provide civil society, stakeholders and rights-holders with appropriate opportunities to participate in management planning, processes and actions.

**Sample Means of Verification:**

Foundational documents or equivalent explaining rules, bylaws, governance structure.

Minutes of meetings during management plan development.

### **Current Status 1.1.2.1: Governance supervision at provincial and district level to support the effective management planning and subsequent management of the national park**

Each of the three concerned provinces appointed their own respective National Park sub-committee in mid-2019. However, there is currently no structured management system involving the National Park Supervisory Committee, with oversight and integration with the three provincial sub-committees. Hence there are currently no operating institutional platforms bringing together key provincial and district representatives to supervise the implementation of the Annual Work Plan and Budget on a regular basis. A provincial and district management body designated in each province should (i) supervise the national park human resource issues; (ii) supervise and strengthen the collaborative management partnerships between stakeholders; (iii) provide regular financial oversight over annual work plans and budgets and (iv) respond to emerging issues, among others.

At the district level, the absence of “district technical teams” was a point of concern. The importance of mobilizing district technical teams was overlooked in both the five-year collaborative management plan (2022-2026) and the 10-Year Strategy (2022-2031). No district level agreements with the National Park Office on livelihood related agendas.

Despite the current governance constraints, the management planning for the five-year collaborative management plan involved consultations with concerned stakeholders including the 91 guardian villages. These participatory processes led to the preparation of a high-quality management plan.

#### **Current Means of Verification:**

Governor Xieng Khouang Province. 2019. Agreement on the appointment of the Supervisory Committee and the sub-committee for the management of Nam Et-Phou Louey National Park. No. 675/G.XK. dated 6 August 2019.

Governor of Houaphanh Province. 2019. Agreement on the appointment of the Supervisory Committee and the sub-committee for the management of Nam Et-Phou Louey National Park. No. 802/G.HP. dated 7 July 2019.

Governor of Luang Prabang. 2019. Agreement on the appointment of the Supervisory Committee and the sub-committee for the management of Nam Et-Phou Louey National Park. No. 511/G.LP. dated 1 October 2019.

#### **Desired Status:**

The legislation prescribing the establishment and functioning of the Nam Et-Phou Louey National Protected Area Steering Committee needs to be updated to be in line with redesignation of the reserve as a National Park.

The effective functioning of the National Park Supervisory Committee should be strengthened by being provided with comprehensive sets of management reports on the status of management in the protected area.

At least two senior provincial and district management teams should be established to provide hands-on management supervision of the Annual Work Plan and Budget on a quarterly basis.

The Minutes of Meetings of these provincial forums should be prepared and be made available to the provincial and district committee members, as well as the Supervisory Committee and the senior staff of the National Park Management Office.

#### **Gap to achieve Desired Status:**

At least two senior provincial and district management teams (in Houaphanh and Luang Prabang provinces) established to provide hands-on management supervision of the Annual Work Plan and Budget on a quarterly basis. These bodies should provide improved data sets to the National Park Supervisory Committee.

#### **Desired Means of Verification:**

Revisions to the five-year national park collaborative management plan implementation – and annual work plans and budgets - prescribing two senior provincial and district management teams, including budget lines.

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**Current Status 1.1.2.2: Committees prescribed to tackle specific management issues and emerging threats**

At least one task force has been established in the national park to deal with emerging issues and threats. This comprises a committee to monitor the Phati Road settlement involving four villages. From field surveys conducted in 2018 and village interviews in 2019, the Nam Et-Phou Louey National Park Management Office recorded 172 families from the villages of Xone Neua, Najak, and Huay Muey in Xone District and Huay Ma in Xam Neua District to be raising livestock inside the Total Protection Zone of the national park on Pha Thi Road. Belonging to these families; 1,194 head of cattle, 577 of buffalo, 225 goats, and 16 horses were reported being raised in the Total Protection Zone along the road. From the field surveys in 2018, employing a quadcopter drone and unannounced “field-house” visits, 30 livestock field-houses were found and recorded. A field-house was counted as a single structure or a cluster of structures for part-time human habitation for the sake of looking after livestock.

**Current Means of Verification:**

Governor of Houaphanh Province. 2020. Agreement No. 411/G.HP for establishing an Advisory Committee and Secretariat for the resolution of land speculation linked to cattle raising and livestock in Nam Et-Phou Louey Total Protection Zone (Phati Road), dated 7<sup>th</sup> May 2020.

Governor of Houaphanh Province. 2021. Agreement No. 646/G.HP for establishing an Advisory Committee and Secretariat for resolution of land speculation linked to cattle raising and livestock in Nam Et-Phou Louey Total Protection Zone (Phati Road), dated 10<sup>th</sup> May 2021.

Governor of Houaphanh Province. 2020. Minutes of Meeting No. 56/G.HP on resolutions for mitigating the biodiversity threats and land speculation along the Phati Road, dated 11<sup>th</sup> February 2020.

Nam Et-Phou Louey National Park Management Office. 2020. Minutes of Meeting for the resolution of land speculation linked to cattle raising and livestock inside the Nam Et-Phou Louey National Park Total Protection Zone with Houy-Ma village, dated 16<sup>th</sup> December 2020.

**Desired Status:**

Task forces or working groups should be established to deal with key management issues and each emerging issue, with membership selected based on abilities to solve the management issues. Key threats to the integrity of the national park include land speculation linked to cattle raising in several districts, opium cultivation and the harvesting of Non-Timber Forest Products, particularly red mushrooms, in the Total Protection Zone.

**Gap to achieve Desired Status:**

The current legislation appointing a committee responsible for the management of National Protected Area (Department of Forestry Agreement No. 4622/DOF dated 13 December 2017) does not stipulate the establishment of task forces or working groups, and does not prescribe them to report to the Nam Et-Phou Louey National Park Management Supervisory Committee on a regular basis. Hence the deliberations and recommendations of these issue-specific committees tackling threats may not be made available to high level members of the National Park Supervisory Committee. .

**Desired Means of Verification:**

The new Ministerial Decision prescribing the establishment of the National Park Supervisory Committee should include clauses to establish and supervise task forces or working groups to deal with emerging threats or important management issues.

The National Park Steering Committee resolutions prescribing task forces to tackle specific management issues (e.g. land speculation linked to cattle raising, opium cultivation or participatory research on non-timber forest products).

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**GLS 1.1.3** The site's local governance structures and mechanisms recognise the legitimate rights of Indigenous Peoples and local communities.

**Sample Means of Verification:**

Documentation of formal or informal relationships /agreements with relevant groups  
Meetings with local and indigenous communities

**Current Status 1.1.3.1: Legal local governance structures regarding local communities**

**Legal local governance structures**

The local governance structures in Nam Et-Phou Louey National Park are described in the Law on Local Administration (2017). These comprise the membership, functioning and of the village headman and the village committee.

Village forest and land use planning is the most important mechanism for recognizing the legitimate rights of the ethnic local communities. These rights are specified in Article 31 on “Harvesting of NTFPs”; Article 39 on “Village Forest Management Planning”; and Article 61 on the Utilization of forest, timber and NTFPs” in the Forestry Law No.64/NA (2019). The Decree on Protected Areas No.134/PM (2015) also describes the rights of ethnic local communities. Article 8 prescribes the classification of zones of protected areas, including the controlled use zone. Article 17 describes the allocation planning and use of protected areas, which should ensure the sustainable use of forest products. Article 27 refers to the rights to use forest and forest products by families.

Guidelines on village forest and land use planning in national protected areas have been prepared and approved by MAF Decision No. 0157 dated 4<sup>th</sup> February 2019. No guideline has been prepared – as yet - on NTFP management in the controlled use zone.

**Agreements relating to village land use plans and subsequent natural resource use**

The local governance structures do not appear to be in place. District-level agreements were unavailable between the Nam Et-Phou Louey National Park, the DONRE on village forest and land use planning, including zoning and the formulation of village regulations.

District approved agreements for village land use plans have been prepared and approved for 42 guardian villages residing in and around Nam Et-Phou Louey National Park. The village and land use plans have been signed by the respective District Governor, the Director of the National Park and the respective village headman.

District-level agreements were not recorded between the Nam Et-Phou Louey National Park, DAFO and others on Non-Timber Forest Product (NTFP) management in the controlled use zone.

**Current Means of Verification:**

Law on Local Administration No. 22/NA. (2017)  
Forestry Law No.64/NA (2019)  
Decree on Protected Areas No.134 dated May 2016.  
MAF Decision No. 0157 dated 4<sup>th</sup> February 2019 on the approval of seven NPA Guidelines.

**Desired Status:**

Governance structures should be established to place strong management focus on NTFP management in the controlled use zones within the national park.

**Gap to achieve Desired Status:**

Participatory research needs to be undertaken on the non-timber forest product utilization within individual villages and households to have a clearer understanding of this management issue.

District agreements on NTFP management within the controlled use zones of the national park should be formulated to promote sustainable use of NTFPs within the village lands.

**Desired Means of Verification:**

Signed agreements between the National Park and the District authorities on NTFP management in the controlled use zones of guardian villages.

A Guideline on sustainable utilization of non-timber forest products in National Protected Areas approved by a Ministerial Decision.

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**GLS 1.1.4** Rights-holders and stakeholders are effectively involved in decision-making and the adaptive management of the site.

**Sample Means of Verification:**

Clear identification of rights-holders and stakeholders.

Discussion with rights-holders and stakeholders.

Discussion with site managers.

**Current Status 1.1.4.1: Protected area staff are effectively involved in decision-making and adaptive management of the national park**

The senior staff comprising the Director, the two Deputy Directors, the Head of Administration, the Heads of the five Technical Sub-Units and a representative from the Hiem District Administration convene regular monthly staff meetings to guide adaptive management of the national park. Four meetings were convened between September 2022 and December 2022. The Minutes of Meetings do not mention “Action Points”. There is minimal financial data included, including tourism revenues.

**Current Means of Verification:**

Minutes of Meetings of monthly staff meetings from the period September 2022 to December 2022.

**Desired Status:**

Monthly senior staff meetings are convened in the first week of every month.

Minutes of Meetings of staff meetings contain financial data sets, including tourism statistics.

Minutes of Meetings of staff meetings are circulated to key audiences, notably the Protected Area Management Division, Department of Forestry, the three PAFO Offices and the 10 district offices.

**Gap to achieve Desired Status:**

Terms of Reference for the monthly staff meetings to be prepared, including financial reporting.

Manual to be prepared on convening monthly senior management team staff meetings.

**Desired Means of Verification:**

Terms of Reference prepared for monthly senior staff meetings, including financial reporting and action points as well as participation of the Hiem District Office.

Manual prepared on monthly senior staff meetings including Minutes of Meetings reporting formats.

Minutes of Meetings of monthly senior staff meetings found in the national park, Department of Forestry, Protected Area Management Division, and Provincial Agricultural and Forest Offices (PAFOs).

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**Current Status 1.1.4.2: District involvement, including district “technical teams” in collaborative management partnerships.**

The District Governors of all 10 concerned districts are members of the National Protected Area Supervisory Committee. They are also members of the provincial sub-Committees. The district offices have direct responsibilities to carry out villager livelihood improvement activities by co-planning and

co-implementing these activities within Nam Et-Phou Louey National Park under joint agreements with the National Park Management Office.

District level teams are key implementing bodies for all the technical programmes. Agreements of co-operation have been signed between the National Park and concerned district agencies. District “technical teams” are prescribed in all relevant NPA guidelines, including forest and land use planning, outreach, livelihood development for conservation, and tourism.

**Current Means of Verification:**

Phoukhoun District Administration. Agreement No.79/D.PK on the appointment of a team to carry out publicity and awareness raising activities for the management of Nam Et-Phou Louey National Park dated 12 February 2021.

Hiem District Administration. 2019. District Agreement No.673/D.HM on the appointment of the Steering Committee and the technical staff of the District to implement Livelihood Development for Conservation and Land Use Planning in Nam Et-Phou Louey National Park, dated 19 September 2019.

Nam Et-Phou Louey National Protected Area Management Office. 2009. Memorandum of Understanding No.243/NPA between Nam Et-Phou Louey National Protected Area and Houa Mouang District Office and Son Khoua Village in the development of tourism in the Nern River area, dated 20 December 2009.

**Desired Status:**

The active involvement of concerned district partner agencies should be maintained through district cooperation agreements in the different technical fields. The importance of district technical teams in collaborative management within Nam Et-Phou Louey National Park needs to be recognized.

**Gap to achieve Desired Status:**

Five-year strategies need to be prepared for each of the five Technical Sub-Units to recognize the importance of the district “technical teams” in implementing collaborative management. The importance of involving district partners under formalized district agreements should be recognized to implement the field work programmes.

**Desired Means of Verification:**

Updated district cooperation agreements on different technical field programmes.

Five-year strategies prepared for each of the five technical Sub-Units (law enforcement, forest fire management, outreach, village forest and land use planning, livelihood development for conservation and tourism incorporating clear descriptions on the role of the district “technical teams”).

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**Current Status 1.1.4.3: Village right-holders involvement in park management**

The Village Administration is the main institutional body at the village level. This body formally has 11 personnel, including two women and three Village Elders. They meet monthly. If there are important issues, they call all the village head of households. Greater women participation is being promoted.

**Current Means of Verification:**

Hiem District Agriculture and Forestry Office. 2020. Report on the allocation and planning for management, use of agricultural and forest land in a participatory manner at the village level, in Namsart village, Hiem District, Houaphan Province, dated February 2020.

Hiem District Agriculture and Forestry Office. 2020. Report on the allocation and planning for management, use of agricultural and forest land in a participatory manner at the village level, in Nam Pung village, Hiem District, Houaphan Province, dated September 2020.

Nam Et-Phou Louey National Park Management Office. 2020. Community Conservation Agreement (CCA) No.4/HV Nam Et-Phou Louey National Park and Namsart Village Administration, Namsart Village Hiem District, Houaphan Province, dated 15 May 2020.

Nam Et-Phou Louey National Park Management Office. 2022. Contract No.435/NE-PL with Son Khoua Village for work in the ecotourism services in Nam Et-Phou Louey National Park, dated 13 November 2022.

**Desired Status:**

Strengthened engagement with guardian villages and Cluster Administrations to strengthen capacity of the villagers in sustainable natural resource management and livelihood development for conservation.

**Gap to achieve Desired Status:**

Increased technical capacity of district partners and villagers, as well as Village Cluster Administrations.

**Desired Means of Verification:**

Updated village land use plans.  
Village conservation agreements.

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**Current Status 1.1.4.5: Government provincial-level stakeholder involvement in national park decision-making**

The Vice-Governors of Houaphanh, Luang Prabang and Xieng Khouang provinces are vice-chairmen of the National Protected Area Supervisory Committee. The respective Heads of the three Provincial Agricultural and Forestry Office as well the respective Heads of the Army Division in Houaphanh and Luang Prabang Provinces are also members of the NPA Supervisory Committee. The Governor of Houaphanh established a task force to respond to land speculation and livestock raising along the Phati Road. The National Protected Area Steering Committee does not meet frequently, and the relationship between the Steering Committee and the three provincial sub-committees and the Phati Road Committee is unclear.

Notable absentees from any formalized national park forums are representatives from the Provincial Office of Information, Culture, and Tourism (POICT) as well as most other mainstream government agencies.

**Current Means of Verification:**

Department of Forestry. 2017. Agreement on the appointment of a committee responsible for the management of National Protected Area. No. 4622/DOF dated 13 December 2017.

Governor of Xieng Khouang Province. 2019. Agreement on the appointment of the Supervisory Committee and the Sub-committee for the management of Nam Et-Phou Louey National Park. No. 675/G.XK. dated 6 August 2019.

Governor of Houaphanh Province. 2019. Agreement on the appointment of the Supervisory Committee and the Sub-committee for the management of Nam Et-Phou Louey National Park. No. 802/G.HP. dated 7 July 2019.

Governor of Luang Prabang Province. 2019. Agreement on the appointment of the Supervisory Committee and the Sub-committee for the management of Nam Et-Phou Louey National Park. No. 511/G.LP. dated 1 October 2019.

**Desired Status:**

Increased representation and involvement of provincial officials in decision-making could be achieved by the creation of sub-committees under the umbrella Nam Et-Phou Louey National Park Supervisory Committee.

**Gap to achieve Desired Status:**

Establishment of national park sub committees to discuss management issues as well as emerging issues and key priority actions, and report to the Nam Et-Phou Louey National Park Supervisory Committee.

**Desired Means of Verification:**

Updated Department of Forestry agreement (No. 4622/DOF dated 13 December 2017) on the appointment of a committee responsible for the management of the redesignated National Park, as well as updated provincial agreements on national park supervision.

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**GLS 1.1.5** Governance arrangements help advance gender equity in relation to management of the site.

**Sample Means of Verification:**

Documentation of formal or informal relationships/agreements with relevant groups.

Documented evidence of efforts to improve and maintain gender equity through governance and decision-making structures, management and employment programmes, employment records

**Current Status 1.1.5.1: Gender representation within the national park and concerned district offices**

The national park office has high numbers of female staff within the Administration Unit, the Outreach Unit and the Livelihood Development for Conservation Sub-Unit. There is a single female staff within the Law Enforcement Sub-Unit, who is office-based.

**Current Means of Verification:**

Organizational chart and staffing lists for the national park  
Vocational training for young professionals.

**Desired Status:**

A long-term family planning programme is implemented by the national park in collaboration with Provincial and District Public Health staff. A good understanding of the roles of men and women in natural resource use within the controlled use zone.

**Gap to achieve Desired Status:**

A long-term family planning programme is prepared by the Provincial Health staff.

**Desired Means of Verification:**

A family planning sub-committee (task force) is established under the supervision of the Nam Et-Phou Louey National Park Supervisory Committee.

A long-term family planning implementation programme approved by the Nam Et-Phou Louey National Park Supervisory Committee.

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**GLS 1.1.6** The defined governance structures and mechanisms are accepted by major constituents (civil society, rights-holders and stakeholders), reflecting the governance category of the site.

**Sample Means of Verification:**

Documentation of formal or informal relationships/agreements between major constituent groups.

Discussions with constituent groups

**Current Status 1.1.6.1: Understanding of governance structures are low**



Governance structures for collaborative management are poorly understood in Lao PDR, particularly at the national level and site level. A DOF government report on “An analysis of the Institutional for collaborative management within the protected areas of Laos” identified a number of governance structures for protected area management (Parr et al. 2019). It is uncertain whether (i) a National Inter-Ministerial Protected Area Working Group; (ii) a Technical Advisory Committee on Protected Areas and (iii) site-level Protected Area Committees will get incorporated within the new PA Decree.

The Terms of Reference for the National Park Supervisory Committee does not clearly espouse the working relationship between the Supervisory Committee (annual meetings only), the provincial and district working teams (quarterly meetings) and the National Park Office (monthly staff meetings) and the reports prepared by each of these institutional bodies, and the subsequent sharing of information.

The importance of establishing and maintaining district technical teams was completely overlooked in the five-year collaborative management plan (2022-2026) and the 10-Year Strategy. District technical teams are viewed as the major institutional body for collaborative management in outreach, village land use planning and livelihood development. This may affect the national park attracting sustainable funding stream flows within the buffer zone.

The senior management team for the Nam Et-Phou Louey National Park, which includes representation from the Hiem District Office, meets on a regular monthly basis. No financial reporting is included, and no action points are prioritized.

**Current Means of Verification:**

- Draft Decree on Protected Areas (2023).
- Minutes of Meetings of the NPA Supervisory Committee (documents produced annually)
- Minutes of Meetings of the National Park Provincial Committee (documents produced irregularly)
- Minutes of Meetings of monthly senior management team staff.
- Five-year national park collaborative management plan (2022-2026).
- 10-Year Strategy (2022-2031).

**Desired Status:**

- Nam Et-Phou Louey National Park Supervisory Committee members have enhanced capacity to provide effective management oversight of the national park.
- Minutes of Meetings of the National Park Supervisory Committee (documents produced annually)
- Minutes of Meetings of the two National Park Provincial Committees (documents produced quarterly)
- Minutes of Meetings of monthly senior management team staff (documents produced monthly).
- Civil society has a good understanding of the governance structures and mechanisms.

**Gap to achieve Desired Status:**

- Nam Et-Phou Louey National Park Supervisory Committee members need guidance on the issues to prioritize during their meetings
- Dedicated studies on governance structures, including interviews, analysis.
- The Protected Area Management Division needs to implement its mandate on promoting collaborative management.

**Desired Means of Verification:**

- A Manual should be prepared on “Management Oversight by a Protected Area Supervisory Committee”.
  - Minutes of Meetings of the Protected Area Supervisory Committee.
  - Minutes of Meetings of the National Park Provincial Committees
  - Minutes of Meetings of the Senior Management Team meetings are prepared, with Action Points on a monthly basis. These documents should be circulated to Nam Et-Phou Louey National Park Supervisory Committee members, Sub-Committees members and the Protected Area Management Division (PAMD).
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