**Terms of Reference (ToR)**

**Rapid Assessment: Prey Lang in Preah Vihear**

**1. Introduction**

Prey Lang (PL) is the largest lowland evergreen forest in Cambodia, and probably in the Indo-Burma Hotspot.[[1]](#footnote-1) Prey Lang areas are presently located in lowland regions where floral and faunal species often differ markedly from lowland habitats. The total area broadest definition of the Prey Lang landscape covers about 3600 km² covered by evergreen forest, the core zone 8000-10000 ha. The most biologically important and most intact portion of Prey Lang covers about 135,000 ha.[[2]](#footnote-2)The Prey Lang region constitutes a large part of Cambodia’s forestry landscape. The region spans across four different provinces, Kratie, Kampong Thom, Preah Vihear and Stung Treng. The forest of Prey Lang is approximately 350,000 to 520,000 hectares in size.[[3]](#footnote-3)

In total, Prey Lang supports nationally and regionally important populations of 55 globally threatened animals. In particular it is a hugely important place for the conservation of Cambodia’s birds, home to 44% of all species. Prey Lang has considerable potential to support sustainable livelihoods for the forests’ dependent communities, and also contributes to the national economy through the export of non-timber forest products (NTFPs) and provision of important ecosystem services. The forest is a watershed for the Tonle Sap Lake, upon which millions of Cambodians and a significant proportion of the national economy are dependent.[[4]](#footnote-4)

Since 2006 until today, Prey Lang has been facing serious danger such as ELCs, mining concessions and deforestation which cause heavy destruction of natural resources in the areas though there are a lot of movement made by Prey Lang Community Network (PLCN), NGOs, donors and other stakeholders who have tried to execute their individual projects to save Prey Lang.

According to initiative from concerned partner[[5]](#footnote-5) found that there are many forms of conflict occur within Prey Lang areas, beside the land conflicts with ELCs, mining concession and illegal logging, conflict of interests among community and authorities, community versus community and donors versus donors[[6]](#footnote-6) were found. These clashes contributed to break up the spirit of solidarity among local community to protect Prey Lang and the funding from international agencies seem doesn’t reflect to urgent needs of the communities to sustain the natural resources in the area. As result, based on the clarification by FA on Prey Lang draft sub-decree, about 300,000 hectares being demarcating as Protected Forest though the first draft of the sub-decree proposed more than 600,000 hectares as preservative forest, but NGOs and donors have never questioned and discussed together on this matter. Hereby, following the results from the first Quarterly Meeting of IPFN[[7]](#footnote-7), the NGO members suggested to establish a separate working group to discuss about Prey Lang issues and opportunity where NGOs could work together and enhancing the effectiveness of their project Implementations. As a result, 12 local and international NGOs, including CPN and PLCN have voluntarily taken part of Prey Lang working group.

In responding to the challenging issues, among IPFN network, Prey Lang Working Group (PLWG) was created to regularly discuss and come up with concrete strategies to bring PL agenda for discussion at national level and seek for legal protection for the existing PL forest in those 4 provinces. Hence, various meeting among WGPL were conducted and strategy and recommendations among NGOs were collected and planned out for implementation at different level such as at community level, sub-national level and national level.

**2. Problem Statement**

At present, besides land concession projects, we have found that loggings of forest for business and clearance of forested land for private ownership are significantly increase. In this regard, communities claim that some government officials and local authorities have been involved. To date, tens of thousands of cubic meters of logs have been transported out of Prey Lang, tens of thousands of community resin trees have been felled, and hundreds of thousands of hectares of forested land have been cleared into deserts in a rampant manner without any or little control by technical officials and relevant authorities. Seeing such disaster occurring to Prey Lang, communities have been trying to protect it and prevent forestry offences and illegal encroachment, but in return they have been threatened to kill and/or intimidation from perpetrators, technical officials, and local authorities.

For years, the Prey Lang Community Networks, youths, and CSO networks have submitted petitions, complaints, and request for intervention to the Royal Government of Cambodia and competence institutions to establish legal mechanism to protect Prey Lang, promote collaboration and co-manage for sustainable forest management. Obviously, on 27 April 2015, 34 Prey Lang representatives submitted a petition to seek interventions from the National Assembly, Government agencies, and the two major political parties with seats at the National Assembly, but as of now, there has been no any response yet.

Monks; Prey Lang Community Networks; students; youth networks; Indigenous Peoples and Forestry Network (IPFN); and ​ civil society organizations (CSOs), are seriously worried about the losses of forestry, forested land, biodiversity and aquatic resources in the near future since no timely interventions are made. This would affect the forest cover restoration program, the carbon credit program, and in particular, hydrological source and water supply to the Tonle Sap, leading to imbalance of underground water. If the forest in Prey Lang disappeared, what would happen to the Tonle Sap, The heart of Cambodia? Moreover, this would affect or cause losses of wildlife habitats, fish spawning grounds, and livelihood of tens of thousands of communities and households who depend on forestry particularly non-timber forest products, fisheries, and, water source for agriculture and daily consumption for the people around the area. The loss of Prey Lang forest, in particular, would affect 1.5 million of fishing people who are benefitting directly from the Tonle Sap.[[8]](#footnote-8)

To be more strategic and ensure that the multi-stakeholder dialogue would produce a fruitful result and way forward to address PL issues as well as to get its legal protection, the information on the current PL issues needed to be aware by policy makers. Hence, NGOF together PLWG organized a National Workshop on Prey Lang on the 26th May 2015. This national workshop became a crucial platform that bring all key players engaging in PL area to seek the common understanding of the current issues and work together toward a just and sound solutions to protect and ensure the PL forest will be managed in a sustainable manner and benefit to local communities. The workshop provided opportunity for NGOs and affected communities to highlight the key concerns of NGOs and local communities on illegal logging inside PL area to local authorities, responsible government and law makers and seeks for their immediate actions/solutions to manage this PL forest in a more sustainable manner.

The draft sub-decree has been seen at the first time since 2011 aims at establishing protected forest fro biodiversity conservation “Prey Lang”located in Kratie, Kampong Thom, Preah Vihear, and Stung Treng provinces, covering 610,000 ha which later on reduced to 480,000 ha and lately confirmed the size during 43th TWG-FR meeting[[9]](#footnote-9) only 300,000 ha which cover only three provinces, except Preah Vihear. There is no any reasonable and evidence base why Preah Vihear has been excluded from the draft sub-decree. There is no way that PLCN agree to remove PVH from the sub-decree if no Free, Prior, Informed, and Consent.

Anyway, the propose to co-manage Protected Forest by PLCN is the new mechanism that need more time to find the last concrete position as well as comparing to the current existing legal framework and/or to analyze possibility to adding up any provision which provide the sub-decree more protected in transparency and accountability manners.

**3. Goal and Objective**

The consultancy goal is to undertake a rapid assessment in Preah Vihear as a evidence to advocate RGC’s FA to include Preah Vihear to the sub-decree on Prey Lang.

***Specific Objectives:***

1. To raise/proof profile (potentially) of Prey Lang in PVH—Why PVH important, why CSOs want to integrate PVH into sub-decree
2. To find out the reason why FA exclude PVH and how to come up with those challenges
3. To find out the standing position of the communities and CSOs in Preah Vihear on the assessment
4. To produce reliable assessment report before National Consultative Workshop in March

**4.** **Assessment Questions**

The questions will be developed by the consultant following the problem statement and objectives, in close cooperation with Prey Lang Working Group.

**5. Expected Outputs**

The assessment will produce a report as an evidence for donors, international NGOs, and Prey Lang Network, especially NGOs working on natural resources, to advocate the government to include Prey Lang in Preah Vihear province to the sub-decree.

**6. Methodology and Target Areas**

The methodology will be developed by consultant.

**7. Project Description**

1. **Timeline**

In relation to aforementioned goal, the study will be carried out from February to March 2016. It will include 2 main stages: 1) design and undertake a study, 2) prepare report.

The following timeline provides more details on the suggested chronology of the assessment activities:

|  |  |
| --- | --- |
| **Activities** | **Number of Months** |
| Design and undertake study | 2 weeks |
| Prepare report | 2 weeks |
|  |  |

*Note: The time line is subject to be changed according to negotiation with consultant.*

1. **Activities**

The exact activities will be developed by consultant.

**8. Role and Responsibility of Consultant**

The Consultant will carry out the following roles and responsibilities:

|  |  |  |  |
| --- | --- | --- | --- |
| **Activities** | | **Lead Person** | **Assisting** |
| 1 | Develop assessment proposal | Consultant | NGOF Forestry PC & Prey Lang Working Group |
| 2 | Develop questionnaire | Consultant | NGOF Forestry PC & Prey Lang Working Group |
| 3 | Interview with Communities | Consultant | Prey Lang Working Group |
| 4 | Interview with sub-national and national authorities | Consultant | Prey Lang Working Group |
| 5 | Interview with NGOs | Consultant | Prey Lang Working Group |
| 6 | Conduct assessment into the forest in PVH | Consultant | Prey Lang Working Group |
| 7 | Complete whole report | Consultant | Prey Lang Working Group |
| 8 | Provide a presentation on the finding to Prey Lang WG meeting and National Consultative Workshop on Prey Lang | Consultant | NGOF Forestry PC & Prey Lang Working Group |
| 9 | Other small activities as suggested | Consultant | Prey Lang Working Group |

**9. Consultant Requirements and Qualifications**

The consultant or consulting team should have significant experience with and knowledge of environmental and natural resources management issues and/or legal background in Cambodia. Preference will be given to qualified consultants who also have a strong prior knowledge of and recent relevant work in the greater Prey Lang area. The consultant or consulting team must have strong research, writing and reporting skills in English and good communication skills in Khmer. The contracted consultant is required to produce report in two languages: **Khmer and English.**

**10. Consultancy Fees**

The consultant will receive the lump sum payment based on negotiation in accordance with the NGO Forum fund available, including tax that the NGOF reserves the rights to withhold and declare with tax department.

**11. Risks of the Job**

The consultancy will require travelling to Prey Lang and staying in the forest to undertake the survey. Robustness and good health is therefore a prerequisite for carrying out this consultancy.

1. Indo-Burma Hotspot is the world’s top 25 most biodiversity covers 2 millions kilometer span Burma, Thailand, Cambodia, Vietnam, and South [↑](#footnote-ref-1)
2. Concept note on Prey Lang left let Campaign in 2011, made by Forestry Rights Project, NGO Forum on Cambodia. [↑](#footnote-ref-2)
3. REDD+ in the Prey Lang Area 0 Feasibility Study: March 2011, Conservation International. [↑](#footnote-ref-3)
4. CI report on Biodiversity Assessment of Prey Lang Kratie, Kampong Thom, Stung Treng, and Preah Vihear Provinces, May 2015 [↑](#footnote-ref-4)
5. Danmission is one of donors who potential support PLCN in conflict resolutions and new technology application. [↑](#footnote-ref-5)
6. Report on Conflict within Prey Lang area given by Danmission 2014. [↑](#footnote-ref-6)
7. IPFN represents Indigenous People and Forestry Network. The First Quarterly meeting was held in January 22, 2015 at NGOF office. The results of the meeting could be seen in the meeting notes. [↑](#footnote-ref-7)
8. New York Time, June 9th, 2014, “Of fish Monsoons, and the Future”. [↑](#footnote-ref-8)
9. Minute of TWG-FR Meeting at 30 March 2015 at FA Office [↑](#footnote-ref-9)