

PRACTICE AND POLICY

Free, prior, and informed consent, local officials, and changing biodiversity governance in Hin Nam No, Laos

Peter Bille Larsen¹  | Chantaly Chanthavisouk²

¹Environmental Governance and Territorial Development Institute, University of Geneva, Geneva, Switzerland

²ProFEB/GIZ, Provincial Forest Inspection Office, Thakhek, Laos

Correspondence

Peter Bille Larsen, Environmental Governance and Territorial Development Institute, University of Geneva, 66 Boulevard Carl-Vogt, 1205 Geneva, Switzerland. Email: Peter.larsen@unige.ch

Article impact statement: Strengthening how officials contribute to free, prior, and informed consent approaches to build ownership, adaptation, and collective problem-solving should be prioritized.

Funding information

Deutsche Gesellschaft für Internationale Zusammenarbeit

Abstract

Free, prior, and informed consent (FPIC) is now a globally established norm and is a condition of equitable engagement with Indigenous peoples and local communities in biodiversity conservation. However, implementation is frequently questioned in terms of its efficacy in top-down-driven governance contexts. Local officials represent core voices often absent from mainstream discourse. Conservation practices are framed by local discourses, value frameworks, and relationships that offer critical opportunities to tailor localized consent processes. Relative to an FPIC process for a prospective World Heritage Site in Hin Nam No National Park, Laos, we examined the importance of mediation by local officials in a comanagement context. The mediation led to commitments to address long-standing community grievances and reconcile conservation and development relationships in the area. Building the capacity of local officials as critical duty-bearers helped shape rights-based conservation and development outcomes. Enhancing nonconfrontational mechanisms for rights holders to air concerns and dialogue spaces for duty-bearers to respond plays a key role in this respect.

KEYWORDS

equitable conservation, FPIC, free prior and informed consent, protected areas, World Heritage

EQUITABLE CONSERVATION THROUGH FREE, PRIOR, AND INFORMED CONSENT

Obtaining the free, prior, and informed consent (FPIC) of Indigenous peoples and local communities is now critical to aligning protected area policy and conservation practice with global human rights standards (Larsen, 2022; Schreckenberget al., 2016; Zafra-Calvo et al., 2017). The overall aim of FPIC is to

“to obtain...free and informed consent prior to the approval of any project affecting [peoples] lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources” (United Nations, 2007).

The norm is apparent in conservation, extractive, and development projects, as well as in new finance schemes with social

safeguards and guidelines (De Moerloose, 2020; Mahanty & McDermott, 2013; Teitelbaum et al., 2021). For more just outcomes, this involves procedural and substantive dimensions based on presenting potential impacts, costs, and benefits prior to decision-making, whether the presentation leads to consent or not.

Yet, the transformative potential of FPIC in terms of social equity and effects on customary rights is debatable (Filer et al., 2020; Hysing & Lidskog, 2021; Tauli-Corpuz et al., 2020), particularly where top-down decision-making is the norm and customary rights are poorly protected. Can FPIC contribute to enhancing equity in conservation or does it risk perpetuating inequalities (Bayot, 2015) and introducing new forms of bureaucratic violence (Milne & Mahanty, 2019)? Although FPIC is a globally established norm in conservation, its implementation and equitable engagement with Indigenous peoples and local communities remain challenging (Brockington et al., 2006). Doubts remain about FPIC's effectiveness in the extractive, energy, and agricultural sectors (e.g., Shoemaker & Robichaud,

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2018) and relative to the “appropriation of land and resources for environmental ends” (Fairhead et al., 2012). The disconnect between biodiversity conservation, equity measures, community engagement, and rights-based approaches often characterizes the protected area field (Dawson et al., 2018; Oldekop et al., 2016; Schreckenberg et al., 2016), not least in Southeast Asia (Larsen, 2017a).

Implementation of FPIC is often viewed with skepticism in governance contexts when conservation outcomes are likely to be shaped by top-down decisions. Even when considerable investments are made in comanagement (Parr et al., 2013; Sawathvong, 2004), evaluations of effectiveness remain cautious (Dawson et al., 2018; Nepal, 2002). Token participation and the perpetuation of social exclusion are often cited (Ramcilovic-Suominen et al., 2021). Customary tenure security is rarely fully addressed in existing formalization processes (Hackmann, 2022). Despite 2 decades of equity targets by the Convention on Biological Diversity (e.g., Kunming–Montreal Global Biodiversity Framework), impacts remain patchy (Cariño & Ferrari, 2021).

Although much literature underlines the contribution of Indigenous voices (Alcorn, 1993; Fernández-Llamazares & Cabeza, 2018; Tran et al., 2020) and protocols and alternatives to official FPIC practice (Montambeault & Papillon, 2023), the roles that communities and local officials play are rarely sufficiently emphasized. Local officials, with agency as critical duty-bearers, play key roles in shaping conservation practices and rights outcomes but occupy an ambiguous position. They are critical to local FPIC practices in complex governance contexts. We considered agency “the capacity to produce a phenomenon or modify a state of affairs” (Jepson et al., 2011) in order to rethink how FPIC is localized.

We considered the variety of ways local officials have been described in the conservation literature; reviewed existing analyses of FPIC in Laos; and described a 4-year FPIC process for a prospective World Heritage Site in Hin Nam No National Park, Laos. We also considered the roles and voices of local officials in mediating FPIC processes to examine protected area legacies that led to the adoption of new measures to reconcile conservation and development in the area.

CASE STUDY METHODS

We conducted a case study of FPIC processes in Laos with a focus on Hin Nam No National Park from design to outcomes. We examined data derived from document analysis and primary data from participant observation over 4 years (2019–2023) and semistructured interviews with provincial and district-level officials and community representatives. Documents included regulations on protected area conservation, human rights, and natural resource management and gray literature on conservation management and participatory approaches. We provided technical inputs for the FPIC process, which gave us first-hand access to stakeholders and institutional processes and enabled participant observation.

We had access to provincial consultation notes, comanagement meetings, and follow-up discussions. Thematic review and analysis of 20 village consent results covered cultural identity matters, agricultural and forest tenure and use, comanagement, gender, and tourism. Our direct engagement and training of local officials in consultation approaches were instrumental in our understanding of perceptions and in facilitating follow-up interviews. We took part in most village consultations, although full participation was hampered by COVID-19 travel restrictions. In 2023, we conducted follow-up interviews (semistructured [Galletta, 2013]) with 14 interviewees to get feedback on the process. Participating officials provided written consent to use interview material for research purposes. Documents analyzed included preliminary and final findings from village-level consultations, provincial plans, and national and global policy documents. We used inductive coding to review wider literature (peer-reviewed and gray) on FPIC in the country and the subregion.

ROLE OF LOCAL OFFICIALS IN MEDIATING CONSERVATION PRACTICE

In the Global South, national authorities, NGOs and international donors are often critical story tellers in promoting alternative narratives (Goyes, 2022) around more socially inclusive conservation paradigms and practices. Safeguards are often flagged in donor-supported innovation and pilot initiatives, yet literature on the national and local forms of circulation, adaptation, and hybridity is sparse (e.g., Baird, 2015; Singh, 2009). Descriptions of local officials’ influence vary. Sometimes they are listed alongside politicians, military (Dwyer et al., 2016), and policy makers (McBeath & Leng, 2006) but are most often situated at the level of local planning and implementation (Daly & Klemens, 2005). Generally considered weak, even anonymous, compared with national authorities or powerful informal actors (McCarthy, 2000), their influence is nonetheless recognized in wider institutional dynamics (Steinberg, 2009), rural contexts (Zhang et al., 2012), forest conflicts, illegal logging, and corruption (Laurance, 2004; McCarthy, 2000; Phuc, 2009; Reese & Li, 2016).

In a decentralized governance context, local officials have de jure stronger voices, whereas in a centralized governance context, they may have a de facto influence on conservation outcomes (e.g., Larsen, 2017b). Local officials, in setting objectives and agendas, often fill gaps left by high-level policy ambitions or distant decision makers. Yeh (2013) describes how officials in China aim to “satisfy pressures from above” and “chase projects” to capture state subsidies. In Laos, there is local skepticism toward foreign nongovernmental organizations and anticonservation sentiments among forest staff (Baird, 2010a; Singh, 2009). Because conservation governance is reframed locally (Chambers et al., 2020), we were interested in “the messy, incomplete, and contradictory ways... techniques of power conflate” (Persson et al., 2022). National agencies, as primary duty-bearers, with a mandate to ensure enforcement of FPIC requirements, often simply lack the capacity to be present

on the ground; thus, local officials and their values, interests, and agency shape consent processes beyond their statutory roles.

FPIC IN LAOS

The inclusion of Indigenous peoples and local communities in conservation is a structural challenge across mainland South-east Asia with implications for the implementation of FPIC. Lao PDR has committed to FPIC in policy arenas such as REDD+, conservation and development planning, and human rights processes (Kanosue, 2015; Sawathvong & Hyakumura, 2024). Despite limited recognition of customary collective rights in law (Derbidge, 2021), forest and national protected area policies offer potential for the recognition of community voice, rights, and tenure. This includes language on village forest uses, land planning, nontimber forest product management, controlled-use zones, sustainable use, and village forest-use planning in relevant legislation, decrees, and guidelines. The 2023 protected area decree, for example, mentions “consultation meeting with stakeholders, such as sector agencies, local administrations and peoples to ensure consensus.” It also calls for surveys on land rights of people in protected areas and specifies user rights and mechanisms (Lao PDR, 2023).

Institutions such as the Lao Front for National Construction, the Department of Forestry, and German Technical Cooperation (GIZ) have adopted sector- or project-specific FPIC guidance (GIZ, 2017; Sawathvong & Hyakumura, 2024). However, in Laos, studies indicate risks of top-down decision-making, pressure on local communities to consent, and consultation outcomes overlooking structural rights deficits and limited human well-being outcomes (Nanhthavong et al., 2021). A recent review of FPIC in REDD+ highlights the exclusion of civil society organizations, pressure to finish quickly, poor timing, and substantive capacity gaps (Sawathvong & Hyakumura, 2024). Consent was provided almost immediately (Sawathvong & Hyakumura, 2024), illustrating the risk of FPIC being reduced to a perfunctory exercise. The common lack of effective grievance mechanisms in the region (Nguyen et al., 2010) dilutes forms of consent. Some express doubt about the feasibility of genuine FPIC in Laos (Baird, 2010b; Ramcilovic-Suominen et al., 2021), underlining the limited tolerance of community opposition to government-endorsed projects including frequent resettlement practices (High et al., 2009). While FPIC and related social safeguards in REDD+ are considered relevant, they do “little to challenge the status quo” (Ramcilovic-Suominen & Mustalahti, 2022). Persson et al. (2022) reached similar conclusions: ...FPIC is used to legitimize intervention rather than to establish consent because “it is unlikely that legitimate dissent to intervention is a viable option in Laos.” Major constraints to participation lead to consent processes being limited to de facto endorsement rather than credible and equitable FPIC. Even if examples of small-scale project activities vetoed by village consultations exist (Sawathvong & Hyakumura, 2024, p. 12), they remain exceptions.

Still, the role of local communities and officials in shaping bottom-up alternatives and moving out of the deadlock should

not be neglected. For FPIC in Vietnam, there are subtle differences in perceptions between central and provincial officials (Pham et al., 2015):

When we first heard about FPIC, we were very concerned as indigenous human rights and citizen rights are indeed very sensitive. However, when the project proponent explained that this is nothing new and that it complies with grassroots democracy regulations and the Vietnam constitution, we were much more confident and supportive of the project (Thai Nguyen provincial official).

Protected area policy in Laos allows for grounding FPIC in domestic policy frameworks tied into consultation processes, participatory land-use planning, and zoning through district-level engagement and outreach. In some places in Laos, decentralized efforts work toward greater effectiveness, accountability, and transparency. Although the implementation of Fish Conservation Zones and aquatic resource management in Champasak initially was not supported by the central government, the local government and villagers enacted a program that built on local knowledge (see Baird & Flaherty, 2005). Such experiences are not unique and demonstrate the potential to build relationships and accountability between local authorities and communities through FPIC processes.

FPIC IN HIN NAM NO

Hin Nam No National Park (94,121 ha) was gazetted in 2020 and is part of the Greater Annamite Range in the district of Boualapha in Khammouane Province, central Laos (Figure 1). Initially established as a so-called national biodiversity conservation area in 1993, it became a National Park in 2020, expanding to its current area of 94,121 ha. It is surrounded by 20 villages that have a total population of 9374. Cultural and ethnic diversity are high and reflected in multiple livelihoods such as wet rice, shifting cultivation, as well as hunting and gathering practices. Rights to wet rice cultivation land are generally recognized, whereas land- and forest-use planning has left customary tenure of cultivation areas, old fallows, and extensive forest—notably those overlapping with protected areas—insecure. Boualapha is one of the poorest districts in Laos (Lao Statistics, 2023). Characterized by weak infrastructure, unexploded ordnance, and few livelihood opportunities, the need for conservation and development planning is even more acute.

The protected area is recognized for its comanagement system (de Koning et al., 2016) that combines use and protection zones and provides an example of how to achieve equity targets in global biodiversity policy (Zafra-Calvo et al., 2019).

Until recently, it was considered a paper park. International funding, namely from GIZ, was instrumental in creating a comanagement system based on village-based zoning, guardian villages, and enforcement of protection and controlled-use zones (de Koning et al., 2017), with the latter offering some user

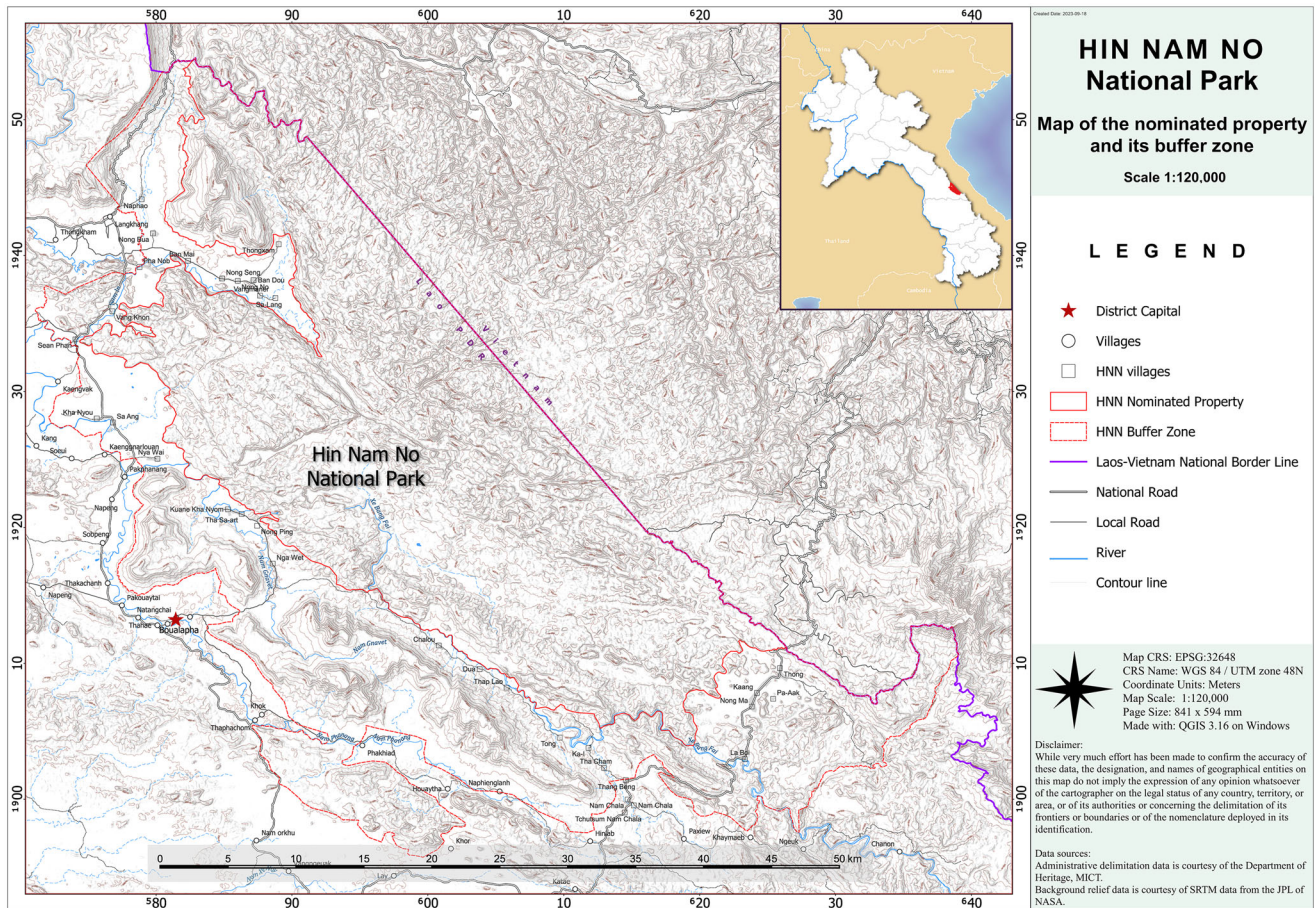


FIGURE 1 Hin Nam No National Park showing the area nominated for world heritage designation.

rights to each village. Participatory zoning in 2015 led to 87% of the area being set aside for total protection, leaving 13% under controlled use by local communities (de Koning & Dobbsteijn, 2019). National and international efforts have recently gone into preparing a World Heritage nomination for the park bordering the Phong Nha Ke Bang National Park and World Heritage site in Vietnam (as a transboundary extension of the Vietnamese site) that included the implementation of FPIC.

From 2019 to 2023, the province of Khammouane, with help from GIZ, sought FPIC in villages surrounding the park as part of the nomination effort. It was also an integral element of implementing the World Heritage's rights-based approach and resulted in tools to engage with Indigenous and local communities' ownership and empowerment (WHC, 2023).

With top-down decision-making, building the capacity of duty-bearers is critical to engaging with a different decision-making paradigm. Officials on the FPIC team were trained in rights-based approaches and norms of FPIC and conducted consultations. Consultation included a localized system for recording community concerns and grievances related to culture and heritage, agricultural land tenure and rights, forest use and rights, local ranger systems and comanagement, park zoning, user regulations, women's issues and participation, and tourism benefit sharing. Initial village discussions led to adapting timing, consultation, and meeting approaches to local needs. In the

first round of village consultations, shared issues and problems were identified, including tenure insecurity, inadequate zoning, and inadequate bylaws. Local officials and provincial authorities subsequently turned problems and proposals into action commitments adopted by the province. This was followed by a final round of village consultations to fine-tune solutions as a basis for consent from the villages and the comanagement board. The process lasted 3.5 years and culminated with an approved FPIC action plan. Consent, not simply a list of community signatures in support of the World Heritage nomination, had been an iterative multilayered process that addressed local concerns and resulted in an FPIC action plan submitted to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

BETWEEN REQUIRED CONSENT AND LOCAL MEDIATION

The national push to host the first natural World Heritage site in Laos could be considered a structural risk factor to a genuine consent process. National and provincial commitments to nomination put considerable pressure on district and local actors to secure and thus potentially jeopardize the quality of the consent process. Prospects of an international evaluation process also pressure authorities to ensure a credible, locally

relevant, and effective consent process. Furthermore, provincial leadership insisted on ensuring a process that would benefit people locally. A flawed process could postpone or significantly affect local communities and undermine the nomination process, potentially provoking local embarrassment.

For Hin Nam No, the World Heritage Convention Operational Guidelines and the World Heritage Sustainable Development Policy were followed, and inclusive participation, consultations held in good faith, and appropriate language were emphasized (Larsen & Logan, 2018; WHC, 2023). The process allowed for addressing and reworking key issues emerging from the heritage designation and protected area legacies more broadly. A particularity here was the emphasis on working with existing comanagement institutions and local officials in conducting consultations. Because the protected area had no dedicated management unit for years, building the capacity of district officials was a long-term priority of GIZ. Rather than relying on independent consultants to conduct standalone consultations, provincial authorities and their partners reinforced existing comanagement and a locally grounded consultation process. This aimed to ensure local input in everyday decision-making shaping protected area management, resource planning, and the lives of villagers. In recognition of the risk of producing local forms of pressure, FPIC design aimed to build the capacity of local duty-bearers to engage in bottom-up approaches. Team members were recruited from the district comanagement committee and technical working groups, including park officials and members of the District Lao Women's Union, Lao Front for National Construction Office, Agriculture and Forestry Office, District Natural Resource and Environment Office, Home Affairs Office, and District Information, Culture and Tourism Office. Shifting from informing villagers about decisions taken already, officials began consulting villagers on livelihood, protected area management, and the World Heritage nomination issues. This created a new space for raising claims and grievances generally absent from public debate.

The FPIC approach was not a one-off process to secure validation of a new protected area but rather an ongoing process to engage duty-bearers in strengthening comanagement mandates and consultation mechanisms with rights holders. Although the feasibility of consent and the rights of communities to challenge decision-making processes in Laos are questioned, officials were clear in their perceptions of the meaning of the required consent approach under the World Heritage Convention and its implications for their methods.

FPIC is about free consent. It gives information ...before we conduct any activities in any area. If we want to nominate Nin Nam No National Park as a World Heritage site, ...[w]e need to [give people] ...information in advance and make sure they give free consent and are not forced (Director of Nin Nam No National Park).

The approach included methodologies tailored for collecting information on challenges and grievances followed by design workshops to translate village-level recommendations into solu-

tions. This official hybrid space became a mechanism for inclusive learning: "FPIC meetings are different from other meetings because villagers can express and exchange their opinions ... [and make] recommendations..." (Naphao villager). A park official said,

Both women and men now recognize many of the positive and negative effects of World Heritage. Their rights to manage land use, forest resources and wildlife should be recognized and the approved FPIC activities will improve the lives of people in the 20 villages around the park.

The FPIC process made it a point of order to ensure open discussions around core livelihood concerns in a climate of confidence. One villager said, "The FPIC meeting gave equal rights to all villagers...to express their opinions and allow[ed] them to seek clarification" Some 1973 individuals took part in FPIC consultation meetings, of which 1010 (~51 %) were women. Putting this commitment into practice was challenging even if women made up roughly half of the participants. Constant adaptation was necessary to localize FPIC processes (e.g., COVID constraints and local stakeholders' perceptions of the effectiveness of consultation tools). In villages with resettled subhamlets, care was taken to ensure inclusive engagement.

Gender mainstreaming was also considered a critical priority given the absence or silence of women in village meetings. A national gender specialist trained the FPIC team, emphasizing global gender equality standards. However, the relevance of global standards in the mobilization of women's voices in the local village context was criticized. Thus, more localized approaches shaped around local gender values, livelihood, and child-rearing practices were considered. The explicit attention and mobilization of experienced women's union officials in the FPIC team led to more culturally relevant consultation practices encouraging women to speak up, allowing mothers to bring infants to meetings, and facilitating women-only discussions.

BUILDING LOCAL AWARENESS AND MUTUAL UNDERSTANDING

Until 2019, there was no systematic management of Hin Nam No by local people; the FPIC process...helped...inform the local community so that they take more ownership in protecting their nature (national park director).

A starting point among many officials was the perception of FPIC as a mode of explanation rather than consultation. Certain officials reverted to long-held biases against community use, shifting cultivation, and customary practices. Others recognized the need to listen to and recognize local livelihood challenges.

The [government-] disseminated information is not very detailed. Regulations, the area of agri-

culture land and forest resources are unclear ... sign boards for demarcation are unclear (district official).

Laws and rules stood in contrast to reality (Singh, 2012). Another district official said, “FPIC makes the government at district, province and national levels aware of the issues and solutions proposed by villagers.” The FPIC process revealed a deep-seated lack of knowledge of the implications of protected area regulations for Indigenous and local practices. Community representatives and a new generation of village authorities appeared to lack a basic understanding of protected area effects on local livelihoods, despite the comanagement system and years of outreach activities. New authorities and park staff recognized their own knowledge gaps in terms of customary livelihood practices. The mutuality of misunderstandings was no coincidence and became clear through lengthy exchanges in villages. “It’s all about awareness,” one official noted, “[securing] understanding before.....endors[ing] particular activities in the community so...there will be no negative impacts on...livelihoods...” The FPIC process acknowledged and validated these knowledge gaps and created a space for responding to resource dilemmas. It became acceptable to discuss grievances and propose alternative arrangements. This concerned what written rules mattered on paper and the perception among officials of what could be deemed appropriate. This hybrid space, for example, enabled documenting tenure insecurity and rights claims to customary use.

MANAGEMENT RECOGNITION

The FPIC consultation revealed systemic management inconsistencies and provided official recognition of widespread unresolved Indigenous and local community problems across the Hin Nam No landscape, including widespread individual and collective tenure gaps—the backbone of most community livelihoods. Recognition was on 2 levels: recognition of problems and recognition of the need for management. One park worker noted

This process was...official data-collecting...about community problems, so we could...[note] problems and present [them] to related stakeholders to acknowledge and help solving problems...

In practice, the FPIC team systematically documented park areas overlapping with wet-rice fields, gardens, seasonal farming areas, shifting cultivation, and fallow land. The villagers’ main concern was to ensure tenure security in land and forest resources. All villages raised questions about land and forest use, including concerns about old fallows, agricultural lands, gathering areas, or old settlements. Each village survey identified the number of households and land area affected; provincial commitment to ensure tenure security over agricultural lands was established prior to protected area creation. Specific problems were identified for specific villages, as were the names of vil-

lagers affected and the size of landholdings. The importance of shifting cultivation practices, including indigenous claims to old fallow lands and settlement areas, was recognized. Villagers provided long lists of common species harvested and traded, reasserting their customary livelihoods.

A recurrent question concerned clarification about the rights to harvest forest products for consumption and local trade, demonstrating the significance of biodiversity for local livelihoods and gray zones in management practice and park regulations. In Laos and Asia, shifting cultivation (Cherrier et al., 2018; Derbidge, 2021) is generally illegal, and the UNESCO framework offered an opportunity to address and seek recognition of customary practices. Requests to formalize rights to use endangered primates in rituals and healing, for example, led to long exchanges about how to balance community use and primate conservation. Many villages used FPIC meetings to provide detailed lists of traditional forest use products, specify customary use areas, and call for clear recognition of customary use practices in park regulations. The exercise left open questions regarding fallow lands and customary gathering rights within the existing policy frameworks and zoning. The idea of consolidating community access to agricultural lands and old settlements in strictly protected areas was raised. One official said, “since the idea was initially not endorsed, [we were] unsure how to explain this to villagers.”

The FPIC action plan had several iterations, eventually specifying the need for participatory rezoning to secure tenure for customary lands and resource use in the park, ranging from individual and collective rights to conservation agreements. The plan also calls for new bylaws allowing sustainable use and a more strategic emphasis on cultural heritage values, the interconnection with natural values, and their importance for Indigenous and local communities. All aspects of life may be “sensitized and politicized by shifting state ideologies” (Singh, 2012). In this sense, the FPIC team legitimized raising problems and embarked local officials on the search for locally relevant solutions. This experience coincides with Pham et al.’s (2015) emphasis on FPIC as a learning process “based on local needs and preferences, with accountability of facilitators, 2-way and multiple communication strategies, flexibility, and collective action in mind.”

RECOGNIZING INDIGENOUS IDENTITIES AND PRACTICES

Despite a comanagement system built on use rights for villages in controlled-use zones, the FPIC process revealed considerable gaps in the understanding of demographic data, ethnic diversity, customary livelihoods, and the implications for tenure security. In governance contexts, where Indigenous identity matters may be perceived as sensitive, Pham et al. (2015) suggest a stronger emphasis on national legal frameworks and citizenship categories. Ethnicity and language used to describe local livelihood practices became entry points for more substantive discussions about livelihood differences. Local district officials acknowledged the challenge of translating contents and hav-

ing discussions in local languages: “some ethnic minorities can’t speak or read the Lao language...therefore, we need to use the ethnic language translators...” (District Justice Office representative). His own ability to speak Bru-Makong was critical to communicating with villagers in the southern area of the park. Language differences resulted in the use of Indigenous languages in consultation processes and helped participants reflect on the ancestral presence of Indigenous ethnic minorities in the area, protected area legacies, and their rights. The Hin Nam No area is inhabited by Lao, Phouthai, and other Tai-speaking people and by indigenous Bru Makong, shifting cultivators in the south and Indigenous hunter-gatherers (e.g., Ruc) in central and northern areas. The Ruc maintain ancestral ties with the Hin Nam No landscape despite resettlement when the protected area was created. Even where local recognition of this cultural diversity was present, ethnic categories used by different agencies were often incorrect. One analysis referred to Nguan and Salang as a “mixed group,” conflating Nguôn-Ngwan (immigrating Muong speakers) with the indigenous Ruc-Salang. Similarly, resettlement resulting from protected area creation was downplayed (de Koning et al., 2017); thus, legacy problems were overlooked, which led to national and international efforts overlooking the need for repair. Indigenous hunter-gatherers, as an indirect result of displacement and marginalization due to protected area creation, were left out of comanagement mechanisms. Many Indigenous hunter-gatherers were arrested or fined for practicing traditional activities in their customary use areas. This seems paradoxical in a comanaged area that aims to clarify zone-use conditions. Redressing such dynamics, acknowledging rights to customary settlements and use areas in the park, became central to governmental FPIC commitments. Advances include provincial commitments to recognize cultural identities, customary settlements, and use areas. Next steps in the FPIC action plan include rezoning plans and regulation changes to accommodate customary use. Ensuring that the full range of customary use rights are recognized will require careful attention to shape bylaws and conservation agreements. Some villagers are optimistic:

The FPIC meetings have made some changes in the livelihood and ways of living of villagers as it allows villagers to continue using natural resource in a more sustainable way by recognizing the boundary of the national park boundary better.

PROVINCIAL COMMITMENTS

In January 2023, the Governor of Khammouane endorsed the FPIC action plan “to solve the issues and problems of livelihood of local villagers living in the surroundings of the Hin Nam No National Park.” With consent and formal adoption by district and provincial authorities and the National Heritage Board, the FPIC action plan was sent to UNESCO as part of the nomination file. It signals an unprecedented commitment to making the potential World Heritage site and its management a driving force of community benefits, rights, and livelihood security. The

engagement of local officials in the FPIC, we argue, was instrumental in synthesizing recommendations from 20 villages and localizing a legitimate and operational space for discussion and agenda-setting on issues crucial to the rights and livelihoods of Indigenous and local communities.

The final iteration of problem analysis and agreed-upon responses formed a basis for community consent to the World Heritage proposal. In the Philippines, Singh and Camba (2020) highlight the role of domestic policy coalitions in the governance and interpretation of FPIC. In Hin Nam No, the coalition of district, province, and German organizations was instrumental in allowing the FPIC action plan to mature through the consolidation of mutual understanding, hands-on management, and recognition of cultural diversity. A central piece in the puzzle involved the importance of raising awareness among participating officials about rights-based approaches adopted by UNESCO. Another was the substantive support provided by GIZ in facilitating a 3-year FPIC process with capacity building and time and resources to facilitate genuine problem-oriented exchanges between officials and village representatives. Table 1 summarizes the 21 themes identified in the FPIC action plan.

The FPIC action plan, structured around the 21 themes, commits the province to participatory zoning, recognition of Indigenous and local communities, customary use, land tenure security, and wider collective ambitions to ensure equitable tourism, gender inclusivity, targeted development support, and improved food security. Forming the basis for community consent, these include general park management and governance commitments and wider activities in cooperation with district, provincial, and international conservation and development partners. One official noted:

After finishing the FPIC, we see that the targeted areas are starting to receive encouragement and help in various aspects that they had presented.

CONCLUDING REMARKS

Can FPIC processes, facilitated by local duty-bearers, contribute to more effective and equitable conservation outcomes in challenging governance contexts? Our findings show how a tailored process grounded in strengthening the capacity of duty-bearers to enhance local working relationships may enable change despite institutional constraints and systemic participation gaps. The institutional assessment of FPIC processes is often reduced to a procedural either/or question about whether consent was achieved.

In regional contexts, where community voices are easily silenced or given cursory attention, this deepens the risk for tick-the-box FPIC approaches. The Hin Nam No case, in turn, demonstrates the importance of FPIC processes in providing dialogue spaces, which allow duty-bearers to revisit community grievances in a nonconfrontational manner to leverage state action. Achieving such open discussions in postsocialist Laos (Singh, 2012) did not happen overnight.

TABLE 1 Themes identified in the free, prior, and informed consent (FPIC) action plan for Hin Nam No.

Government action commitment	Activity
1. Undertake participatory zoning for equitable zoning arrangements	Recognize hunter gatherer settlements and customary use areas Recognize agricultural lands, gardens, shifting cultivation areas, and fallows in management framework Recognize nontimber forest product use, including rights to subsistence hunting and medicinal plant use Recognize cultural sites, intangible heritage values, and associated use practices Address the sustainability of grazing areas overlapping with park
2. Develop village and subvillage use plans, regulations, and conservation contracts based on new zoning arrangements	Develop village use plans, regulations, and conservation contracts to compliment new zoning arrangements
3. Issue individual and collective use permits based on zoning	Develop an effective individual and group permit system to recognize Indigenous and local community access and use rights
4. Develop or amend regulations for approval of timber extraction requests	Review process for obtaining permits for timber extraction from protected areas and improve definition and compliance
5. Revise comanagement bylaws and park regulations	Adapt comanagement bylaws and park management regulations to reflect new zoning, use regulations, tenure security, and cultural identity recognition
6. Strengthen cultural identity recognition, cultural practices, and support measures	Recognition and documentation of cultural diversity and practices and cultural heritage of Hin Nam No
7. Finalize buffer zone agreement on good practice and equity	Build principles and good practice for equitable buffer zone management to strengthen local tenure and livelihood security
8. Develop a sustainable community-based tourism charter	Develop sustainable tourism charter for the Hin Nam no area
9. Develop a gender equality charter	Develop a gender equality charter for Hin Nam No as a whole
10. Equitable demarcation of park boundary	Demarcate park boundaries according to international good practice
11. Capacity development for village rangers to bridge park management and community views	Strengthening capacity of village rangers in their technical contribution to the management of Hin Nam No National Park and in terms of building their capacity to represent communities and bridge park management and community views on conservation
12. Enhance the role of VCMC subcommittees for specific subhamlets	Subcommittees set up for subhamlets in villages with ethnic minority presence or large subhamlets
13. Strengthen role and outreach capacity of community ranger teams for subhamlets	Strengthen the role and outreach of community ranger teams to enhance effective comanagement
14. Women's advisory council to take part in the district comanagement committee	Set up a functioning women's advisory council to advise on implementation of gender equality charter
15. Women's resource use monitoring groups in selected villages	New approaches to women's involvement in conservation monitoring tested
16. Community dialogues on alternative resource uses, practices, and livelihood options	Identify community-driven alternative resource use and livelihood options where biodiversity is under threat
17. Devise and implement targeted social support and food security schemes for vulnerable groups and households	Mobilize other agencies for intersectoral collaboration for better access to public Services and infrastructure development
18. Intersectoral partnerships and community dialogue to improve access to public services and infrastructure	Secure better access to and use of productive assets
19. Participatory development and implementation of community-driven forest and land restoration and rehabilitation	Practical measures to support community-driven forest and agricultural land restoration
20. Support community-driven approaches to combat illegal wildlife trade	Indigenous and local community actively engaged in combating organized, illegal wildlife trade and external demands in the Hin Nam No area

Our findings suggest the value of a localized process served to launch and make a dialogue space official. The 3-year consent process was instrumental in gradually raising decades-old resettlement legacies, unclear forest and land tenure, rights arrangements, and longstanding community claims. This eventually led to provincial commitments to participatory zoning and reformed park regulations to recognize sustainable use rights by Indigenous and local communities. Recognizing the

mediation potential of officials may appear counterintuitive, but it demonstrates the importance of engaging both rights holders and duty bearers in FPIC processes. Detailed attention to shifts in local governance dynamics, with an emphasis on strengthening district-level teams, is echoed in wider analyses of protected area governance, not least in relation to livelihood-related agendas (Parr et al., 2019, 2023).

The FPIC in Hin Nam No combined consent of rights holders with tangible commitments for change by local duty-bearers. Core management guarantees included adaptive zoning, land-use planning, new bylaws to address village concerns, and a revised management plan (PAMD, 2022). This, however, relied on a set of enabling conditions, from adequate financing to capacity, enforcement measures, and policy incentives. The World Heritage context (availability of technical assistance and normative emphasis on rights) provided incentives for authorities to vocalize and address issues otherwise left behind in everyday management. Such results should, nonetheless, not overestimate the potential for equitable outcomes. We do not deny the risk of FPIC commitments being supplanted by other priorities. “We generally can’t speak up, we can’t question policy,” a Bru villager from Nong Ma in the southern area of the park noted informally. Worried about losing old fallow lands to protected areas and the ability to speak up in public, his comment hints at the complexity of implementing the FPIC plan equitably, notably relative to customary tenure rights. Village claims and provincial commitments may be lost in translation if everyday management and project activities are limited to low-hanging fruits and partial responses to structural rights deficits.

The danger of returning to governance as usual should not be ignored and neither should important opportunities for enhancing the effective implementation of FPIC commitments and functioning accountability mechanisms. The FPIC process is no panacea, yet the shift to address structural rights deficits after more than 2 decades of protected area existence demonstrates its relevance. The FPIC action plan, endorsed by national authorities, includes commitments to address protected area legacies and opportunities for empowerment in unprecedented ways. Recognizing the mediation potential of officials and hybrid dialogue spaces suggests the importance of further investment in capacity building and governance reform in crucial moments, such as the transition from a comanaged paper park to a more inclusive management system grounded in indigenous and local rights.

ACKNOWLEDGMENTS

We acknowledge the contributions of provincial and district-level officials of Khammouane province and Hin Nam No National Park, Indigenous and local communities of Boulapha district, and colleagues from GIZ during 4 years of intensive dialogue and collaboration. The fieldwork process was supported technically and financially by the GIZ-funded Protection and Sustainable Use of Forest Ecosystems and Biodiversity (Pro-FEB). We particularly thank B. Flury, K. Ladthayord, and S. Southichack for facilitating support of the process. Finally, we thank editors and anonymous peer reviewers for the productive process.

Open access funding provided by Universite de Geneve.

ORCID

Peter Bille Larsen  <https://orcid.org/0000-0002-8908-1788>

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How to cite this article: Larsen, P. B., & Chanthavisouk, C. (2024). Free, prior, and informed consent, local officials, and changing biodiversity governance in Hin Nam No, Laos. *Conservation Biology*, *38*, e14388. <https://doi.org/10.1111/cobi.14388>