TFCA FINANCING FACILITY

# Guidance Note on Management of Impacts From Access Restrictions

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## ACRONYM LIST

| TERM | DEFINITION |
|---|---|
| **BMZ** | *Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung* / German Federal Ministry for Economic Cooperation and Development |
| **CBNRM** | Community Based Natural Resource Management |
| **E&S** | Environmental and Social |
| **ESIA** | Environmental and Social Impact Assessment |
| **ESARO** | Eastern and Southern Africa Regional Office |
| **ESS** | Environmental and Social Standards |
| **FAQ** | Food and Agriculture Organization |
| **FF** | Financial Facility |
| **FGD** | Focus Group Discussion |
| **FPIC** | Free, Prior and Informed Consent |
| **HRIA** | Human Rights Impact Assessment |
| **HWC** | Human-wildlife Conflict |
| **ICP** | International Cooperating Partner |
| **IP/LC** | Indigenous Peoples / Local Communities |
| **IUCN** | International Union for Conservation of Nature |
| **LGA** | Legal Gap Analysis |
| **LRP** | Livelihood Restoration Plan |
| **M&E** | Monitoring and Evaluation |
| **NGO** | Non-Governmental Organisation |
| **PA** | Protected Area |
| **PAP** | Project-affected Person |

| TERM | DEFINITION |
|---|---|
| **PF** | Process Framework |
| **PMU** | Project Management Unit |
| **PS** | Performance Standard |
| **RAP** | Resettlement Action Plan |
| **RISDP** | Regional Indicative Strategic Development Plan |
| **RPA** | Rapid Project Assessment |
| **SADC** | Southern African Development Community |
| **SADC** | Southern African Development Community |
| **TFCA** | Transfrontier Conservation Area |
| **UN** | United Nations |
| **UDHR** | Universal Declaration of Human Rights |
| **VGGT** | Voluntary Guidelines on the Responsible Governance of Tenure |
| **WB** | World Bank |

# GLOSSARY OF TERMS

| TERM | DEFINITION |
|---|---|
| **Access Restriction** | In the context of conservation, limiting or eliminating people's access to land, water or other natural resources within a protected area or reserve, whether for non-local stakeholders who used the area to vacation or transit through, or for local stakeholders who resided within the area or maintained livelihood activities within the area prior to the implementation of restrictions. |
| **Area of Influence** | The area within which a project's activities has the potential to create environmental and social changes, including the:<br><br>• Zone of Direct Impact, an area, often demarcated by a PA boundary, where land access restrictions will be in place and enforced, and where project facilities may be constructed.<br><br>Zone or Zones of Indirect Impact, areas where stakeholders affected by project impacts reside, work or farm, including areas that experience economic growth, increased traffic or influx as a result of a project's activities. |
| **Asset Survey** | A detailed survey of all buildings, farms, and crops within a project area, recording various data such as ownership, constructional and crop details, measurements, photographs, and geographic position. |
| **Associated Facilities** | Facilities or activities that are not funded as part of the project and are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria. |
| **Common property resources** | Common property resources are those resources which are defined by law or by traditional practice to as available to a broader community or village and to which no individual has exclusive ownership or property rights. In the context of nature conservation and restoration, common property resources may include, adjacent to or within a protected area, forests, grazing areas, marine harvesting beds, fishing areas rivers and riverbeds, where well-defined property regime either may not exist or may not be enforced. |
| **Community** | Usually defined as a group of individuals broader than the household, who identify themselves as a common unit due to recognised social, religious, economic, or traditional government ties, or through a shared locality. |
| **Compensation** | Payment in cash or kind for an asset to be acquired or affected by a project at replacement value. |
| **Conservation Project** | Types of conservation projects include those that target the i) restoration of degraded landscape and natural resources; ii) formation of or strengthening of Protected Areas; iii) community-based resource management; iv) biodiversity management; v) biological corridors; vi) ecological infrastructure, and/ or, vii) ecosystem-based management. |

| TERM | DEFINITION |
|---|---|
| **Cut-off-Date** | The date after which people will not be considered eligible for compensation, also known as a Moratorium Date. |
| **Displaced Persons** | All the people economically or physically displaced by a project's temporary or permanent land access restrictions or land acquisition. |
| **Displacement Assistance** | Support provided to people who are physically displaced by a project. Assistance may include transportation, shelter, and services that are provided to affected people during their move. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with displacement and defray the expenses of a transition to a new locale, such as moving expenses. |
| **Economic Displacement** | Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities. |
| **Encroachers** | Those people who move into a Protected Area, either permanently or periodically, to utilize resources or establish settlements. |
| **Entitlement** | In-cash or in-kind compensation for a project's impacts, usually including a combination of displacement allowances, eligibility to participate in livelihood or community development programs, and replacement assets. |
| **Expropriation** | Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses. |
| **Forced Eviction** | The removal of people from their temporary or permanent homes and the land they use against their will and without the provision appropriate compensation and other protections stipulated by ESS5 and national laws. |
| **Free, Prior and In-formed Consent** | "Free, Prior and Informed Consent (FPIC) is a collective human right of Indigenous Peoples and Local Communities (IP/LC) to give or withhold their consent prior to the commencement of any activity that may affect their rights, land, resources, territories, livelihoods, and food security. This right is exercised through representatives of their own choosing and in a manner consistent with their own customs, values, and norms. FPIC exists to promote, protect, and safeguard the full enjoyment and exercise of numerous underlying, fundamental human rights, including the rights to property, culture, and self-determination[1]. |
| **Host Community** | People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement and must be compensated for any resettlement-related impacts. |
| **Involuntary Resettlement** | Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in economic or physical displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain: and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. |

[1]For further elaboration on definitions and explanations of IP/LC: Accountability Framework Initiative. Operational Guidance on Free, Prior and Informed Consent. Accountability Framework, 2019.

| TERM | DEFINITION |
|---|---|
| **Land Access or Land Acquisition** | The processes by which a project acquires land from affected individuals or households in exchange for compensation at replacement value. |
| **Livelihood Restoration** | The measures required to ensure that project-affected persons have the resources to at least restore, if not improve, their livelihoods and quality of life to pre-project levels. |
| **Physical Displacement** | Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location. |
| **Project-Affected Person** | Any person experiencing loss of asset, access to income whether of a temporary or permanent nature due to the land acquisition process regardless of whether they are physically displaced or relocated or not. |
| **Project Area** | The geographical area covered by a project. |
| **Protected Area** | A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. (IUCN Definition 2008) |
| **Replacement Value** | The market value of the assets plus transaction costs. With regard to land and structures, this is defined as follows:<br><br>• Agricultural land — the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes<br>• Land in urban areas — the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes<br>• Household and public structures — the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and any registration and transfer taxes<br><br>In determining the replacement value, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. |
| **Forced Eviction** | The removal of people from their temporary or permanent homes and the land they use against their will and without the provision appropriate compensation and other protections stipulated by ESS5 and national laws. |
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| TERM | DEFINITION |
|---|---|
| **Resettlement** | A process through which physically displaced households are provided with replacement plots and residential structures at a designated site. Resettlement includes initiatives to restore and improve the living standards of those being resettled. Also known as relocation. |
| **Resettlement Action Plan (RAP)** | The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project. |
| **Resettlement Assistance** | Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost workdays. |
| **Socio-economic Survey** | A detailed socio-economic survey of all households within the Project Area, recording detailed demographic and socio-economic data at the household and individual level. |
| **Southern African Development Community** | The Southern African Development Community (SADC) is an organisation founded and maintained by countries in southern Africa to further the socio-economic, political and security cooperation among Member States and foster regional integration to achieve peace, stability and wealth. Member States are: Angola, Botswana, Union of Comoros, the Democratic Republic of Congo, Swaziland, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe. |
| **Speculation** | The erection of buildings or structures or the planting of crops within a Project Area with the sole aim of claiming compensation from the project proponent. Speculation may be pre-cut-off, occurring before the Entitlement Cut-Off Date has been declared; or post-cut off, occurring after the Entitlement Cut-Off Date. |
| **Stakeholders** | Any and all individuals, groups, organisations, and institutions interested in and potentially affected by a project or having the ability to influence a project. |
| **Trans frontier Conservation Area** | A component of a large ecological region that straddles the boundaries of two or more countries encompassing one or more protected areas as well as multiple resource use areas. |
| **Vulnerable People and Groups** | Those who are less able to access project benefits and / or more likely to experience adverse impacts from a project's activities as a result of a given status, which may stem from their ethnicity, colour, gender, sexual identity, language, religion, political or other opinion, national or social origin, property, birth or perceived social status. |

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# 1. Introduction

This Guidance Note (the "Guidance") has been developed as a component of the Southern African Development Community (SADC) Transfrontier Conservation Area (TFCA) Financing Facility's (the "Facility" or the FF) Environmental and Social Management System (ESMS).

The Facility is committed to conducting its activities in a manner that will prevent, minimise, mitigate, or remediate negative Environmental and Social (E&S) impacts associated with its financing activities while striving to enhance benefits for local communities and the environment.

It may be the case however that Facility-funded activities impose certain restrictions on communities' access to areas within TFCAs upon which their livelihoods and well-being depend in order to achieve conservation objectives. Where Facility-funded activities do result in access restriction impacts, these impacts must be properly managed to avoid the long-term hardship and impoverishment of those who are affected.

## 1.1 Purpose

The purpose of this Guidance is to serve as a practical guide to Facility Management, Applicants, and Grantees to identify, assess, and manage impacts to communities associated with Thematic Risk Area

**2: Access Restrictions** resulting from Facility funded projects.

This Guidance Note has been developed in two parts.

**Part I: General Guidance** gives an introduction to the range of access restrictions that could result from Facility funded activities, the role of Process Frameworks (PF) in managing access restriction risks and impacts, and the key considerations which must be taken into account by Facility Management, Applicants, and Grantees throughout the E&S risk assessment process, regardless of a project's specific location, environment, size or other characteristics.

It also contains guidance for both Facility Management and Applicants on how to identify and screen potential access restriction impacts and categorize their level of risk, utilizing the **TFCA FF ESMS Questionnaire**. It also helps Applicants and FF Management determine the type of PF required, and the degree of responsibility of the FF and Applicants for preparing PFs or equivalent social management plans and managing identified access restriction impacts.

**Part 2: Technical Guidance** contains technical guidance for FF Management and Grantees on how to prepare a PF or other social safeguard instrument in line with IUCN and SADC standards and international best practice.

The Technical Guidance is informed by concrete experience and examples from conservation projects. Recognizing that projects will oftentimes face resourcing constraints, this Guidance discusses proposed approaches which can be followed where human resources and budgets are limited.

A **Process Framework Template** is included with the Guidance (**Annex A**), which Grantees can use to draft a PF. The template is meant to serve as a starting point however must be tailored to specific project circumstances. The template may also serve as a useful framework for TFCA FF E&S Safeguard Experts, Grantees, and in-country safeguard teams in undertaking future access restriction monitoring and evaluation / close-out activities.

### 1.2 Scope of Application

This Guidance is applicable to any Facility funded activities which directly result or could result in or indirectly contribute to access restriction impacts as part of achieving conservation objectives.
Within the conservation context, access restrictions are defined as restrictions which limit or eliminate people's access to land, water, or other natural resources within a Protected Area (PA) or reserve.

### 1.3 Applicable Standards

As per the TFCA FF ESMS Manual, all project activities funded and supported by the Facility must comply with the legal provisions of the host country(ies) where activities are being implemented.

In addition to national legislation, Facility funded activities must also comply with all applicable international E&S standards and guidelines.

**A full list of applicable international E&S standards is found in Section 2 of the TFCA FF ESMS Manual however the key standards applicable access restrictions include:**

- World Bank Environmental and Social Standards;
- UN Basic Principles and Guidelines for Development Based Evictions and Displacement; and
- Food and Agriculture Organization of the United Nations Voluntary Guidelines on the Responsible Governance of Tenure.

#### 1.3.1 World Bank Environmental and Social Standards

With regards to access restrictions, particular emphasis is placed on World Bank (WB) Environmental and Social Standard (ESS) 5: Land Acquisition, restrictions on land use and involuntary resettlement[2].

**Key objectives of ESS5 include:**

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;

[2] https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf#page=67&zoom=80

- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost 6 and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

### 1.3.2 UN Basic Principles and Guidelines for Development Based Evictions and Displacement

Paragraph 38 notes that states should fully explore all possible resettlement alternatives. All potentially affected groups and persons, including women, indigenous peoples, and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation, and participation throughout the entire process, and to propose alternatives that authorities should duly consider.

As per paragraph 43, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement, or access to productive land, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those resettled.

Under paragraph 52, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water, and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities.
States should also ensure that members of the same extended family or community are not separated as a result of resettlement.

As per paragraph 60, when eviction is unavoidable and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real, or other property or goods, including rights or interests in property.

### 1.3.3 The Food and Agriculture Organisation of the United Nations Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)

Relevant VGGT provisions direct that states should respect legitimate tenure rights, including customary land tenure rights, and provide legal recognition for rights not currently protected by law, as well as access to justice for infringements on legitimate tenure rights. For indigenous peoples, consultation processes should enable FPIC. For other peoples, consultation processes should consider existing power imbalances between parties and ensure active, free, effective, meaningful, and informed participation of individuals and groups in the decision-making processes.

VGGT particularly highlights that women and girls should have equal tenure rights and access to land resources and legal services to defend their tenure interests; that gender-sensitive assistance shall be provided where people are unable through their own actions to acquire tenure rights; and that men, women, and youth should be involved in relevant consultations.

# PART ONE GENERAL GUIDANCE

## 2.
## Conservation and Access Restrictions Overview

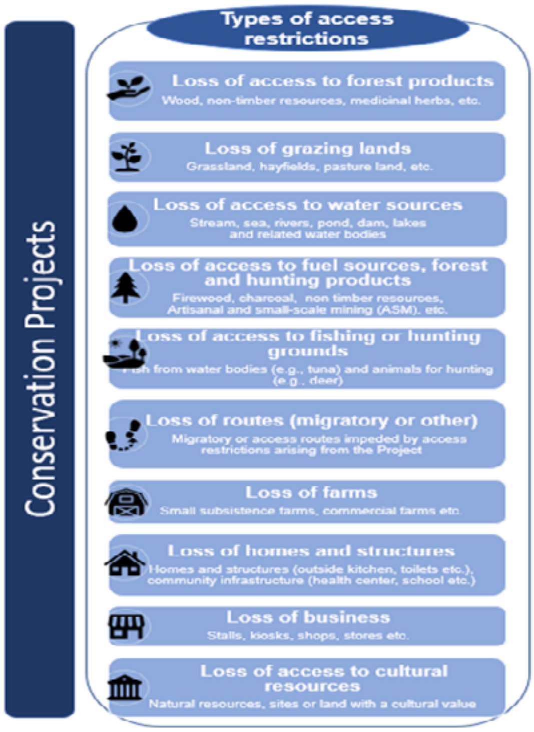
### 2.1 Access Restriction Overview

In the context of conservation, **access restrictions** refer to the limitation or elimination of people's access to land, water, or other natural resources within a Protected Area (PA) or reserve. Access restrictions may affect local stakeholders residing or maintaining livelihood activities within a PA prior to the implementation of restrictions and / or non-local stakeholders using the area for vacation or transit.

For Facility-funded activities aimed at developing or strengthening PAs, a wide range of access restrictions may be placed on local communities in order to achieve conservation objectives.

Access restrictions may include prohibitions on gathering firewood or wild plants, loss of access to water sources, loss of farmland, loss of access to cultural sites, loss of access to pasture or fishing rights, and in some cases loss of shelter and residential territory. Access restrictions may also extend to inland water areas, and marine areas accessed from shore by harvesters and fishermen or women. They can also extend to people's use of freshwater resources as well as underground resources, such as minerals.

### Figure 2-1 Types of Access Restrictions




### Restrictions can be:

- Temporary, aimed at achieving specific short-term protection (e.g., recovery of an endangered species);
- Seasonal, which aims to provide protection during sensitive biological processes (e.g., specific breeding periods); and
- Permanent, aiming to achieve long-term conservation goals.

Access restrictions may engender the **economic displacement**[3], or sometimes **physical displacement**[4], of communities living and / or harvesting resources within or adjacent to the PA. It is common for these losses related to access restrictions to exacerbate existing vulnerabilities within local populations[5]. Where the impacts of these restrictions are not addressed, the restrictions themselves are often ignored or become a source of conflict.

Restrictions may be placed on legal rights-holders, for example farmers with legal title to the land they farm, or those without a recognized right to resource use, for example nomadic pastoralists or encroachers[6].

[3]Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.
[4] Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.
[5]Borrini, Grazia, Ashish Kothari, and Gonzalo Oviedo. Indigenous and local communities and protected areas: Towards equity and enhanced conservation: Guidance on policy and practice for co-managed protected areas and community conserved areas. No. 11. IUCN, 2004.
[6]Veit, Peter G., Rugemelza Nshala, Michael Ochieng' Odhiambo, and Jacob Manyido. Protected Areas and Property Rights: Democratizing Eminent Domain in East Africa. World Resources Institute, 2008.

Different mitigation measures will often be appropriate for different groups, with transition to an alternative activity that does not threaten conservation objectives required for some types of livelihoods impacts. For example, it may be possible to mitigate impacts to the livelihoods of traditional pastoralist users of a PA territory whose activities may predate conservation measures, through land use planning that allows them to continue their livelihood activities elsewhere, perhaps in an intensified form. Conversely, for loggers, whose livelihoods are inherently incompatible with conservation objectives, a transition to a different set of livelihood activities would be appropriate.

Similarly, illegal subsistence activities supporting local communities must be distinguished from illegal commercial activities.[7] In this regard, identifying what is technically an illegal subsistence activity undertaken by a community (e.g., small scale poaching, collecting firewood) as opposed to commercial and criminal activities (e.g., commercial poaching, commercial logging by outside parties), is project specific, and must be carefully assessed.

Regulators and local communities should agree on the different user groups and their eligibility for various assistance and mitigation measures, including what are illegal and criminal activities, which should then be documented as part of the PF process. Generally, those using natural resources within a PA in an unsustainable manner for commercial purposes and criminal activities must not be considered for any assistance or mitigation measures.

Conservation projects and interventions do not occur in isolation, and in most cases, local communities will already face a range of threats external to the project impacts. While external to the project, these other, often multiple, threats can mean that a project's access restrictions potentially represent a cumulative negative impact for stakeholders. While outside of direct project control, such external threats should be acknowledged and considered in project planning and design to maximise chances of project success. These threats need to be taken into account because of their potential to exacerbate project impacts or reduce the effectiveness of impact mitigation measures.

- These threats, initially external to a project but ultimately combining with a project's impacts, can include:Competition for resources from outside users, such as international fishing fleets encroaching into marine PAs
- Ongoing conflicts between humans and wildlife, including wildlife attacks on livestock or humans and destruction of crops
- In-migration from other areas, often as a result of environmental push factors in the area of origin, such as overpopulation or climate change impacts
- Deteriorating conditions for agriculture or other land and sea-based livelihoods from weather and climate changes, pests, or disease
- The presence within or adjacent to a PA of infrastructure related to the extraction of oil, gas, minerals or other natural resources by large industry or small-scale artisanal workers
- National legislation or regulations that facilitate the displacement of informal rights holders (often indigenous or vulnerable groups) from land and natural resources

[7]Poudyal, Mahesh, Bruno S. Ramamonjisoa, Neal Hockley, O. Sarobidy Rakotonarivo, James M. Gibbons, Rina Mandimbiniaina, Alexandra Rasoamanana, and Julia P.G. Jones. "Can REDD+ social safeguards reach the 'right' people? Lessons from Madagascar." Global Environmental Change 37 (2016): 31-42. Poudyal, Mahesh, Julia P.G. Jones, O. Sarobidy Rakotonarivo, Neal Hockley, James M. Gibbons, Rina Mandimbiniaina, Alexandra Rasoamanana, Nilsen S. Andrianantenaina, and Bruno S. Ramamonjisoa. "Who bears the cost of forest conservation?" Peer Journal 6:e5106; DOI 10.77 17/peerj.5106.

- Displacement of a local population by poachers, other criminal actors, or terrorists seeking to establish control of an area or transport corridor and natural resources
- Increasing land and resource competition, which can stem from international demand for certain products such as palm and cocoa or domestic competition for fertile soils
- Population growth, closely linked to the increase in competition for resources
- Legacy issues, particularly related to conflict between different stakeholder groups.
- Political shifts, where a change in the governing party and their priorities may destabilize the social context
- Market fluctuation on community-based products included as part of livelihood programs
- Unforeseen natural disasters and climate change shocks, such as flood erosion or landslide phenomenon
- Cultural beliefs and unsustainable traditional practices, such as herders clearing trees to reduce the risk of putsi flies affecting their herds.

The ability of a project to respond to or manage external threats may be limited, but a PF or similar social management plan can be useful in acknowledging threats as they are identified, considering the implications for project design, and laying out potential mitigations as possible, some of which may need to be considered at a regional or national level. Once threats and potential mitigations have been identified, consultation on mitigations can take place with stakeholders to determine which potential mitigations are feasible.

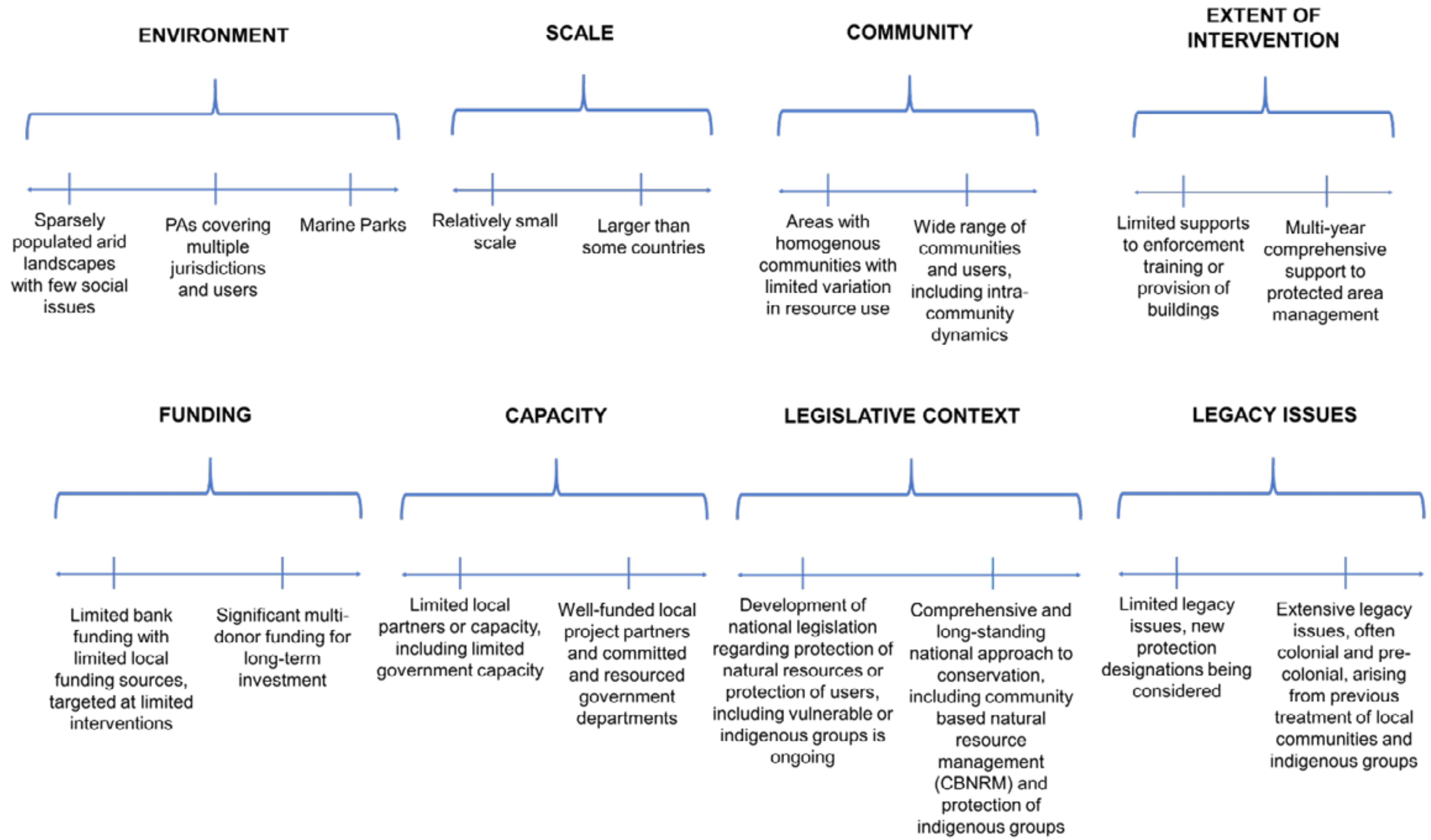
## 2.2 Types of Projects and Factors to Consider

A key issue for project managers, technical experts, and social practitioners in addressing access restrictions in conservation contexts is the varied range of project scope and characteristics encountered, all of which need to be managed in compliance with social safeguard standards.

Figure 2-2 below presents an indicative list of some of the factors that can characterize a project and their respective ranges.

[7]Veit, Peter G., Rugemelza Nshala, Michael Ochieng' Odhiambo, and Jacob Manyido. Protected Areas and Property Rights: Democratizing Eminent Domain in East Africa. World Resources Institute, 2008.

### Table 2-2: Key Factors that Characterize Conservation Projects



## 2.3 Managing Access Restrictions

The WB ESS state that where land access restrictions are required for a project, a 'Process Framework' (PF) should be prepared to document the assessment, mitigation, and monitoring of associated impacts.

**The WB ESS stipulates that a PF is required when:**

*"…projects may cause restrictions in access to natural resources in legally designated parks and protected areas (or other common property resources on which local people may depend for livelihood purposes). The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of [the World Bank Standards], and implementation and monitoring of relevant project activities."*

A PF is therefore a tailored social management plan (the 'framework') that identifies the impacts on communities arising from access restrictions and guides the planning and implementation of mitigation measures to address these impacts, with the active participation of the affected communities (the 'process').

**A PF should establish the participatory process whereby affected populations participate in:**

- Project design e.g., establishment of a new PA, enforcement of existing restrictions, land use planning
- Identification of impacts e.g., identifying user groups, undertaking baseline surveys, determining eligibility for assistance
- Development of adequate mitigation measures e.g., identifying needs of various affected stakeholders, inputting to mitigation measures, including livelihood programs
- Ongoing monitoring of the effectiveness of measures e.g., participatory monitoring of mitigation program implementation, community patrols, environmental monitoring.

The screening process (Phase 1 of the Facility's grant funding process) is designed to determine whether existing or new social safeguard plans, or a simple matrix, are adequate to manage identified impacts, or when a standalone PF is required.

The development of a PF requires considerable time, resources, and technical inputs, and must be considered at the outset of a project. If project budgets do not account for these needs during project development, they will need to be updated. PFs can however be developed incrementally as the design of project activities evolves and more information becomes available. As such, Preliminary and Interim PFs can be developed to ensure that social risks are being managed and monitored in the short-term while the longer-term PF is defined.

In developing a PF or similar social safeguard tool, projects should follow eight key considerations. These considerations are drawn from the standards, experience from TFCA projects and TFCA partner projects, and international best practice. These considerations should be taken into account regardless of a project's specific location, environment, size, or other characteristics.

**The key considerations are:**

- Mainstream Community Considerations;
- Promote Inclusion;
- Respect Human Rights;
- Ensure Participation & Consent;
- Establish the Context;
- Assess, Avoid and Minimize Impacts;
- Address all Impacts;
- Create Win-Win Outcomes.

### 2.3.1 Mainstream Community Considerations

Conservation projects must mainstream social considerations in project planning and implementation, rather than manage the social impacts of access restrictions as a separate exercise.

While it may be tempting for projects to overlook social considerations to fast-track biodiversity protections and conserve threatened habitats, such measures will not be sustainable without the buy-in of local communities, which can only be meaningfully obtained by addressing their needs and concerns, such as subsistence fishing practices. In particular, potential for economic displacement should be scoped early in the project design phase and integrated into the consideration of the project design and development.

### 2.3.2 Promote Inclusion

Projects have a wide variety of stakeholders in the form of, people, regulators, and civil society organisations (e.g., fisher associations) that may be directly or indirectly affected, positively or negatively, by the project or that could influence the project's outcomes. Projects must ensure the inclusion of all stakeholders in their planning and implementation processes, including for example, disadvantaged and vulnerable groups[9], men, women, and youth.

Without such inclusion, projects may not be able to identify and address all potential impacts of access restrictions or be able to mitigate the impacts that do emerge. Further, without adequate inclusion, projects will not benefit from the knowledge and agency of all stakeholders and will be more prone to failure.

### 2.3.3 Respect Human Rights

Projects must adopt a human-rights-based approach to the assessment and mitigation of social impacts. This is an approach that benchmarks objectives against international human rights standards and that actively seeks to improve the protection and promotion of human rights in a project context.

**In assessing and mitigating social impacts related to access restrictions, projects must:**

- Recognize the rights of affected communities, including Indigenous Peoples, to the lands and resources they use
- Recognize the right to a standard of living adequate for the health and well-being
- Recognize the right to free movement of peoples
- Recognize the right of people to determine their own economic, social and cultural development priorities
- Recognize the right of people to participate in decision-making in matters which affects them
- Respect traditional structures and systems of government and decision-making, including those of indigenous peoples

[9]See Glossary of Terms for a definition of disadvantaged and vulnerable groups.

- Respect the equal rights of women and ensure their participation and inclusion
- Respect cultural heritage and knowledge
- Obtain the Free, Prior and Informed Consent[10] of affected indigenous communities.

### 2.3.4 Ensure Participation & Consent

Following on from the principle of inclusion, projects must ensure the informed consultation and participation of affected communities and households in the full project life cycle, through assessment, planning and implementation.

Ensuring the full participation of all stakeholders will ideally include a range of stakeholder engagement methodologies. Where projects are limited in resources to ensure comprehensive participation, then measures must be in place to ensure stakeholders can input or object to project aspects where possible, for example through a functioning grievance mechanism. Not only must the full range of project stakeholders be identified, how they participated and the feedback they provided must be documented.

Documentation of stakeholders' participation may include documentation of engagements (e.g., meeting minutes, photos, attendee lists, etc.), or participatory assessments, and through formal plans, such as a Park Management Plan. In the case of Indigenous Peoples, clear evidence of Free, Prior and Informed Consent (FPIC) must be recorded, following appropriate traditional structures and methods of consultation, decision-making and consent.

### 2.3.5 Establish the Social Context

To effectively identify all access restriction impacts, design appropriate mitigation measures, and ensure adequate monitoring and evaluation, a project must gather adequate knowledge and data on the 'social baseline' situation of the project area, and all affected communities within a project's sphere of influence.

A social baseline assessment must incorporate all affected communities, groups, and households, and yield the basic social and economic information needed to develop appropriate impact mitigation measures, including livelihood restoration programs (e.g., fisheries management training and equipment), or community development initiatives (e.g., construction of fish markets). The time and resources required to develop the social baseline will reflect the complexity of a project's social context and the scale of a project's impact.

### 2.3.6 Assess, Avoid and Minimize Impacts

The principles above should enable the successful and comprehensive identification of potential impacts. Potential impacts should then be assessed for their potential likelihood and consequence.

A key aim of any project should be to firstly avoid any impacts on communities and households in respect of their access and use of resources, and especially with regard to potential economic displacement. Where avoidance is not possible, then any impacts must be minimized to the extent possible. Impacts should be prioritized for avoidance and minimization in order of their likely severity. This process of avoidance and minimization can improve project design, and result in cost savings for the project, avoiding the need for costly mitigation of unidentified or unnecessary impacts later.

[10]Note that while FPIC is an internationally recognised right of Indigenous Peoples, projects are increasingly opting to adopt a process of FPIC for projects that operate on local communities' customary land or marine use areas, whereas the SADC TFCA Standards only require this currently in projects that potentially affect Indigenous Peoples. SADC TFCA FF is supportive of this broader need and application for FPIC, and any culturally and socially appropriate forms of engagement that increases community ownership and engagement in conservation efforts and manages potential E&S risks and impacts.

### 2.3.7 Address all Impacts

Projects need to ensure that measures developed to mitigate access restrictions appropriately address all identified impacts. While it may be possible to coordinate mitigation measures with broader community development initiatives, community development should not be a substitute for impact mitigation measures. For example, a community development project focusing on health is insufficient if the project adversely impacts the livelihoods of traditional resource users. Mitigation measures must be tailored to impacts.

In the case of impacts which occur over a wide area (e.g., impacting several communities) it may be acceptable to start with a pilot initiative, but such initiatives must be capable of timely and sustainable replication or expansion, in accordance with a confirmed plan, schedule and budget. To ensure the success and sustainability of conservation projects, projects should aim to ensure affected households are no worse off over time, and ideally better off.

Further, systematic monitoring and evaluation mechanisms should be placed so that a project can clearly demonstrate that all impacts have been addressed.

### 2.3.8 Seek Win-Win Outcomes

The most successful projects, both in terms of social and conservation outcomes, are often those that go beyond the minimum requirements of mitigation to create added value for stakeholders. In other words, to make them better-off than they were prior to a project.

This can create active support for a project on the part of both local communities and their representatives. In turn, this makes these win-win projects more stable and sustainable in the long-term. It is only by seeking to achieve win-win outcomes that the success and long-term sustainability of conservation measures be assured.

# 3. Identification and Assessment of Access Restriction Impacts and Safeguard Requirements

The following sections have been developed to complement the guidance developed within the TFCA ESMS FF Questionnaire to provide Applicants with additional explanations and examples on a range of key access restriction topics related to the identification and assessment of access restriction impacts and the determination of necessary safeguard requirements.

Where applicable, reference is made to specific questions within the ESMS Questionnaire. The full range of guidance on access restrictions questions is provided to Applicants in the TFCA FF ESMS Questionnaire itself. The ESMS Questionnaire questions and related guidance are also reproduced at **Annex B** of this document for ease of reference.

## 3.1 Identifying Access Restrictions

Identifying and managing access restrictions is a complex, costly, and time-consuming process. By identifying the range, scale, and complexity of likely access restriction impacts early within the project development phase, both Applicants and Facility reviewers have an opportunity to refine proposed activities to avoid or minimize adverse impacts as well as ensure appropriate time and resources are dedicated to developing fit-for-purpose safeguard measures to mitigate any unavoidable impacts and support the overall success of the project.

**Question No. 1d.1** of the **Project Brief** requires Applicants to determine whether their proposed project concept results in any potential access restrictions.

As referred to at Section 2.1, access restrictions include any limitations or prohibitions which impact people's access to land and / or other resources within a PA or reserve. Depending on the nature of the impact, such restrictions may result in physical displacement (e.g., loss of residential land or shelter requiring persons / households to relocate) and / or economic displacement (e.g., loss of land or access to land and other resources contributing to income and other means of livelihood).

### Displaced persons fall within the following three categories:

- Those with formal legal rights to the land or assets they occupy
- Those without formal legal rights to the land or assets they occupy but who have recognizable claim under national law
- Those who have no recognizable claim to the land or assets they occupy

In determining applicability, Applicants should thoroughly consider whether the proposed project has the potential to result in any loss of or loss of access to the following: residential and ancillary structures, forests, grazing lands, water sources, fishing or hunting grounds, migratory or other access routes, farms and agricultural land, communal structures and / or other property, cultural heritage sites, and / or areas of commercial activities. Losses may be temporary, seasonal, and / or permanent.

Applicability of access restriction impacts should consider those that are directly caused by Facility funded activities as well as impacts in which Facility funded activities indirectly contribute. Consideration should also be given as to whether an Applicant is otherwise linked through their relationships or operations to other entities which may create and / or manage access restriction impacts.

While the identification of impacts is likely to evolve as more information becomes available throughout the planning process, Applicants should respond as comprehensively as possible based on the level of known information and an informed estimation of potential impacts.

Applicants who are unsure whether their proposed activities create, contribute, or are linked to access restriction impacts should refer to the guidance and examples in Section 3.3.2.4 or otherwise respond "Unknown."

Responses to **Question No. 1d.1** of "Yes" and "Unknown" will require Applicants to complete Tab 1b. **(TRA 2 Access Restrictions)**. If after completing Tab 1b. the Applicant determines that access restrictions do not apply, they may change their response in question **No. 1d.1** to "No."

It is preferable that Applicants respond "Unknown" and revise responses after completing **Tab 1b**. rather than failing to identify or otherwise underestimate access restriction impacts.

**Box 3-1 Identifying Access Restriction and Displacement Impacts**

**In responding to Question No. 1d.1 of the E&S Project Brief, Applicants should consider the full range of potential impacts, including impacts to secondary or tertiary activities which may seem small or insignificant.**

**Applicants should respond "Yes" for each of the following scenarios, regardless of the number of potentially affected persons:**

- ✓ **Impacts from Facility funded activities which could result in loss of shelter and / or residential land (e.g., physical displacement) regardless of whether they legally occupy their land / assets.**
- ✓ **Impacts from Facility funded activities which could result in loss of assets or access to assets, which in turn lead to loss of individual or household income or other adverse impacts to livelihoods (e.g., economic displacement) regardless of whether they legally occupy their land / assets.**
- ✓ **Facility funded activities which indirectly contribute to already existing access restrictions, or which leads to new physical and / or economic displacement.**
- ✓ **Impacts from Facility funded activities (physical and / or economic displacement) that are not the responsibility, or sole responsibility, of the Applicant to manage.**
- ✓ **Impacts from activities undertaken by entities with which the Applicant has a contractual or non-contractual relationship.**
- ✓ **Impacts from Facility funded activities (physical and / or economic displacement) that are voluntarily agreed to by affected communities, for which communities have expressed support, or which are driven by affected communities themselves.**
- ✓ **Impacts from activities developed as part of Community-Based Natural Resource Management (CBNRM) or Land Use Planning**
- ✓ **Impacts from Facility funded activities (physical and / or economic displacement) that are only temporary or seasonal.**

### 3.2 Contextual Risks: Legacy Issues and Forced Evictions

Applicants should note that even small projects or projects in remote areas of a PA are not developed in isolation and may be affected by events within the broader PA, TFCA, or even regional context. Such events may create contextual risks beyond the ability of the Applicant to control but which may negatively impact project activities or the Applicant's ability to meet Facility E&S standards. Contextual risks related to access restrictions may be present even where proposed activities themselves do not trigger any access restriction impacts.

Within the ESMS Questionnaire (Question No. 1g.14 of the E&S Project Brief), it is important for Applicants to identify broader contextual risks and assess how they may impact a project / activity or conversely be affected by the project / activity in order to manage them effectively while avoiding exacerbating existing conflicts or creating new ones.

With regards to access restrictions, contextual risks primarily include past and / or ongoing physical and / or economic displacement in or around areas where Facility funding activities are planned to be implemented. Depending on the specific circumstances, for ongoing / past displacement that has not been well managed, there may be residual grievances (e.g., legacy issues) which may influence the relationship between a PA / proposed project and local communities.

It is common for legacy issues to exist where a PA's management resources and capacity of local partners have been limited, as well as where this has resulted in a lack of consideration for key social impacts.

Legacy issues may stem from recent events or be linked to issues dating back years or even decades in the past. In some cases, legacy issues may trace all the way back to the original formation of the PA, which could date from colonial or pre-colonial times.[11] Legacy issues oftentimes create deprivations that may be the key cause of continued pressure on protected resources.

Legacy issues may range from local stakeholders not being sufficiently consulted, to the failure of previous interventions to address impacts, or forceful eviction from the PA.[12] Often legacy issues and resulting deprivation can be a key factor in continued pressure on protected resources. It is critical to be aware of all legacy issues before undertaking engagement for a new project or project component. In some cases, stakeholders may refuse to engage on new components until the legacy issues have been addressed. Engagement processes need to ensure sufficient time is allocated to discussing legacy issues, and empathizing with affected households and communities, before exploring resolutions and discussing project plans and measures.

Where land acquisition for a PA was conducted by the government, there are particularly stringent requirements for a project to document the outcomes of the displacement. The project is required to undertake a due diligence review of the land access restriction processes followed and document these. Where the land acquisition by the government has physically or economically displaced people without compensation or without providing adequate opportunity for them to restore their livelihoods, it may be a project's responsibility, under the KfW Sustainability Guideline, in consultation with all stakeholders, to determine and design the measures required to address issues and reflect these in a PF .

[11]Beltran, Javier, ed. Indigenous and traditional peoples and protected areas: principles, guidelines and case studies. Vol. 4. IUCN-The World Conservation Union, 2000.
[12]The term forced eviction refers to the permanent or temporary removal against their will of individuals, families, and / or communities from the homes and / or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.

Because of this, legacy issues should be identified as early as possible, especially as they may have considerable impacts on schedules and budgets.[13]

### 3.3 Assessing Access Restriction Impacts

As stated above, Applicants who respond "Yes" or "Unknown" to **Question No. 1d.1** of the Project Brief will be required to complete **Tab 1b. (TRA 2 Access Restrictions)** of the ESMS Questionnaire to assess the range, scale, and complexity of likely access restriction impacts.

Applicants should provide as much detail for each question, including responses to each sub-question. Facility reviewers may require additional follow up from any Applicant who does not provide sufficient detail to their responses or to clarify certain applicability determinations.

#### 3.3.1 Access Restriction Avoidance and Minimization

Within **Questions No. 1b.1** and **1b.2** of the E&S Project Brief, Applicants must describe the physical footprint of where proposed Facility funded activities will be implemented.

This information is crucial for determining access restriction risks and impacts as well as identifying opportunities for avoiding or, where avoidance is not possible, minimizing access restriction impacts by exploring alternative designs and other technical options.

This is required for both activities being implemented in areas for which there will be new land take such as the creation of a new PA or expansion of an existing PA as well as for activities in which there is no new land take but where regulations will be introduced or better enforced which may restrict how people access and / or utilize land and resources.

**Measures to avoid / minimize access restriction impacts can include (but are not limited to):**

- Reconfiguration of PA boundaries to exclude areas where there are concentrated human activities
- Re-siting of physical infrastructure to avoid key areas / resources.

Where Applicants have already assessed alternatives to avoid and minimize access restriction impacts, these should be described in **Question No. 3b.2**.

Where there is the potential for further avoidance / minimization or where there are no further means of reducing impacts while achieving conservation objectives, this should be noted in **Question No. 3b.3**.

The physical footprint in which activities will be implemented may continue to change throughout the course of project development. Depending on the nature of changes, Applicants may need to revise responses to Tab 1b questions.

#### 3.3.2 Access Restriction Impacts

##### *3.3.2.1 Physical and Economic Displacement*

For each question related to physical displacement (**3b.4 to 3b.6**) to which the Applicant responds "Yes," the Applicant should also provide the approximate number of people / households that will be physically displaced, whether these people / households have been documented, and whether there is any need to update the information provided.

[13] For complex legacy issues, it may be necessary to develop a 'roadmap' for resolution, in consultation with stakeholders. For further guidance on resolving legacy issues, see Section 5.1.7.

**Similarly, for each question related to economic displacement (3b.9 to 3b.11) to which the Applicant responds "Yes," the Applicant should detail the following:**

- Resource(s) being impacted (e.g., agricultural land, grazing land, forests, areas of natural resource collection, migratory or other access routes, fishing / hunting grounds, employment, commercial structures / areas of commercial activities)
- Nature of displacement (e.g., loss of access, change in access due to new or enhanced PA management regulations)
- Number of individuals / households / communities economically displaced
- Extent to which individuals / households / communities have been documented
- Any need to update existing information.

It may be that Applicants are able to base estimates of the number of affected persons using existing reports related to the project such as prefeasibility studies and / or previous or preliminary ESIAs. Where this is not the case, Applicants may be able to utilize maps and aerial photographs of the proposed project area, census information, input from stakeholders, or other sources to estimate potential impacts.

Any basis for determining preliminary estimates should be clearly stated, as well as gaps or subsequent needs to update and confirm information.

#### *3.3.2.2 Forced Evictions*

As stated in Section 3.2 above, forced evictions refer to any permanent or temporary removal of individuals, families, and / or communities from the homes and / or land they occupy against their will without provision of, and access to, appropriate forms of legal and other protection.

Whereas **Question No. 1g.14** (E&S Project Brief) requires Applicants to identify past or ongoing instances of forced evictions within or surrounding the areas proposed for Facility funded activities, **Question No. 3b.7** (Tab 1b) asks Applicants to respond as to whether forced evictions have been contemplated for the current activities proposed for Facility funding.

Avoiding forced evictions is a key objective under WB ESS5 however evictions and involuntary resettlement are not always avoidable in the conservation context, particularly in protecting the integrity of protected areas. Evictions may occur in a range of scenarios, including for example, removal of repeated encroachers farming and living in PAs, or pastoralists migrating from distant areas.

As noted by the UN Basic Principles and Guidelines for Development Based Evictions and Displacement, since these measures can interfere with many human rights, they are only permissible in exceptional circumstances and subject to very strict regulations, to ensure that the eviction or resettlement does not violate human rights.

Where forced evictions are a possibility, Applicants should further describe who would be responsible for deciding to resort to forced evictions as well as what measures have been put in place to prevent this from happening.

#### *3.3.2.3 Determining Cause, Contributions, and Linkages to Access Restriction Impacts*

Projects developed and implemented by Applicants and future Grantees may be discrete projects with their own distinct conservation objectives or support past, ongoing, or future conservation goals within the broader PA or overall TFCA. In these cases, there exists the possibility that Applicants / Grantees become involved at different points in a range of projects and other initiatives beyond that which is funded by the Facility.

For proposed projects triggering access restriction impacts, Applicants must determine whether Facility funded activities directly cause impacts as well as whether Facility funded activities indirectly contribute to access restriction impacts.
Activities which **directly cause** access restriction impacts occur when the proposed Facility funded activity in and of itself creates the restriction / impact. Activities directly causing access restriction impacts are typically associated with projects establishing a new PA or expanding an existing PA which impose new prohibitions or restrictions on land use where previously there were none.

Activities which **indirectly contribute** to access restriction impacts may occur when Facility funded activities strengthen or intensify already existing restrictions within the PA / TFCA. In this case, the restrictions are already in place but may be loosely enforced to the extent that community members do not observe the restriction, and for which enhanced management would change their ability to access the resource. Other examples include Facility funded activities associated with or requiring activities that are undertaken by another entity that may lead to access restriction impacts.

**Box 3-2 Examples of Activities Indirectly Contributing to Displacement Impacts**

**An NGO is undertaking boundary demarcation as part of redefining the PA in cooperation with affected communities, as part of a wider village land use plan. In this case, the NGO develops a 'project specific' PF, which incorporates the demarcated boundary, and introduces measures in the village land use plan to mitigate any access restrictions. The NGO then uses best efforts and leverage to persuade the government PA management to utilize the PF as a pilot that can be extrapolated to the remainder of the PA.**

Finally, in certain cases, Applicants may be linked through their operations and / or contract or non-contractual relationships to entities causing, managing, and / or enforcing access restriction impacts that lead to physical displacement – even when the Applicant does not cause or contribute to displacement through FF funded activities.

**Box 3-3 Examples of Applicants Linked to Other Entities Causing Displacement Impacts**

**An NGO is undertaking studies on large carnivore populations in a PA which borders local communities. Access restrictions have been in place for a number of years which has allowed species to recover from hunting. However, the community reports to the NGO that local socio-economic conditions are deteriorating. In this case, the NGO proposes a working group between the government PA authorities, the NGO, and Communities, to explore how to further protect species, while also addressing community needs. This includes development of a social management plan.**

**Figure 3-2** below has been developed to summarize the above guidance and further assist Applicants in answering questions No. **3b.4 to 3b.6** and questions No. **3b.9 to 3b.11** of Tab 1b.

Applicants should note that these categories are not mutually exclusive, and it is possible that more than one may be applicable to a proposed project.

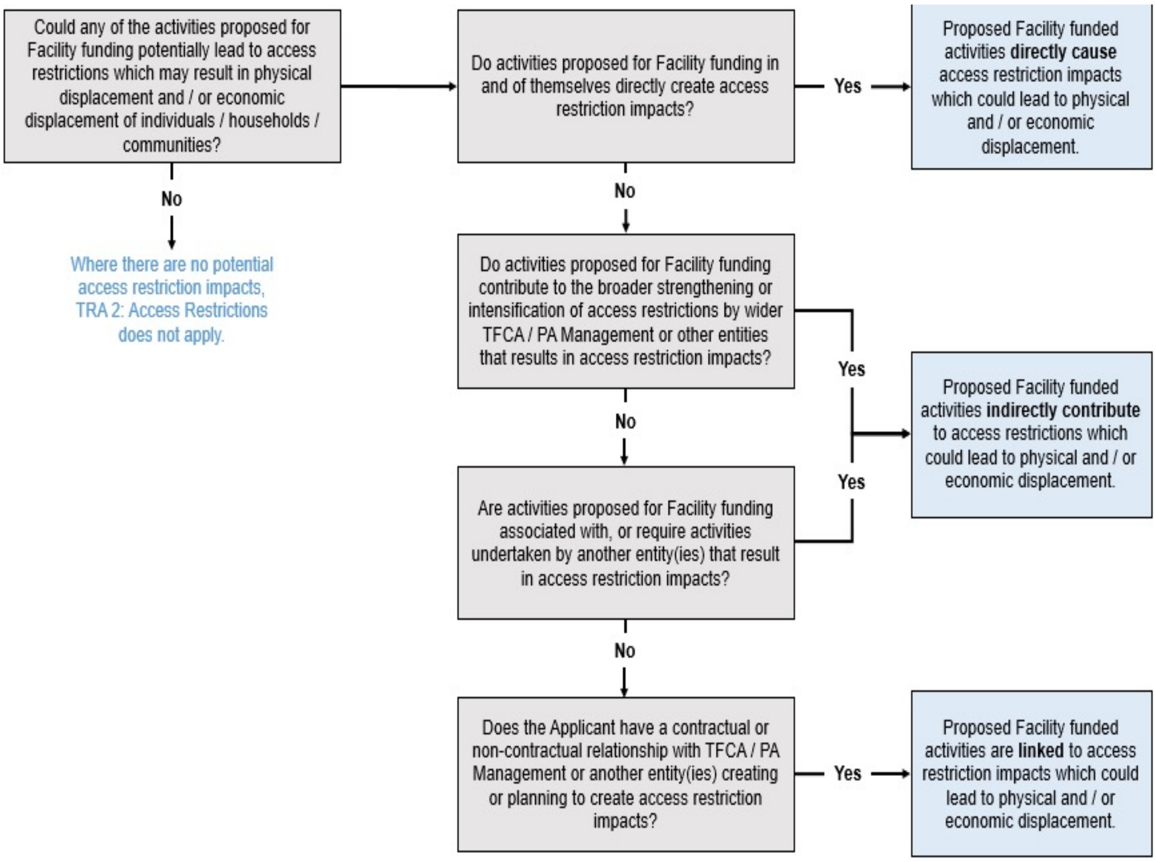



**Figure 3-1 Determining Cause, Contribution, or Linkage to Access Restriction Impacts**

### 3.3.3 Determining Voluntary or Involuntary Displacement

Question No. **3b.8 (Tab 1b)** asks about whether physical and economic displacement resulting from access restrictions is involuntary or voluntary. Displacement is considered involuntary when affected persons / communities do not have the right to refuse the land acquisition or restrictions on land use that result in displacement such as in cases of expropriation or compulsory acquisition.

Conversely, displacement is considered voluntary when affected persons / communities have agreed to being displaced and when there are no mechanisms preventing them from refusing. Requirements for the documentation of engagement and negotiation are usually less strict for voluntary projects, and they have fewer legislated obligations. Projects where displacement is voluntary are oftentimes instigated by community members themselves or designed in close partnership with them.

**Applicants seeking to implement projects for which displacement is considered voluntary must be able to describe and confirm through documentation the following:**

- All stakeholders been effectively identified, informed, and consulted.
- All impacted stakeholders have given their consent without pressure, fear of retribution or intimidation, or expropriation by the State.
- All impacted stakeholders have been free to withhold their consent without pressure, fear of retribution or intimidation, or expropriation by the State.
- All voluntary restrictions, land donations, etc, have been adequately documented, signed, and witnessed.
- There is an adequate and functioning grievance mechanism in place to address any issues with the voluntary access restriction process.
- All impacts been identified and addressed through the participatory design of appropriate mitigation measures.

- There are adequate management plans in place to manage, monitor, and evaluate voluntary access restrictions and related impacts, including any mitigation measures.

Applicants should note that WB ESS acknowledge that even when displacement is considered voluntary, activities may still result in a number of adverse impacts which must be identified, assessed, and mitigated as part of a PF or other appropriate social safeguard plan.

### 3.3.4 Access Restriction Safeguard Requirements

For any Facility funded activity causing access restriction impacts, a fit-for-purpose safeguard plan must be developed to describe how impacts will be managed in accordance with this Guidance Note and other Facility E&S standards.

As per WB ESS5, access restriction impacts are typically managed through the development of a PF.

National legislation however may specify a different type of safeguard plan which should be developed which should be noted in Question No. 3b.20 as well as the measures that will be undertaken by the Applicant to ensure Facility requirements are met. Where national legislation does not require a specific plan to be developed, Applicants should state the type of management plan they envisage developing (e.g., PF or similar safeguard instrument).

Where the scope of displacement associated with access restrictions is small and / or low risk (such as those with limited economic displacement) however, a simple matrix (such as the TFCA FF ESMS Questionnaire itself) may be used as a Preliminary PF that is slowly expanded over time and as required.

Similarly, other social management tools, such as Community Land-Use Plans, Natural Resource Management Plans, or broader PA management plans may be appropriate and sufficient in managing access restriction impacts without developing a separate, standalone PF.[14]

**Box 3-4 Examples of Access Restriction Impacts Managed through Community Based Natural Resource Management Plan**

**An NGO works with a community to establish a Village Land Use Plan, with associated restrictions, to protect a wildlife corridor and simultaneously reduce incidence of human wildlife conflict (crops being affected by elephants).**

**The plan has been initiated by the community. The final plan includes provision of a buffer zone and community forest, with restrictions on access to resources in the buffer zone and forest. While the community has initiated the plan, the resulting Community Land Use Plan includes identification of all impacts arising from the restrictions, and proposed mitigation measures (e.g., alternative fuel sources, compensation measures for crop damage, etc.), developed in participation with affected households, thereby meeting the requirements of a PF.**

[14] Community Land Use Plans, Community Based Natural Resource Management Plans, or any other social management tool developed to manage small / low risk access restriction impacts are still required to adhere to the guidance in Part II of this Guidance Note.

Where the scope of displacement associated with land access restrictions is large and / or medium or high risk, a standalone PF is required.

**This may be appropriate where:**

- A new PA is being established
- A new management structure is being implemented within an existing PA whereby access restrictions within the PA are changing or being enforced in a different manner
- A project is supporting law enforcement within an existing PA, with no change to management structure, but where the enforcement of existing access restrictions such as PA zoning and other regulations will be improved
- Complex contextual issues intersect in a project area, requiring participatory land use planning, conflict mediation between stakeholder groups, or extensive livelihood restoration programs to mitigate restrictions.

It is important that Applicants identify the need for a PF early within the screening process as the development of a detailed PF requires considerable time, resources, and technical inputs. If project budgets do not account for these needs during the development of the Concept Note (Stage 1) or Full Proposal (Stage 3), they will need to be updated.

It is noted however that PFs can be developed incrementally as project designs evolve and baseline data becomes available. As such, Preliminary and Interim PFs can be developed to ensure that social risks are being managed and monitored in the short-term while the longer-term PF is defined.

The different phases of PF are typically developed at different project stages, and their characteristics are presented in Table 4-2.

**Table 4 2: Typical PF Phases**

| PF PHASE | PF PHASE | TYPICAL CHARACTERISTICS |
|---|---|---|
| **Preliminary** | **Project Scoping/Assessment Stage** | • Final project design may not be fixed<br>• Initial assessment and risk identification<br>• Limited baseline data<br>• Focuses on proposed strategy and key tasks to be completed |
| **Interim** | **Detailed project design**<br>**Pre-implementation** | • Project design fixed<br>• All baseline assessments completed<br>• Mitigation measures well-developed with affected communities |
| **Final** | **Implementation underway**<br>**Final budgets known** | • Final mitigation measures and programs in place<br>• Consultation and agreements with communities documented<br>• Monitoring and evaluation approached finalized |
| **Post** | **Implementation / post-implementation phase**<br>**Livelihood and community development interventions may be ongoing** | • PF mitigation measures and M&E approaches incorporated in long-term Park Management Plans |

Figure 3 2 below provides an indicative guide to both Applicants and FF Reviewers for when a PF may be required, or when existing plans or measures may be sufficient.

For projects for which a PF or similar safeguard instrument has already been developed, Applicants will need to ensure that this plan meets the requirements of Part II of this Guidance Note (**Question No. 3b.21**).

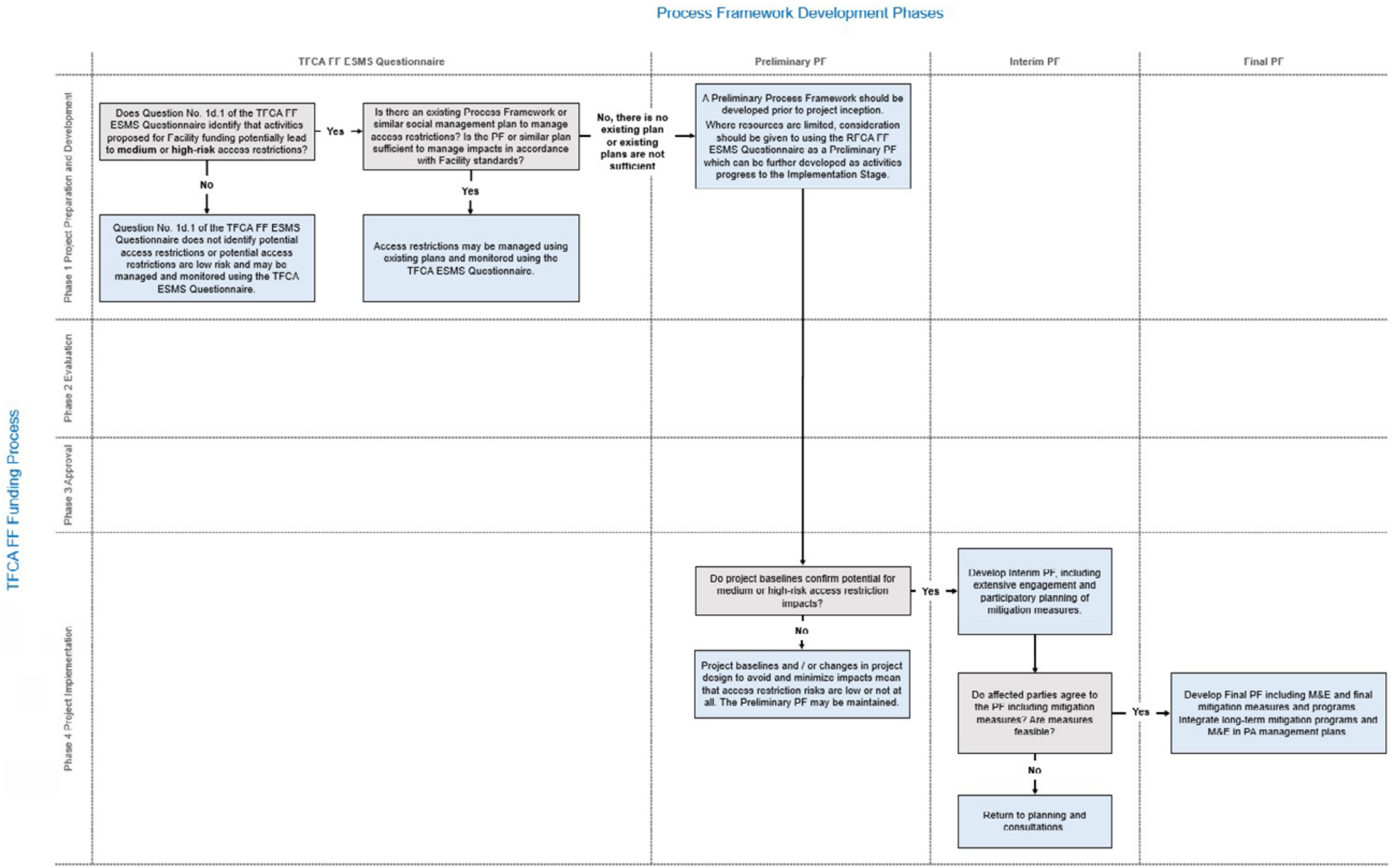



**Figure 3 2 Determination of Access Restriction Safeguard Requirements**

### 3.3.5 Responsibilities for Managing Access Restriction Impacts

For each type of access restriction impact identified (causing, contributing, linked to), Applicants will need to determine not only the most appropriate type of mitigation measure based on the complexity of the impact but also their level of responsibility in its development and implementation.

Where an Applicant's activities directly cause access restriction impacts and there are no requirements that access restrictions such as resettlement and compensation be managed by a third party, the Applicant is responsible for the development and implementation of a PF or similar safeguard plan commiserate to the complexity of the impact.

Where an Applicant's activities directly cause access restriction impacts and national legislation require that impacts be managed by a third party such as a government agency or other entity, the Applicant is responsible for collaborating to the extent permitted by the third party to ensure that mitigation measures achieve objectives consistent with Facility policies and other applicable standards.

In the event that these measures do not meet Facility requirements, the Applicant is responsible for preparing a supplemental PF (or similar social management plan) to bridge any identified gaps (see Section 5.2 for guidance on determining gaps between FF standards and national requirements).

As discussed at Section 3.3.2.3, where activities are indirectly contributing access restriction risks or impacts, the Applicant should use best efforts and leverage to work with the other entity(ies) to identify, avoid, minimize, and mitigate impacts.

**This may include anyone or combination of the following:**

- Where possible, work with designers, engineers, and other members of the planning team as well as local stakeholders to avoid or minimize activities contributing to the impacts.
- Provide mitigation measures to address the activities' contribution to access restriction impacts as part of project design and activities.
- Use leverage to influence the other entity or entities causing restriction access impacts to jointly develop appropriate social management plans and related mitigation measures to manage the impacts of all access restrictions.

Where a project has linkages with an entity or entities causing access restriction risks or impacts, the Project should work with the other entity(ies) to identify, avoid, minimize and mitigate impacts.

**In this case, best efforts are likely to include using leverage to influence the other entity or entities causing impacts to:**

- Avoid or minimize activities contributing to impacts
- Provide mitigation measures to address the projects contribution to the impacts as part of its activities
- Develop appropriate social management plans and related mitigation measures to manage the impacts of all access restrictions.

**NOTE that, even where an Applicant has no contractual or non-contractual relationships with PA management or any entity causing access restrictions / impacts, where access restrictions are identified, the Applicant may still consider using leverage on any entities causing access restrictions / impacts, due to geographic or relational proximity. This may assist in securing community support for the project and reducing the risk of community opposition.**

To determine their level of responsibility, Applicants should refer to the matrix in Figure 3-3 below. safeguard instrument).

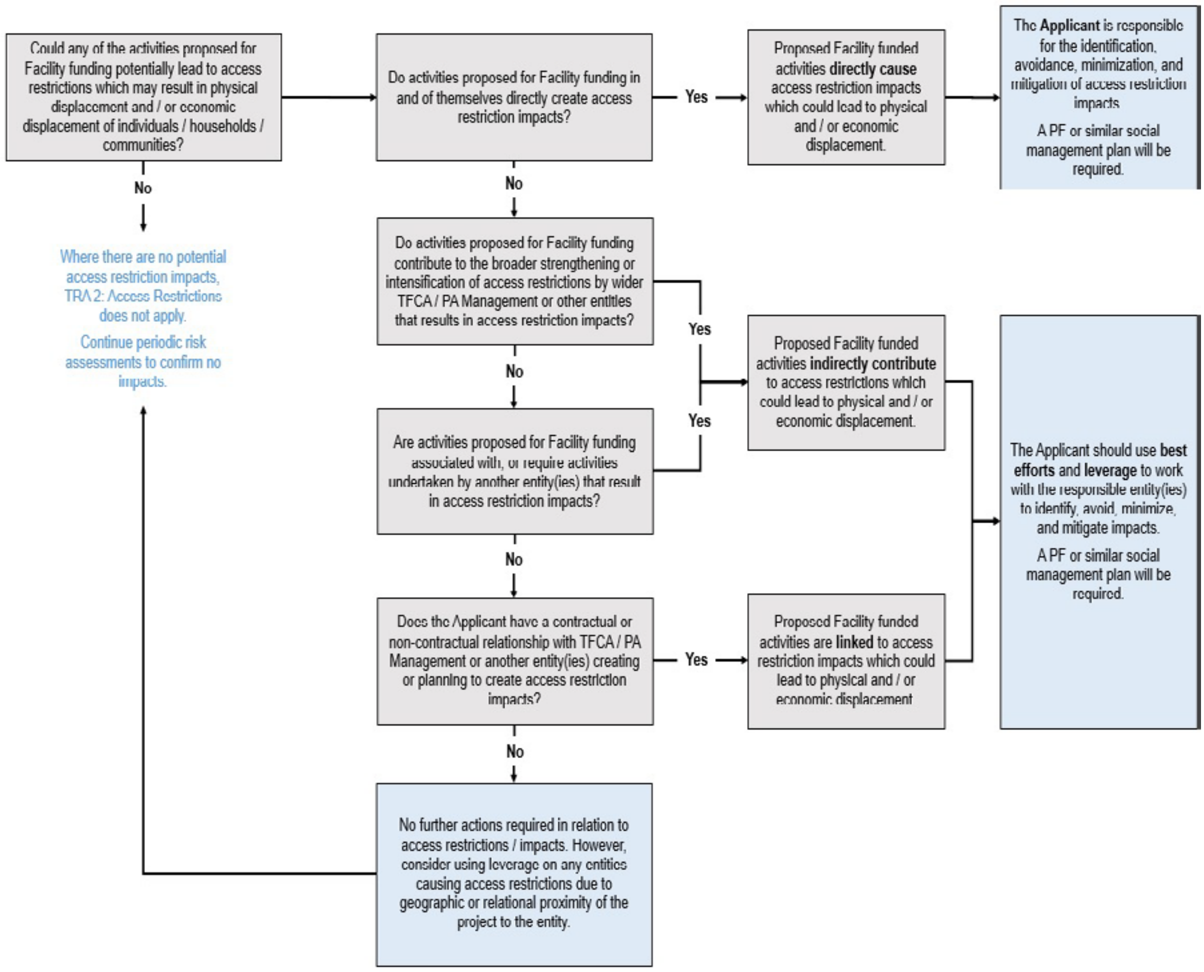



**Figure 3-3 Responsibility Matrix for Managing Access Restriction Impacts**

### 3.3.6 Financial Resources

As noted throughout this Guidance, managing displacement from access restriction impacts can be an expensive process, and oftentimes, costs are underestimated.

For **Question No. 3b.25**, Applicants must state whether a budget has been prepared for the costs of managing access restriction impacts consistent with the responsibility matrix (Figure 3 3) as well as the mechanisms that either are or will be put in place to ensure there are sufficient financial resources for managing access restriction impacts.

Budgets should include a breakdown of both the costs related to compensation and other mitigation measures as well as the personnel and equipment needed to prepare and implement a PF or similar safeguard instrument.

It is likely that during the Project Preparation and Development Phase, budgets will be indicative based on the level of information known at the time and will require further development as more information becomes available and / if activities progress to implementation.

While this is recognized by the Facility, Applicants should undertake to develop a reasonable estimate of the likely costs and how these will be provided (for additional information on access restriction budgets, see Section 6.3).

Applicants who lack the resources to guarantee proper planning may be required to adjust proposed activities to reduce access restriction impacts to manageable levels.

**If it is determined that there is not sufficient budget or resources to address the access restrictions and impacts envisaged, then the following may need to be considered:**

- The Applicant may need to implement access restrictions more slowly, so that impacts are created more slowly, in a phased approach
- The Applicant may need to implement activities on a smaller scale and scale up once social impacts can be successfully addressed
- The Applicant may need to develop a pilot program to address social impacts in a distinct area – however, this should be capable of replication throughout all affected areas in a reasonable timeframe, and the mechanisms for this should be defined and agreed with all stakeholders in advance
- The Applicant may pursue implementing activities through incremental voluntary land donations or restrictions – but in this case participation must be truly voluntary (see Section 3.3.3) and any impacts must still be addressed
- The Applicant will need to consider innovate solutions to addressing key risks associated with access restrictions – these are highlighted throughout Part II of this Guidance.

Where the benefits of proposed activities do not merit the scale of social impacts they will create, the concept should not be considered for Facility funding.

# PART TWO TECHNICAL GUIDANCE

## 4.
## Technical Guidance Introduction

Part I of this Guidance Note focuses on helping Applicants and future Grantees identify and assess potential access restriction risks and impacts resulting from Facility funded activities as well as determine responsibilities for managing access restrictions and the need to develop appropriate safeguard instruments as part of the overall ESMS Questionnaire and Funding Facility process.

As discussed in Part I, international standards typically call for the development of a Process Framework (PF) to function as a tailored social management plan that identifies access restriction impacts on communities and guides the planning and implementation of mitigation measures to address these impacts with the active participation of affected communities.

While there is no one standard PF format, **Annex A** includes a PF template comprising all key elements and their required level of detail which may be used as a starting point for Grantees or other appropriate audiences and adapted as needed to the specific context of Facility funded activities.

**In addition, Part II of this Guidance Note has been developed to detail the core elements required for the development of a PF:**

- Stakeholder Engagement
- Institutional & Legal Framework
- Baseline Data Collection & Analysis
- Impacts of Land Access Restrictions
- Eligibility and Entitlements
- Implementation Arrangements, including:
    - Organization Framework
    - Management Plans
    - Project Schedule
    - Project Budget
    - Change Management
- Monitoring & Evaluation.

Although presented as linear steps, in reality, the development of many of these components is often iterative. Or it may be that one of the components develops rapidly, while another develops more slowly.

To provide guidance that can be applied across a range of activities in TFCAs throughout the SADC region, the following subsections notably reflect a scenario in which there is no management structure in place for access restrictions.

It should be recognized that this scenario will rarely be encountered in practice and each Applicant / Grantee should follow a process that allows them to comply with both Facility standards and national requirements.

Also, where there is an existing framework or management plan in place to guide broader PA management, it may be appropriate to integrate the findings of the PF development process related to access restrictions and impacts into existing tools / plans.

**Box 4-1 Alignment of the PF with Other Safeguard Instruments**

**Many of the elements and sections of a PF may have considerable overlap with other social safeguard plans and tools developed for Facility funded activities such as the Stakeholder Engagement Plan (SEP) and Grievance Redress Mechanism (GRM).**

**It is appropriate and, at times, preferable to incorporate information from these plans in the PF to ensure consistency in approach. Care must be taken however so that access restrictions and associated impacts have been sufficiently dealt with in the development of these complementary plans and tools.**

**When developing a PF however, it is important that it can be read as a standalone plan in order for the PF to function as a useful management tool to be used by project implementers as living documents to guide the mitigation of impacts associated with access restrictions and ensure project success. The PF they should not be seen as a document which needs to be developed purely as part of a project approval process.**

# 5. Developing a Process Framework: Key Components

## 5.1 Stakeholder Engagement

As noted by social safeguard standards, the purpose of a PF is to establish a process by which members of potentially affected communities participate in the design of project components, including required mitigation measures, and the implementation and monitoring of relevant project activities.

In other words, the PF should demonstrate that the project has fulfilled the principles of promoting inclusion, mainstreaming community considerations, respecting human rights and ensuring participation and consent. Stakeholder engagement is integral to the development of an appropriate and successful PF and should enable effective participation to be sustained for the life of the project.

**Stakeholder engagement strategies are critical to PF development to::**

- Ensure all stakeholders are identified and can participate in project discussions and design, including marginalized or vulnerable groups
- Consult project-affected persons (PAPs) on local economic and social conditions and gather local knowledge
- Receive feedback from PAPs on project proposals, record their concerns, and provide feedback on issues raised
- Discuss preferences and optionsto incorporate into the design of mitigation measures,
- Enable PAPs to participate in project and PF development, endorsement, and implementation
- Ensure that any identified indigenous groups give their free, prior, and informed consent to any project interventions and mitigation measures
- Ensure stakeholder participation in monitoring and evaluation activities.

**Stakeholder identification, and the identification of vulnerable groups in particular, is highly context specific.**

**For example, in some contexts, female heads of households may be the sole income earners in their households and have fewer access to resources than their male counterparts, leaving them more food insecure as a result. In other contexts, where female heads of households tend to be the partners of men working away and sending money home, female-headed households may tend to be better off than households where both spouses remain in the community.**

**In other words, vulnerability cannot be generalized from a single characteristic, such as 'female head of household' or 'elderly' but must be assessed within the broader project context.**

In short, a Grantee cannot expect cooperation from people if it does not engage and cooperate with them.

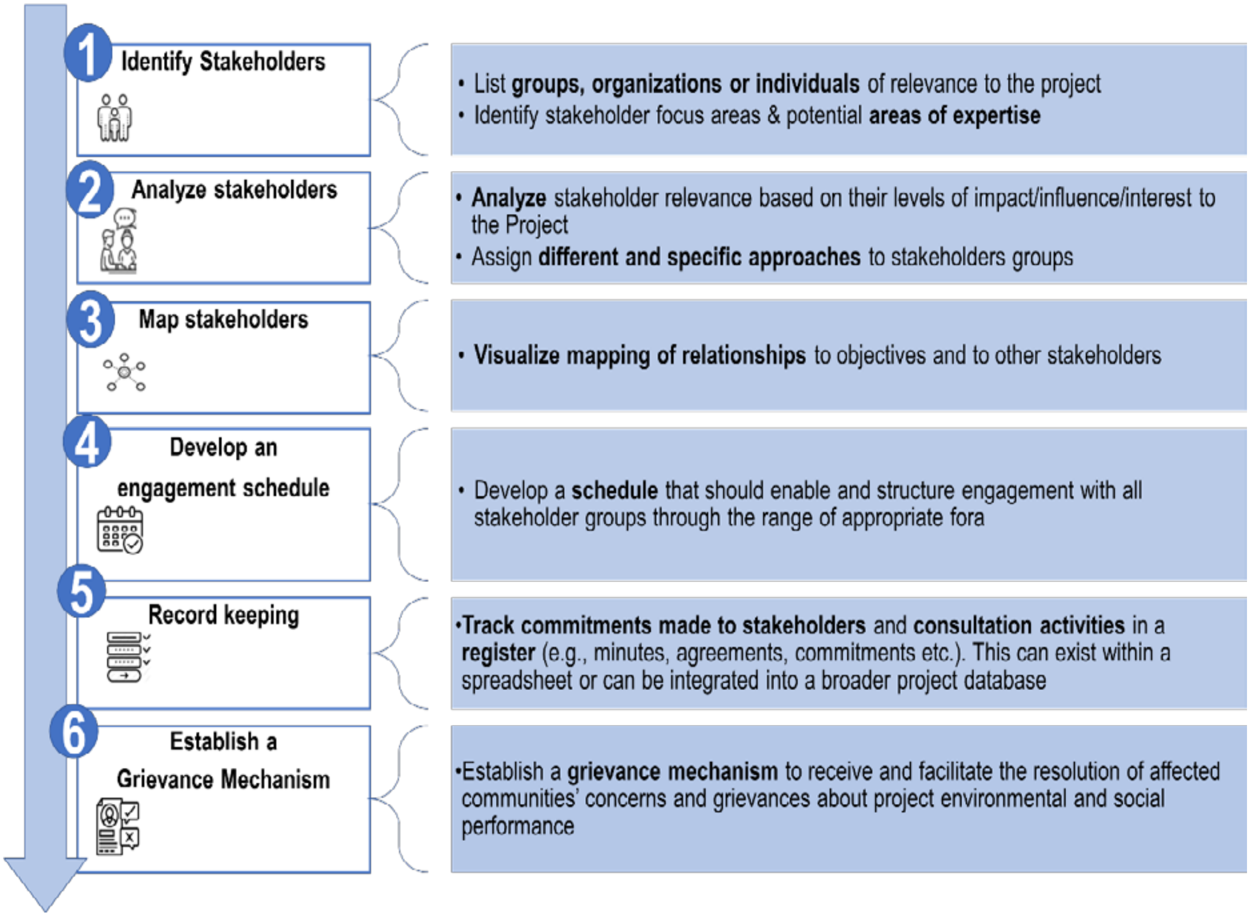
**All access restriction related engagement activities should be designed to achieve the following objectives:**

- Establish, maintain, and strengthen constructive, ongoing relationships with project stakeholders, based on mutual understanding, respect, and trust
- Ensure engagement activities are undertaken in a manner that is inclusive, culturally appropriate, and tailored to PAPs language preferences, literacy levels, and gender-specific needs so that project information is accessible to stakeholders in understandable formats

- Ensure that engagement is two-way, based on partnership and listening as well as talking, and accessible in terms of stakeholders' abilities to physically get to selected meeting venues
- Ensure all engagement activities are free of intimidation or coercion, and all participants are aware of their rights under national law and international standards.

Key steps in Stakeholder Engagement are shown at Figure 5-1 and discussed further below.

**Figure 5-1 Key Steps in Stakeholder Engagement**




### 5.1.1 Stakeholder Identification

**International best practice defines stakeholder identification as the process of:**

**Low Budget / Resource Scenarios**

**Using Google imagery and existing project maps is a low-cost desk-based approach to identifying impacted stakeholders and defining the Area of Influence**

- Identifying individuals, groups, local communities, and other stakeholders who may be positively or negatively affected by the project, particularly those directly and adversely affected by project activities, including those who are disadvantaged or vulnerable. This includes prioritizing the identification of stakeholders who will economically or physically displaced by a project, these are the stakeholders for which the most extensive programming will be developed and to whom compensation may be paid
- Identifying broader stakeholders who may be able to influence project outcomes because of their knowledge of or political influence over affected communities
- Identifying legitimate stakeholder representatives within affected communities, including elected

officials, non-elected community leaders, leaders of informal or traditional community institutions, and elders
- Mapping affected households and communities within a geographic area, to help the project define the area of influence. It may be useful to utilize satellite imagery, including readily available tools such as Google maps, to undertake an initial analysis of the Area of Influence, if possible, with shapefiles of the PA. Additional information can be overlaid on these maps, including mapping of community boundaries, and hotspots relating to encroachment, human-wildlife conflict, tree cover loss, and poaching/illegal activity. Ultimately, the Area of Influence can be confirmed through stakeholder engagements and baseline data collection and analysis and refined as required.

**Box 5-1 Defining the Project Area of Influence**

**An important step early in the stakeholder engagement process, and before any baseline data collection can take place, is to define the Project's Area of Influence.**

**This normally includes:**

- **Zone of Direct Impact: An area, often demarcated by a PA boundary, where land access restrictions will be in place and enforced, and where project facilities may be constructed.**
- **Zone / Zones of Indirect Impact: Areas where stakeholders affected by a project's impacts reside, work or farm, including areas that experience economic growth, increased traffic, or influx as a result of a project's activities.**

### 5.1.2 Stakeholder Analysis

Once stakeholders are identified, they should be analysed. Dimensions for analysing stakeholders can include by impact, proximity, interest, influence, responsibility, representation, and dependency. The purpose of the analysis is to assess the respective concerns and interests (overt and hidden) of the stakeholders identified, determine potential conflicts of interest, and the ways in which these interests could affect project risk and viability.

The analysis should evaluate each stakeholder's view of the project (positive, neutral, or negative), how influential they are (high, medium, or low) and how greatly they will be impacted by the project (high, medium, or low).

**Project stakeholders may include:**

- Households potentially affected by physical displacement, economic displacement, or loss of access
- Land users
- Resource users, including hunter gatherers and fishers
- Pastoralists
- Vulnerable households
- Indigenous groups
- National Government Bodies
- Regional Governments
- District Governments
- Village level governance structures
- Traditional Authorities
- Funding Agencies
- Non-Governmental Organisations.

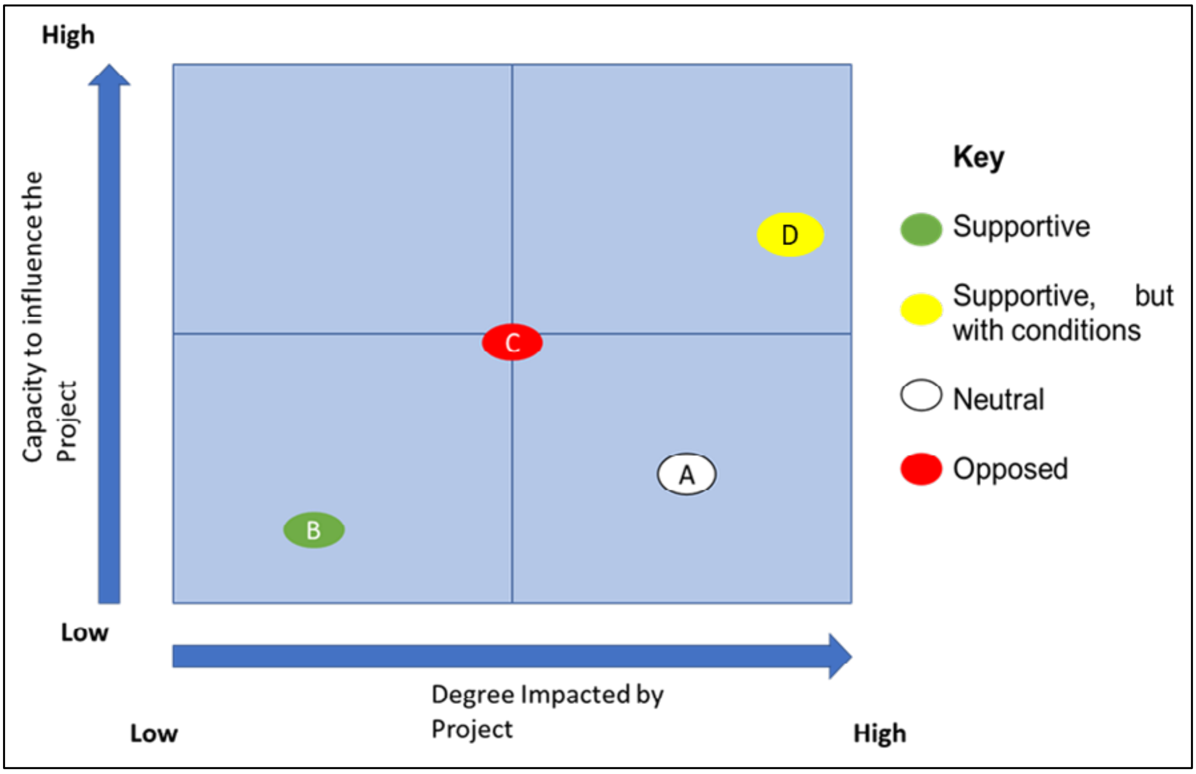
For each stakeholder, views, influence, and impact can be recorded on a Stakeholder Analysis Table similar to the example in Figure 5-2.

### Figure 5-2 Stakeholder Analysis Table

| STAKEHOLDER | VIEW OF PROJECT | | | LEVEL OF INFLUENCE | | | LEVEL OF PROJECT IMPACT | | |
|---|---|---|---|---|---|---|---|---|---|
| | Pos | Neu | Neg | High | Medium | Low | High | Medium | Low |
| A | | | | | | | | | |
| B | | | | | | | | | |
| C | | | | | | | | | |
| D | | | | | | | | | |

Stakeholders can also be mapped into high and low priority categories, based on the levels of impact and ability to influence a project. This is done to tailor engagement efforts and allow resources to be targeted and optimally utilized. Undertaking stakeholder engagement without a clear understanding of project stakeholders will result in engagement that is not sufficiently targeted. All stakeholders must be engaged, with the nature, level and intensity of engagement tailored to the stakeholder in question. A simple illustration of stakeholder mapping is presented in Figure 5-3 below.

### Figure 5-3: Sample Stakeholder Mapping



The stakeholder identification and mapping process should be iteratively updated as Project decisions are made.

The extent to which a project focuses on different stakeholders may depend on the nature and extent of project impacts on the stakeholder, the degree to which certain stakeholder groups may be vulnerable and therefore marginalized in traditional engagement settings, the project stage, and the level of influence of the stakeholder.

Where vulnerable stakeholders risk being marginalized, specific stakeholder engagement mechanisms should be developed to garner their feedback. Two groups, discussed below, that are frequently marginalized are indigenous peoples and women.

### 5.1.3 Engaging with Indigenous Peoples

The WB recognises that there is no universally accepted definition of "indigenous peoples", also referred to by the WB in some contexts as "Sub-Saharan African Historically Underserved Traditional Local Communities", and by some countries as "indigenous ethnic minorities," or "tribal groups".

**As per WB ESS 7, "indigenous peoples" is a term used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:**

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others
- Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

These groups generally have historical continuity with pre-colonial or pre-settler societies and are resolute to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

According to the UN, indigenous peoples should be identified rather than defined. This is based on the fundamental criterion of self-identification as emphasized in a number of human rights documents.

Potentially marginalized minority groups almost always merit special project efforts to ensure engagement and participatory decision-making concerning land access arrangements. At the same time, the WB and others recognize that engaging separately with distinct groups may result in animosity and conflict with the minority group, so care must be taken in establishing the most appropriate way to engage with marginalized stakeholders.

If the process of identifying groups for the purposes of applying standards on indigenous peoples may create a serious risk of exacerbating ethnic tension or civil strife, or where the identification of culturally distinct groups is inconsistent with national constitution provisions, an alternative approach may be pursued.

**Projects may include measures such as:**

- Ensuring minority groups not fully represented in general engagements will be identified, and special measures made to understand how the Project may impact them, and how they can be fully involved in project processes
- Ensuring that all engagements with all PAPs, whether indigenous or non-indigenous, will follow the principle of Free, Prior and Informed Consent (FPIC).

**Box 5-2 Key Elements of Free, Prior, and Informed Consent (FPIC)**

**Key elements of FPIC include:**

- **Identifying land holders and customary rights (e.g., through participatory community mapping)**
- **Identifying and involving appropriate decision-making institutions / authorities in the community. Communities must be represented by institutions of their own choosing through verifiable processes, which may differ from institutions formed based on government structures**
- **Identifying and involving supporting organizations (e.g., regional or national representative organizations of indigenous peoples and / or experts or advocacy groups on customary / community rights)**
- **Building mutual understanding and agreement on FPIC processes that are appropriate to the local situation**
- **Providing open and transparent information in a culturally appropriate way (e.g., balanced treatment of potential positive and negative impacts of an initiative, assessment of costs, benefits or alternative results and information about legal rights and implications of a proposed project)**
- **Negotiating and supporting decision making. Negotiations consist of a two-way dialogue between the community and advocates or project facilitators (e.g., government, private sector, NGOs) regarding proposals, interests and issues, with independent moderators or third parties as required and agreed**
- **Documenting all agreements. Agreements must be documented in a mutually agreed form between all parties**
- **Supporting and monitoring implementation of agreements. Right-holding communities must be substantively involved in all stages of designing, implementing and monitoring and evaluation of the agreements**
- **Establishing and operationalizing conflict resolution mechanisms. Defining in advance how differences will be communicated and resolved helps to ensure that differences do not grow into broader conflicts that frustrate agreements and projects**
- **Verifying approval. Verification by third parties that community consent is free, preliminary and based on full information guards against manipulation of the FPIC process.**

### 5.1.4 Engaging with Women

The status of women in many societies can result in them being vulnerable and marginalised.

Economic pressures can compound this vulnerable position, causing the removal of girls from school,  educed women's income, and higher infant and child mortality.

The primary issue often facing rural women is a lack of economic empowerment. This often results from traditional customs that dictate that rural women are mainly responsible for household tasks as well as alarge proportion of farm and resource gathering work (e.g., non-timber forest products). Women also often have limited access to income-generating opportunities or skills training.

**ESS 5 stipulates that when engaging stakeholders about land access restrictions, the "consultation process should ensure that women's perspectives are obtained, and their interests factored into all aspects of resettlement planning and implementation.**

**Addressing livelihood impacts may require intra-household analysis in cases where women's and men's livelihoods are affected differently. Women's and men's preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, should be explored".**

**Women face a number of disadvantages that can limit their participation in project's engagement activities:**

- Because of the disproportionate amount of work women undertake in farming/resource gathering, household chores, and childcare, they have limited time to attend consultative events
- The social status of rural women reduces their confidence and willingness to participate in consultative forums, and increases the probability that their contributions will be disregarded or denigrated by male participants
- Outsiders may find it difficult or uncomfortable to fully include women if there is opposition from male community members who draw on traditional cultural references to exclude women
- Regulators may discount women's rights and perspectives where women are not formally registered as landowners or users.

However, women make an essential contribution to public consultation and project design processes, given their intimate knowledge of farming, land, and resource management. They are also frequently able to identify community needs and priorities that can be addressed in social development programs. Their participation in and contribution to project planning can also serve to raise their status in their communities.

The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) in particular notes the need to consult adequately with women and girls, including examining means to improve their tenure rights and equitable access to land, fisheries and forests, also as a means of ensuring food security.

In identifying and mitigating the impacts of access restrictions, projects should ensure and document adequate engagement with women. It may be appropriate to do so through women only Focus Group Discussions (FGDs) and facilitating women's participation in baseline data collection, for example through community mapping methodologies.

### 5.1.5 Early Engagement

Initial community entry and engagement must be undertaken sensitively. First impressions are particularly important and how a project engages with affected communities and households sets the basis for a future relationship.

**Before undertaking any initial engagements, a project's proponents should:**

- Undertake a review of historic engagements to date and legacy issues (see Section 6.1.7)
- Engage with local actors, including local government and NGOs, to understand community dynamics and stakeholder relationships
- Identify key persons who it will be important to meet with first, or who it may be customary to consult, before undertaking wider stakeholder engagement, such as traditional leaders
- Be prepared to spend time on initial meetings and formalities before being able to undertake engagement directly related to project mechanisms and allow for this in engagement and project schedules.

**ESS 10 stipulates that appropriate engagement "is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders".**

### 5.1.6 Engaging in Challenging Environments

Projects may be located in insecure environments, inaccessible locations, or just involve huge areas that are difficult for community relations or engagement specialists to cover.

In such cases project approaches will be governed by the context and available resources. Projects should consider the minimum engagement which can be undertaken in order to get as wide a representation of stakeholders as possible.

**This may include:**

- Undertaking engagements based on a stratified representative sample of communities or households
- Undertaking remote engagements via telephone
- Iteratively encouraging stakeholders to use the grievance mechanism as means of communicating their views, issues and perspective on impacts and risks
- Developing and strengthening local community level committees that can be regularly engaged and update project staff.

When working in conflict or post-conflict settings, Grantees should be sensitive to the basis of conflicts and ensure any engagements do not exacerbate inter or intra community conflicts, or government – community conflict. Grantees may also need to be cognizant of the potential for retaliation against those who may engage with the project, and ensure mechanisms are in place to monitor these risks, seek to prevent them (e.g., through staff training, and opportunities to raise confidential or anonymous grievances), and investigate and respond when required. Useful guidance is available from the IFC's Goof Practice Note on Addressing the Risks of Retaliation Against Project Stakeholders.[15]

### 5.1.7 Historic Engagement and Addressing Legacy Issues

Before starting wider stakeholder engagement with affected communities, it is important to understand the history and outcomes of past engagement, i.e., people's relationship to a project; as well as past events, i.e., people's relationships to each other.

[15]Available at: https://www.ifc.org/wps/wcm/connect/93aac0e9-0230-4afe-98df-a916b27b440f/IDB+Invest+and+IFC+Reprisals+GPN.pdf?MOD=AJPERES&CVID=nxFSsgS

**Box 5-3 Addressing Legacy Issues: Examples from Madagascar**

**At the Ankeniheny-Zahamena Corridor project in Madagascar, researchers report that only 50% of displaced households received compensation and all suffered 27-84% losses in revenue because of lack of accurate stakeholder identification and engagement about "off-farm" livelihoods, as well as inaccurate compensation rates for those who did receive entitlements.[16]**

Project proponents should speak to people who were involved in historic engagement to document what worked and did not work, what should change and what should be maintained, and whether there are unresolved grievances related to past events. Remember that each project is different and stakeholder engagement approaches cannot simply be copied between them.

In some cases, a PA will have extensive legacy issues that may even be traced back to the original formation of the PA, which may date from colonial or pre-colonial times.[17] Often legacy issues will have created deprivation that may be the key cause of continued pressure on protected resources. It is critical to be aware of all legacy issues before undertaking engagement for a new project or project component. In some cases, stakeholders may refuse to engage on new components until the legacy issues have been addressed. Engagement processes need to ensure sufficient time is allocated to discussing legacy issues, and empathizing with affected households and communities, before exploring resolutions and discussing project plans and measures.

Because of this, legacy issues should be identified as early as possible in project assessment, especially as they may have considerable impacts on schedules and budgets. For complex legacy issues, it may be necessary to develop a 'roadmap' for resolution, in consultation with stakeholders. It will often be impossible to identify historically affected households, especially where displacement occurred a long time ago, and to try and do so may even create intra and inter community conflicts, including with 'host' communities, as well as tensions with government and other stakeholders. In such cases, the 'roadmap' for resolution should recognize historic 'injustices', while developing forward-looking mitigation measures which attempt to address current needs and issues at a holistic level for all affected communities and stakeholders.

Where land acquisition for a PA was conducted by the state, there are particularly stringent requirements for a project to document the outcomes of the displacement. The project is required to undertake a due diligence review of the land access restriction processes followed and document these. Where the land acquisition by the state has physically or economically displaced people without compensation or without providing adequate opportunity for them to restore their livelihoods, it may be a project's responsibility, under the KfW Sustainability Guideline, to provide supplementary entitlements to bridge these gaps.

### 5.1.8 Government Led Consultations and Negotiations

Even where the government has not displaced populations for a PA or project, different government institutions may insist on leading on any engagements and negotiations with communities and households related to the project.

[16] Poudyal, Mahesh, Julia P.G. Jones, O. Sarobidy Rakotonarivo, Neal Hockley, James M. Gibbons, Rina Mandimbiniaina, Alexandra Rasoamanana, Nilsen S. Andrianantenaina, and Bruno S. Ramamonjisoa. "Who bears the cost of forest conservation?" PeerJ 6:e5106; DOI 10.7717/peerj.5106.

[17] Beltran, Javier, ed. Indigenous and traditional peoples and protected areas: principles, guidelines and case studies. Vol. 4. IUCN-The World Conservation Union, 2000.

Projects faced with this situation need to balance ensuring stakeholder engagement is done properly, whilst not negatively affecting the relationship with government partners. Even if government actors lead an engagement process, a project should be at least sufficiently involved to be able to independently document that process, including key messages, the types of engagement activities conducted, and how feedback was garnered from potentially vulnerable groups. Ideally, there will be opportunities for a project's proponents to provide support for engagement processes where government capacity is limited. If a process conducted by the government does not meet the requirements of KfW's Sustainability Guideline, then supplemental actions will be required to bring it into alignment.

In some cases, project proponents may be in a position to make recommendations to government stakeholders on the structure of government led processes. Projects should consider recommending that the government have independent third-party specialists lead the process on the government's behalf, as a mechanism that can increase the transparency of consultation and negotiation processes. Whether this suggestion is appropriate for a project's local context would need to be evaluated on a case-by-case basis.

At the same time, government needs to be properly engaged as a stakeholder in their own right – they should be persuaded of the sustainability of the project approach and encouraged to adopt the same in projects where KfW is not involved, while they may need to be assured that proposed engagement methodologies and project approaches will not set unsustainable precedents for future government projects.

### 5.1.9 Stakeholders Defined as Illegal by Government

National legislation may outlaw certain forms of traditional land ownership or use within a PA and define, for example, pastoralism, subsistence hunting, resource harvesting or farming as illegal. People living within a PA may also be considered illegal squatters. Even when it is not clearly stipulated in national law, it may be the view of central or local government.

The social safeguard standards clearly state that such owners and users are eligible for compensation and other forms of assistance from a project if they will experience social impacts because of the project. This is particularly true for any impacts to livelihoods. The project may even represent an opportunity for these owners and users to formalize their rights to their assets, with project support for the formalization process, for example through land use planning and legal certification.

In such situations, projects must engage with government to ensure that these stakeholders receive the support they are entitled to under the ESS. The project may even constitute an opportunity to transfer stakeholders engaged inillegal livelihoods into legal activities. Care must be taken to ensure that women's ights to the land they own, and use are protected throughoutany formalization process that is undertaken. The project will also have to demonstrate how it will prevent further influx or speculation in anticipation of benefits (e.g., by declaring an Entitlement Cut-off Date) as discussed in Section 6.3.4, and how government canmanage any precedents created.

**ESS 5 stipulates that the ESS extend equally to the displacement of "people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date".**

### 5.1.10 Engagement Methodologies

The diversity of project contexts and project stakeholders requires proponent to implement different engagement methodologies with different groups at different times. Some of the key methodologies, associated tools, and where each is most often useful is presented in Table 5-1 below.

### Table 5-1 Common Stakeholder Engagement Methodologies

| TYPE | TYPES & TOOLS | MOST USEFUL WHERE |
|---|---|---|
| **Meetings** | Public meetings with communities | The project needs to provide project information or feedback to a group, community etc. |
| | Individual or small group meetings with key stakeholder groups, government agencies | To provide or collect specific information from an individual (such as a regulator) |
| **Surveys** | Household questionnaires | The project needs to establish a baseline data set because it will have direct and indirect impacts on people or communities; project will be monitoring well-being at a household level (e.g., to demonstrate livelihood restoration) |
| | Asset surveys | Project will impact physical assets (e.g., structures, crops) and needs to assess these for compensation and to inform livelihood restoration and resettlement |
| | Satellite and aerial surveys | To inform project planning including avoidance and minimization efforts |
| | Perception surveys | To assess whether mitigation measures are having the intended effect and are regarded as successful by stakeholders |
| **Participatory Workshops** | Focus group discussions | In order to provide opportunities for detailed discussion on issues outside the large group format; especially with stakeholders who may not participate in larger group formats (e.g., women, marginalized groups) |
| | Participatory rural appraisals,<br><br>Poverty and vulnerability mapping<br><br>Wealth ranking and other forms of ranking for decision making | Few secondary sources of data are available.<br><br>Local leaders and other stakeholders are willing to walk key areas and describe the social elements of these areas to project staff |

| TYPE | TYPES & TOOLS | MOST USEFUL WHERE |
|---|---|---|
| **Negotiating Forums** | Committees with sitting members from affected communities, government, and civil society | The project needs to provide project information or feedback to a group, community etc. |
| | | To provide or collect specific information from an individual (such as a regulator) |
| **Written materials** | Community Noticeboards / Info centres<br><br>Newsletters / info sheets<br><br>FAQs | To provide regular project information in easily accessible locations |
| **Media** | Radio<br><br>Print media<br><br>Social media | To disseminate information across a wide area, including regional, national, and international audiences (often in a range of appropriate languages) |
| **Participatory methods** | Role play<br><br>Historic timelines and trends<br><br>Seasonal calendar<br><br>Daily schedules<br><br>Resource mapping and village maps | Few secondary sources of data are available.<br><br>Stakeholders are unfamiliar with a project and the project is seeking to develop a good relationship with local communities by recognizing communities' own agency; building cooperation and community ownership over the project; |
| | Gender assessment | Women and men's roles in a society or community are distinct from one another. Women use different resources and areas than men |

**In implementing the methodologies above, proponents must be careful to:**

- Prevent the elite capture of stakeholder engagement only the views of powerful people or
- Track participation in meetings sufficiently, so that the project can adequately report on its own engagement.

**This can be done using:**

**Low Budget / Resource Scenarios**

**Where budgets and resources are limited, projects should consider the most effective means to gather sufficient data to identify and address risks. So, where household surveys are not feasible, consider rapid village assessments, using participatory methods such as those outlined in Table 6-1**

  - **Minutes, attendance sheets, and a stakeholder register**
  - **Record of Engagement Forms used torecord formal stakeholder engagement details. This is to be used for all information sessions, FGDs, and meetings with all external stakeholders**
- Track the content of meetings sufficiently, so that the project can record and manage commitments made or grievances raised and ensure stakeholder feedback informs project design. This can be done using:
- Formal agreements and a commitment register that track commitments made and the timelines for their completion
- Plan engagement activities with sufficient time so that they can be iterative, allowing for the results of preliminary consultations to inform later consultation, and for the results of consultation to be verified with stakeholders
- Update written communication tools, such as FAQs, social media accounts or bulletin boards, so that stakeholders do not feel out of touch with a project, or that different stakeholders develop different and conflicting understandings of a project.

### 5.1.11 Engagement Schedule

Once a project has determined which methodologies are appropriate for which stakeholder groups and when they should be implemented, a detailed engagement timetable should be developed. The schedule should enable and structure engagement with all stakeholder groups through the range of appropriate fora throughout the various project stages.

The Stakeholder Engagement Schedule should be developed in a tabular format, with a note of the topic being discussed; key stakeholder groups to be consulted; the methodology; responsible parties; and dates/frequency of engagement. A sample engagement schedule template is shown at Table 5-2 below.

**Table 5-2 Example Stakeholder Engagement Schedule**

| TOPIC | FREQUENCY |
|---|---|
| **Formal Consultations** | |
| Briefing for Regional Minister | Quarterly |
| Briefing for Local Member of Parliament | Ad-hoc |
| Briefing for Municipal Chief Executive | Monthly |
| Briefing for Regional Ministries, Departments and Agencies | Bi-annually |

| TOPIC | FREQUENCY |
|---|---|
| Briefing for Municipal Ministries, Departments and Agencies | Bi-annually |
| Briefing for Unit Committee Members and Assemblymen | Quarterly |
| Briefing for Traditional Leaders | Quarterly |
| Briefings for Youth Leaders | Quarterly |
| Briefing for Community Youth Groups | Quarterly |
| Briefing for Religious Leaders | Quarterly |
| Focus group workshops with Farmers | Monthly |
| Focus group workshops with Youth groups | Bi-annually |
| Focus group workshops, training for media | Annually |
| Community Durbar to discuss current and upcoming activities | Monthly/As required |
| Civil Society Groups/NGOs | Schedule to be Determined |
| **INFORMAL CONSULTATION** | |
| Informal contacts with traditional leaders and other key community opinion leaders | As required |
| Informal contacts with other key government officials and regulators | As required |
| **DISSEMINATION OF INFORMATION** | |
| Updates to public notice boards | Weekly or as needed |
| Project Newsletter | Bi-annually |
| Scheduled visits by Community Relations Staff to each community | Weekly |
| Project Progress Reports | Quarterly |
| **COMMITTEES** | |
| Community Consultative Committee | Quarterly |
| Women Consultative Committee | Quarterly |
| **COMPLAINT PROCESS** | |
| Grievance and Complaints (Information Center) | Daily, Mon to Fri, 8.30am to 3pm |

### 5.1.12 Documentation of Participatory Processes and Agreements

The Process Framework should describe the participatory assessment and planning methods and approaches that are used for developing the Process Framework, based on the engagement methodologies and schedule, including with regard to the key steps of:

- Assessing impacts from access restrictions (including baseline data collection)
- Developing mitigation measures
- Defining arrangements for implementation of mitigation programs (including criteria for eligibility)
- Monitoring and evaluating implementation and outcomes.

In each case, the PF should summarize how participation of affected groups and their legitimate representatives is achieved through a description of the locally and culturally appropriate processes employed, including how the involvement of women and men, vulnerable groups, and indigenous groups where relevant, was assured. The outcomes of such participation, including any formal or informal agreements reached, should be documented (see also 5.1.13 below).

### 5.1.13 Record Keeping

The Stakeholder Engagement section should include a sub-section on how stakeholder engagement will be recorded, stored, and reported / disclosed. It is common for projects to track commitments made to stakeholders and consultation activities undertaken in a register. This can exist within a spreadsheet or can be integrated into a broader project database.

**Early on during Project planning, it is useful to put in place systems to capture the following:**

- Minutes – The minutes of all meetings held with stakeholders
- Agreements – All agreements reached, whether at the community level or with individual project-affected people. Agreements reached should be signed off on by project and community representatives. These should be provided to communities in hard copy as well as be available to stakeholders on request
- Where parties to an agreement (or other document) are illiterate, then appropriate measures should beput in place by the Project to ensure that a) the terms of the agreement /document are clearly explained to and understood by the illiterate party, and b) the person's understanding and agreement are clearly recorded and witnessed
- Commitments – A Commitment Register can record all commitments and responsibilities of the Project, and third parties, such as project- affected people and government agencies. Timing / deadlines for meeting commitments and any conditions attached to the commitments should also be clearly recorded.

**Low Budget / Resource Scenarios**

**Record keeping mechanisms do not need to be expensive or high technology to be effective.**

**Consistency is more important than speed of access. As long as records are entered on a regular basis, records can even be kept manually in logs and scanned into an online system once a month as a back-up copy.**

**In these contexts, however, managers need to establish that roles and responsibilities related to record keeping are simple and clear.**

### 5.1.14 Grievance Mechanisms

**International standards state that:**

- Where there are affected communities, a project will establish a grievance mechanism receive and facilitate the resolution of their concerns and grievances about project environmental and social performance
- The grievance mechanism should be scaled to the project risks and adverse impacts that have affected communities as its primary user
- The grievance mechanism should seek to resolve concerns promptly using understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution to the party originating the issue or concern
- The grievance mechanism should not impede access to judicial or administrative remedies
- The project will inform the affected communities about the mechanism in the course of the stakeholder engagement process.

**Low Budget / Resource Scenarios**

**Record keeping mechanisms do not need to be expensive or high technology to be effective.**

**Consistency is more important than speed of access. As long as records are entered on a regular basis, records can even be kept manually in logs and scanned into an online system once a month as a back-up copy.**

**In these contexts, however, managers need to establish that roles and responsibilities related to record keeping are simple and clear.**

The Facility has developed a Grievance Response Mechanism (GRM)[18] in alignment with the E&S Standards outlined in the TFCA FF E&S Policy Statement and included in the TFCA FF Environmental and Social Management System (ESMS).

The Facility GRM serves as a platform for any individual, group, community, organisation, or Project stakeholder affected by the activities funded by the TFCA FF to raise concerns, complaints or provide feedback regarding the TFCA FF and/or any Project financed by the TFCA FF.

Access to the GRM should be communicated to stakeholders, and information on the grievance mechanism should also be publicly available, for example on a project's or PA's website.

It may be necessary to conduct engagement with specific groups to demonstrate that they understand the mechanism, such as separately with women, so they feel comfortable asking questions.

**NOTE that TFCAFF requires each Grantee to establish and operate a project level GRM in line with the international standards as listed in the TFCAFF ESMS Manual. Please also refer to the Guidance Note on Project Level GRM (Annex to the ESMS Manual).**

## 5.2 Institutional and Legal Framework

The Institutional and Legal Framework section of a PF should establish the governance framework within which the project will be operating, including related to the mitigation of project impacts. Different regulatory contexts will have different stipulations regarding how land access restrictions must be scoped, communicated, implemented, compensated for and reported on.

[18] Update with GRM Document Number.

**Typically, a PF's Legal Framework Chapter will have at least the following sections:**

- The Institutional Framework
- The Legal Framework
- A Legal Gap Analysis (LGA) of national and international laws and standards.

The Institutional Framework briefly details the national governance structures relevant to the project location, and the various government, local and international agencies directly or indirectly involved in, or influencing the project at national, regional, and local levels. This includes all departments and agencies responsible for any approval processes, project oversight, or direct implementation. This ensures all government stakeholders at various administrative levels are identified at the project outset. The Institutional Framework also outlines the various project-relevant international organisations, including project partners such as NGOs, and funding agencies such as KfW. The involvement of international organisations impacts project development standards.

**Box 5-4 Co-Management Arrangements for Access Restriction Impacts**

**For many projects, there will be co-management arrangements, where decision making regrading project development, including management of access restrictions and PFs, is determined by factors such as the NGO's mandate, informed by any Memorandum of Understanding (MoU) between the NGO and government partner. Some decisions regarding PA management, and key decisions on access restrictions, displacement, evictions, or enforcement, may even be taken by government structures or agencies which are not within the control or influence of the government partner or implementing agencies.**

**In such cases, the project needs to develop specific approaches to ensuring as much as possible a comprehensive and inclusive approach to decision-making, where key decisions can be influenced to meet the requirements. This may include MoUs between agencies, development of Project-management Units drawing in several agencies and government departments or ensuring the PF can make clear recommendations to the relevant decision-making bodies outside the project structures.**

The Legal Framework focuses on all project-relevant laws and regulations impinging on land management, access, and resettlement and should be completed for all countries within which an SADC TFCA funded project will be implemented to ensure that (1) project activities are legal and (2) a consistent approach is applied to all stakeholder groups to avoid cases of unfairness. The Legal Framework also includes a discussion of international standards and guidance to inform project planning.

Following a comprehensive review of national and international laws and standards, a Legal Gap Analysis (LGA) can be undertaken. The LGA presents the relevant national legislation and international standards pertinent to key project aspects. The LGA identifies gaps between national legislation and international standards and proposes mechanisms to address the gaps. These strategies will inform the PF and will need to be agreed with all affected stakeholders, including project partners and government.

### 5.2.1 Incorporating Governance in Management Plans

In developing appropriate project governance structures, it is often most effective to build on existing structures rather than trying to impose new ones.
For example, the Tanzanian government has been mandating the implementation of Village Land Use Planning (VLUPs) since 1993, relying on village councils, working with the districts, in the development and management of VLUPs and land management issues.Existing governance and planning structures can be identified alongside the stakeholder identification process. Such structures and processes need to be carefully assessed and their appropriateness for the project determined.  In some cases, supplementary measures and mechanisms may

need to be incorporated, for example to ensure involvement of vulnerable or minority groups, or to ensure elite capture of project benefits is avoided.

For example, managing and mitigating access restrictions through local participatory land use planning toolkits may require special additional measures to current statutory processes, such as including vulnerable households in decision-making.  Similarly, traditional authorities may be used to managing community engagement and negotiation processes, but additional measures to ensure representation of underserved groups, or additional engagement processes, may need to be agreed.

### 5.3 Baseline Data Collection and Analysis

The Socio-economic Baseline Chapter in a PF serves as the foundation for later chapters on the identification, analysis and management of impacts related to access restrictions.

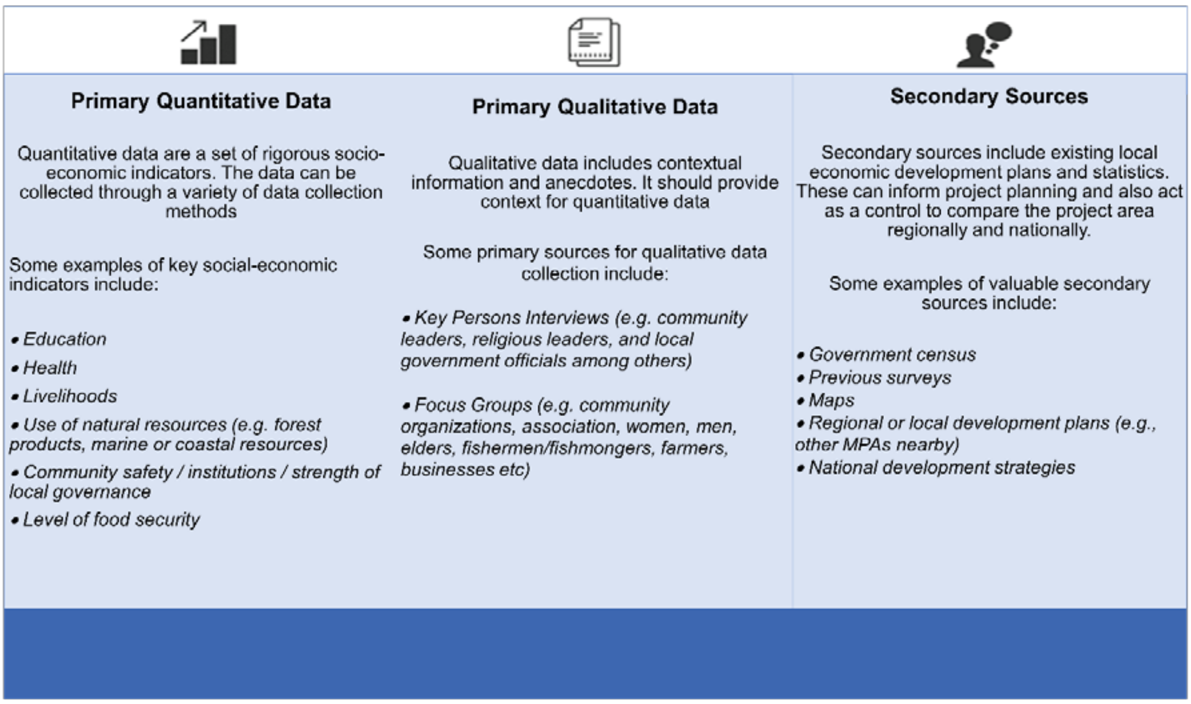
**This chapter should include sections identifying the:**

- Directly and indirectly affected communities
- Ownership and use structures related to resources to which access will be restricted, including, as relevant, structures, land, crops, water and other natural resources, cultural resources, infrastructure, and communal resources
- Pre-project socio-economic levels of affected groups and community perceptions of the project
- Legacy issues.

Poorly planned baseline data collection, storage, and analysis process will likely result in a poorly planned project and poor outcomes. The PF must detail the methodologies used to identify the above. Relevant findings should be illustrated in tabular and graphic format so they can be interpreted by a wide range of external stakeholders.

Baseline data is either primary or secondary data, and may be quantitative or qualitative, as shown in Figure 5-5 below.

**Figure 5-5: Primary and Secondary Data**



### 5.3.1 Review of Existing Data

The first step in baseline data collection and analysis is to review existing available information sources, or secondary data.

**This includes:**

- Key background documents generated by the project in the past
- Information generated by other agencies on the general project area (including government).

**NOTE that secondary data is someone else's primary data, and while useful for triangulation purposes, it may suffer from bias and errors**.

**Background documentation may include:**

- Internal project design documents. The final project design is often not well defined at an early stage of the project, but it should be possible to document design options, so that social and environmental factors can be considered at an early stage
- Environmental baseline data reports that outline impacts and proposed mitigation measures
- Project maps relating to surrounding communities and land uses, and activities including timber harvesting, poaching, encroachment etc.
- Previous social baseline data reports collected by the project
- Reports from other agencies, particularly NGOs and universities, who have conducted research and implemented development projects in the project area
- Local, regional, and national reports which describe the socio-economic context including development plans, national census and health, education, planning, police and agriculture departments.

It can be particularly useful to gather national data, particularly if reliable, as this will assess the area (perhaps at a local or regional level) over time and may also allow for comparisons in the future with adjacent areas not impacted by the project, which can act as 'control areas' for assessing living standards and project outcomes.

### 5.3.2 Assessing Further Data Requirements

The requirements for baseline data collection and the level of detail required are determined by the complexity of the project, and the extent of the planned intervention on existing projects or PAs.

A useful tool for assessing the key information requirements of the project, and the most appropriate and practical means of data collection, is a Data Matrix. A Data Matrix can help project managers prioritize data collection in a budget-limited context.

In identifying data collection formats, it may be useful to use more than one methodology for certain types of information, in order to triangulate answers (e.g., using key person interviews, focus group discussions and socio-economic household surveys to determine a community's development priorities).

### Box 5-5 Defining Data Collection Needs and Key Performance Indicators

**Although discussed in greater detail in Section 7: Monitoring and Evaluation, the development of a Data Matrix allows consideration of KPIs at the outset of a project. This is an appropriate point in the project to develop KPIs, as this is how the performance of the project will be tracked. It is useful to align questions and KPIs with how other agencies monitor data, for example, national census or local health centre data. This will enable the project to compare the progress of impacted people with the before situation, as well in comparison to the general population**

A sample Data Matrix excerpt is presented in Figure 5-6. The left column lists the data to be collected, by category. Key questions can be included here which can also be converted to KPIs for later monitoring. The columns to the right indicate which research tool(s) with be used to gather the required data.
Figure 5-6 Data Matrix Excerpt

### Figure 5-6 Data Matrix Excerpt

| DATA CATEGORY / RESEARCH TOOL | CENSUS | SOCIO-ECONOMIC SURVEY | FGDs | ECONDARY DATA | ASSET SURVEY | PARTICIPATORY TOOLS | KEY PERSON INTERVIEWS | DIRECT OBSERVATION |
|---|---|---|---|---|---|---|---|---|
| Name of Household Head | X | X | | | X | X | | |
| Livelihoods | X | X | X | | | | | |
| Size and location of farms | | X | | | X | X | | |
| Energy sources | | X | | X | X | X | | X |
| Source of Water | | X | X | X | X | X | X | X |
| Community Conflicts | | | X | X | | | X | |
| Perceptions of Project | | X | X | | | X | X | |

### 5.3.3 Survey Preparation

Before any data collection is undertaken, a process of community entry, whereby project teams are introduced to the communities and their representatives, should be undertaken, to ensure there is support and understanding of any survey processes (See Section 6.1 Stakeholder Engagement, for more on community entry, and engagement formats and schedules).

The stakeholder identification process should ensure that no stakeholder group will be overlooked in data gathering processes, and that surveys and engagements are undertaken in a culturally appropriate manner. Indeed, community leaders and government representatives may need to oversee and endorse processes.

A Communication Plan should also be prepared to support any survey activities, including key messages about the activities, a list of frequently asked questions (FAQs), and information on the grievance mechanism, as well as where to access further project information.

In preparing for social survey work, care should be taken to ensure survey teams are adequately trained and resourced, with appropriate oversight and supervision of the process.

Survey preparation should generally follow the steps shown at Figure 5-7 below.

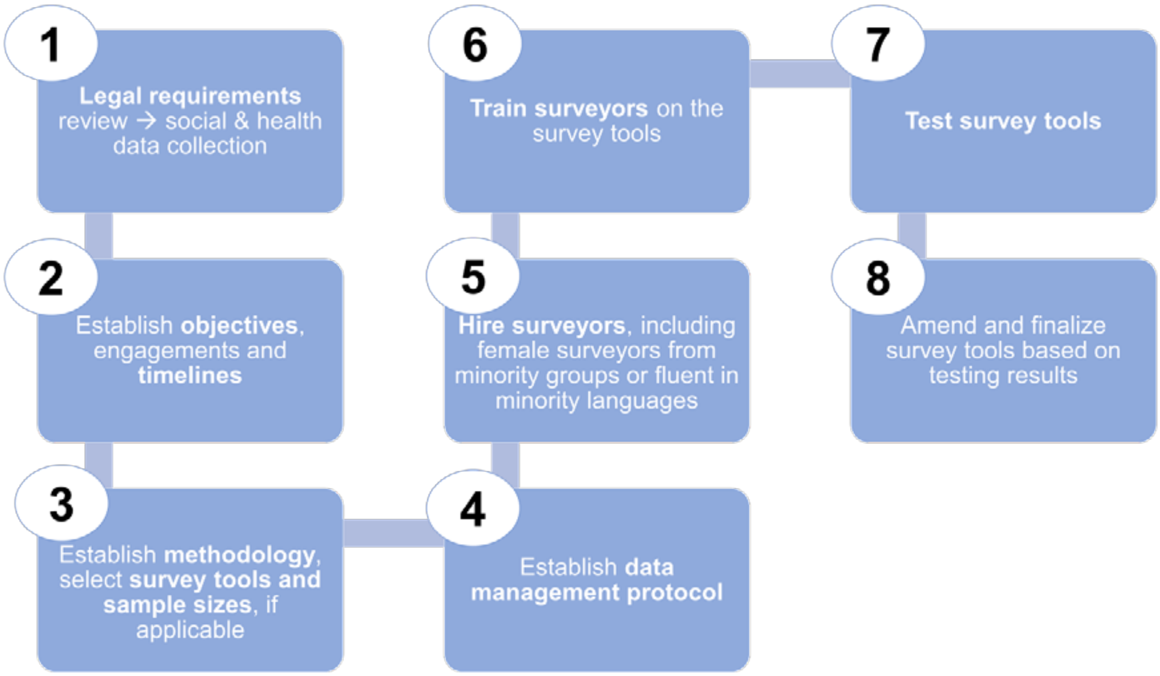



**Figure 5-7 Survey preparation steps**

### 5.3.4 Data Collection Tools

**Key data collection tools include:**

- Maps and satellite imagery
- Household censes
- Socio-economic baseline surveys
- Asset surveys
- Focus Group Discussions
- Key person interviews
- Participatory Assessments
- Direct observation.

### *5.3.4.1 Maps and Satellite Imagery*

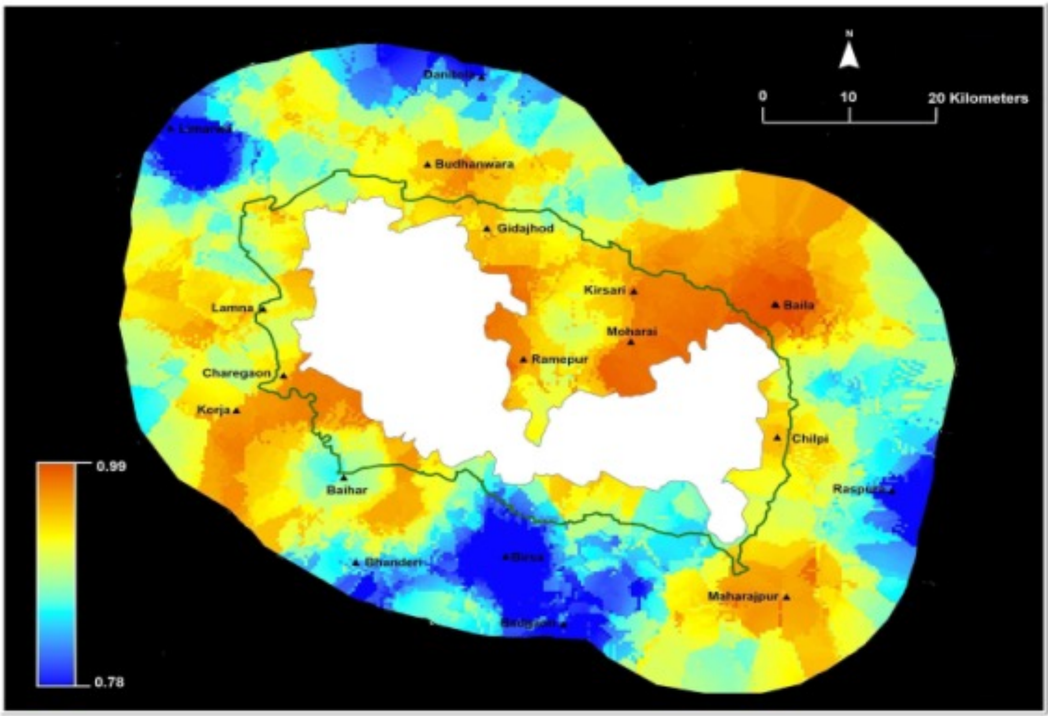
Maps and satellite imagery are excellent communication and analysis tools. By overlapping project boundaries and infrastructure on available imagery, existing land uses can be estimated, as well as the number of communities and households likely to be affected, and types of impacts, which can inform early project design and budgets.

**Low Budget / Resource Scenarios**

**Where projects are at a very early stage, are covering vast areas, or where budgets are limited, analysis of publicly available maps, or use of Google Earth, is a low-cost option.**

As referred to at Section 5.1.1, with regard to determining the Area of Influence, a number of maps may be available. In addition to readily available tools such as Google Earth, additional information may be available in terms of project boundary maps, mapping of community boundaries, and hotspots relating to encroachment, human-wildlife conflict, tree cover loss, and poaching/illegal activity. A sample project area map showing human-wildlife conflict 'hotspots' is presented in Figure 5-8.

**Figure 5-8 Project Map showing Human-Wildlife Conflict Hotspots**




### *5.3.4.2 Household Census*

A household census can be used to record all residents in a project's directly impacted area or Area of Influence, and can be combined with a socio-economic baseline survey, depending on the stage of the project. A census gathers basic demographic data (age, sex, relationship to household head) on each household and its members. If a project will be developing entitlements such as livelihood restoration programs for affected people, eligibility is normally based on a household census.

### *5.3.4.3 Socio-economic Survey*

Depending on project resources and the level of direct impacts, a socio-economic survey can be used to develop additional baseline data from a representative sample of households, or an entire impacted community. Where households are directly impacted by physical displacement, they should all be included, in order to determine appropriate replacement provision. Similarly, all affected assets will need to be covered by an asset survey (see below).

In other cases, a sample may be used to inform the development of appropriate mitigation measures, including livelihood programs. Where a sample is used care must be taken to ensure it is statistically significant, while it may also need to be stratified to make sure all communities and distinct groups are covered.

The socio-economic survey should ask questions about primary and secondary livelihood activities, including salaried employment, trade, agriculture, and natural resource use, as well as questions about ethnicity, religion, health, education, and access to social services. Where information is limited or unreliable, for example on household incomes, proxy indicators, such as household assets, should be utilized to triangulate information.

**Low Budget / Resource Scenarios**

**Where project budgets are limited, or project areas cover large areas with multiple potentially impacted households and communities, a rapid village assessment maty be more practical than a full socio-economic sample survey. In these cases, villages can be prioritized according to likely severity of impact, and an initial analysis undertaken to determine if villages share sufficiently common characteristics. Thereafter, rapid assessments can be undertaken in each village through use of focus group discussions, participatory assessments (e.g., village mapping, transect walks) to determine details on livelihood activities, community facilities and issues, etc., that would otherwise be determined through socio-economic surveys**

#### *5.3.4.4 Asset Surveys*

Asset surveys are used only when fixed assets (such as houses and farms) will be impacted by the project, or to which people will lose access as a result of project activities. This includes all forms of private and public assets used by communities, including, but not limited to, houses, outbuildings, wells, roads, cemeteries, animal pens, schools, markets, and clinics. Asset surveys should be undertaken by a specialist qualified to correctly assess the materials and dimensions of the assets and should be appropriately witnessed. The involvement of government and professional valuers may be stipulated in national legislation. Assets surveys should be detailed enough to form the basis for establishing the replacement value of any assets for which the project will be compensating.

**Box 5-6 Declaring an Entitlement Cut Off Date**

**Before undertaking asset surveys, it is critical to agree and declare an 'Entitlement Cut-Off Date', especially with regard to new PAs. This is the date at which all impacted assets and ownerships in a project area should be recorded by asset surveys, and any assets introduced after this date will not be compensated. It is critical to establish this date, and ensure the information is widely disseminated and has the broad support of all stakeholders, as it is critical to prevent further in-migration into the area in anticipation of project benefits. Some jurisdictions will have legislated requirements that stipulate how a cut-off date must be established and communicated. In others, it may be possible to formalize a cut-off date via a decree or another form of official notice by regulators. The declaration of the entitlement cut-off date can be further reinforced by satellite and aerial imagery to ensure all assets present on the day are recorded.**

**Indeed, projects will need to be careful not to raise expectations of compensation in advance of the entitlement cut-off date and asset surveys, as this may lead to speculative building or farming in the hope of obtaining compensation. Such activities may jeopardize the feasibility of projects, driving up the cost or creating conflict between local people and in-migrants. As such, it is recommended that the dissemination of information on the cut-off date be detailed in a Communication Plan or a Stakeholder Engagement Plan.**

**Even in existing PAs, it may be desirable to agree and declare a cut-off date where 1) the extent of the PA and details of restrictions were not well disseminated in the past, or 2) the project will result in a strengthening or renewed enforcement of restrictions.**

#### *5.3.4.5 Focus Group Discussion (FGD)*

As discussed in Section 5.1, Focus Group Discussions (FGDs) can be used to discuss key topics with small groups of stakeholders and ask questions related to their society, community, and well-being. FGDs are usually made up of the key identified types of stakeholder grouping, to elicit information which may not be discussed in sufficient detail, or candidly, in larger group formats. For example, women, farmer, or youth FGDs are common. FGDs should have a clear format with prepared questions so a facilitator can keep the discussion on track but should also allow for participants to expand on topics and raise their own. Documenting the questions asked will also allow a project to repeat the focus groups over time to monitor how perspectives may be shifting.

#### *5.3.4.6 Key Informant Interview*

Key Informant Interviews (KIIs) can be used to discuss a topic in-depth with identified key persons who have extensive knowledge about a community or particular sub-groups, or who have positions of authority and influence. Examples include religious leaders, chiefs, successful farmers, and traditional leaders. Responses can be triangulated with other sources of information. Key persons are also often opinion leaders in their communities or even regions and may be able to help generate support for a project.

#### *5.3.4.7 Participatory Assessments*

In addition to focus groups, there are many other types of participatory assessments that can be used to collect data, often qualitative, in collaboration with community members. As well as providing valuable data, such exercises can engender a spirit of cooperation between the project and stakeholders, and also allow intra-community discussion and cooperation on key issues and development of proposed mitigation measures.

**Low Budget / Resource Scenarios**

**Participatory assessments can allow for rapid 'village level' assessments of key impacts and risks when budgets do not allow for comprehensive socio-economic surveys**

Table 5-3 below includes some typical examples.

**Table 5-3 Participatory Assessments**

| ASSESSMENT TYPE | KEY ELEMENTS |
|---|---|
| Community Mapping / Transect Walks | Generally, includes walking a community with leaders and documenting the different usages and infrastructure in different areas. This is then mapped and confirmed via focus groups to demonstrate whether all uses were captured |
| Seasonal / Daily calendar | Generally, includes holding a series of focus groups, organized by primary livelihood to determine what different members of the community do at different times of year or day. These can be held separately with, for example, farmers, herders, fishers, hunters etc. Both male and female perspectives should be garnered. |
| Gender assessment | Generally, includes focus groups or interviews with men, women, teachers, and health providers to garner feedback on the different roles and responsibilities of women and girls in the local context, the amount of time women dedicates to domestic chores, and their harvesting patterns. Service providers are included to determine girls' educational and health outcomes. |
| Fisheries assessment | Generally, includes focus groups, interviews or participatory meetings to garner feedback on the profiles of fishing communities/companies, trends and current status of fish and invertebrate stocks, level of registration and licensing, fishing seasonal calendars, sales organisation and distribution of revenue. |

### 5.3.5 Data Recording and Analysis

A database should be used to record and analyze the data collected. It should be appropriate to the scale of the data collected, usually reflecting the scale of a project's socialimpacts. Irrespective of scale, data must be entered with care, and quality control checks should be undertaken to avoid errors. While the project will need to take budget considerations into account, any database should also be user friendly, secure, and capable of exporting the data in a format in which it can be analyzed as required. Advanced database software is available that has analysis functions within the database itself.

**Low Budget / Resource Scenarios**

**Simple databases using Microsoft Excel, or similar readily available packages, can be sufficient when budgets are limited.**

### 5.4 Impacts of Access Restrictions

The PF should present how a project will manage the potential for social impacts to emerge as a result of its past and future access restrictions. This will often be consolidated into a single Chapter called Impacts of Access Restrictions. This section of a PF should present the potential impacts, identified through the stakeholder engagement and baseline data collection and analysis, discussed in Sections 6.1 and 6.3 respectively.

Once potential impacts are identified, they should be assessed, and it should be determined how they can be avoided, minimized, and mitigated, with mitigation measures grounded in the international and national frameworks and legislation identified as per Section 6.2. Each of these steps is presented in more detail below.

### 5.5 Identifying Impacts

**The identification of impacts should cover at least the categories of impacts related to:**

- Land, Settlements and Resource Use
- Indigenous Peoples & Marginalized Groups
- Community Health, Safety & Security
- Cultural Heritage.

Projects should take care to consider how impacts affect different identified stakeholders in different ways, including vulnerable or marginalized groups, women, or indigenous communities.

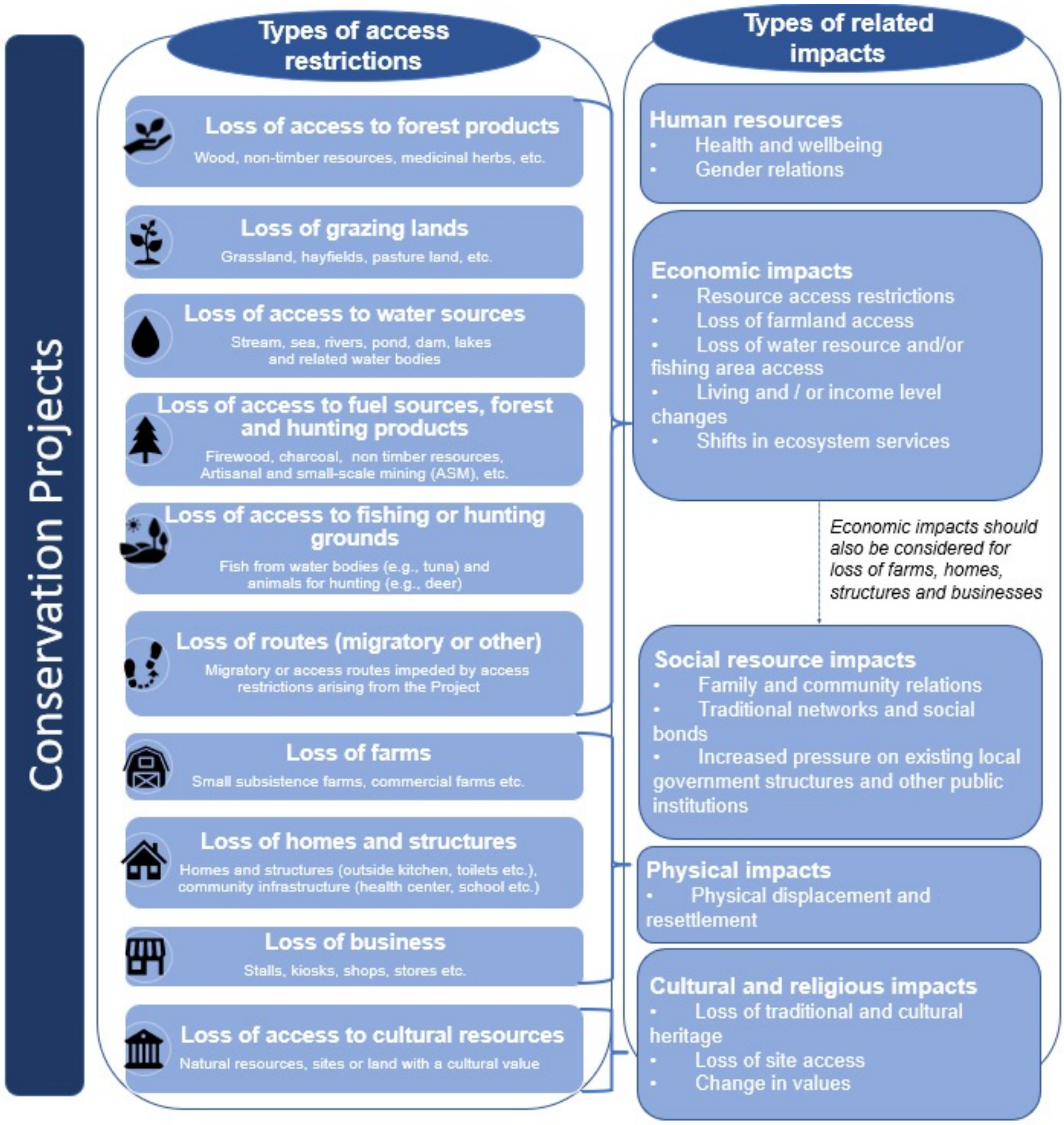
**Project impacts may include:**

- Human resource impacts, affecting affected people's and communities':
- Health and well-being
- Gender relations and women's empowerment
- Social resource impacts, affecting:
- Family and community relations, as projects can alter intergenerational relationships
- Traditional networks and social bonds
- Political-institutional, legal systems and functionality, including increased pressure on existing local government structures and other public institutions
- Economic impacts, affecting:
- Resource access (medicinal plants, firewood, timber)
- Farmland access
- Water resource and/or fishing area access
- Living standards and / or income level changes
- The integrity of ecosystems and access to ecosystem services such as trees in watersheds to prevent flooding and loss of access routes
- Physical impacts, affecting:
- People's residences and residential plots
- Cultural and religious impacts, affecting
    - Traditional and cultural heritage
    - Cultural site access
    - Societal values and cultural norms.

The assessment of impacts should also consider how project activities will intersect with external threats. For example, if there is a history of Human-Wildlife Conflict (HWC), will additional protection measures potentially increase the severity of these conflicts?

Figure 5-9 builds on the Types of Access Restrictions as identified in Section 2.1, and illustrates some key impacts related to each.

**Figure 5-9: Types of impacts related to access restrictions**




### 5.5.1 Assessing Impacts

**When assessing the potential impacts identified, the PF should document how the following aspects of each impact has been characterized, including:**

- Nature of Impact: who and what is affected and how, including how impacts may affect men and women, or majority and minority groups, differently
- Extent / Scale of Impact: whether the scope is project area only, PA-wide, local, regional, national, or international
- Duration of Impact: short-term, medium-term, long-term, permanent

- Severity of the impact: low, medium, high
- Likelihood of the impact: low, medium, high
- Overall significance of the impact: low, medium, high.

The **ESMS Questionnaire** includes a **Risk Assessment Matrix** which, although used by the Facility to assess funding proposals, can also be used by Grantees at any point in the project process to assign scores to assess risks associated with various identified project issues and impacts, according to likelihood and the severity of the consequence (Figure 5 10 below).

| | | **LIKELIHOOD** | | | | |
|---|---|---|---|---|---|---|
| | | Very unlikely to occur (1) | Very unlikely to occur (2) | Likely - could occur (3) | Known to occur - almost certain (4) | Common occurence (5) |
| **CONSEQUENCE** | Severe (5) | Moderate | Substantial | High | High | High |
| | Major (4) | Low | Moderate | Substantial | Substantial | High |
| | Medium (3) | Low | Moderate | Moderate | Substantial | Substantial |
| | Minor (2) | Low | Low | Moderate | Moderate | Moderate |
| | Negligible (1) | Low | Low | Low | Low | Low |

| | |
|---|---|
| **Category A (High)** | Projects with activities that have the potential to high adverse environmental or social impacts that are diverse, irreversible, and unprecedented.<br><br>These impacts may influence an area broader than the project site, may be related to sensitive receptors – human populations or environmentally important areas – may severely affect the health and quality of life of the receptor, may be of long duration, and may be irreversible. The risks and impacts raise significant concerns among potentially affected communities and individuals as expressed during the stakeholder engagement process.<br><br>High risk projects are likely to have more than one individual High-risk issue, requiring comprehensive forms of assessment and management plans with extensive consultation of affected groups.<br><br>The mitigation measures required go beyond off-the-shelf standard solutions, and safeguard instruments such as a Process Framework is required. |

| | |
|---|---|
| **Category B+ (Substantial)** | Projects with activities that have potential to cause substantial adverse environmental and/or social risks and impacts, but with impacts that are limited to a specific area and are of a lesser magnitude than those of High-risk projects and are more severe than moderate risk projects.<br><br>Substantial risk projects are likely to include individual Substantial risk issues, or a range of Moderate risk issues, requiring a tailored Risk Assessment.<br><br>Safeguard instruments could include a Process Framework. |
| **Category B (Moderate)** | Projects with potential environmental and/or social risks and impacts that are less adverse and fewer in number than those of Substantial or High-risk projects.<br><br>Typically, these impacts are site- specific, their extent can be determined with a reasonable degree of certainty, few if any of them are irreversible, and standard solutions integrated into the project management plans can be used as mitigation measures to successfully address these concerns. |
| **Category C (Low)** | Projects that are likely to have minimal or no environmental or social impacts, and/or when mitigation measures have already been devised as part of the project's activities that appropriately address the risks. No further assessment is required for low-risk projects. The E&S Risk Screening might point to good practice guidance in the ESMS standards for proactively addressing minor risks. |

**Figure 5-10 TFCA FF ESMS Questionnaire Risk Assessment Matrix**

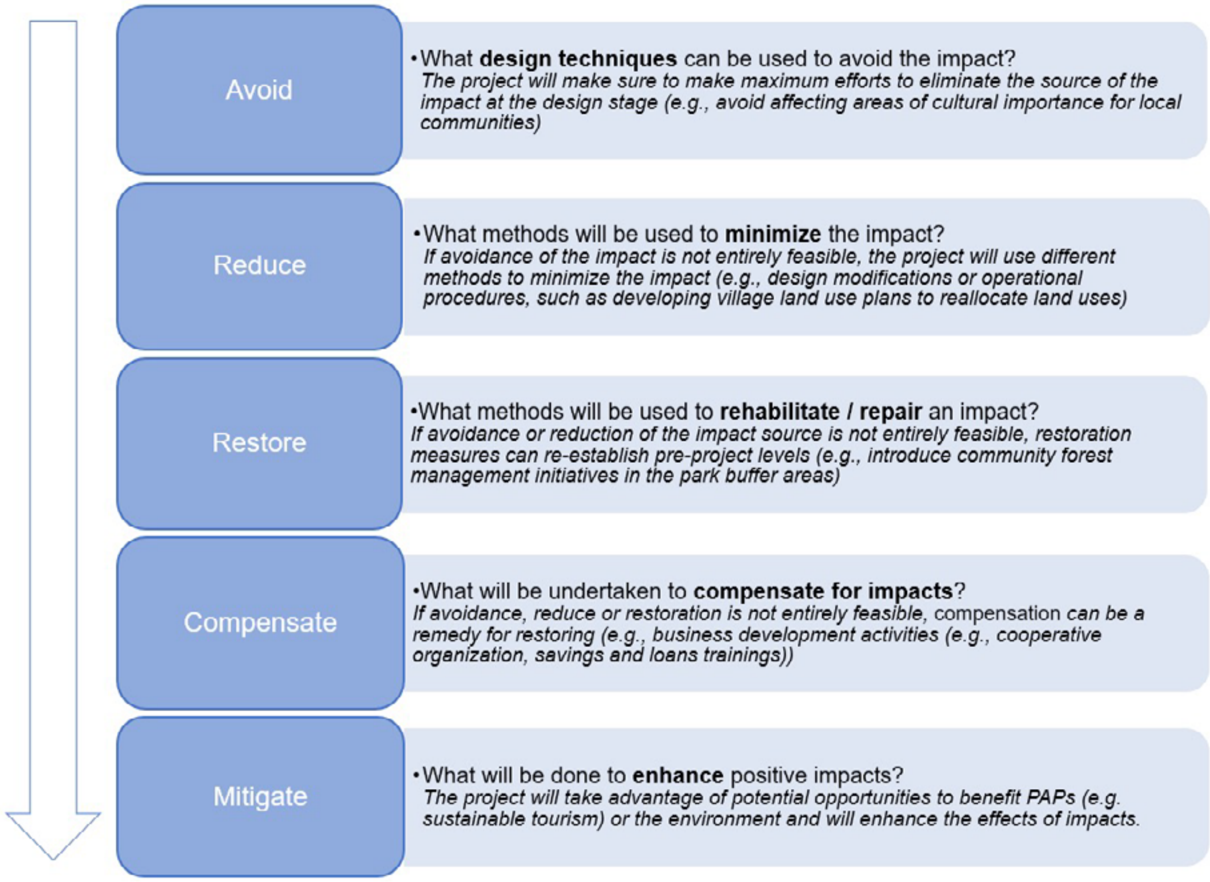
### 5.5.2 Avoiding and Minimizing Impacts

Once potential impacts have been assessed, the PF should present the steps a project has taken to avoid the impacts or minimize them. This is the first step in the Mitigation Hierarchy, as shown at Figure 5-11.

A key aim of any project should be to firstly avoid any impacts on communities and households in respect of their access and use of land and resources, and especially with regard to potential physical or economic displacement. Where avoidance is not possible, then any impacts must be minimized to the extent possible. The greater the risk category of a potential impact, the more effort should be put in to defining alternative project designs and practical measures to avoid or minimize the impact.

While this can be challenging in cases where there are existing PAs and associated management plans, investigating the opportunities to avoid or minimise unnecessary social impacts should still be included in project design.

**Figure 5-11 Mitigation hierarchy**




Only by considering social impacts at the outset of projects, and involving social partitioners early in project design, can all impacts be identified, and projects designed to avoid and minimize such impacts to the extent possible. This process of avoidance and minimization can improve project design, and result in cost savings for the project, avoiding the need for costly mitigation of unidentified or unnecessary impacts later.

The potential cost of mitigation for displacement should be scoped early in the project design phase and integrated into the consideration of the project design and development. Mitigation and compensation for physical and economic displacement can be particularly costly. Involuntary resettlement should be avoided. Where unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented. It is therefore important that avoidance and minimization, and early Process Framework development, is considered during the scoping and feasibility study stages.

The Project must consider feasible alternative Project designs and other practical measures to avoid or minimize physical and economic displacement. This will usually require extensive iterative discussion among project proponents, including consideration of "do-nothing" options. Not only are avoidance minimization desirable from a social impact perspective, but it is also economically advantageous to minimize the scale of land access and displacement given the cost and extended timelines of providing compensation, livelihood programs, replacement housing, and other mitigations.

Often, it will be preferable and practical to explore alternative processes to economic or physical displacement, such as developing village land use plans which reallocate land uses, including moving some activities away from park boundaries, and introducing buffer activities, such as community forests. Voluntary land swaps or donations may also be considered as part of this process, combined with livelihood programs and other incentives and benefits. However, as noted above, all such measures must be grounded in, and consistent with, national legislation, for example in relation to land use planning and natural resource protection.

**To document the assessment of alternatives, avoidance, and minimization the PF might present:**

- Studies undertaken to inform avoidance and minimization considerations
- A description of options considered, including pros and cons and budgets
- Resulting changes to project design such as changes to the project footprint, project phasing, or changed approaches to access restrictions and management.

### 5.5.3 Mitigating Impacts

Once impacts have been assessed and it has been determined which impacts can be avoided or minimized, appropriate mitigations for the impacts that cannot be avoided should be developed. These mitigation measures should be sufficient to compensate for the impact and restore affected people's quality of life to pre-project levels.

Mitigation measures proposed need to be documented in the PF, including all eligibility criteria and entitlements for affected people. Mitigation measures may also need to be detailed in any required social management plans. Ultimately, all measures should ideally form part of long-term Park Management Plans, especially where measures involve long-term assistance or ongoing monitoring and evaluation.

**Low Budget / Resource Scenarios**

**Budget and resource constrained projects can use existing institutions and programs where possible to mitigate impacts.**

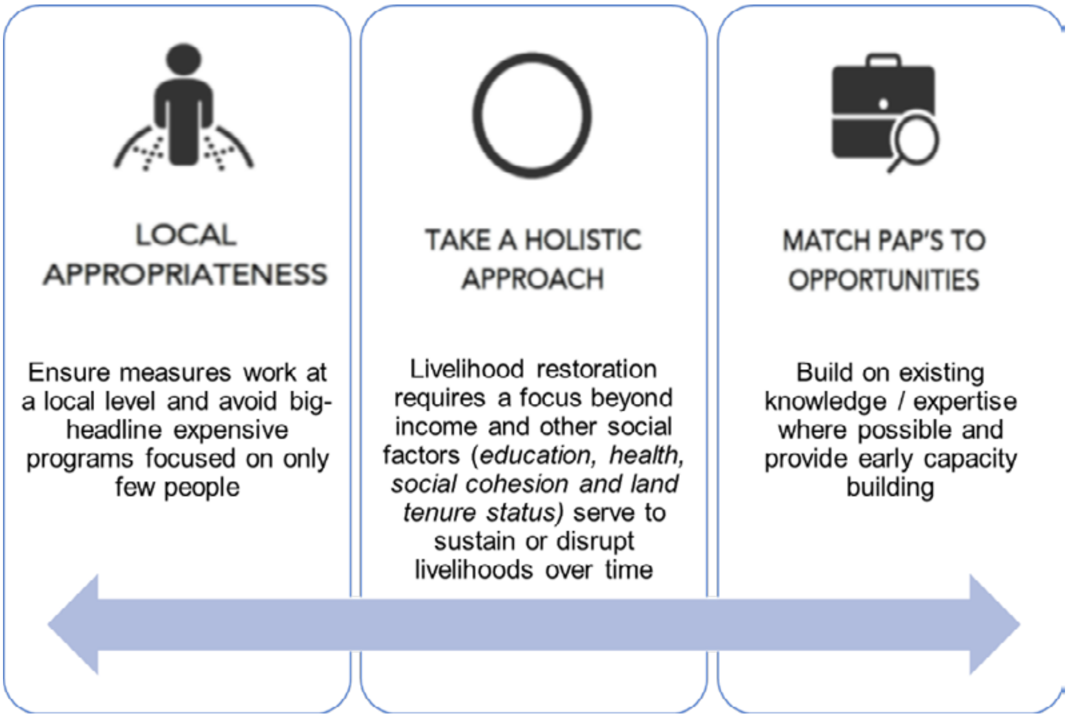
It is important in developing mitigation measures to review what existing mechanisms, instruments and activities are in place that may be appropriate. Utilizing existing institutions and programs means measures may be easier to implement, as delivery partners may already be mobilized and active, institutions and programs may be trusted and understood by communities and government, and they may have been refined over time, based on what has worked and what has not. Therefore, it is important not to 'reinvent the wheel' when developing mitigation measures.

For example, developing community use areas as PA buffers may be done under the guide of establishing village land use plans in accordance with national mandates and guidance, which can result in a myriad of additional benefits for communities including improved resource management and security of tenure.

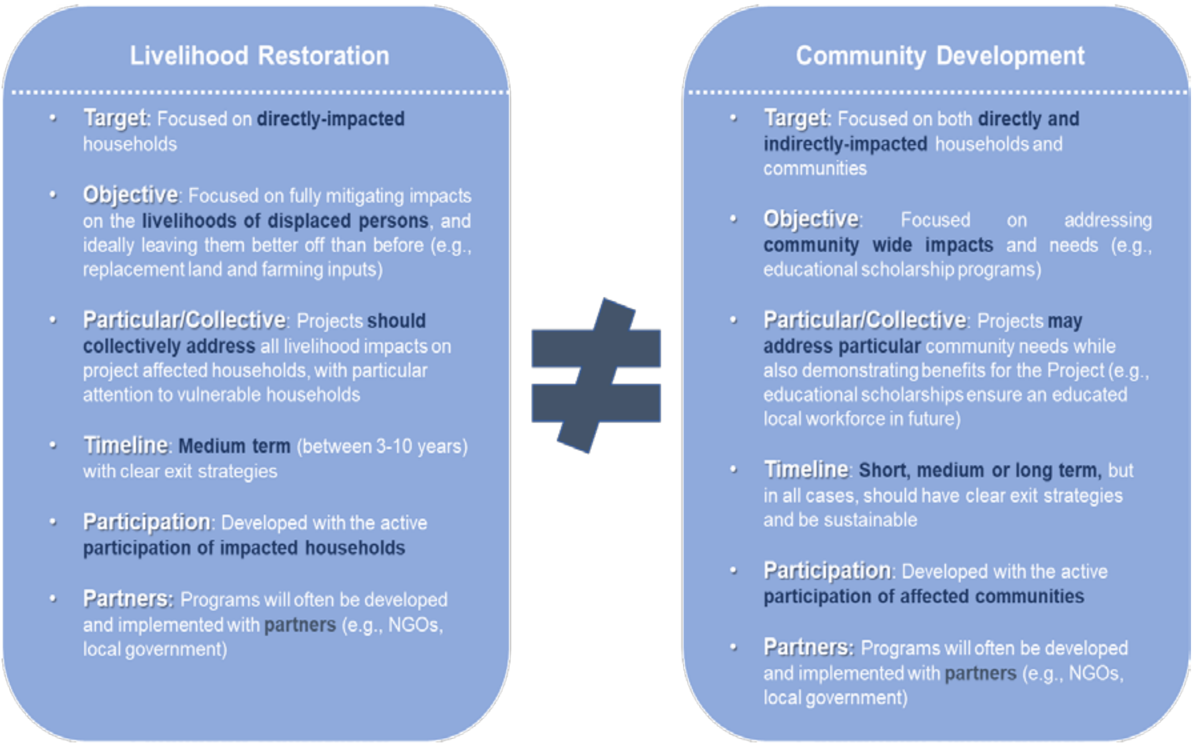
As discussed in Section 2.3.7, mitigation measures should be appropriate to the impacts identified. While it may be possible to coordinate access restriction mitigations with broader community development strategies, community development should not be viewed as a substitute for all impact mitigation.

While a community infrastructure project may be generally beneficial to an affected community, it will not address lack of access to firewood for women and their households. It is therefore important to ensure that when specific stakeholders are particularly impacted, targeted programs and assistance may be required at the household level. Key tenets of defining mitigation measures are presented below in Figure 5-12 and key distinctions between livelihood restoration and community development programs are presented in Figure 5-13.

### Figure 5-12 Key Tenets of Mitigation Measures




### Figure 5-13 Key Distinction between Livelihood Restoration and Community Development Programs



Where project resources and budgets are limited, it may be acceptable to roll-out mitigation measures and programs in phases, including piloting programs in particular areas. However, in such cases, the PF needs to detail how such a pilot or phased approach will be replicated, and the schedule and means by which all impacted stakeholders will be reached. The PF would also need to document how the slower roll out will not engender significant social impacts.

Where impacts are short-term, or limited in nature (e.g., farming restrictions impact household crop production by 10% for the first year, but this is recovered in year two through alternative lands, intensification, and improved techniques), then associated mitigations can be short-term or limited in nature. This may for example include provision of short-term food aid. Where such short-term impacts are accepted by stakeholders in anticipation of the longer-term gains of jointly designed conservation efforts, introduction of mitigation measures may actually be counterproductive where this would undermine community spirit, local agency, and ownership of the project. However, care must be taken that impacts are not adversely impacting groups or households (e.g., vulnerable households).

Ultimately, the suite of mitigation measures selected should address all the identified impacts, and the ESMS Questionnaire Tool can be used to document and ensure this.

Table 5-4 below presents some examples of mitigation measures typically considered in PA projects. The suitability of these measures to specific projects will depend greatly on the specific project circumstances.

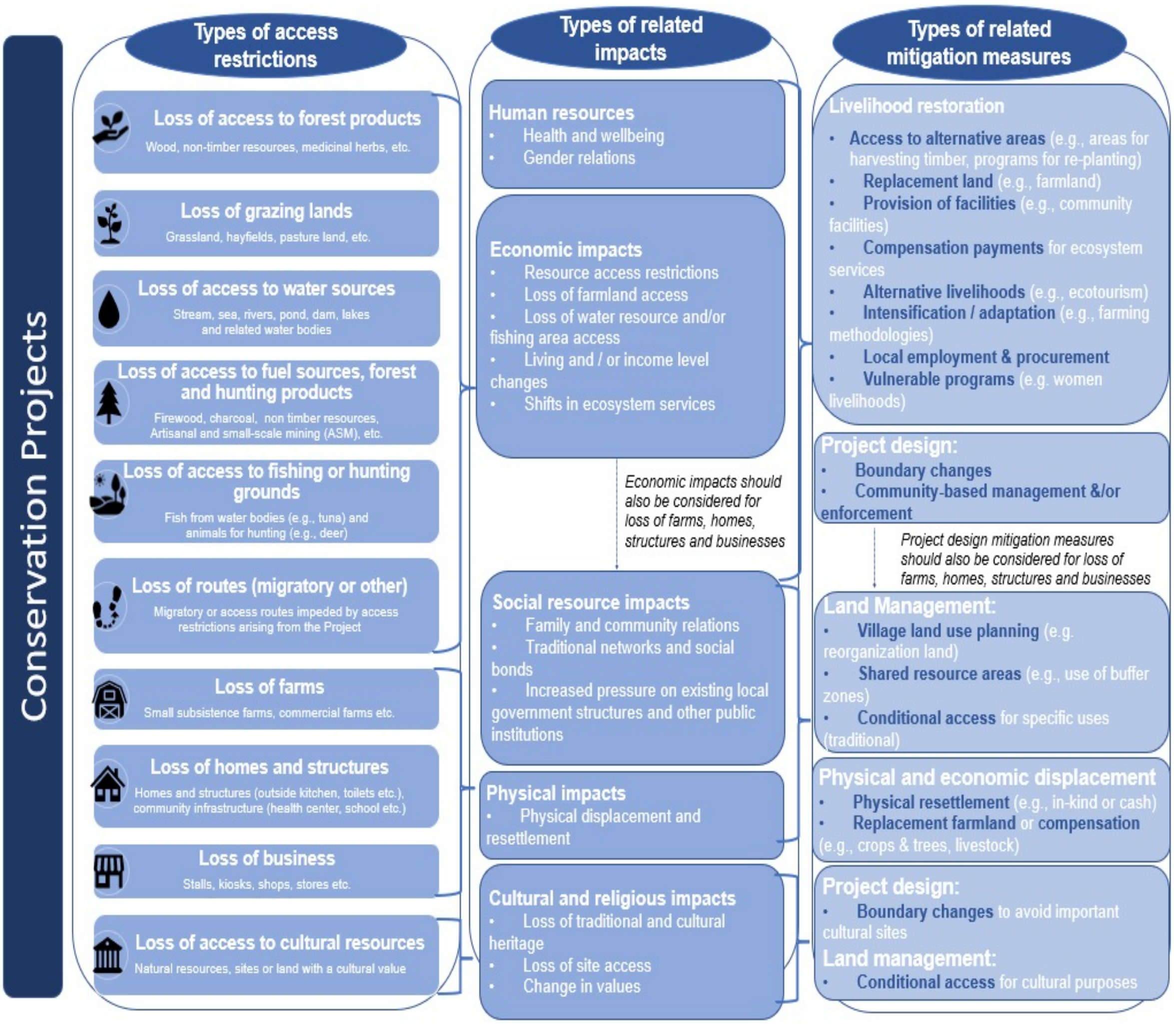
### Table 5-4 Sample Mitigation Measures

| MITIGATION TYPE | TYPICAL MEASURES | EXAMPLES | ISSUES TO CONSIDER |
|---|---|---|---|
| **Project Design** | Boundary changes | Redrawing boundaries to avoid settlements | Make sure resulting protected areas are not too tightly drawn |
| | Community-based management & enforcement | Develop participatory systems, such as community patrols, offering employment and self-policing of restrictions | Ensure capacity built to enforce restrictions<br>Potential for intra- or inter-community conflict |
| **Land Management** | Village land use planning | Develop protected areas as part of village land use plans, allowing for reorganization and formalization of land uses | Appreciate the legislative context<br>Strengthen security of tenure where possible<br>Prevent illegal land uses<br>Incorporate women's rights as landowners and users |
| | Shared resource areas | Develop suitable uses of buffer zones, such as community forests | Ensure areas adequate for community use while maintaining sufficient buffer for wildlife |
| | Conditional access | Allow limited access for specific uses (e.g., gathering of traditional medicines etc.) | Ensure well understood and mechanisms for review and oversight |
| **Livelihood restoration: Substitution of resources** | Access to alternative areas | Allocate certain areas for harvesting timber and programs for re-planting | Potential displacement of host communities |
| | Replacement farmland | Replacement farmland<br>Compensation for crops | Security of tenure<br>Replacement value |
| | Provision of facilities | Improved cattle ranches<br>development of berms for improved grazing land<br>access to dry season grazing<br>Community facilities e.g., water pumps | Risks of influx |
| | Alternative livelihoods | Modern beekeeping; tourism | Long transition periods required<br>Prone to failure |
| **Livelihood Restoration: Ecosystem Service Payments** | Compensation | Disseminate clear information on eligibility and cut-off dates<br>Compensate only for surveyed assets | Risk of speculation |

| MITIGATION TYPE | TYPICAL MEASURES | EXAMPLES | ISSUES TO CONSIDER |
|---|---|---|---|
| **Livelihood Restoration: Assistance Programs** | Intensification / adaptation / management | Improved farming methodologies; climate resistant agriculture; raised / improved soil beds, agricultural techniques (irrigation, crop spacing, disease resistant seedlings) | Long transition periods required<br>Entitlements for women |
| | Local employment & procurement | Create employment and procurement opportunities for local people | Potential for intra- and inter-community conflict |
| **Livelihood Restoration: Transitional Support** | Vulnerables programs | Identify vulnerable groups in collaboration with local leaders and develop targeted programming | |
| **Physical and Economic Displacement** | Physical resettlement | Replacement of homes<br>Replacement of business premises | Preference for compensation in kind to avoid destitution |
| | Replacement land | Replacement of farmland | Security of tenure can be difficult to obtain but is required |

Common types of mitigation measures associated with access restrictions and impacts are presented in Figure 5-14. Measures must be tailored to particular project circumstances – a 'one size fits all' approach will not work.

**Figure 5-14 Types of mitigation measures associated with impacts and access restrictions**




### 5.5.4 Identifying External Threats

As introduced at Part I, conservation projects and interventions do not occur in isolation, and local communities will already face a range of threats external to the project impacts. While external to the project, these threats need to be documented in the PF, because of their potential to exacerbate project impacts, or reduce the effectiveness of mitigation measures.

External threats are forces that are having social and environmental impacts on communities, unrelated to project-proposed access restrictions. These threats are often beyond the boundaries and scope of projects and can only be managed by appropriate responses from regional or national governments.

While outside direct project control, such external threats should be acknowledged and considered in project planning and design in order to maximise chances of project success. External threats can change the environmental and socio-economic context of a project area very quickly, which in-turn changes the range of social impacts associated with a project's access restrictions. In these contexts, the PF should be reviewed for accuracy more frequently than in more stable social contexts.

To the extent possible, when working with regulators or other stakeholders to highlight and seek to address external threats, a project should encourage the inclusion of vulnerable people's and groups perspectives in the responses developed. A project should also encourage the protection of women's rights and access to the resources they use or depend upon in any responses developed.

A project's PF should therefore acknowledge external threats, including the potential impact on PF mitigation measures, and recommend approaches to address them. However, the project is not expected to resolve these complex issues, which go beyond the scope of the project. Once threats and potential mitigations have been identified, consultation on mitigations can take place with relevant stakeholders to determine which are feasible. External threats and recommended approaches/responses can be documented in a simple table in the PF. A sample table of this type is presented below in Table 5-5.

### Table 5-5 Sample External Threats and Potential Responses

| EXTERNAL THREAT | DESCRIPTION / CONTRIBUTING FACTORS | POTENTIAL RESPONSES |
|---|---|---|
| **Population Growth** | • High birth rates, with an annual population growth above 3%<br>• Project Area's growth rates are over 10%, significantly higher than the national average<br>• Project Area women bear between five and seven children, with some households reporting between 10 and 19 children<br>• Continued population growth coupled with extensive migration will place further pressure on the available arable land, grazing areas, and forests | • Support existing family planning and population control programmes<br>• Work closely with government to promote family planning by developing the capacity of village-level Community Health Workers<br>• Support Community Health Workers in disseminating family planning information through peer-to-peer teaching, particularly targeting the 24-and-under population<br>• Work with NGOs to provide first-time parents with family planning education, including encouraging a considerable gap before having a second child after the first<br>• Incorporate family planning interventions into larger education and conservation projects to empower project area families to determine their family size |
| **Agro-pastoralist Encroachment** | • Encroachment, mainly by agro-pastoralist immigrants, has degraded forest lands and spurred the development of settlements, farms, and grazing areas near parks and the animal corridor, resulting in conflicts with village farmers as well as grazing and poaching<br>• Mass migration, driven by availability of fertile land for agriculture and grazing, poses a considerable challenge as PA encroachments increase, placing pressure on the available resources and public institutions<br>• Migrants have purchased or illegally resided on a significant portion of the village land in several communities | • Support leaders to strengthen and effectively implement village land use plans<br>• Support the development of management plans such as a Participatory Forest Management Plan<br>• Strengthen agricultural outreach programmes to consider livestock rearing intensification, with reduced numbers and increased productivity.<br>• Consider supporting other location interventions to address push-factors (e.g., environmental degradation, over-grazing) in order to prevent migration of agro-pastoralists from these areas |

| EXTERNAL THREAT | DESCRIPTION / CONTRIBUTING FACTORS | POTENTIAL RESPONSES |
|---|---|---|
| **Livestock Prevalence / Climate Change Impacts** | • Dramatic increases in cattle herds as pastoralists continue to migrate to the area in search of grazing land<br>• Environmental degradation and lack of water sources in other areas, combined with abundance of (both legal and illegal) fertile land is attractive to pastoralists<br>• Village Leaders often invite migrants, for economic benefit and to bolster their own populations | • Support cattle keepers' associations and incentivize cattle keepers to join associations<br>• Promote a more effective cattle management process<br>• Develop a Grazing Management System that includes fees to correctly maintain the grazing area for long-term programme sustainability<br>• Develop associated markets -- including hay -- to support long-term sustainability of grazing areas<br>• Incorporate an effective village-level cattle management process, accurate cattle counts, education to reduce cattle herds, and focus on quality rather than quantity of cattle. |
| **Commercial Projects (e.g., mining, oil and gas, commercial agriculture)** | • Extensive land use and displacement<br>• Influx of migrant workers<br>• Environmental degradation and pressure on available resources (e.g., land, water, food) | • Ensure government works with commercial projects to manage impacts of their projects on local communities and MPAs<br>• Work with commercial projects to ensure integration of conservation project goals and interventions in their own community investment programs |
| **Other Conservation Projects** | • Restrictions placed on communities by projects with similar goals creates cumulative socio-economic impacts | • Work with all projects in the area to ensure coordinated measures and interventions to avoid cumulative impacts arising from access restrictions |

### 5.5.5 Security and Human Rights

A final consideration related to managing the impacts of access restrictions is consideration of security and human rights. If a project is currently using, or contemplating the future use, of public or private security personnel to enforce land use restrictions or other management mechanisms, the PF must document how the associated risks to human rights will be managed. In any case, it is good practice for the project to train security forces in the Voluntary Principles on Security and Human Rights, which are a set of principles on the security of operations while respecting human rights

For further details see **IUCN TFCA FF Law Enforcement Guidance Note**.

If public security forces will be enforcing regulations in a PA, a project must work with the government and consult with communities to calibrate the type of forces deployed to the anticipated threat. Force should only be used when absolutely necessary and communities should be consulted about the impacts of these security arrangements. If possible, the project should coordinate with government and implementing partners to procure human rights training for the security forces deployed to the project area.

If a private security force is maintained to enforce PA protections, the protections above should be implemented, as well as contractually mandated adherence to human rights principles. Private security firms should have policies that commit them to the appropriate use of force and be able to speak to how their workforce is trained regarding the use of force. Where local community members have the relevant skills, private security contractors should be encouraged to hire their employees from the local communities.

Whether security forces are public or private, all allegations of human rights abuses should be reported to project managers and thoroughly investigated. Investigations should be documented in writing. The potential for human rights impacts also reinforces the need for each project to maintain an accessible grievance mechanism.

Projects may also develop community-based monitoring, patrol & enforcement of PAs. This is a valuable participatory approach to regulating access which builds on community buy-in to conservation efforts and offers immediate benefits to households. In such cases, community patrols should nevertheless have clear mandates, and appropriate training, including when not to intervene, for their own safety as well as others.

### Box 5-7 A Note on Forced Evictions

**Evictions and involuntary resettlement are not always avoidable in the conservation context, particularly in protecting the integrity of a protected areas. Evictions may occur in a range of scenarios, including for example, removal of repeated encroachers farming and living in PAs, or pastoralists migrating from distant areas.**

**As noted by the UN Basic Principles and Guidelines for Development Based Evictions and Displacement, since these measures can interfere with many human rights, they are only permissible in exceptional circumstances and subject to very strict regulations, in order to ensure that the eviction or resettlement does not violate human rights.**

**In addition, these guidelines specify the human rights requirements in cases of eviction and involuntary resettlement and should be used as a reference document, including:**

- **States have a duty to adopt and enforce laws that protect people from forced eviction by state bodies or third parties**
- **Involuntary resettlement is to be avoided. This course of action is only permissible if, after a thorough examination of the situation, there is no alternative, if it serves a justifiable purpose, if it is appropriate and proportionate, and if it is ensured that the institutions requiring and conducting the resettlement assume all costs related to the resettlemen**
- **Where eviction or involuntary resettlement takes place, it must be ensured that there is a guarantee of appropriate legal protection and fair trial; this includes comprehensive and intensive consultation with those affected, appropriate and timely notification of all those affected, remedies for those affected, and if possible legal aid to those requiring such assistance**
- **Evictions and involuntary resettlement must not leave people homeless or violate their human rights. The state must take appropriate measures to assist individuals who are unable to help themselves (e.g., by providing alternative accommodation)**
- **Those affected have a right to appropriate compensation for the loss of their property**
- **Legal protection must be guaranteed in the case of evictions and involuntary resettlement irrespective of the form of housing involved (rented, leased, owner-occupied, emergency shelter, informal settlement, legal occupation of land, private property, etc.).**

**Therefore, as noted throughout this Guidance, identification of distinct stakeholder groups must be undertaken carefully, and different approaches will be required for different groups, and must be carefully documented.  Evictions of encroaching pastoralists from distant areas will be managed differently to those historically living in the PA who have no alternatives and may be rendered homeless. In all cases affected stakeholders must be engaged with and have recourse to appropriate grievance mechanisms and legal remedies.**

## 5.6 Mitigation Measures: Eligibility & Entitlements

Where access restrictions have created social impacts, some of these impacts will be mitigated at the level of the affected communities, while other impacts will need to be mitigated at the household or individual level. Which type of person or group is 'eligible' for which types of measure, which may include both in-kind and in-cash compensations, collectively termed 'entitlements', should be presented in the PF in an **Entitlement Matrix**.

A proposed entitlement matrix is often developed early in the project planning and design, to facilitate consultations and negotiations on entitlements. This is then refined in progressive iterations of the entitlement matrix, as programs are agreed and finalized. **The development of an entitlement matrix in tandem with the development of mitigation programs, should have the following objectives:**

- Ensure that the livelihood and welfare of any physically and economically displaced peoples and households are restored and improved such that they are equal to or better off than before
- Document that any compensation will be undertaken in compliance with national legislation and international standards
- Ensure that where national legislation does not meet the international requirements on impact mitigation and entitlements, or is not applicable, the latter will be applied
- Establish mutually acceptable and fair policies, procedures, compensation rates, and mitigation measures through consultation with project-affected people and their representatives
- Ensure that the short-term and long-term Project impacts and well-being of project-affected people and communities are addressed in a comprehensive manner.

**The entitlement matrix should be exhaustive and detail:**

- All categories of impacted people and groups including:
    - Asset owners, asset users, tenants, landlords, sharecroppers, pastoralists, squatters, nomads – both those with formal (legal) and those with informal (customary) rights to the different assets
    - Self-employed and salaried wage earners, service providers, public and private institutions, and civil society groups
    - Groups that are likely to experience impacts differently from others, such as indigenous groups
- All categories of loss: loss of assets, loss of access, loss of income, loss of sales earnings, and communal losses, including of cultural heritage
- Eligibility criteria, often including presence in a project area prior to a cut-off date
- All entitlements (compensation, replacement offers, livelihood programs, moving and transport allowances, and entitlements for vulnerable households).

In accordance with the WB ESS, in-kind asset replacement is preferred to cash compensation to reduce impoverishment risks, but there are situations where cash compensation may be appropriate. Cash compensation rates for impacted assets should be set at full replacement value, with no deductions for depreciation.

Government compensation rates may often be well below market rates and should not be relied on or used as justification for setting rates below replacement value.

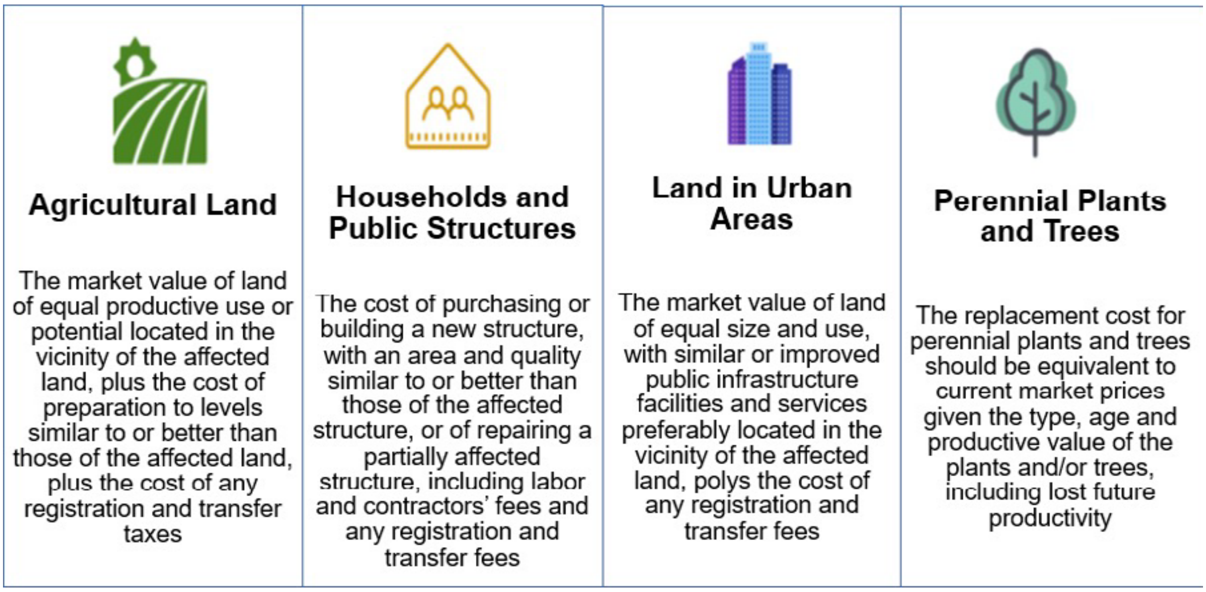
The PF should document the valuation methodologies used to determine the replacement rates for the different assets that may be compensated for using cash. Typical replacement values are shown at Figure 5-15 below.

**Full replacement value is defined as follows:**

**For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential and location advantages, including similar or improved public infrastructure facilities and services, located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.**

**For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.**

**Figure 5-15 Typical replacement values**



| Agricultural Land | Households and Public Structures | Land in Urban Areas | Perennial Plants and Trees |
|---|---|---|---|
| The market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes | The cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors' fees and any registration and transfer fees | The market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, polys the cost of any registration and transfer fees | The replacement cost for perennial plants and trees should be equivalent to current market prices given the type, age and productive value of the plants and/or trees, including lost future productivity |

Remember that under international standards, even households with no legal rights to the land they occupy are eligible for assistance. The lack of formal legal status is not a barrier to eligibility for certain forms of assistance.

**In accordance with international standards, affected people may be:**

- Those who have formal legal rights to the land or assets they occupy or use
- Those who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law
- Those who have no recognizable legal right or claim to the land or assets they occupy or use.

In practice, those with formal legal rights will be eligible for a range of assistance, including compensation for lost assets, including in-kind or cash replacement, as appropriate to the circumstances. Those without formal legal rights may also receive such entitlements, and a key aspect of projects may be legitimization of such claims, including through land use planning and legal certification. Those without any recognizable claim may not receive compensation for land, but may receive assistance in terms of livelihood security, and where physically impacted, assistance to relocate. Projects may also be able to improve their land rights status through incorporation in land use plans and legal recognition.

A key aspect determining eligibility will be the Entitlement Cut-Off Date, discussed at Section 5.3.4. This is a critical measure to have in place and widely known and agreed to by all stakeholders and may even be a requirement of national legislation. Persons occupying the project area after the cut-off date are not eligible for assistance or compensation. This is critical in order to avoid influx into the area in anticipation of compensation, resulting in further pressures on the Protected Area and the limited available shared resources.

A sample Summary Entitlement Matrix, showing the key impacts, eligibility and entitlements which may be considered on a project, is presented in Table 5-6. As with other sample tables and figures, this entitlement is not fit-for-purpose for a specific project. Each project must develop a tailored entitlement matrix that reflects the project context, social context, and project impacts.

### Table 5-6 Sample Summary Entitlement Matrix

| NO. | RESTRICTION OR LOSS | IMPACT | ELIGIBILITY | ENTITLEMENTS |
|---|---|---|---|---|
| 1 | Access to<br><br>Non-timber Forest Resources or timber / firewood resources | Complete or partial access restriction | Households from project affected communities | • Access to alternative areas to harvest forest resources of equivalent productivity through formalization of a land use management plan with local communities.<br>• Improved security of tenure, support for improved resource management techniques of village and individual land parcels.<br>• Eligibility to participate in livelihood restoration programs. |
| 2 | Access to grazing land | Complete or partial access restriction | Households from project affected communities that own livestock | • Access to alternative areas for grazing resources of equivalent productivity and locational advantages through formalization of a land use management plan with local communities.<br>• Eligibility to participate in livelihood restoration programs that improve the management of cattle and other livestock |
| 3 | Loss of titled land held under a registered deed<br><br>Loss of untitled land held under customary ownership and not yet registered | Loss of titled land held under a registered deed<br><br>Loss of untitled land held under customary ownership and not yet registered | Own registered land that was registered with relevant authorities prior to cut-off date<br><br>Own, prior to cut-off date, unregistered, customarily or locally recognised land that can be verified through local systems | • Option 1: In-kind replacement.<br>• Option 2: Cash compensation for land and all improvements to the land.<br>• Land title registration assistance.<br>• Eligibility for livelihood programs, particularly smart agriculture / agricultural intensification programs. |
| | | Loss of rented land used through a customary or formal rental agreement | Rent, prior to cut-off date, per a rental agreement recognized by the landowner and customary or formal authorities | Cash compensation to the tenant for immoveable developments that were established by the tenant. |

| NO. | RESTRICTION OR LOSS | IMPACT | ELIGIBILITY | ENTITLEMENTS |
|---|---|---|---|---|
| 4 | Residential Land | Loss of titled land held under a registered deed | Own registered land that was registered with relevant authorities prior to cut-off date | • Option 1: In-kind replacement.<br>• Option 2: Cash compensation for land, where it can be demonstrated that households have an alternative residence to live in of suitable quality and with security of tenure.<br>• Land title registration assistance. |
| | | Loss of untitled land held under customary ownership and not yet registered | Own, prior to cut-off date, unregistered, customarily- or locally- recognised land that can be verified through local systems | • Option 1: In-kind replacement.<br>• Option 2: Cash compensation for land, where it can be demonstrated that households have an alternative residence to live in of suitable quality and with security of tenure.<br>• Land title registration assistance. |
| 5 | Structures | Residences | Locally recognised owner of a habitable house used as a permanent residence prior to cut-off date | • Option 1: In-kind replacement with structures of equivalent size and locational advantage, with culturally appropriate design and meeting minimum health and urban planning standards.<br>• Option 2: Cash compensation at full replacement value, where it can be demonstrated that households have an alternative residence to live in of suitable quality and with security of tenure.<br>• Title registration assistance. |
| | | Non-residential immoveable structures: E.g., walls, fences, animal pens | Locally recognised owner of a non-residential structure prior to cut-off date | • Cash compensation at full replacement value.<br>• Right to salvage materials prior to displacement. |

| NO. | RESTRICTION OR LOSS | IMPACT | ELIGIBILITY | ENTITLEMENTS |
|---|---|---|---|---|
| **6** | Crops & Commercial Trees | Standing annual crops | Recognised owner of a standing annual crop prior to cut-off date | Right to harvest before displacement. |
| | | Standing perennial crop | Recognised owner of a standing perennial crop prior to cut-off date | • Cash compensation at replacement value, accounting for the productivity and time to maturity of the crop.<br>• Right to harvest of mature crops before displacement. |
| **7** | Loss of Income | Business owner | Recognised business owner prior to entitlement cut-off date | • Reestablishment allowance equivalent to three months' income, or equivalent to the number of months for which the income is lost, whichever is greater. |
| | | Landlord | Recognised landlord with sitting tenant prior to cut-off date | Reestablishment allowance equivalent to three months' rental income. |
| **8** | Disturbance & Moving | Physically impacted households (whether owner- or tenant-occupied) | Occupying habitable primary residence prior to entitlement cut-off date | • Disturbance and transport allowance to be provided to all affected households.<br>• Additional assistance for vulnerable households as required. |
| **9** | Identified Vulnerable Households | Identified existing & potentially vulnerable households | Transitional hardship assistance determined in a case-by-case basis | Eligibility to participation in a Transitional Hardship and Vulnerability Programs which includes cash/food assistance, employment priority where possible, and fast-tracking to livelihood program where possible. |
| **10** | Additional Measures | All Impacted Households | Receiving cash compensation for assets or other assistance | Eligibility to participate in financial management training. |

# 6.
# Implementation Arrangements

A PF should have Chapters or Sections that lay out the implementation arrangements for its social impact mitigation activities. A PF for a simple project with few social impacts can consolidate this information into a single chapter. A PF for a more complex project with many social impacts will likely have individual chapters for each implementation component.

**In both forms, this content should be granular and realistic, presenting the projects:**

- Organization framework
- Project schedule
- Project budget
- Any supplementary or associated management plans
- Change management measures.

Notably, an existing project can be expected to have some of these elements in place. Where existing elements adequately cover the management of access restrictions, they can be integrated into the PF, while any gaps can be closed during the drafting of the PF. Similarly, the PF can draw on or supplement any other management plans or impact assessments in place. The most common types of management plans related to access restrictions are presented in Section 6.4.

## 6.1 Organizational Framework

The organizational framework presents how the management of social impacts and mitigation programming integrates with overall Protected Area management structures. This integration facilitates the mainstreaming of social impact management in conservation projects to ensure successful outcomes.

This section of the PF should include partners and agencies responsible for implementing social programming, and their respective responsibilities. The PF may also highlight issues that are beyond the project boundaries and multi-sectoral (not limited to conservation issues), and present a project's approach to addressing these issues, usually involving national and regional inputs from other stakeholders. Government buy-in is a critical factor in a project's long-term success. If it is not created at the outset, it should be built over time.

The organisational framework should therefore not only present the immediate technical team responsible for conservation-related planning and implementation, but how this team will work with other relevant regulatory

**Low Budget / Resource Scenarios**

**It can be extremely cost effective for a project to partner with national universities to run programs with affected stakeholders. This is true for capacity building programs, but also data collection activities, livelihoods restoration programs, and conservation training programs**

agencies, community representatives and groups, and other partners in planning and delivery. This can often be presented in an organigram.

For some complex or large-scale projects, the appropriate organizational framework may extend to a dedicated Project Management Unit (PMU). This is a steering committee that can serve as both a working group and an oversight body for a project, providing a space for stakeholders to discuss their perspectives and project outcomes, and to take decisions. PMUs often have representation from government, communities and project partners, as appropriate. PMUs can often enhance inter-governmental department cooperation and improve project implementation.

The formal inclusion of community representation will ensure the participatory approach to project development will be continued into implementation and monitoring and evaluation. Where a PMU is convened to steer a project's or PA's evolution, the associated PF should describe how the PMU will operate and the membership of the PMU.

### 6.2 Project Schedule

A PF should have a chapter or section that includes the anticipated project schedule, to demonstrate that the project is planning realistic timelines for its activities. The level of detail in project schedules will vary according to the project stage. A schedule should be developed which incorporates all the key tasks in project planning, design, and implementation, including measures to ensure participation of affected stakeholders throughout the process.

The PF schedule should be fully integrated with overall project schedules, and include key milestones in overall project planning, such as when new access restrictions will be enforced, to ensure an integrated approach to project management.

In many cases, mitigation measures, or associated monitoring and evaluation, may extend beyond the lifetime of a project or intervention.  This emphasises the importance of ideally ensuring that all mitigation measures and associated monitoring and evaluation processes devised as part of PF development are integrated into long-term PA management plans.

### 6.3 Project Budgets

A PF should also have a chapter or section that presents the anticipated project budget. As with project schedules, the level of detail in project budgets will vary according to project stage and complexity.

**At a minimum, project budgets need to include the full costs of:**

- Planning and implementation, including resourcing for stakeholder engagement, baseline data assessment, and project design activities
- Mitigation programs, including resourcing for staff, implementing partners, logistics (e.g., vehicles), and any required capacity building or external assistance.

In general, the earlier the budget for impact mitigation can be scoped, the longer a project will have to prepare for mitigation with lenders and other partners. Projects that will never have sufficient budget to mitigate for social impacts should be assessed for possible alternative approaches, as discussed in Section 6.4.3. However, projects with small starting budgets that are expected to grow over time can consider strategies to accommodate initial budget short falls. Potential strategies include, for example, pilot projects to build community support for mitigation programs and demonstrate feasibility, delaying impacts by putting restriction in place more gradually, or increasing benefit sharing opportunities associated with the protected area.

### 6.4 Supplementary Social Safeguard Tools and Plans

If a PF or similar social management plan establishes that access restrictions will create significant social impacts, it may recommend that supplementary safeguards be developed.
Where there is economic displacement, if the scope of this displacement is limited or temporary, the PF can be sufficient to structure the planning and implementation of livelihood restoration programs. Where the scope of displacement is large and developing livelihood programs within the PF would be unwieldy, external experts may be required to develop a stand-alone Livelihood Restoration Plan (LRP) in consultation with local stakeholders.

Where there is physical resettlement, a Resettlement Action Plan (RAP) will be required.
Where possible, projects should use existing plans and mechanisms rather than developing additional social safeguard tools and plans.  These may include project plans such as PA Management Plans, or other available plans previously developed by third parties, which can be adapted further to incorporate project requirements, such as village resource use plans.

Where an additional stand-alone management plan will be required, this should be reflected in the schedule and budget sections of the PF. The most common additional social safeguards and management plans required, and the common triggers for their requirement, is presented in alphabetical order in Table 6 1. In many cases, these can sit within the overall Process Framework.

**Table 6-1 Common Supplementary Social Plans**

| MANAGEMENT PLAN | TYPICAL TRIGGER | POSSIBLE TO INTEGRATE IN PF? |
|---|---|---|
| Indigenous Peoples Plan | Assessment indicates that indigenous peoples will be affected by or have an interest in a project and are a distinct group relative to other communities affected by the project. | Yes |
| Influx Management Plan | Assessment indicates that there is a risk of project-induced in-migration to a project area of a magnitude that could change the socio-economic characteristics of the project area. | Yes |
| Livelihood Restoration Plan | Assessment indicates that new or additional economic displacement will take place for the project, but that physical displacement will not be necessary. | Yes |
| Resettlement Action Plan | Assessment indicates that new or additional physical displacement will take place for the project.<br><br>Note that where physical and economic displacement are occurring, the RAP covers both types. | Yes, if small scale |
| Supplementary Resettlement Action Plan | Assessment indicates that historic physical displacement has taken place for the project, but that people were not compensated for displacement impacts in line with the KfW Sustainability Guideline. | Yes, if small scale |

### 6.5 Change Management

Where a project's circumstances do not allow for the development of a full PF from the outset, the Preliminary or Interim PF should include a change management section that presents how the full PF will be developed. This may occur, for example, after baseline surveys are done, or after agreement has been reached with affected people on the mitigation measures for social impacts.

**Specifically, the change management section of a PF should include:**

- The number of iterations of the PF envisaged
- The schedule for further iterations of the PF, and key project milestones which trigger the successive updates.

PFs, and any associated social management plans, should be seen as 'living documents' which will be updated as a project progresses, or the social context evolves. PFs and associated plans should be seen as management tools to guide, direct, and track management of land access restrictions, resettlement impacts, and mitigation measures. They are not plans developed for an approval process or a key project stage, which once completed will no longer be referenced or reviewed.

Ultimately, PFs should be integrated into long-term Park Management Plans, further ensuring that social and community impacts and their mitigation are mainstreamed in project implementation.

# 7. Monitoring and Evaluation

Monitoring and evaluation (M&E) allow a project to identify problems and successes as early as possible to allow timely adjustment to project design and implementation arrangements. M&E of a project are also critical in terms of answering the questions of: '***What constitutes success?***' and '***When have we finished?***'.

Unfortunately, many projects only get around to thinking seriously about M&E after they have conducted baseline studies and are well advanced in the process of project planning and stakeholder engagement or are even about to commence implementation.

It is critical that M&E is considered and integrated into project planning from the outset, so that meaningful indicators can be developed early and measured.

M&E activities should be integrated into the overall project management process, and a PF must provide a coherent monitoring plan that identifies the organizational responsibilities, methodology, and the schedule for monitoring and reporting.

**Early development of monitoring indicators is important – this should be done before baseline data is collected.**

**Monitoring** can be described as a continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds and resources.

**Evaluation** can be described as the systematic and objective assessment of an on-going or completed project, its design, implementation, and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact and sustainability.

## 7.1 Objectives and Common Pitfalls

### M&E activities have the following general objectives:

- ***Monitoring*** specific situations or difficulties arising from the implementation, and of the compliance of the implementation with objectives and methods set out in the PF, or other relevant management plans
- ***Evaluating*** emergent, mid-and long-term impacts of the Project on the welfare of impacted households, communities, and local government
- Sufficient involvement of the project affected persons in ***participatory M&E*** of short-term, mid-term and long-term project activities and effects
- Give particular attention to the project-affected communities, especially vulnerable and ***marginalized groups***, such as, for example, indigenous or minority groups, or female-headed households

External M&E may also be undertaken by an independent consultant who can work closely with a project and project-affected persons.

**The key pitfalls that can lead to problems in effective M&E include:**

- Poor baseline data gathering at the outset of projects, with a subsequent lack of baseline data against which to measure progress
- Failure to select an adequate but manageable range of indicators against which to measure project progress
- A focus on outputs (e.g., number of people trained in alternative livelihoods), rather than outcomes (e.g., revenue earned by the people trained)
- Lack of resources – specific staff and time should be dedicated to M&E
- Failure to include external partners and affected communities in participatory M&E, leading to a risk that results will not be viewed as impartial or be readily accepted by affected households or external bodies
- Poor estimation of timelines – M&E should continue until it can be demonstrated that mitigations have had their intended effects and that people affected by a project have had their well-being and quality of life restored to at least pre-project levels, or ideally, improved. This also means that if unanticipated impacts emerge, M&E should be expanded to cover the corrective actions developed related to the new impacts, which can extend M&E timelines. Where economic displacement has taken place, it may be up to 10 years before livelihoods are fully restored.

## 7.2 Selecting Indicators

An indicator is a quantifiable metric that provides a simple and reliable means to measure changes over time. As such an indicator is the evidence or information that will tell you whether a given program or other mitigation measure is achieving its intended outputs, outcomes, and impacts, or whether unanticipated changes are occurring.

**Low Budget / Resource Scenarios**

**Projects must be careful to develop realistic monitoring and evaluation regimes that are appropriate to available resources and budgets.**

Indicators are measurable and observable characteristics. They answer the question: "***How will we know change occurred?***"

Indicators should be selected to monitor project impacts throughout the project life cycle, from the input of resources at the outset, to measuring the final result or change resulting from the mitigation measures employed.

**Elements that can be monitored through the development of targeted indicators include, for example:**

- Delivery of compensation
- Delivery of livelihood programs/activities
- Completion of participatory land use plans
- Completion of community agreements
- Resolution of grievances
- Increase or decrease in household assets / income
- Agricultural outputs / productivity
- Incidents of HWC
- Social stability (e.g., measures of reduced conflict)
- Health
- Level of satisfaction of project affected people.

**Indicator selection should be guided by the following principles:**

- Selecting fewer indicators of significance, rather than attempting to track a host of minor indicators
- Selecting indicators also used by local, regional, national, and international institutions in order to be able to compare results with control groups, and avoid 'reinventing the wheel'
- Selecting a mix of indicators that measure both quantitative and qualitative change.

Examples of indicators that measure quantitative change include the amount of compensation paid, the percentage of affected households that have received compensation and the hectares of land a project has acquired. Examples of indicators that measure qualitative change include the percentage of households who report a positive, neutral, or negative perception of a project, or the percentage of people who report having enough to eat in a project area.

It may also be possible to correlate outcomes from both social and conservation focused indicators. In this way the project can ascertain if improved conservation outcomes are having a negative effect on livelihood outcomes, or if both conservation and livelihood outcomes are improving. As with all attempts to correlate data, care needs to be taken, including being cognizant of cumulative impacts and external threats.

**When is livelihood restoration complete?**

**Because the success of livelihoods restoration measures is highly dependent on the participation of the economically displaced households in programming, a project cannot be expected to guarantee livelihood restoration in all cases. Instead, a project is responsible for demonstrating that displaced households were provided with adequate opportunity to restore their livelihoods to pre-project levels.**

**Adequate opportunity means that a project's proposed livelihood restoration measure should be demonstrably context-specific and calibrated for the skills and capacities of impacted households. This can be demonstrated by showing that the majority of households participated in the restoration programs. It can also be demonstrated by tracking participation in the engagements on restoration.**

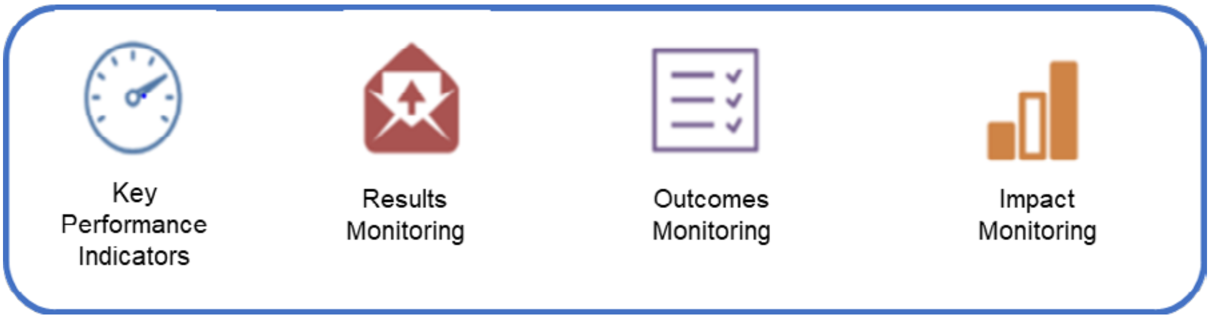
**Adequate opportunity also means that households received all entitlements and compensation agreed. This can be demonstrated by monitoring and reporting on entitlement delivery.**

**Demonstrating that grievances related to livelihood restoration entitlements or programs have been carefully considered and resolved is a third way to demonstrate that adequate opportunity has been provided.**

**In addition to cover both quantitative and qualitative aspects of a project, a mix of indicators should be defined to cover a project's:**

- **Inputs** - financial, human and material resources
- **Activities** - tasks/ personnel undertake to transform inputs to outputsto compare results with control groups, and avoid 'reinventing the wheel'
- **Outputs / Outcomes** - products and services produced and effects of outputs on Project Affected People
- **Results** - change from pre-displacement position.

**Figure 7-1: The M&E Process**




## 7.3 Monitoring and Evaluation Framework

A Social & Monitoring Evaluation Framework is normally drafted to summarize a project's approach to M&E, or this content can be integrated into a broader PA plan. The Framework should detail the Key Performance Indicators, and means of verification, including participatory mechanisms. The Framework can summarize the current status, together with identification of any key issues or gaps, and recommendations for further action identified as appropriate.

## 7.4 Participatory Monitoring

Participatory monitoring and evaluation is a critical component of the Process Framework, which should seek to incorporate participation throughout the process.

It is recommended that any project with significant social impacts involve a third party in M&E activities. Depending on the project and stakeholder interests and capacities, this can include affected households, local government or technical services authorities, and livelihood program implementing partners - often an NGO with a specific skillset related to agriculture, economic development, or training.

**Involving third parties can have the following benefits:**

- Increased transparency and trust building by enabling systematic reporting to external stakeholders and lenders
- Increased support for the project as affected households and communities see that commitments are being met and how livelihood restoration is progressing
- Increased trust in the project given the credibility of third parties as community members or leaders
- Increased trust in the project on the part of NGOs and civil society, potentially increasing the number of third parties willing to partner with the project
- Increased support for a project on the part of regulators, potentially making regulators more inclined to undertake their statutory responsibilities (e.g., adopting infrastructure)
- More accurate indicators, selected to more closely reflect local conditions based on local feedback
- More adaptive M&E, where additional feedback from stakeholders throughout the M&E process allows for corrective measures to be developed more quickly
- Better understanding on the part of affected people of the true scope of a project's impacts, mitigation measures, and benefits, potentially protecting the project from being considered the source of all social change in a project area or the sole generator of cumulative impacts.

**If possible, the involvement of community and external stakeholder representatives should be integrated into the M&E Framework from the outset. Key points in the process where participatory monitoring can occur include:**

- Community representatives and other external stakeholders can be involved in undertaking and overseeing baseline surveys
- Stakeholders can be involved in the identification and assessment of appropriate resettlement locations and / or agricultural land/fishing sites
- Monitoring of any construction activities
- Monitoring of livelihood programs, including implementation and productivity changes
- Environmental monitoring efforts, especially where there is potential for community impacts arising from project measures.

## 7.5 Close-Out Audits

Some form of M&E will likely take place at a project site for the duration of that project. However, in some circumstances, it may be appropriate to close out elements of an M&E Framework as a project's social programming evolves. This is true where projects will have a time-limited impact on affected households and communities that it will mitigate entirely.

For example, if a project is bringing construction materials into a PA and needs to use heavy machinery on rural roads to transport those materials, there are potential impacts related to the inherent traffic risks. In this case, monitoring of educational activities to inform people about traffic risks and safety measures would be integrated in the project's M&E Framework. The project would also monitor road incidents and accidents. This monitoring would continue until the heavy machinery was no longer needed, then closed out. This extends to more complex elements, like livelihood restoration. When a project has documented that it has given affected people adequate opportunity to restore their livelihoods, and that people's quality of life has returned to pre-project levels or improved, active monitoring of livelihoods restoration can be closed.

Whether an element of the M&E Framework can be closed out is normally documented via a ***Close-Out Audit***. The timing of this audit should be broadly established at the outset of project implementation. For increased transparency, they are normally done by an external party. The involvement of independent evaluators should be agreed with affected people and regulators. Where a project's social impacts have been significant, a close out audit may also include surveys or FGDs with affected people.

# 8.
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# 9.
# Annexes