



TFCA FINANCING FACILITY

Guidance Note - TRA Law Enforcement

Law Enforcement Risk Assessment

Law Enforcement And Human Rights



Supported by:



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ACRONYM LIST

TERM	DEFINITION
COC	Code of Conduct
CoE	Code of Ethics
E&S	Environmental and Social
ESAP	Environmental and Social Action Plan
ESCP	Environmental and Social Commitment Plan
ESDD	Environmental and Social Due Diligence
ESHS	Environmental, Social, Health and Safety
ESS	Environmental and Social Standard
GN	Guidance Notes
GRM	Grievance Redress Mechanism
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IUCN	International Union for Conservation of Nature
KfW	Kreditanstalt für Wiederaufbau/KfW Development Bank
JOC	Joint Operations Coordination
LE	Law Enforcement
LERA	Law Enforcement Risk Assessment
MOU	Memorandum of Understanding
SADC	Southern Africa Development Community

TERM	DEFINITION
SEP	Stakeholder Engagement Plan
SI	Serious Incident
SOP	Standard Operating Procedures
TFCA FF	Transfrontier Conservation Area Financing Facility
ToR	Terms of Reference
TRA	Thematic Risk Area
UHDR	Universal Declaration of Human Rights

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1.

Introduction

1.1 Purpose of the TFCA FF

The purpose of the SADC Transfrontier Conservation Areas Funding Facility (TFCA FF) is to invest in tangible measures that strengthen ecological, economic, cultural, and institutional connectivity within SADC TFCAs for the management of shared natural resources and sustainable development. The TFCA FF is designed as a programme which is open to a broad group of potential applicants who wish to receive grants for eligible measures. To manage environmental and social issues in line with the national laws and regulations in the respective host countries and in line with international environmental requirements and social safeguard standards, the TFCA FF has developed an Environmental and Social Management System (ESMS) which governs and guides TFCA FF supported projects. The ESMS is tailored to the projects and activities which are and will be funded by TFCA FF.

The ESMS covers the key risk areas which may be triggered by projects supported by the TFCA FF:

- Social risks and impacts related to access restrictions to protected areas;
- Social risks and impacts related to law enforcement operations in the conservation context;
- Social risks and impacts related to human wildlife coexistence; and
- Environmental and social risks and impacts related to the construction of infrastructure and other physical interventions.

The TFCA FF has committed to funding activities within TFCAs linked to five outputs – of which output 3 is: the improvement of cross-border wildlife protection.

This Guidance Note (GN) focusses on the social risks which potentially could arise from support to law enforcement (LE) activities undertaken by the Applicants (the potential Grantee applying for grant-funding) through the funding support from the TFCA FF. As part of the application process, Applicants will be required to complete a Concept Note as well as the ESMS Questionnaires (Annex D to ESMS Manual: General ESMS Questionnaire and Annex E: Thematic Risk Area Specific ESMS Questionnaire) to identify situations or issues that could represent a risk to the security, human rights or health and safety of people working and living in TFCA FF funded areas. This includes project staff and volunteers, the staff of implementing partners and people living in or near the protected areas.

1.2 General Principles

The principles of human rights are derived from and defined by the United Nations Universal Declaration of Human Rights (UDHR). The UDHR together with:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

form the International Bill of Human Rights. Several international treaties, agreements, standards and other tools have been developed to support the application of these principles in all aspects of daily life.

1.2.1 Respect for Human Rights

The ICCPR is a multilateral agreement that was adopted and opened for signature, ratification and accession in 1966. The ICCPR, together with the ICESCR, interprets the UDHR into a series of principles and rights to guide governments in developing legislation to safeguard human rights.

While all human rights apply, those with particular relevance to the conservation sector are:

- The principle of non-discrimination (Art. 2 ICCPR, ICESCR);
- The right to life and physical integrity (Art. 6, 9 ICCPR);
- The participation in the conduct of public affairs of all communities (Art 25 ICCPR), for indigenous peoples - this is operationalized in the principle of Free, Prior and Informed Consent;
- The right to an adequate standard of living and other basic services: food, housing, water, sanitation, health, education (Art.11, 12, 13 ICESCR); and
- Accountability and the right to remedy (Art. 2 (3) ICCPR).

These principles underpin the requirements and procedures which are described in this GN.

1.2.2 Respect for Labour Rights

Article 23 of the UDHR states that:

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Labour rights are a critical component of human rights that help to protect and promote the social and economic well-being of the human population. Some workers' rights, such as freedom of association, freedom from forced and child labour and non-discrimination are regarded as basic human rights. Human rights cannot flourish where labour rights are not enforced. The right to work affects the degree of enjoyment of many other rights such as the right to education, health and culture. However, the right to work creates a degree of dependency of the employed on his employer. As such, it could create a relationship of inequality. To protect the employed and to make a more level playing field, other rights have been articulated and tools developed to implement these. Since LE officers are employed by a LE agency to undertake their duties, it is essential for their conditions of employment to comply with international (International Labour Organization (ILO) Core Labour Standards, see ESMS Manual, section 3.2) and national labour standards.

1.2.3 Applicable Legislation, Standards and Guidelines

In order to meet the obligations made by a country when becoming party to international human rights treaties, the country has to respect the commitment made by implementing measures to ensure human rights. This involves putting into place domestic measures and legislation compatible with their treaty obligations and duties. Human rights are universal and impartial and must be recognised even in contexts where relevant national legislation is not in place. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented and enforced at the local level.

The TFCA FF ESMS has been designed to support grantees to develop their project concept within a framework that ensures compliance with international legislative frameworks as well as relevant national legislation.

The following international Environmental and Social Standards (ESS) and Guidelines are applicable to all projects funded by the TFCA FF:

- KfW Sustainability Guidelines (2023) describe environmental, social and climate-related principles and procedures to be used in the planning, appraisal, implementation, and monitoring of projects. These require adherence to the respective national legislation as well as the application of international safeguard standards.
- World Bank ESSs:
 - ESS1: Assessment and management of environmental and social risks and impacts;
 - ESS2: Labour and working conditions;
 - ESS4: Community health and safety;
 - ESS 5: Land acquisition, restrictions on land use and involuntary resettlement (interface with risk area access restrictions/enforcement of access restrictions);
 - ESS7: Indigenous peoples/Sub-Saharan African historically underserved traditional local communities; and
 - ESS10: Stakeholder engagement and information disclosure.
- UN Guiding Principles on Business and Human Rights (2011) define actionable steps for governments and companies to meet their duties and responsibilities to prevent human rights abuses in their operations and provide remedies if such abuses take place. This is further elaborated in KfW Tool to determine responsibility for addressing human rights impacts (2022);
- ILO Core Labour Conventions;
- Voluntary Principles on Security and Human Rights (2010);
- The World Bank Group's General Environmental and Health and Safety Guidelines and Industry Specific Guidelines, as applicable;
- The International Union for the Conservation of Nature (IUCN) ESMS;
- KfW Security and Human Rights Framework, Parts 1-5 (2022).

For applicable standards and overview on the TFCA FF Environmental and Social Due Diligence (ESDD) Process, also see TFCA FF ESMS Manual.

1.3 Core Human Rights Requirements

In order to meet the expectations of the TFCA FF and to comply with the requirements to access support, Applicants must demonstrate that they meet the minimum requirements in their security frameworks, regardless of whether these involve government agencies, non-governmental organizations, community-based organizations, private entities or a combination of these. As part of the TFCA FF ESDD, a mandatory Rapid Law Enforcement Risk Assessment (LERA) will be undertaken in order to evaluate current processes and identify whether the appropriate requirements are in place. The TFCA FF Rapid LERA focusses on the following aspects:

- How do Applicants/Grantees address specific concerns relating to security and human rights in their policies?
- How do Applicants/Grantees integrate respect for human rights into their security management plans, operations and reporting?
- How do Applicants/Grantees provide for grievance reporting and remediation?
- What challenges have Applicants/Grantees faced in applying these policies and procedures and how have they addressed them?

1.4 Objectives of this Guidance Note

This GN provides Applicants with additional information to understand the need and the requirement for risk screening with regard to LE activities included in the Concept Note. It also provides explanations and descriptions of the information that will be required by TFCA FF at various stages of the ESDD process from Concept Note stage to final reporting at the end of the TFCA FF grant cycle.

This GN is applicable to all projects that include any LE activities whether directly or indirectly supported by TFCA FF funds. Examples of direct support to LE activities include:

- training for LE officers;
- purchase of uniforms, vehicles or field and camping equipment for LE officers;
- funding for fuel and maintenance costs of vehicles used for LE activities;
- developing and equipping an operations control room;
- payment of salaries or incentives for LE project staff, consultants or trainers; and
- infrastructure development to facilitate LE activities and LE staff e.g., roads, houses, patrol camps and ranger stations.

Examples of indirect support to LE activities include:

- purchase and maintenance of vehicles or equipment for protected area management activities but that will sometimes be used to transport LE teams to patrol sites or equipment that will occasionally be used for LE;
- infrastructure in protected areas that will be used by all staff including LE teams; and
- support to the development of park management plans that have a LE component, or the development of training materials of which LE is a component.

The information in this GN is intended for use by both the Applicant and the TFCA FF. In this document, the term "Applicant" could refer to the lead agency (the agency responsible for submitting the application) as well as the partner organisations that will be involved with implementation of project activities.

2.

Phase 1: The Environmental and Social Due Diligence Process: Preparation and Development

The TFCA FF ESDD process begins with the submission of the Concept Note and ESMS Questionnaires (see Annexes D and E to the TFCA FF ESMS Manual) by the Applicant along with supporting institutional documentation (Phase 1). If LE activities are proposed, then the Applicant has to submit any relevant documentation that supports the understanding of the LE processes in the TFCA that will enhance the ability of the TFCA FF to carry out the risk screening process. It is strongly recommended that the Applicant becomes familiar with the provisions of the ESMS prior to the identification of activities to be included in the Concept Note.

The Concept Note template provides a framework for the Applicant to provide background and objectives of the proposed project. Applicants are requested to provide information on each of the four key thematic risk areas (TRAs), one of which is LE. There are also sections on contextual risks as well as human rights risks. Applicants are requested to indicate which E&S safeguard instruments are already in place and they are prompted to submit these documents along with the Concept Note. The ESMS Questionnaires (General ESMS Questionnaire and TRA Specific ESMS Questionnaire) need to be completed by the Applicant and submitted together with the Concept Note.

The submission of the Concept Note, ESMS Questionnaires and any additional documentation by the Applicants will initiate the review process of these documents which will then lead to the TFCA FF E&S risk screening process.

The sections below describe the information Applicants are required to share with TFCA FF so that the LE components of the application are fully understood by the TFCA FF. Comprehensive and specific information is needed so that the TFCA FF can identify risks and potential negative impacts, determine a risk categorization and ensure that appropriate instruments are in place (or will be developed by the Applicant/Grantee) to mitigate potential impacts.

2.1 Geographic Areas for Implementation of Law Enforcement Activities:

The areas within the TFCA where LE activities will take place need to be clearly indicated so that contextual risks can be identified. When considering the geographical location of the activities, the following aspects are important:

- Will the LE activities take place in an area which forms a national boundary?
- Are the LE activities taking place in more than one protected area?
- What is the status of the different protected areas where LE activities will take place? Do the various implementing partners operate in areas with differing legal status or different levels of protection?
- Will more than one country be involved with the LE activities?
- Do the routine LE activities take place in an area where communities are resident?

Including a map which clearly demarcates the different areas in which LE activities will take place will provide some of the context required and assist the TFCA FF in understanding the proposed activities. The areas should be clearly labelled and named to correspond with the names of the areas mentioned in the submitted documentation.

2.2 Mandates of Applicants and Implementing Partners

When identifying risks and considering mitigation measures, it is very important for the TFCA FF to have detailed information on the LE mandate of the Applicant/Grantee as well as that of the implementing partners. It is important to understand the following:

- How many LE officers from each of the agencies will be supported by the TFCA FF grant?
- Do all LE officers carry firearms? At all times? What type of firearm? How much firearm training have they received?
- Do all LE officers have the same mandate? Do they all have powers of search, seizure and arrest?
- Which national legislation defines their mandate?
- Do LE officers with different mandates carry out LE operations together? For example, does the Applicant carry out joint operations with the police or military?
- Is the mandate of the LE officers restricted geographically i.e. can they only carry out LE actions within the boundaries of the protected area or does their mandate extend beyond that?

For example, in Namibia, Community Game Guards do not carry weapons and have no LE mandate whilst in Zambia, Community Scouts carry out LE patrols together with Wildlife Police Officers and are mandated to carry firearms by the Wildlife Act. In Eswatini, park officers only have the mandate to do LE within the borders of the parks and 1 km beyond if they are pursuing a suspect.

When agencies with different mandates perform LE operations jointly, this may result in increased risk levels. This may be due to the fact that they have different mandates, have received different levels of training or are trained to use different equipment or firearms. Some LE agencies have the mandate to primarily protect the borders of a country whilst others have the mandate to protect the wildlife resources. If these agencies are going to work together in implementing project activities, it is important for the TFCA FF to be aware of their different mandates and to ensure that any risks in this regard are identified and potential impacts are mitigated.

2.3 Relevant National Legislation

The legislative framework/s of the country/ies in which project activities are going to be implemented need to be considered. The most relevant are:

- The Constitution which enshrines human rights and is the supreme or higher law - its provisions provide a framework under which all regulations, legislation, institutions, and procedures operate;
- The Criminal Procedure and Evidence Act also sometimes known as the Police Act or the equivalent thereof;
- Wildlife and forest laws;
- The Labour Act or the Employment Code Act or the equivalent thereof; and
- Security plans and LE strategies for TFCA or for individual protected areas.

2.4 Status of Human Rights in Implementing Countries

Whilst all of the countries in the SADC region have commitments to uphold human rights in their Constitutions, the extent to which human rights protection is enforced may vary between countries and between sectors within those countries. The National Human Rights Commissions in SADC countries monitor and report on human rights infringements. Several internationally recognised human rights organizations produce country reports where the status of human rights in individual countries is documented. These reports can contribute to the contextual risk assessment of the Applicant's country. The following need to be considered by the TFCA FF:

- Is there a documented history of human rights abuses in the Applicant's country?
- What do recent internal assessments by human rights organizations report on human right abuses taking place in the country?
- Is there any documentation recording human rights abuse by LE agencies in the wildlife protection sectors?
- Have there been any incidents of human rights abuse in the TFCA areas requesting support? These could be from social media, printed media or any documents within the public domain.

If the risk rating for a given project is substantial or high, then additional safeguard measures or instruments may be required.

2.5 Law Enforcement Operational Structures

The applications received by the TFCA FF for support to LE activities could vary from LE activities being the core of the Concept Note to being a very small component of the proposed activities. Some of the proposals may be for support to one LE agency which operates in one protected areas within the TFCA whilst others may be requesting support for different agencies with different mandates operating in various protected areas. The questions below indicate some of the aspects which need to be considered by the TFCA FF when identifying risks.

- Are several agencies doing LE in the same protected area? Or are different agencies independently responsible for different areas?
- If multiple agencies are working in the same protected area, then how do they co-ordinate? Do their mandates differ?
- Do the military or police undertake joint LE operations with the Applicant agencies? If so, do MoUs exist between these agencies to define their roles and mandates in these activities?
- Are the values and procedures in the CoC and SOPs operationalised? Have LE officers received refresher training on these and are procedures in place to ensure that these are followed?
- Do formalised structures and mandates between LE agencies doing joint operations or undertaking LE in the same areas exist? Are these documented and monitored? (See Annex E to this GN).
- Are there appropriate levels of supervision and discipline?

2.6 Proposed Activities

The application process requires the Applicant to provide a logframe (Annex 1 of the Concept Note) mapping out the proposed activities and the intended outcomes. However, it is not always possible to understand from the initial documentation some of the details required to identify and assess LE risks. The TFCA FF risk screening process will need to know some details about the planned activities.

- Whether direct or indirect support is requested for LE activities?
- Will the proposed LE activities be implemented by lead agency only or by several partner organizations? Will activities be undertaken jointly?
- Which activities are taking place in which specific areas and which agency will implement a particular activity?
- Will there be regular contact between TFCA residents and LE operations?
- Could LE activities result in household searches or village sweeps?
- Is there an interface between the resident communities, neighbouring villages and the TFCA management structures which facilitates the sharing of information regarding LE operations in the TFCA?

2.7 Training and Capacity of Law Enforcement Officers

One of the key measures for mitigating risks associated with LE activities is training. This refers not only to basic ranger and LE training but whether they have received appropriate training to enable them to understand and demonstrate the compliance with the standards described in the various guiding documents and tools. The TFCA FF will consider whether training already received, or training events planned will build capacity that contributes to the safety of the officers when undertaking high risk activities as well as ensuring the safeguarding of human rights.

- To what extent have LE officers received training on the CoC and SOPs? Have they received refresher training? How often is this done?
- What are the training requirements and minimum competencies that a LE officer must achieve before being issued with a firearm?
- Have all the LE officers received refresher training on firearm use and management?
- Are disciplinary processes in place and are they enforced when LE officers contravene the accepted standards?

2.8 Mandatory Safeguard Requirements

There are mandatory E&S safeguard instruments which need to be in place prior to the commencement of any TFCA FF funded LE activities¹. Mandatory safeguard requirements are listed below and need to be submitted together with the Concept Note and the ESMS Questionnaires to TFCA FF.

- Grievance Redress Mechanism (GRM) (see Annex L to the TFCA FF ESMS Manual) – an accessible, transparent and culturally appropriate GRM must be in place and operational at the time of the Full Proposal (the minimum requirement is a Draft GRM to be shared with at Concept Note stage). The GRM should be applicable, relevant and operational for all the project areas included in the Concept Note. This GRM should not only be functional for the lead agency but should cover the other implementing partners as well as all the areas in which LE activities are proposed. Applicants have to provide evidence that the GRM is operational and that grievances are recorded and responses tracked. The GRM shall meet the requirements as stipulated in the TFCA FF ESMS Manual and Annex L to the Manual.
- Stakeholder Engagement Plan (SEP) (see Annex K to the TFCA FF ESMS Manual) or documented engagement measures (depending on the risk level of the activities supported by TFCA FF).

¹In exceptional cases, the TFCA FF may agree to a staged development of these instruments based on case by case decisions.

- Communicate their own commitment to human rights e.g., Code of Conduct (CoC) or Code of Ethics (CoE) (see Annex A to this GN) as binding commitments to all implementing partners as well as to LE officers under their direct management control. These commitments need to be in place and operational before implementation of TFCA FF project LE activities. The Standard Operating Procedures (SOPs) needed to operationalise the CoC need to be in place e.g. SOPs on rules for the use of force, as well as procedures for apprehension and detention. See Annex B and C to this GN.
- Serious Incident (SI) Reporting (see Annex M to the TFCA FF ESMS Manual) – this tool is available from the TFCA FF and should be implemented in its entirety for all projects. Whilst all project staff members involved in the implementation of project activities need to be aware of the SI reporting requirements and procedures, it is essential to ensure that the Project Representative responsible for E&S management and reporting is clearly identified and certain of their responsibilities.
- Training for all LE officers involved in grant activities – this training will focus on LE and human rights (according to the curriculum prescribed by the TFCA FF, see Annex D to this GN).
- Inform the TFCA FF on the involvement of any third parties (partner organizations that will be responsible implementing LE activities) in LE activities as well as their mandate to carry out LE activities. The relationship between the Applicant/Grantee and the third parties has to be explained including how the Applicant will ensure adherence by the third parties to the provisions described in this GN (for example, does an MoU already exist between the parties or will it be possible to develop one in order to use leverage to minimize risks and potential negative impacts?).
- All aspects of the Applicant's security and human rights frameworks, including changes and modifications over time, must be documented.

3.

Phase 2: Evaluation and Risk Assessment

3.1 E&S Risk Screening Process

The evaluation phase will be initiated by the TFCA FF ESMS Officer in response to the Concept Note, ESMS Questionnaires (the General E&S Questionnaire and if applicable, more detailed LE TRA Questionnaire) and supporting institutional documentation received from the Applicant.

The risk screening process considers institutional as well as operational aspects of the Applicant and implementing partners and reviews these within the context of the legislative framework of the countries where implementation and the relevant international principles and standards (see section 1.2.3 above and TFCA FF ESMS Manual). The TFCA FF ESMS Officer will evaluate the information provided by the Applicants, and also review external factors (e.g. any other historical background information about the landscape, media review). Applicant organizations will also be evaluated with regard to their experience, operational and financial strength and other qualifications described in the Call for Concepts.

The risk screening and due diligence process refers to two tiers of E&S risks.

- **Tier 1 risks** include:
 - Legacy and conflict
 - Human rights
 - Gender equality
 - Labour and working conditions
 - Resource efficiency
 - Community health and safety
 - Access restrictions and involuntary resettlement
 - Biodiversity conservation and sustainable use of natural resources
 - Indigenous people and vulnerable groups
 - Cultural heritage and
 - Stakeholder engagement
- **Tier 2 risks** are the typical risks anticipated for Facility-funded projects. These TRAs are considered to be typical for biodiversity conservation projects. LE in the conservation context is one of these TRAs. The LE TRA Questionnaire pertains to social risks and potential impacts related to LE operations within the conservation context.

3.2 E&S Risk Categorization

Using the information provided, the E&S risks from the proposed activities can be identified. The TFCA FF ESMS Officer will then determine the overall E&S risk categorization for the proposed activities (Table 3 1). This will be a provisional risk categorization which may be adjusted as the evaluation process progresses.

Table 3-1 TRA Law Enforcement risk categories

RISK CATEGORIES	CHARACTERISTICS
Low Risk (C)	Country/ies with a strong record for respecting the rule of law and human rights. No significant external security threats to the TFCA or conflict between the countries comprising the TFCA. No significant external or internal security threats to the project area have been identified. Impacts on local livelihoods due to access restrictions in the project area are low. LE officers in the project area are unarmed when carrying out duties. State military/police forces are not involved in protected area security (except in processing any criminal cases referred by protected area LE officers).
Moderate Risk (B)	Country/ies with a moderate record of respecting the rule of law and human rights. No significant external security threats to the TFCA or significant conflict between the countries comprising the TFCA. No significant security threats to the project area have been identified by screening and Rapid LERA although there may be reports of occasional cases of localised violence/conflict but with no history of sustained conflict. Restrictions on access to resources in the project area place constraints on local livelihoods and the TFCA management seeks to minimise these impacts through livelihood support and diversification interventions. LE officers in the project area are armed only when their duties present a safety risk to their lives, but regularly receive training and are monitored to ensure that the use and management of firearms meets the operational requirements (SOPs). State military/police forces can at times be called on to support TFCA security with a degree of confidence in their reliability and professionalism.

Substantial Risk (B+)	Country/ies with a weak record for respecting the rule of law and human rights. Sporadic external security threats to the TFCA and localised, sporadic conflict between the countries comprising the TFCA. The project area is subject to sporadic and localised conflict as identified by screening and Rapid LERA and some violence/conflict is directed at LE officers. Constraints on local people's access to resources in the project area have led to confrontation(s), which has led to violence or could do so. LE officers in the project area are armed and the management of firearms defined by operational requirements (SOPs) however training and monitoring of compliance is clearly evident. State military/police forces support security operations in and around the project area.
High Risk (A)	Country/ies recognised internationally for failing to respect the rule of law and human rights. State military/police forces have been associated with adverse human rights impacts in the country/region. External security threats to the TFCA and/or ongoing conflict between the countries comprising the TFCA. Sustained conflict in the project area from a range of causes, sometimes related to the management of the TFCA. Evidence of violence and conflict directed at LE officers. Legacy issues that have not been addressed contribute to local resentment towards the TFCA and the project area management. LE in the project area are always armed during patrols. Compliance with safety and security measures uncertain. State military/police forces are sometimes involved in security operations in and around the project area.

If a Concept Note includes LE activities, then a mandatory Rapid LERA will be undertaken to further refine the E&S risk categorization and the determine the required safeguard instruments.

3.3 Rapid Law Enforcement Risk Assessment

The mandatory Rapid LERA is the key tool that will allow the TFCA FF to assess the lead agencies as well as their implementing partners with regard to the status of their institutional maturity (as described in KfW Security and Human Rights Framework, Parts 1-5, 2022). Key aspects covered by the Rapid LERA are:

- Strength of leadership within the organization and the existence and commitment to relevant policies;
- The extent to which security risk assessments and human rights risk assessments have been undertaken as well as the implementation measures to mitigate any identified risks;

- The way in which security risks are managed within the contextual framework and acknowledgement of human rights;
- Processes and procedures which are in place to manage the receipt and addressing of grievances as well as the reporting and management of serious incidents;
- Processes and procedures in place to monitor and regularly review LE related policies and activities and to apply adaptive management in this regard.
- Determination of the measures and actions needed for Applicants to reach the required level of maturity in their LE systems so that project activities implemented are aligned with the applicable standards set out by the TFCA FF ESMS. A structured set of questions (Annex G) will be used to review the information provided by the Applicant. Any of these questions that cannot be answered by the information already submitted will be obtained during the visit to the project area by the TFCA FF risk assessment representative. The analysis of the information gathered during the Rapid LERA will be based on parts 4 and 5 of the KfW Security and Human Rights Framework.
- Material measures and actions will be documented in the E&S Action Plan (ESAP);
- The E&S Commitment Plan (ESCP) will be informed by the ESAP and will form an Annex to the Grant Agreement, in addition to the Environmental, Social, Health and Safety (ESHS) clauses of the Grant Agreement; and
- Detailed planning and recommendations for the mandatory human rights training will be discussed and documented.

The various steps in the Rapid LERA process (Table 3 2) will be undertaken independently by the TFCA FF risk assessment representative to verify the information submitted in the Concept Note, the ESMS Questionnaires and accompanying documentation. It is important that this process takes place independently of the TFCA FF management responsible for grant approval to encourage transparent and open discussions regarding LE risks with Applicants.

Table 3-2 Components of a Rapid LERA

STEP 1	Review at documentation submitted by Applicant	The documentation submitted initially as well as that submitted in response to requests for further submissions will be reviewed within the contextual framework of the TFCA. The review of the institutional documents pertaining to LE processes will contribute to the determination of the organization maturity. The contextual risks regarding human rights and LE within the TFCA are especially relevant. This will be done using a structured set of questions which will adapted to reflect the given context. The following will be determined with regard to the safeguard documents and processes: • Required documents and processes which currently do not exist but are mandatory • Safeguard documents and processes that exist but to not meet the requirements thus needing revision • Safeguard documents and processes which exist and meet requirements, but the extent of implementation needs to be verified
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STEP 2	Meet with the lead agency	This meeting should take place at the offices of the Applicant and be an in-person meeting. The key decision-makers of the Applicant organization must to participate as well as the staff members responsible for operations and law enforcement. The meeting will be used clarify any components of the Concept Note which are not clear and define the relationship between the Applicant and the implementing partners. The discussions will provide information to indicate whether LE activities are planned and conducted using a human rights-based approach. If the documentation submitted for the mandatory requirements do not meet the required standards, then the approach and processes for amending these will also be discussed.
STEP 3	Meet with all implementing partners	The operational relationship between the implementing partners will be discussed as well as any differences in the mandates of the various agencies. For example, if all the implementation sites are operationally controlled by one organization and all the staff members have the same mandate with regard to LE, the risks in this situation are easier to mitigate than if some implementing partners do not have the same LE mandate as others e.g. the Applicant is the government wildlife department but one of the implementing partners is a community-based organization where the LE officers do not have the same LE powers as a government officer. The roles and responsibilities of all the implementing partners will be explored and understood as well as the operational plans for the implementation of the proposed activities. This will involve determining the exact locations of the activities, how many people will be involved at each site, the mandate of the various agencies, the capacity and resources already in place, etc. and reviewing these within the contextual risks and legal frameworks of the implementing countries. In addition to a meeting with all the partners together, opportunity should be provided to the risk assessment representative to hold meetings with only one of the implementing partners (without other organizations or the applicant present). The capacity of each of the LE agencies involved will need to be assessed with regard to their ability to implement a human rights-based approach to the project LE activities.

STEP 4	Visit selected implementation sites	If any particular sites are identified as key sites for LE activities, then these will be discussed and the challenges regarding LE activities understood. Some of the implementation sites will be selected for a visit to verify the challenges and better understand the risks. The sites may be selected because they are hotspots for poaching or other illegal activities or sites where LE activities interface with community livelihood activities (where communities live within the PA or adjacent to a PA). Site visits should be conducted only with the risk assessment representative together with the implementing agency directly responsible for the selected site or the community representatives. The site visit will include discussions with the LE teams and affected communities. The extent and efficacy of implementation of the mandatory requirements will also be reviewed during the site visit.
STEP 5	Determine safeguard instruments that need to be improved	The outcome of steps 1 to 4, will determine which of the safeguard instruments that are already in place need to be updated or improved and recommendations of what is still required will be made. Along with this, the time frame will also be discussed – whether this needs to be done before any project activities can be implemented or whether this can be included as a project activity and undertaken at the onset of project implementation. This could require adjustments to the work plan and budget. These requirements will be incorporated into the ESAP.
STEP 6	Determine safeguard instruments that need to be developed	Depending on the potential risks identified, the current capacity of the LE agencies and their officers as well as the status of the safeguard instruments, the implementing partners may be required to commit to a process of developing some the requirements before the implementation of project LE activities can begin. The development of and activities associated with these safeguard instruments should be included in the full proposal and timeframes for their implementation discussed and agreed upon with the TFCA FF management.
STEP 7	Make recommendations and receive agreement of Applicant to address recommendations	Initial recommendations should be made and discussed at the end of the visit to the TFCA. Further discussions with the TFCA FF management and the Applicants are likely to be required before the recommendations can be finalised since there may be budgetary implications linked to the recommendations. The most important aspect of this step is confirmation of the willingness of the Applicant to comply with and implement the recommendations. However, it should be noted that the mandatory requirements need to be in place before implementation of project activities can commence.

STEP 8	Develop an action plan for implementation (ESAP)	The ESAP needs to differentiate between actions that need to be completed before implementation of project activities can commence and those which can be incorporated into the work plan of the project. Details regarding the training plan will be determined by the Rapid LERA and will need to be included in the ESAP. Also included should be any required MoUs between implementing partners to clarify roles as well as mandates of each agency. The requirements for the implementation of the ESAP will be documented in the ESCP and will become a contractual commitment by the Applicant.
	Integrate ESAP into ESCP	To be done by the TFCA FF
STEP 9	Monitoring of implementation of the ESAP	A process for monitoring the implementation of the ESAP will need to be documented in the full proposal and put in place by the Applicant and progress reported to the TFCA FF.

During the preparation and development phase of the ESDD, all mandatory documents (GRM, SEP, CoC, LE SOPs, SI procedures and MoUs) are required. These documents should be available, at least in draft version, and submitted at the same time as the Concept Note and ESMS Questionnaires. The Rapid LERA findings and ESAP will elaborate the requirements with regard to the mandatory documents and these will be included in the ESCP with additional measures and time lines. At Full Proposal Stage the final version (or final draft ready for piloting) of these documents should be available. In exceptional cases, the TFCA FF may agree to a staged development of these instruments based on case-by-case decisions. However, the findings of the Rapid LERA may result in the requirement for a Full LERA (for high risk projects).

3.4 Full Law Enforcement Risk Assessment

A Full LERA may be undertaken following the Rapid LERA for high risk projects (Category A) and for substantial risk projects (Category B+). This will be decided on a case-by-case by the TFCA FF informed by the Rapid LERA report. A Full LERA will involve the development of tailored Terms of Reference (ToR), contracting the services of a consultant or consultant team.. The Full LERA will establish recommendations and action plans along prioritized action items for managing the identified risks. The TFCA FF will determine which of these recommendations have to be implemented as part of project activities. The modalities and timeframes for implementation of the recommendations will be discussed and agreed upon by TFCA FF and the Applicant and will be integrated into the ESCP.

The final LERA report should be comprised of the following components:

- Introduction and background
- Description of study area
- Approach and methodology for the assignment
 - Desktop literature review
 - Identification of sampling methods and sample sites
 - Stakeholders to be consulted
 - Consultation methods and interview questionnaires
- Results of document review and analysis which should include:
 - an overview of legislative frameworks
 - a contextual risk assessment of the country and the TFCA including an overview of the overall human rights risk and security context

- security, social and human rights risks and impacts related to the operation/management of the entire TFCA with a focus on the operation of law enforcement personnel; risks for local communities as well as risks for law enforcement personnel.
 - overview of the relevant standards and evaluation of mandatory documents
- Findings of field work:
 - a section on each of the key elements synthesizing the findings from the field consultations and presenting the data collected through the Questionnaires
 - the identified risks
 - the current and potential impacts of the identified risks
- Structured gap analysis of the existing system along the requirements of the Relevant Standards;
- Implications of findings, key gaps against the requirements of the Relevant Standards
- Detailed recommendations and guidance materials for improving the procedures and systems in place and their implementation in securing due diligence
- An ESAP for gap closure
- Recommendations for amendment of mandatory documents (such as SOPs) as appropriate
- Annexes (e.g. ToRs, list of stakeholders met, list of documents reviewed, checklists, structured guidance for ongoing risk assessment)

3.5 Final E&S Risk Categorization

Based on the ESDD results for all proposed activities and covering all TRAs, TFCA FF will assign an E&S risk category to the project based on the information obtained from the Applicant using the TFCA FF E&S Categorisation Tool (this tool will be shared with Applicants/Grantee upon request). Thus, all projects will be classified into one of the four categories according to the relevance of their potentially adverse E&S impacts and risks: “A” (high risk), “B+” (substantial risk), “B” (moderate risk) or “C” (low risk) (see TFCA ESMS Manual, Section 5.2.2.1 and Table 5.2).

3.6 Development of the Full Proposal

The development of the Full Proposal has to incorporate the recommendations (ESAP) from the Rapid LERA and the project budget must reflect the required activities. These activities will then also be included in the ESCP as part of the Grant Agreement².

In case the mandatory human rights training for LE officers could not be fully implemented prior to the submission of the Full Proposal; the proposal and the project budget will cover any remaining training requirements (as specified in the action plan of the Rapid LERA). These requirements will then also be part of the ESCP. The implementation of the ESCP is a contractual requirement including provisions for regular monitoring and reporting on ESCP implementation. Monitoring and reporting (as described in the Full Proposal) will cover reporting on the implementation of LE activities and the corresponding safeguard measures and actions as well. As such an internal monitoring system will need to be put in place by the Grantee so that the information required by the TFCA FF monitoring systems is available.

²However, if a Full LERA is required, this process might take longer and the modalities will need to be adjusted according to a variety of factors.

4. Examples of Good Practice

Some examples of good practices for risk management in the context of LE and human rights are given below.

- Code of Conduct – this document is the basis for a human rights-based approach to LE and needs to be specifically developed to address the conduct and ethics of the LE officers operating within the TFCAs. This CoC should be approved through the required governmental structures so that it can be enforced and disciplinary actions can be taken in cases of non-compliance. All LE officers must receive training on the CoC, have a personal copy and confirm that they commit to adhering to the CoC by signing a document which is kept on their personal file (see example in Annex A).
- Development of key SOPs - for Arrest, Searches and Use of Firearms (see examples in Annex B and Annex C).
- Human Rights and law enforcement training curriculum – Annex D and Annex E.
- Coordination between relevant agencies – this can be achieved in many different ways, but one means of achieving this is by documenting the minimal requirements for ensuring a structured meeting for the coordination of joint LE responsibilities and activities (see example in Annex F).

ANNEX A: RANGER CODE OF CONDUCT

International Ranger Federation (2021). Ranger Code of Conduct. Version 1.0. International Ranger Federation, Victoria, Australia

I commit myself to keep the following Code of Conduct:

As a Ranger, I have an important role in protecting and conserving nature and cultural heritage where I work for present and future generations; this is my primary role and objective. As an ambassador, I will follow the ranger values, honour my profession and uphold the applicable laws, professional standards, and guidelines at all times.

Professionalism

I am professional and proud to be a ranger. I will respect and follow lawful instructions from those senior to me and will always perform my duties diligently and to the best of my ability. I will ensure that I understand my duties and any instructions given to me. I will always try to develop my knowledge and apply it in my work. I will take responsibility for my actions, and act with honesty, integrity, and a positive attitude, even in difficult situations. As part of a team, I will be loyal to my colleagues, my organisation and the environment and communities where I work. I understand that any unprofessional conduct by me places safety, reputational or legal risks upon me, my colleagues and my organisation.

I will behave in a professional and respectful manner. I will foster peaceful and positive relationships with communities, respecting cultures, customs, rights, livelihoods, and knowledge. I will maintain clear, open, and effective dialogue with all stakeholders and colleagues, and duly act to build trust. I will abide by my organisation's uniform code and ensure efficient use of organisational resources and assets.

Human Rights and Dignity

I will respect human dignity and uphold the human rights of all persons, following the United Nation's Universal Declaration of Human Rights. I will treat everyone with equal respect and impartiality without nepotism or favouritism. I will not discriminate against, harass, or abuse people under any circumstances, whether physically or orally. I will respect gender, age, ability, race, social-economic or ethnic status, sexual orientation, and religious beliefs or lack thereof. I will not tolerate actions by others that violate anyone's human rights, and will report any violations or wrong doing to the relevant authorities.

Integrity and Transparency

I will avoid situations in which personal, community or other interests conflict with my duties, and will declare them if they do. I will not accept or offer benefits, favours or other advantages that will compromise my role.

I will not commit or abet crimes and will not collude in illegal behaviour. I will actively oppose corruption, including bribery to obtain preferential treatment, information, or to ignore or abet criminal activity. I will report any such illegal activities to the relevant authorities.

Legality

I will make myself familiar with and abide by the laws and regulations relating to my work and conduct. I will only give and carry out lawful orders and instructions. To the best of my capacity, I will prevent any violations of laws and regulations, and address these according to established procedures and my powers and responsibilities.

Confidentiality

I will not disclose to unauthorized persons any sensitive information related to my work. I will follow all instructions related to information designated as confidential, unless my duty or the needs of justice strictly require otherwise.

Safety

In all my actions, I will do my best to ensure the safety of myself, my colleagues, my environment, Indigenous Peoples and local communities and visitors. I will strive to be physically and mentally fit to carry out my duties. I will never use illegal or intoxicating substances or alcohol while on duty.

Response to Violations of this Code of Conduct

I will report, challenge or act, following established procedures if the behaviour of colleagues or others in my organisation contradicts the ranger values or Code of Conduct. I expect the same from my colleagues should my actions fall below these standards.

Use of Force

My primary goal is to communicate and to proactively engage to change the behaviour of those in breach of laws or regulations. I will only use force as a last resort. This will be the minimum force necessary to make a situation safe and will always be proportionate to the threat I face as I perform my duty within the law. I am responsible and accountable for any use of force and must consider this prior to any action.

Protection of Persons

I will ensure the rights and well-being of persons in my custody. I will not detain people indiscriminately or inflict or tolerate torture or cruel, inhumane or degrading treatment or punishment.

Firearms

I will ensure I know and respect all laws and procedures concerning firearms. I will be legally permitted to bear any firearms or weapons entrusted to me, and I will only act within my mandate. I will at all times either have them in my possession or ensure they are in a secure place. I should be trained in their safe use and maintenance.

I will only use firearms according to established procedures for animal management and control, or in self-defence or the defence of others when faced with an imminent threat of death or serious injury. I will only use intentional lethal force with a firearm against a human being if it is strictly necessary to protect life. I am accountable for all actions with my firearm and must consider less-lethal options before I rely on it to use force.

ANNEX B: STANDARD OPERATING PROCEDURE FOR HOUSEHOLD SEARCH OPERATIONS

Adapted from Department of National Parks and Wildlife, Malawi

- When approaching and searching a person, officers must always remember the rights of the individual.
- The search must be conducted by an officer of the same gender as the person.
- Officers performing a search shall not humiliate, embarrass, or victimize detained persons being searched.
- Search procedures shall consider gender and age, and be sensitive to other factors, such as race, religion, disability, and cultural practices.
- When approaching or searching a person, consideration shall be given to the principles of reasonableness, discretion, and minimal use of force.
- Human Rights principles affected by the use of force during a search include:
 - Right to life, liberty, and security of person.
 - Prohibition of torture or other cruel, inhuman, or degrading treatment or punishment.
- Respect for the inherent dignity of the human person.

When undertaking a house search:

- Ensure that you have sufficient information about the area, building and number of occupants.
- Based on the information available, develop a plan for this search operation.
- If the house is occupied, inform the occupants of your intention to undertake a search.
- If the occupant's consent to the search:

- Ask the occupants if they have any concealed weapons and if so, to indicate where the weapons are.
- Secure the weapons.
- Enter the house and conduct the search according to the search plan.
- Apply the minimum level of force required by the situation and as prescribed by [relevant SOP].
- Inform occupants upon finding evidence of an illegal activity.
- If possible, determine the ownership of the evidence.
- If the owner is present, seize the evidence and affect an arrest.
- If the owner is not present, seize the evidence and record a statement from the adult household members present.
- Leave the house and continue with the investigation.
- If the occupants do not consent to the search:
 - Inform the occupants of your intention to use force to gain entry to the house.
 - Use the necessary force to gain entry to the house.
 - Ask the occupants if they have any concealed weapons and if so, to indicate where the weapons are.
 - Secure the weapons.
 - Conduct the search according to the search plan.
 - Apply the minimum level of force required by the situation and as prescribed by [relevant SOP].
 - Inform occupants upon finding evidence of an illegal activity.
 - If possible, determine the ownership of the evidence.
 - If the owner is present, seize the evidence and affect an arrest.
 - If the owner is not present, seize the evidence and record a statement from the adult household members present.
 - Leave the house and continue with the investigation.
- If upon entry, the house is found to be unoccupied:
 - The search team must request a representative from the Village Leadership to observe and verify the search operation.
 - If no evidence is found, abandon the search and hand over the house to the observer.
 - If evidence is found, seize the evidence, and take down a witness statement from the observer.
- Where no evidence is found and the occupants are not forthcoming with any additional information, the household search must be abandoned and report to your immediate Supervisor.

ANNEX C: STANDARD OPERATING PROCEDURE FOR USE OF FORCE

Adapted from Department of Wildlife and National Parks, Namibia

Standard Operating Procedure USE OF FORCE AND FIREARMS

- Officers must fully adhere to human rights norms and standards.
- Law enforcement operations must be conducted in a manner that does not violate any human rights, and always follow internationally accepted procedures for the use of firearms and protection of human rights.
- In performing duties, consideration must be given to the principles of reasonableness, discretion and minimal use of force.
- Consideration should be given to gender and age, and be sensitive to other factors, such as race, religion, disability, language proficiency and cultural practices.

Use of force continuum

A use of force continuum is a standard that provides Officers with guidelines as to how much force may be used

against a resisting subject in a given situation.

1. Officer presence – the professionalism and uniform of the Officer is enough for a subject to comply with an officer's lawful demands.
2. Verbal commands/cooperative controls – clear and understandable verbal direction by an Officer aimed at the subject. It may be necessary to include a consequence to the verbal direction so that the subject understands what will happen if the subject refuses to comply with the Officer's direction. The verbal command and the consequence must be legal and not considered excessive according to the continuum.
3. Soft Control – a level of force that has a low probability of causing soft connective tissue damage or bone fractures. This would include applying pressure to pressure points and normal application of handcuffs.
4. Hard control Techniques – the amount of force that has a probability of causing damage. This would include kicks, punches, stuns, and use of aerosol sprays.
5. Non-lethal force – an amount of force that would have a high probability of causing soft connective tissue damage or bone fractures. (e.g., baton, pepper spray, taser, rubber fin stabilized ammunition, mace spray, dogs, etc.)
6. Lethal force/Deadly force – a force with a high probability of causing death or serious bodily injury. Serious bodily injury includes unconsciousness, protracted or obvious physical disfigurement, or protracted loss of or impairment to the function of a bodily member, organ, or the mental faculty. A firearm is the most widely recognized lethal or deadly force weapon.

Classification of subject actions

- Passive compliant – a person who recognizes the authority of the Officer's presence and follows the verbal commands of the Officer.
- Passive resistor – a person who refuses to follow the verbal commands of the Officer but does not resist attempts by officers to take positive physical control over them.
- Active resistor – a person who does not follow verbal commands, resists attempts by the officer to take positive physical control over them, and does not try to inflict harm on the Officer.
- Active aggressor – a person who does not follow verbal commands, resists attempt by the officer to take positive physical control over them and attempts to cause harm to the Officer or others.

Generally, the passive subjects and active resisters fall under levels 2.1 – 2.3 of the use of force continuum, while active aggressors fall under levels 2.4 – 2.6.

PLAN principles

When searching, detaining, or engaging suspects, Officers will always observe the basic "PLAN" principles in the use of force:

P – Proportionality

- Only use force if unavoidable.
- Use of force to be proportional to the severity of the threat.
- Damage and injury to be minimized.
- Use the appropriate tool for the situation.

L – Legality

- Force to be used only for lawful enforcement purposes.
- No exceptions or excuses for unlawful use of force.

A – Accountability

- Incidents to be immediately reported and reviewed by Supervisor.
- Supervisor to be held responsible for the actions of officers under their command.
- No excuse for abuses.
- No excuses for following unlawful orders.
- All officers to be trained in the use the appropriate tool for the situation.
- All officers to be trained in the use of nonviolent means.

N – Necessity

- Force to be used only when strictly necessary.
- Nonviolent means to be attempted first.
- Restraint to be exercised in the use of force, only the minimum level required and only for the time necessary.

Processes for the use of firearms

Only use firearms in extreme circumstances when strictly unavoidable for:

- Self-defence or defence of others against imminent threat of death or serious injury.
- Preventing a particularly serious crime that involves a severe threat to life.
- Arresting or preventing the escape of a person posing a threat where less extreme measures are insufficient.

When using a firearm Officers will:

- Identify himself/herself as a Law Enforcement Officer.
- Give a clear verbal warning.
- Fire a warning shot.
- Allow adequate time for warning to be obeyed.
- This will not be required if the delay would result in death or serious injury to the Conservation Officer or others, or if It is clearly pointless or inappropriate in the circumstances to do so.

After the use of firearms during an incident Officers will:

- Provide medical assistance to all injured persons.
- In the case of an operation only involving DWNP Officers (not other agencies), immediately notify your supervisor and then report to the nearest Police Station.
- Cooperate with the investigating officers. Officers have the option to remain silent and to request representation.
- Provide a full and detailed report of the incident.

ANNEX D: CURRICULUM FOR HUMAN RIGHTS AND LAW ENFORCEMENT FOR RANGERS

MODULE TITLE HUMAN RIGHTS AND LAW ENFORCEMENT FOR RANGERS	
Module Purpose	To create an awareness and understanding of human rights and the relevance and application to law enforcement activities in transfrontier conservation areas as well as acknowledging responsibilities for compliance with prescribed standards.
Nominal Duration	24 – 40 hours
Summary of Learning Outcomes	• On completion of this module the participant will be able to: • Define human rights and explain its implications • Explain how human rights are implemented internationally and nationally • Describe how human rights are protected in [country] and within the TFCA in which they operate • Understand the applicability of Human Rights Law to conservation area management and protection • Understand the legal frameworks in [country] that determine protected area law enforcement procedures • Describe the responsibilities of a ranger in upholding human rights during the course of fulfilling his/her duties • Explain the linkages between human rights and law enforcement activities as implemented by rangers in protected areas • Demonstrate the ability to interpret and implement the Code of Conduct as well as the applicable Law Enforcement Standard Operating Procedures as prescribed by [agency] in the routine operations of his/her duty station.
LEARNING OUTCOME 1 DEFINITION OF HUMAN RIGHTS	
Content	• Overview of the history of human rights • The Universal Declaration of Human Rights • Definitions of human rights • Characteristics of human rights
Assessment Criteria	This learning outcome is achieved when the participant can do the following: • Give a reasonable definition of human rights and explain the implications thereof • Explain at least two of the characteristics of human rights • Identify human rights which he/she needs to uphold during the course of his/her duties
LEARNING OUTCOME 2 EXPLAIN HOW HUMAN RIGHTS ARE IMPLEMENTED INTERNATIONALLY AND NATIONALLY	
Content	• Terminology used in international human rights documents • Instruments used in international human rights law • Designations of international treaties • The relationship between international treaties and domestic law • The Universal Declaration of Human Rights as customary international law

Assessment Criteria	This learning outcome is achieved when the participant can do the following: • Define an international treaty and give some examples of such treaties • Compare international and domestic laws by providing examples to highlight the differences • Give an example of how the Universal Declaration of Human Rights becomes customary law
LEARNING OUTCOME 3	DESCRIBE HOW HUMAN RIGHTS ARE PROTECTED IN [COUNTRY]
Content	• Human rights and the [country] Constitution • Legislative framework for human rights in [country] • Human rights treaties to which [country] is a party • How international treaties are applied by [country] courts • Human rights and law enforcement in [country] • [Country] redress mechanisms for human rights infringements
Assessment Criteria	This learning outcome is achieved when the participant can do the following: • Explain the difference between rights and freedoms • Name three international treaties which protect human rights and to which [country] is a party • Describe two redress mechanisms available to citizens of [country] with regard to human rights infringements
LEARNING OUTCOME 4	EXPLAIN THE RELATIONSHIP BETWEEN HUMAN RIGHTS AND LAW ENFORCEMENT IN PROTECTED AREAS
Content	• The United Nations Code of Conduct for Law enforcement Officers • The Criminal Procedure Act (or the equivalent) and human rights • The [protected areas, wildlife resources] Act and human rights • How the [country] Labour Act protects aspects of human rights of law enforcement officers • Linkages between international best practices and [country] legislation
Assessment Criteria	This learning outcome is achieved when the participant can do the following: • Understand the importance on human rights to law enforcement operational procedures • Explain the implication of Articles 2, 3 and 5 of the UN Code of Conduct for Law Enforcement Officers • Identify the Ministry of [protected areas, wildlife resources] commitment to upholding human rights • Describe the linkages between the legislative framework of [country] and the responsibilities of a ranger

LEARNING OUTCOME 5	INTERPRET AND IMPLEMENT THE CODE OF CONDUCT AS WELL AS THE LAW ENFORCEMENT STANDARD OPERATING PROCEDURES
Content	• Code of Conduct • Implementation and interpretation of Code of Conduct • SOP for searches and seizures • SOP for contact and arrest • SOP for gathering intelligence and evidence • SOP for community interface with law enforcement officers <i>The wording of the above SOPs will be adjusted to the correct titles of the various SOP documents for each country</i>
Assessment Criteria	This learning outcome is achieved when the participant can do the following: • Demonstrate an understanding of the application of the Ranger Code of Conduct and the implications of not adhering to it • Through case studies and scenarios, demonstrate a commitment to the effective implementation of the law enforcement SOPs of DNPW • Articulate the need for adherence to the Code of Conduct and law enforcement SOPs.
Assessment	• For each learning outcome, a practical activity will be undertaken and assessed. This assessment activity could be undertaken individually, in pairs or in small groups. • Assessment results will be recorded for each ranger and for each learning outcome. • The total of assessment for learning outcomes 1, 2, 3 and 4 will represent 40% of the final assessment; the assessment for outcome 5 will represent 40% of the final assessment and the individual final assessment will represent 20%. • Assessment processes will be adapted for rangers who are limited by literacy or numeracy.

ANNEX E: KEY RULES OF CONDUCT

- I will strictly adhere to the [name of agency] Code of Conduct and to the standard operating procedures (SOPs), and give special attention to those dealing with individuals, colleagues, groups, community groups and the general public.
- I will treat everyone with equal respect and impartiality and not discriminate against, harass, or abuse people under any circumstances, whether physically or verbally.
- I will respect gender, age, ability, race, social-economic or ethnic status, religious beliefs or lack thereof.
- I will not tolerate actions by others that violate anyone's human rights and will report any violations or wrongdoing to the relevant authorities.
- I will not engage in nor tolerate actions by others that involve any form of gender based violence and will report any wrongdoing to the relevant authorities.
- I will not demand any sexual favours in exchange for services to members of the community or any other stakeholder and will not tolerate any such actions by others. I will report any wrongdoing to the relevant authorities.
- I will not unlawfully arrest or detain members of the community.
- I will ensure the rights and well-being of persons in my custody.
- I will not detain people indiscriminately or inflict or tolerate torture or cruel, inhumane or degrading treatment or punishment.
- I am responsible and accountable for any use of force and must consider this prior to any action.
- I will only use the amount of force that is objectively reasonable to accomplish [name of agency] mission.
- I will only use force as a last resort. This will be the minimum force necessary to make a situation safe and will always be proportionate to the threat I face while performing my duty within the law.
- I will only use a firearm in extreme circumstances for self-defence or defence of others against a threat of death or serious injury or preventing the escape of a person posing a deadly threat and will only resort to using a firearm when less extreme measures are insufficient.
- I will not disclose to unauthorised persons any sensitive information including personal information related to my work.

ANNEX F: COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES FOR PROJECT ACTIVITIES

When identifying LE risks, the operational structures need to be reviewed and relationships between the implementing partners considered. The Grantee or lead agency needs to be able to demonstrate that formalised structures and mandates between LE agencies doing joint operations or undertaking LE in the same areas exist. These structures need to be documented and monitored.

Here are some of the key aspects that need to be in place:

- The Grantee or lead agency needs to communicate their expectations with regard to their human rights-based approach to their implementing partner (external LE agencies). This can be done by developing and agreeing on a MoU which covers commitment to Human Rights, acceptance of the implementation of the Grantee SOPs for joint operations and the chain of command.
- Regular meetings to discuss approaches and planning of LE operations and to reinforce human rights expectations (see the example below of an SOP for coordination meetings).
- Procedures need to be in place for removing partner LE employees from the Grantees activities if their behavior does not meet acceptable standards with regards to human rights. These procedures need to be documented and shared with LE officers involved with joint activities.
- A procedure needs to be in place for reviewing human rights risks linked to any sharing of or loaning out of project equipment to partner or external LE agencies including the way in which the equipment is used in field operations. The processes for loaning out or sharing equipment need to be documented along with the intended uses.

Example of Standard Operating Procedure for documenting Joint Operations Coordination meetings

Background

- The [Head of lead agency] is conducting counter poaching operations in [name of protected area] as tasked by the [name of Ministry] in his areas of responsibility.
- To enable the [Head of lead agency] to carry out this task, the following resources are available: [name of Ministry] and all its resources; a contingent of [Agency 2] for [period...] and [Agency 3] for [period.....].
- Resources from these three sources need to function as an integrated team to achieve maximum results in minimizing poaching. A coordinated plan of action must be tabled to by a Joint Operations Coordination (JOC) body in [name of protected area].
- The aim of the JOC meetings is to coordinate the efforts of the various stakeholders involved in combatting wildlife crime (poaching) in [name of protected area].

Committee members

- The JOC committee should consist out of the following members: Chairperson (this role will alternate between Agency 1, Agency 2 and Agency 3).
- A secretary will be present to record the meeting minutes.
- [Agency 1] representatives will include (state designations not names)
- [Agency 2] will be represented by(state designations not names)
- [Agency 3] will be represented by(state designations not names)

Standing agenda points

- Attendance
- Matters arising from previous meetings
- Intelligence overview – by lead Intelligence Officer
- Intelligence coordination - received from all the participating role players
- Overview of all operations conducted - feedback from members on previous month's tasks and deployments as well as challenges experienced over period and inputs on future planning, overview of any human rights issues
- Planning and coordination of all future operations and actions
- Personnel
- Logistics
- Command communications
- Finance – special requirements
- Lessons learnt
- Next meeting

Minutes of meetings

- Confidential minutes to be recorded of each meeting and to be signed by the Chairman of meeting. Minutes to be treated as highly confidential.
- Minutes must be distributed to:[Name within Agency 1], [Name within Agency 2], [Name within Agency 3] and

Meeting frequency

- JOC meetings must take place [state period] on a predetermined date for feedback and to assist in operational planning for the following [state period].

ANNEX G: STRUCTURED QUESTIONS FOR RAPID LERA

Whilst these structured generic questions represent the focus of the evaluation process, which is part of the Rapid LERA, these questions will be adapted to the issues most relevant to the TFCA landscape and the project area.

1. Contextual Risks

- 7.1 Is or has the TFCA where the project is located been subject to civil war, inter-ethnic conflict, or insurgency in the last 10 years? If yes, please describe.
- 7.2 Is the TFCA where the project is located implicated by organized cultivation of illicit crops (marihuana, opium poppy), processing of those crops and / or trafficking of narcotics? If yes, please describe.
- 7.3 Is there a presence of organized criminal groups in the TFCA where the project is located? This may include organized poaching, kidnapping, looting of archaeological sites, smuggling (arms, people), etc. If yes, please describe.
- 7.4 Has the TFCA/project area received any large population influxes (e.g., refugees, displaced people from other communities)?
- 7.5 For any of the countries included in the TFCA, are there recent reported human rights infringements linked to law enforcement in the country? Are any of the reports linked to LE Officers from conservation organizations or protected area management? Or Complaints of Human Rights abuse in the TFCA
- 7.6 Does the proposed project involve more than one country? If so, do the law enforcement mandates of the Officers in each of the countries vary?
- 7.7 Is there any risk of unexploded ordinance in the project area? (e.g., land mines and explosive traps). If yes, have any LE Officers or local people been killed or injured by unexploded ordinance in the last 5 years?
- 7.8 Is the national defence force of any of the TFCA countries involved in law enforcement operations (e.g., anti-poaching) in any of the areas planned for interventions supported by the FF?
- 7.9 Is the project area located on a national frontier or in a marine or coastal area located near another country?
- 7.10 Has the country office of your organization been involved in, or accused of, any human rights infringements in the last 5 years? If yes, please explain this accusation and the inquiries undertaken including the status of the inquiries.
- 7.11 Please describe any serious accident or incident which occurred in any of the areas for planned interventions in the past 2 years. Is there a history of forced evictions in the project area? If "Yes," what were the circumstances surrounding evictions? Who was responsible for undertaking forced evictions? Is there documentation?
- 7.12 Are the planned LE activities taking place in areas with different conservation status?

2. Human rights risks

- 7.1 What is the legal basis for protection of human rights protected in your country? Is it embedded in the Constitution?
- 7.2 Is your country signatory to international HR conventions?
- 7.3 What national mechanisms exist for citizens to report HR contraventions? Ombudsman or Human Rights Commission? Is such a mechanism active with its functional space in Governance system?
- 7.4 What human rights issues have been identified by independent monitoring agencies and available in the public domain? Or any reports from social media, printed media, or any documents within the public domain? In general, in the country? Regarding the protected area management?
- 7.5 Is there any documentation recording human rights abuse by LE agencies in the wildlife protection sectors? Has there been any conflict between the management of the protected area/s and

- local people in the last three years in your landscape? If so, what were the causes of the conflict (e.g., poaching, logging, disputes over access rights, artisanal mining)?
- 7.6 Has there been any reported security incidents between the Project security forces (both private and public) and neighbouring communities which have e.g., raised concerns about excessive use of force? Are any of these transboundary in nature? If yes, briefly describe the incidents including who was responsible for the investigations and its outcomes.
- 7.7 Have community members reported concerns related to gender-based violence and harassment against the project's security forces (both public and private)?
- 7.8 Does your organization have a documented human right-based approach to LE?
- 7.9 How is the human-rights-based approach implemented and rolled-out?
- 7.10 Are human rights embedded in the training programmes of your organization?

3. Existing safeguard instruments

- 7.1 Does your organization maintain an accessible grievance mechanism covering the communities in the planned areas of intervention? If yes, is the grievance mechanism formally documented? Please describe how community members, project area residents and TFCA staff members including LE Officers would share grievances related to the operations and management of the landscape, project activities and how such grievances would be responded to and resolved.
- 7.2 Does your organization as well as your project partners have a grievance mechanism for LE staff members? Is this documented and are all LE Officers aware of this mechanism?
- 7.3 Does your organization maintain regular community liaison and/or stakeholder engagement activities in the planned areas of intervention? Does a formal Stakeholder Engagement Plan exist and if yes, does the plan include engaging local communities on law enforcement operations? Are the engagements with local communities regarding LE operations documented?
- 7.4 Does your organization maintain a procedure for immediate reporting of serious incidents and accidents (including a clear definition of what is considered a serious incident/accident)?
- 7.5 Is there a code of conduct (or Human Rights Charter) for LE in place? Does this apply to all partners who will be implementing project activities? Have LE Officers all received recent training on the CoC?
- 7.6 Is there a ranger/LE Officer safety plan? SOP which gives guidelines for safety and security of LE Officers
- 7.7 Do all LE Officers get training in first aid? Do all LE Officers carry a first aid kits with them when on patrol? Do all patrol base camps have first aid kits? Are there documented procedures for evacuating an injured person?

4. Institutional arrangements

- 7.1 Is the requested support to LE activities direct or indirect support?
- 7.2 Is the Applicant the only organization involved in implementing LE activities? If no, which other organizations will be involved in implementing project-funded LE activities? List and describe the agencies and the nature the lead LE agency? What is the relationship between Applicant and lead agency? Is there any contract or MoU in place between the Applicant and the lead agency? Will activities be undertaken jointly?
- 7.3 Does your organisation (the Applicant) have a full mandate over the LE agencies that will be involved in project activities? Do all of the agencies have the same mandate and powers?
- 7.4 Which activities are taking place in which specific areas and which agency will implement a particular

activity? Are several agencies doing LE in the same protected area? Or are different agencies independently responsible for different areas? If multiple agencies working in the same protected area, then how do they co-ordinate? Do their mandates differ? Do formalised structures and mandates between LE agencies doing joint operations or undertaking LE in the same areas exist? Are these documented and monitored?

- 7.5 Are the military or police involved doing joint LE operations with the Applicant agencies? If so, do MoUs (or equivalent agreements) exist between these agencies to define their mandates in these operations?
- 7.6 Are there regular planning and co-ordination meetings between LE agencies jointly implementing LE project activities? Are these meetings formalised and documented? Are approaches to implementing a human rights-based approach discussed?
- 7.7 Are there appropriate levels of supervision and discipline?
- 7.8 Do all LE Officers wear identifiable uniforms when on duty? Do they have cards or some means of identifying themselves as a LE Officer to the public?
- 7.9 Please summarize and confirm how many LE Officers will be supported by the project – include a breakdown of the organization, duty station, rank, and gender (if possible).

5. Law enforcement structures

- 7.1 What does the organogram of the LE organization look like? If more than one organization is involved, then there is a need to see the organograms of each.
- 7.2 Are there dedicated LE teams or do all LE Officers carry out LE activities as part of their general duties?
- 7.3 How many LE Officers from each of the Applicant agencies will be supported by the project?
- 7.4 When LE patrols go out, how many in a team and what are their designations? Who is the team leader? Who makes the decision on where to patrol, for how long and the purpose?
- 7.5 Are there safeguards/procedures in place for the proposed project LE activities (e.g., Code of Conduct, Code of Ethics and Standard Operating Procedures)?
- 7.6 Are all of the LE Officers aware of this CoC and the associated SOPs? Have they received training? Do they have copies of the documents?
- 7.7 Does the project area have a security plan? Does it encompass the entire project area? Is the project area covered by one security plan or are there more than one in place? Is the plan current? Has it been operationalised? Do the structures on the ground correlate with what is presented in the plan? Who is responsible for monitoring the implementation and reviewing and making updates to the plan when needed?
- 7.8 Does the project area have an operations room from which LE activities are monitored or planned? If so, what is the extent of the co-ordination and planning role of the ops room? Who run it? How does this person communicate with management? How to patrol teams communicate with the ops room?
- 7.9 Do patrol teams use a SMART device for recording observations? Is coverage and level of effort measured for LE patrols?
- 7.10 Do LE Officers have a health check before starting employment? Are they provided with health/accident insurance cover and do they have access health care whilst on duty?

6. Law enforcement operations

- 7.1 Are the values and procedures in the CoC and SOPs operationalised? Have LE officers received refresher training on these and are procedures in place to ensure that these are followed?
- 7.2 Are all LE Officers employed full-time? Is LE their core duty or just one of the duties they are

- responsible for?
- 7.3 Do LE Officers have an employment contract with a specific duty sheet applicable to their situation at their duty station?
 - 7.4 Is their duty station inside a protected area (where only those employed by the organization live) or outside a protected area i.e. in a village or town?
 - 7.5 Will there be regular contact between TFCA residents and LE operations?
 - 7.6 Could LE activities result in household searches or village sweeps?
 - 7.7 Is there an interface between the resident communities, neighbouring villages and the TFCA management structures which facilitates the sharing of information regarding LE operations in the TFCA?
 - 7.8 Do all LE Officers have the same mandate? Do they all have powers of search, seizure and arrest?
 - 7.9 Which national legislation defines their mandate?
 - 7.10 Do LE Officers with different mandates carry out LE operations together? For example, does the Applicant carry out joint operations with the police or military?
 - 7.11 Is the mandate of the LE Officers restricted geographically i.e. can they only carry out LE actions within the boundaries of the protected area or does their mandate extend beyond that?
 - 7.12 How are patrols organized? How many people in a patrol team? Who decides where the patrol should take place and what type of patrol it is? How many people in a team? Do you camp out? For how many days do you go on patrol?
 - 7.13 Are LE activities co-ordinated through an operations room? Are there procedures for communication, reporting and debriefing?
 - 7.14 Do patrol teams always have a means of communication with them throughout the patrol?
 - 7.15 Are patrol teams in contact with base camp or the operations room?
 - 7.16 Do rangers/LE Officers/patrol teams carry SMART devices to track their routes, coverage and enable monitoring by of location by the ops room?
 - 7.17 What is the status/condition of the equipment used for patrols? Do rangers/LE Officers have access to essential basic equipment and PPE?

7. Law enforcement training

- 7.1 How are rangers/LE Officers recruited? What are the minimum qualifications (literacy, formal education)? Can men and women apply for all positions? Are candidates subject to background checks (vetting) for criminal records or human rights violations?
- 7.2 Do all LE Officers get inception/induction training? What does this consist of? For how long is the training? Is this training assessed? What happens if they do not achieve the minimum assessment requirements?
- 7.3 Have LE Officers/rangers received training on human rights? What is the curriculum?
- 7.4 Does a Code of Conduct exist for the organization? Does it explicitly include human rights considerations? Are there associated SOPs to operationalise the concepts in the CoC? Have all LE Officers received training on the CoC and SOPs? How is non-compliance dealt with?
- 7.5 Do LE Officers receive structured firearm training before they are issued with a firearm? Are there set minimum requirements that have to be achieved during the firearm training?
- 7.6 Are all LE Officers trained in first aid? Was this training provided by a recognised training provider? How often is first aid refresher training done?
- 7.7 Do LE Officers receive structured training on the legal framework under which they operate? When and how is this training done? Are they assessed? What happens if they do not achieve the required

competence?

- 7.8 Is the training received by individual LE Officers tracked? Are these records available?
- 7.9 Has a recent training needs assessment been undertaken?
- 7.10 What would you consider to be the most urgent need for training of the LE Officers who will be involved in project activities? Why do you think so? Is this training provided for in the work plan and budget of the proposed project?
- 7.11 How is LE Officer training usually undertaken – is it done at the duty station by senior staff, is a specialised trainer brought in or do the Officers go to a special training institution?
- 7.12 Training on human rights is a requirement for all LE Officers who will be involved in project activities. Have you seen the suggested curriculum provided by the FF? How do you propose to implement this training? Where? Who? Logistics? Has it been in the budget?

8. Use of firearms

- 8.1 Are all agencies included in project activities mandated to carry firearms?
- 8.2 Do all LE Officers carry firearms? At all times?
- 8.3 What type of firearms are LE Officers issued with?
- 8.4 Does your organization have a firearm policy or SOP for the use and management of firearms?
- 8.5 How much firearm training have LE Officers received? What are the training requirements and minimum competencies that a LE Officer must achieve before being issued with a firearm?
- 8.6 How often/regularly is firearm training done?
- 8.7 Are there procedures for safe storage of firearms?
- 8.8 Are there procedures for safe transporting of firearms?
- 8.9 Are records kept of issuance of ammunition?
- 8.10 Do all LE Officers with firearms also get issued with firearm cleaning kits?
- 8.11 Do LE Officers carry firearms to protect themselves from wild animals or from armed poachers?
- 8.12 Are there regular incidents of patrol teams being fired at by armed poachers?
- 8.13 Are there recent reports of LE Officers being injured or killed by armed poachers?
- 8.14 Do LE Officers feel that they have suitable weapons to keep them safe?

9. Community safety and security

- 9.1 Are there communities living inside the protected area in which project activities will take place? What are the arrangements/agreement/status relating to their residency in the area? Is there a co-management agreement in place? Does documentation exist that explains how things work?
- 9.2 Are there communities living directly adjacent to project areas where LE activities will take place? Does the project SEP include mechanisms for interacting with these communities on LE activities?
- 9.3 Is there a platform, mechanism or opportunity for structure and regular communication/discussions between resident/neighbouring communities and the project implementing partners?
- 9.4 Is there any history of human rights conflict or injustice in the project area? Are there any HR issues with partner organizations and / or other stakeholders in the area?
- 9.5 Is there a risk that planned project activities contribute to the discrimination on the grounds of ethnicity, sex, age, language, disability, sexual orientation, gender identity, religion, political or other opinion, national or social or geographic origin, property, birth, or other status including as an indigenous person or as a member of a minority?
- 9.6 Are any of the planned areas of intervention located in an area that can be described as historically

marginalized or one that has experienced systemic discrimination against indigenous people, tribal people, or rural communities?

- 9.7 Have there been any conflicts between neighbouring communities in any of the planned area of intervention over natural resources?
- 9.8 Are local or neighbouring communities aware of the existing GRMs?
- 9.9 Are local or neighbouring communities informed about LE activities that could impact on their safety or livelihoods? Is there a mechanism for information exchange or discussion?
- 9.10 Have there been any Serious Incidents in the past 5 years in the project area involving neighbouring or resident communities and LE Officers of any of the agencies included in the Concept Note? Was an investigation undertaken? What was the outcome? Was there any remedial action taken?
- 9.11 Are any of the resident or neighbouring community groups or individual members involved directly in the implementation of any project activities? Which activities are these? Have the proposed activities already been discussed with them?

10. Documents to be reviewed

- 10.1 Any TFCA document relating to LE strategies.
- 10.2 Code of Conduct (COC) of all implementing agencies.
- 10.3 SOPs pertaining to human rights – arrests, searches, seizures, firearms, use of force etc.
- 10.4 SOPs pertaining to LE operations – patrols, communication, reporting, equipment, uniforms etc. – sometime also called an operational manual.
- 10.5 Security plan/s for project area including zonation map.
- 10.6 General Management Plan
- 10.7 Grievance redress mechanism (GRM) for communities as well as for LE officers
- 10.8 Stakeholder engagement plan (SEP)
- 10.9 Any reports or risks assessments done on LE activities in project area.
- 10.10 LE training documentation including curriculum and materials.
- 10.11 Training records of LE officers to be involved in project activities.
- 10.12 SI reporting definitions, procedures, and reporting formats as well as any SI reports from the area (if available and willing to share).