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Environmental and Social Management Framework (ESMF)

Project title: Building institutional and local capacities to reduce wildlife crime and enhance protection of iconic wildlife in Malaysia		
Country: Malaysia	Implementing Partner: Ministry of Energy and Natural Resources (KeTSA) ¹	Execution Modality: NIM
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Disclosure requirements: This ESMF draft must be publicly disclosed 120 days before the Project Appraisal Committee Meeting (PAC).		

¹ Through the Department of Wildlife and National Parks Peninsular Malaysia (*DWNP*), Sarawak Forestry Corporation (*SFC*) and Sabah Wildlife Department (*SWD*).

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Executive Summary

This Environmental and Social Management Framework (ESMF) has been prepared for the submission of the UNDP project proposal “Building institutional and local capacities to reduce wildlife crime and enhance protection of iconic wildlife in Malaysia” to the GEF. Its purpose is to assist in the assessment of potential environmental and social impacts. The Framework forms the basis upon which Environmental and Social Management Plan(s) will be developed, so as to ensure full compliance with the requirements of UNDP’s Social and Environmental Standards. The ESMP will be implemented by the Ministry of Energy and Natural Resources Malaysia, and overseen by the UNDP Environmental Focal Point and monitored throughout the duration of the project.

Preliminary analysis and screening conducted during the project development phase via UNDP’s Social and Environment Screening Procedure (SESP) identified potential social and environmental risks associated with project activities. The screening procedure established that the project is rated as being of Substantial risk, and that the identified potential social and environmental risks’ impacts are manageable through identified mitigation measures detailed in the Screening Template, included in **Annex 4** to the project document.

Two risks are assessed as “**Substantial**”, and highlighted as requiring further study/assessment so that they can be adequately managed:

Risk 1: Arrests, investigations and prosecutions (to be supported by the project) of alleged wildlife crimes may not be conducted in a manner compliant with/or in line with UNDP human rights requirements – posing risks of physical harm to both enforcement officers (or those serving in that role, e.g. community members including indigenous peoples) and alleged criminals.

Risk 5: The project may have adverse impacts on the rights, lands, resources and territories of Indigenous Peoples, and aspects of the project which may have adverse impacts on the development priorities of Indigenous Peoples, may be conducted without their fully informed, prior consent.

Eight further risks have been identified and assessed as being of “Moderate” significance.

Risk 2: An increase in tiger populations attributable to activities under Components 1 and 2, may increase human-wildlife conflict, posing safety risks to livestock and local communities.

Risk 3: Vulnerable, marginalized or remote communities might not be adequately involved in project planning and therefore not fully engaged in, supportive of, or benefitting from project activities.

Risk 6: Increased enforcement capacities in state conserved areas could change current access to resources, potentially leading to economic displacement and/or changes to property rights

Risk 7: Project activities and approaches might not fully incorporate or adequately reflect views of women and girls and ensure equitable opportunities for their involvement and benefit. Increased surveillance presence, there is the potential to masculinize the project sites, potentially disadvantaging women further and/or putting them at risk.

Risk 9: Enforcement personnel, community forest guards and informers may face occupational safety and health risks during the course of enacting their duties

Risk 10: Local community members involved in project activities may be at a heightened risk of virus exposure, e.g., stakeholder meetings, workshops, community field work, etc. Fears over exposure to Covid-19 may discourage vulnerable stakeholders from taking part in meetings

Risk 12: Existing conflicts related to land use and/or ownership could be exacerbated or reignited by project.

Risk 14: Project outputs and outcomes may be affected by climate change, potentially resulting in safeguards risks.

The broad scope of project activities and outputs is established. However, additional assessment is required during the inception phase as project activities are further defined, to identify potential adverse impacts at project sites and to identify which users/user groups might be affected. Adverse impacts will, as they are identified, be subject to further study and stakeholder consultation to identify and where possible quantify the magnitude and severity of such impacts on the individuals/communities affected. Measures to avoid, minimize,

mitigate, or manage such impacts will be developed and implemented. Project activities identified as potentially requiring such restrictions to access to resources will not be commenced until suitable, agreed measures are in place.

This ESMF has been developed on the basis of these risk categorizations to specify the processes that will be undertaken by the project for the additional assessment of potential impacts and identification and development of appropriate risk management measures, in line with UNDP's Social and Environmental Standards (SES). The ESMF also details the roles and responsibilities for its implementation and includes a budget and monitoring and evaluation plan.

The ESMF requires:

Additional Screening, as part of site selection, and to update the SESP through the life of the project

Four Strategic Environmental and Social Assessments (SESAs), scoped to "upstream" project activities (i.e. those which involve planning support, capacity building, policy advice and reform), one for each of Components 1 - 4.

Three Environmental and Social Impact Assessments (ESIAs), for Components 2 – 4, which are required in order to identify and assess impacts and develop management mechanisms to mitigate identified risks from "downstream" activities with a physical footprint.

The combined screening and assessments will systematically examine potential adverse risks and impacts associated with the project activities, and develop strategies for avoiding, reducing and managing adverse impacts and enhancing positive impacts, and the outputs of both assessments will inform the overall Environmental and Social Management Plans.

The screenings, SESAs and ESIAs, will address all relevant issues related to the SES Overarching Principles and Project-level Standards and inform the development of Environmental and Social Management Plans for each Component.

The ESMF also includes a requirement for the development of Indigenous Peoples Plans, in accordance with SES Standard 6, and requirements that project activities which may affect the affect the rights, lands, resources or territories of indigenous peoples cannot proceed without the Free, Prior, Informed Consent of indigenous communities. The Plans will define how best to engage with indigenous peoples and to ensure they benefit equally from the project's positive impacts. IPPs will be based on the findings of the SESAs and ESIAs and need to be developed with full, effective, and meaningful participation of potentially affected indigenous peoples. Procedures for FPIC consultations are outlined.

The SESP has identified requirements for additional stand-alone management sub-plans, including:

Stakeholder Engagement Plan: A SEP has been developed and will be updated (see **Annex 7 to the project document**), informed by the SESAs and ESIAs. Sequential updates of the Plan will enable project officers to ensure that selection is carried out in synergy with the related legal and policy governance structure and that the implementation and selection procedures meet the required norms and standards. The plan will specifically consider how to equitably and meaningfully engage marginalized and vulnerable populations including specific measures to include women within the project areas. The plan will also provide terms of reference and modalities for managing stakeholder engagement in project activities at each site and with each community.

Gender Analysis and Action Plan (GAAP – Annex 9 Project Document): The Gender Action Plan has been developed during PPG, based on existing reports and gender analysis.

Human-Tiger Conflict Management Plan will be developed under activity 2.3.4 to provide early warning, risk mitigation and rapid response to tiger threats to local communities.

In developing this ESMF, initial stakeholder consultations have been conducted, A wide range of stakeholders were identified and subsequently stakeholder analysis was undertaken to assess their interests in the project and define their roles and responsibilities in project implementation. Between November 2020 and early December 2021, selected stakeholders from civil society, Indigenous peoples and academicians were identified and were interviewed or given self-administered questionnaires to help understand the possible impact and participation from among affected Indigenous communities in the targeted landscapes. Included also were prior conversations with Indigenous communities in the Royal Belum State Park on their views regarding increased

enforcement in their landscape. A list of the stakeholders engaged in these consultations has been annexed to the Project Document.

At the Federal, State and Site levels, consultations were held which included all related government institutions and NGOs to discuss different aspects of project design. These consultations were mainly undertaken online and some hybrid due to the various levels of lockdowns and restrictions imposed by authorities due to the prevailing Covid-19 pandemic, which prevented visits to project sites and consultations with local communities. However, consultation with local Indigenous communities were undertaken via phone calls and online teleconferencing. The details of the consultations are summarised in Appendix 1. The project activities were jointly developed with the stakeholders at working group meetings.

The project also has a Stakeholder Engagement Plan and Gender Action Plan, also annexed to the Project Document. The Project Stakeholder Engagement Plan will be updated during project implementation based on the SESA/ESIA report and the ESMP produced.

The ESIA and SESA reports and resultant ESMPs and stand-alone management plans will be disclosed via the UNDP website in accordance with UNDP SES policy, and the ESIA/SESA report and ESMP will be finalized and adopted only after the required time period for disclosure has elapsed.

Specific stakeholder consultations will be held to ensure that the ESIA process is conducted in a participatory manner that results in a widely accepted ESIA report and ESMP. Particular attention will be paid to inclusion of women and girls.

These requirements for stakeholder engagement and disclosure will be adhered to during the implementation of this ESMF, and the subsequent implementation of the resulting ESMPs and any stand-alone management plans. This ESMF (and the project SESP) will be disclosed via the UNDP website in accordance with UNDP SES policy. The subsequent project ESMPs or stand-alone management plan(s) will also be publicly disclosed via the UNDP website once drafted and finalized. They will be adopted only after the required time period for disclosure and comment has elapsed.

1 Introduction

This Environmental and Social Management Framework (ESMF) has been prepared for the UNDP-supported project “Building institutional and local capacities to reduce wildlife crime and enhance protection of iconic wildlife in Malaysia”.

UNDP is the GEF Agency for the project to which this ESMF applies. The UNDP Social and Environmental Standards are the applicable standards for this management framework.

1.1 Project description

The project ‘Building institutional and local capacities to reduce wildlife crime and to enhance protection of iconic wildlife in Malaysia’ is a child project under the World Bank Group-led Global Wildlife Program (GWP) will help to address the following barriers linked to the GWP TOC: (i) shortcomings in the management and financing of conservation areas; (ii) insufficient opportunities for communities to engage in conservation; (iii) lack of expertise and technologies to support enforcement activities; and (iv) ineffective national coordination in IWT. The GEF-supported Project Alternative seeks to remove these barriers through its intervention strategy.

The project’s objective is to enhance the protection of three iconic wildlife species and their habitats in Peninsular Malaysia, Sarawak and Sabah. Focusing on Malayan tiger, Bornean orangutan and Bornean banteng (as iconic Malaysian wildlife species), the child project will contribute to improving Malaysia’s capacity to prevent, combat and investigate wildlife crimes.

The project consists of five inter-connected components:

Component 1: Strengthen institutional capacities to combat wildlife crime and reduce poaching of iconic species at the national level;

Component 2: Conserve the Malayan tiger and its habitats in Peninsular Malaysia;

Component 3: Conserve the Bornean orangutan and its habitats in targeted protected areas of Sarawak;

Component 4: Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah.

Component 5: Monitoring and Evaluation

The proposed intervention landscapes in the project concept are:

Component 2 Belum-Temengor forest complex, Taman Negara NP and Endau Rompin NP;

Component 3: Ulu Sebuyau NP, Sedilu NP and Gunung Lesong NP;

Component 4: Greater Maliau Basin area.

An overview of the project components, outcomes, and indicative activities is given in Table 1 below:

Table 1 Overview of Project Components, Outcomes, Outputs, and Indicative Activities

Component 1: Strengthen institutional capacities to combat wildlife crime and reduce poaching of iconic wildlife species at the national level.	
Outcome 1: Increased institutional capacity to combat wildlife crime	
Output	Activities
Output 1.1: National coordination mechanism and centralized wildlife intelligence system established and maintained to enhance inter-agency information-sharing.	<p>1.1.1 In accordance with SES requirements for “Substantial” rated projects, conduct scoped Strategic Environmental and Social Assessments for upstream project activities and scoped Environmental and Social Impact Assessments for the downstream activities. Assessments will commence at the start of the project, and will inform further activity design and site selections.</p> <p>1.1.2 Facilitate the development of a national task force to provide an inter-agency coordination platform for tackling wildlife crime, taking into account the options provided by MY-WEN, OBK, NTCTF, JWCP, INL and other bodies; develop Terms of Reference and operational modality for the new coordination platform.</p> <p>1.1.3 Conduct ICCWC Indicator Framework for Combating Wildlife and Forest Crime assessment workshops in Year 1 and Year 6 with assistance from UNODC, to establish a clear baseline, guide strategic plan and capacity development, and to monitor and evaluate changes in national capacity to combat wildlife crime achieved.</p> <p>1.1.4 Facilitate the development of a national strategic plan on combating wildlife crime informed by the ICCWC Indicator Framework baseline assessment and a budgeted operational framework and performance indicators for the national task force. Report on progress annually against operational strategic plan indicator targets including review of financial constraints for delivery of the strategy and conduct an evaluation of overall progress achieved at the end of project.</p> <p>1.1.5 Facilitate the development of the Wildlife Crime Bureau (WCB) within the Royal Malaysian Police, informed by the SESA and including staff development, provision of a technical advisor to guide and support the development of the WCB (and other Component 1 inputs), technical support for database and software acquisition and operational use, and provision of essential equipment for wildlife crime investigations.</p> <p>1.1.6 Facilitate the WCB to design and scope the requirements for a wildlife crime intelligence sharing system that will allow for the collection, collation and analysis of information to support wildlife crime management activities, including the development of protocols and agreements to elaborate on the information collection sharing procedures under which responsible agencies at national and state levels (including Sabah and Sarawak) will collect and analyse relevant information and share it with RMP.</p>

	<p>1.1.7 Develop standardized electronic data forms and work flows for recording wildlife crime-related information – beginning with the development of a profile of existing data formats used within the RMP and DWNP, and taking into consideration related data management systems such as: the range of tools offered by the International Consortium on Combating Wildlife Crime (ICWC) , TWIX (Trade in Wildlife Information Exchange - TRAFFIC International), SMART , the Indonesian Wildlife Crime Unit example (ongoing GEF-6 project on illegal wildlife trade in Indonesia), etc. - and develop standardised / harmonized formats according to RMP requirements.</p> <p>1.1.8 Provide technical assistance and equipment needed to operationalize the wildlife crime intelligence system (including data management centre, shared database, management consoles, wireless data service, mobile device software, automated data aggregating and IT support) servicing both field and office-based parts of the wildlife crime management workflows.</p> <p>1.1.9 Strengthen State level coordination of wildlife crime investigation in Sabah, through support for the operations of the new Inter-agency Working Group (IWG) for intelligence sharing among enforcement agencies and related technical organizations (established under the US Bureau of International Narcotics and Law Enforcement Affairs (INL) project) – including RMP, SWD, SFD, AGA, RMP, TRACE, WWF, SFC, Customs, DoF, airport and marine authorities.</p> <p>1.1.10 Strengthen State level coordination of wildlife crime investigation in Sarawak, through SFC and RMP in collaboration with other agencies such as customs, airport and marine authorities. There are no institutionalized wildlife crime units, inter-agency coordination mechanism, or information-sharing protocols or SOPs in place at State level. SFC currently works with the General Operations Force (Pasukan Gerakan Am – PGA) for intelligence, while the State Security and Enforcement Unit (Unit Keselamatan Dan Penguatkuasaan Negeri – UKPN) under the Chief Minister’s office also collect some data. This is supported by NGOs such as WCS and WWF, who collect and share some data with relevant agencies such as SFC.</p>
<p>Output 1.2: Inter-agency training and capacity building programme implemented</p>	<p>1.2.1 Develop norms and standards for the arrest, investigation and prosecution of wildlife crimes in Malaysia based on national experience (see UNODC 2019) and international standards (see ICWC tools and UNDP SES) to ensure that wildlife crime investigations across all three regions of Malaysia follow best practices, are legally defensible, and in accordance with UNDP Social and Environmental Standards.</p> <p>1.2.2 Identify and develop a set of agreed to/accredited basic and advanced wildlife crime investigation and prosecution training modules that conform to these ‘norms and standards’; the modules will include human-rights based standards for law enforcement, including gender and indigenous cultural sensitization (in line with UNDP SES), and a range of technical subjects as indicated in Annex XX (Institutional Capacity Assessment).</p> <p>1.2.3 Deliver basic and specialized training for public agency staff involved in wildlife crime investigations and prosecutions (using the training modules as the basis for this training) to be provided by the RMP and DWNP (IBD) in collaboration with key organizations to ensure basic training of all relevant participants from the suite of agencies involved, at national and state levels, and more advanced / specialized training for specific target groups.</p>

	<p>1.2.4 Make available online versions of the training courses in Bahasa Malaysia and English languages to enable greater outreach and cost-efficiency through remote-learning and assessment (online forms).</p> <p>1.2.5 Establish a mentorship programme to facilitate refresher training.</p> <p>1.2.6 Develop and deliver supportive materials for judges and prosecutors (including at state level), taking into account experience from other ASEAN countries and related GWP projects.</p>
<p>Output 1.3: National wildlife crime forensics capabilities built in Peninsula Malaysia, Sabah and Sarawak</p>	<p>1.3.1 Provide training in wildlife forensic science for relevant staff of DWNP/NWFL, forensic laboratory staff in Sabah and Sarawak and RMP, including, but not limited to:</p> <ul style="list-style-type: none"> • Support professional specialist training courses in wildlife forensic science (e.g. Wildlife DNA forensics, wildlife crime scene investigation, laboratory safety and procedures for safe handling, storage, use and disposal of hazardous chemicals, in line with UNDP Standards 7 and 8), including external expert inputs where necessary and access to online training resources. • Strengthen capacity of personnel in Sabah and Sarawak through wildlife forensics and crime scene investigation training and development programmes (supported by external experts and DWNP staff). • Coordinate study tours and exchange programmes with recognized wildlife forensic science organizations and participation at meetings of regional and global wildlife forensic science networks in order to strengthen technical capacity in Malaysia. <p>1.3.2 Provide forensic expert and lab technician support to improve the MY Wild DNA database at DWNP which is required as a reference for enforcement purposes. Support the development of DNA databases for important species in Sabah and Sarawak in view of the divergent genetics of their wildlife populations compared to Peninsular Malaysia.</p> <p>1.3.3 Support the ongoing process for development of the wildlife forensic laboratory in Sabah through external technical assistance, support from DWNP where possible, provision of essential lab and evidence collection equipment and reagents, an additional lab technician and support for mainstreaming its operational costs into the government budget.</p> <p>1.3.4 Support the ongoing process for development of the wildlife forensic laboratory located at the SFC offices in Sarawak through provision of essential lab and evidence collection equipment and reagents, technical assistance and training, an additional lab technician and support for mainstreaming its operational costs into the government budget.</p> <p>1.3.5 Strengthen coordination and networking between wildlife forensic laboratories and RMP forensic departments to build synergies, cooperation and understanding of legal standards and procedures for handling evidence.</p>
<p>Output 1.4 Project lessons and good practices collated and disseminated for uptake (including</p>	<p>1.4.1 Develop a Knowledge Management/Communications Plan to facilitate wide dissemination of lessons from the project and best practices gained through participation in the GWP, and support the effective application of lessons on building national</p>

<p>through the GWP) and upscaling strategy developed, and implementation supported.</p>	<p>capacity for tackling wildlife crime, combatting poaching, community conservation area management, development of sustainable livelihoods including nature-based tourism, and community and gender roles in tackling wildlife crime.</p> <p>1.4.2 Establish and maintain a project website, webpages on host agency and UNDP websites and social media presence.</p> <p>1.4.3 Identify and review lessons learnt from the project’s national activities and project landscapes, and conduct national and landscape level workshops on subjects such as: specific measures for tackling wildlife crime (e.g. addressing online IWT, inter-agency coordination on investigations), anti-poaching measures, nature-based tourism development, HWC management, wildlife-based economy development and community and gender roles in tackling wildlife crime, to share project and GWP lessons with stakeholders.</p> <p>1.4.4 Disseminate lessons via awareness materials at national and state levels and in the project landscapes.</p> <p>1.4.5 Build a local ‘community of practice’ in wildlife crime through hosting informal dialogues and formal information-sharing sessions; conduct annual stakeholder forums at national level and state / project landscape levels from Year 2 to share knowledge and discuss specific issues of local relevance according to identified themes.</p> <p>1.4.6 Enable the participation of key project stakeholders in regional and global GWP knowledge sharing platforms including virtual and face-to-face knowledge events (including funding for additional participation from government and project PA landscapes as relevant) including the GWP Human Wildlife Conflict (HWC) community of practice, and offer to host a thematic/regional GWP knowledge exchange event on a topic relevant to the main project themes.</p> <p>1.4.7 Facilitate local and regional (ASEAN) visits for targeted wildlife agency staff, for example between project landscapes and related GWP projects, to facilitate knowledge exchange.</p> <p>1.4.8 Coordinate liaison with the media through sharing news of project activities, preparing press releases and briefing notes, and organizing media visits to project events, sites and activities.</p>
<p>Component 2: Conserve the Malayan tiger and its habitats in the Malaysian Peninsular</p>	
<p>Outcome 2: Strengthened capacity and partnerships for combatting poaching and for rewilding of the Malayan tiger contribute towards stabilization of its population in key habitats</p>	
<p>Output</p>	<p>Activities</p>
<p>Output 2.1: Specialized anti-poaching rapid response field ranger teams for tiger habitat conservation areas equipped and trained</p>	<p>2.1.1 In line with ESIA findings, develop detailed implementation plans for consideration of the PSC and NTF within the wider context of supporting implementation of the MTCAP, to secure political support for inter-agency collaboration and deployment of manpower.</p> <p>2.1.2 Develop Standard Operational Procedures (SOPs) for all anti-poaching patrol staff, including monitoring and enforcement</p>

	<p>procedures and protocols for: a) human-wildlife conflict (HWC) management; b) SMART patrolling; c) tiger monitoring (including a monitoring protocol for each project landscape. SOPs will be in line with the SES, informed by SESA and ESIA studies conducted under Output 1.1.1, and will address key human rights, social and environmental issues and risks highlighted by those studies.</p> <p>2.1.3 Implement specialized (basic-intermediate-advanced; ethical-legal-tactical-procedural) professional field training, with annual follow-up training, for anti-poaching staff; In common with Output 1.2, training will be provided by DWNP at the IBP according to their ongoing programmes, but made available to ranger staff of other agencies (eg State Parks, Forestry Department, etc) and supplemented by specialist inputs from experienced external providers such as GTF, WCS, WWF, etc; as well as inputs from women’s and indigenous organizations (eg JOAS, COAC, WAO) for gender and human rights based inputs to ranger patrolling and enforcement training and sensitization.</p> <p>The key subjects covered will include:</p> <ul style="list-style-type: none"> • Legal basis for patrolling and enforcement including arrest, investigation, and prosecution • Human rights-based standards for patrolling and enforcement (including gender and indigenous culture sensitization) • Procedures for arrest and management of suspects • Tactical methods for patrolling • Identification, tracking and monitoring of wildlife • Use of specialized equipment including SMART system technology for patrolling and data analysis, camera traps, etc. (see also Output 2.2) • Responding to human-wildlife conflict including elephant and tiger conflict <p>2.1.4 Informed by the SESA studies under Output 1.1.1, and consultations with Orang Asli communities, develop a proposal for the consideration by the MyTTF that aims to increase the manpower resources on the ground and operational budgets to tackle the poaching and IWT threat to the Malayan tiger and other wildlife, including the deployment of 3 Rapid Ranger Field Response Teams of 6 staff each (3 agency staff and 3 orang asli), additional National and State Park rangers, rangers for Temengor FR, auxiliary police and RELA, and increased engagement of Orang Asli. Explore options to mobilize rangers for deep jungle patrols/patrols in inaccessible areas, helicopter support, etc. The proposal will require the Free, Prior Informed Consent of indigenous communities.</p> <p>2.1.5 Provide technical assistance for the deployment of 3 Rapid Ranger Response Teams across the project landscapes, including the recruitment of a tiger landscape intelligence officer (to train and guide RRFR teams across the 3 landscapes), and recruitment of auxiliary police at RBSP .</p> <p>2.1.6 Facilitate the employment of further orang asli as anti-poaching / ranger staff through mechanisms such as VETOA,</p>
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	<p>auxiliary police, STAMPEDE and MENRAQ, and strengthen the opportunities for career development for orang asli in the related government services by KeTSA and the Public Services Department (PSD).</p> <p>2.1.7 Conduct an evaluation of the VETOA programme and use the findings to inform the development of a proposal to KeTSA with the agreement of Sabah and Sarawak state governments to extend it to Sabah and Sarawak states.</p> <p>2.1.8 Facilitate transboundary coordination with the Thai Department of National Parks, Wildlife and Plant Conservation on sharing of information on poaching activities and cross-participation in events related to tiger conservation.</p> <p>2.1.9 Strengthen the existing K-9 dog unit under DWNP to detect evidence related to wildlife crime.</p>
<p>Output 2.2: A suite of technologies piloted, and their cost-effectiveness evaluated, to complement tiger anti-poaching efforts in tiger habitat conservation areas.</p>	<p>2.2.1 Develop detailed plans for site-based testing of specific technologies within each project landscape, based on the incidence of poaching activities, availability of staff to operate equipment, and baseline experience of different technologies. The piloting will be led by the respective site management authorities (i.e. Perak State Park Corporation, Forestry Department, DWNP and Johor State Parks Corporation) in collaboration with technical partners, as required. Detailed plans will be SES compliant and will include social and environmental impact management measures identified and prescribed by scoped ESIA studies specific to each technology and landscape.</p> <p>2.2.2 Deploy MMS camera traps for real time detection and intruder alerts in areas that have GSM network coverage (e.g. near highways), and consider the testing of signal boosters. Deploy the traps in areas with 24 hour patrol team coverage to enable immediate response.</p> <p>2.2.3 Pilot the use of acoustic sensors positioned in certain areas to identify potential threats (eg gunshots); consider the use of black flash camera traps on access routes in the same areas to provide supporting information. This will build on current research being conducted by WCS and UiTM.</p> <p>2.2.4 Extend the testing of drones currently in use by the UTK (Special Tasks Unit) under the Enforcement Team in Perak State Forestry Department, which could potentially be used to detect poaching/illegal logging camps, etc. – for example if equipped with thermal imaging cameras. Drones are currently used to detect open areas, allowing cross checking of permits with the actual areas logged. They also detect open areas in Permanent Reserved Forest using online GIS application with daily satellite image like planet.com.</p> <p>2.2.5 Evaluate the use of information management system software such as Vulcan EarthRanger for individual PAs, that allows integration of data from different sources including tracked animals, ranger locations (SMART), camera trap, drone and other sources (eg geosensors, acoustic sensors).</p> <p>2.2.6 Procure specialized equipment for anti-poaching field staff (e.g., GPS-enabled SMART patrol technology, digital camera, satellite phones, night scopes, body armour, etc.).</p>

	<p>2.2.7 Explore options to mobilise rangers for deep jungle patrols/patrols in inaccessible areas – helicopter support, etc.</p> <p>2.2.8 Identify the staff resources to train up for the operation of different technologies, and to develop data management systems in support of their use in gathering evidence against wildlife crime.</p> <p>2.2.9 Collaborate with research institutions and private sector in use of technology to detect wildlife crime</p>
<p>Output 2.3: Tiger rehabilitation and rewilding programme strengthened to protect tiger population.</p>	<p>2.3.1 Establish a small task force led by DWNP and involving key stakeholders to guide and oversee the development and implementation of a reintroduction master plan for the National Tiger Conservation Centre (NTCC) that covers all aspects of the tiger reintroduction process and identified clear steps, responsibilities and costs involved. Facilitate the planning process through a technical advisor who will assist in preparing the plan.</p> <p>2.3.2 Prepare a policy paper on tiger rewilding for presentation to the National Tiger Conservation Task Force/Cabinet for endorsement (cofinanced by KeTSA - – GEF resources will not support this activity).</p> <p>2.3.3 Identify potential reintroduction sites and conduct baseline surveys to determine habitat suitability, stocks of prey species, access for reintroduction, monitoring and protection measures, (cofinanced by KeTSA - – GEF resources will not support this activity) and conduct a risk assessment in relation to any communities or land users in the vicinity (especially involving livestock farming) with GEF resources.</p> <p>2.3.4 Prepare a Human-Tiger Conflict Management Plan to provide early warning, risk mitigation and rapid response to tiger threats to local communities.</p> <p>2.3.5 Conduct a cost-benefit analysis for the reintroduction of individual tigers, and document actual costs throughout the reintroduction process, including post-release costs for the first year after release (cofinanced by KeTSA- – GEF resources will not support this activity).</p> <p>2.3.6 Provide technical assistance for operational aspects, including:</p> <ul style="list-style-type: none"> • Strengthen the studbook records of captive tigers, and perform genetic screening and selection of individuals for release (co-financed by KeTSA- – GEF resources will not support this activity); • capture and transport of injured animals (co-financed by KeTSA- – GEF resources will not support this activity); • specialized training in different aspects of the rewilding process in collaboration with experienced local and international partners; • strengthen the management of the newly constructed National Tiger Conservation Centre (NTCC) as a as a transit rewilding sites (co-financed by KeTSA- – GEF resources will not support this activity); • a) prepare release sites through prey restocking, provision of staff for tiger protection and HWC response (co-financed by KeTSA- – GEF resources will not support this activity), and b) with project supported (i.e. GEF), awareness raising for

	<p>any communities and land users in the vicinity including linkage with community ranger programmes;</p> <ul style="list-style-type: none"> • procurement and tracking of radio collars for use on released tigers; • development and implementation of bilateral tiger exchange/ translocation agreements (co-financed by KeTSA- – GEF resources will not support this activity) <p>2.3.7 Conduct an evaluation of the rewilding process against the original plan and cost-benefit analysis and make results available through IUCN SSC and other channels to inform future rewilding efforts.</p> <p>2.3.8 Organise a rewilding workshop together with GTF and IUCN CAT Specialist Group, and strengthen international collaboration through the American Association of Zookeepers , IUCN Species Survival Commission, the Global Tiger Forum and conservation INGOs such as WCS and WWF in order to build the technical and financial support to extend and sustain the rewilding programme.</p>
<p>Component 3: Conserve the Bornean Orangutan and its habitats in targeted protected areas of Sarawak</p>	
<p>Outcome 3: The improved conservation status and participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks ensures more secure habitats for the establishment of viable Orangutan populations.</p>	
<p>Output 3.1: Strengthened participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks as one park complex and boundaries secured for Orang-Utan conservation.</p>	<p>3.1.1 Facilitate the participatory preparation of a management plan/master plan for the three National Parks as one physically linked SSL park complex.</p> <p>3.1.2 Provide technical assistance for management of the park complex, including establishment and equipping of a management base in Gunung Lesong NP; core staff group for the PA management base; establishing and monitoring patrol routes with SMART; engaging and employing local community members including women in PA management and patrolling; and providing support for annual park complex stakeholder meetings.</p> <p>3.1.3 Facilitate a participatory process for the surveying and demarcation of national park boundaries by SFC, that involves adjacent communities and seeks to take into account NCR claims, while building support for conservation goals through awareness raising, and opportunities for engagement and employment in conservation-related activities (see Output 3.1.2).</p> <p>3.1.4 Support community engagement including women in the restoration of forest habitats in the proposed corridor connecting Ulu Sebuyau and Sedilu NPs after the land ownership has been settled, including: seedling and seed stock gathering, nursery development and maintenance, planting and plant maintenance.</p> <p>3.1.5 Identify other potential areas such as river reserve land around the park complex where forest restoration could be undertaken, and work with FDS, local communities, WWF and other stakeholders such as the Japan-Malaysia Association to develop plans and facilitate forest restoration efforts.</p>

	<p>3.1.6 Conduct a preliminary assessment of the forest carbon potential of the SSL Park Complex for SFC.</p>
<p>Output 3.2 Sustainable livelihoods, Orangutan-based tourism enterprise and Community Conserved Area (CCA) developed and implemented in the Ulu Sebuyau, Sedilu and Gunung Lesong National Parks complex.</p>	<p>3.2.1 Conduct FPIC consultations with targeted communities to confirm acceptance of the proposed project engagements under this output, including formation of a CCA.</p> <p>3.2.2 Establish a robust local community engagement programme for establishing CCAs and complementary sustainable livelihoods with careful attention to gender equality and the empowerment of women and social inclusion.</p> <p>3.2.3 Facilitate a consultation and awareness raising process with local communities and NGOs to explain the concept and benefits of CCAs, identify proposed area(s) and targeted communities for CCA development, and compile baseline information on the proposed area(s) including land ownership and land use rights, current land uses and existing ecological values, and socio-economic baselines of the target beneficiary communities.</p> <p>3.2.4 Work with the targeted communities, NGOs and relevant government agencies to secure community rights over designated land area(s) for CCA establishment, develop an agreement with the targeted communities for the establishment and management of a CCA, and prepare a simple management plan for the area with clear actions and responsibilities, in accordance with SES Standard 5</p> <p>3.2.5 Provide technical assistance and monitoring support for the initial management of the CCA. Provide technical assistance for the establishment of local tree nurseries to supply material for the replanting of the National Park corridors.</p> <p>3.2.6 Identify, and support the establishment of a nature-based tourism concession for the CCA and provide training for local community members and especially women as tourism guides in support of the tourism concession in the CCA, including female guides.</p> <p>3.2.7 Extend the existing Honorary Wildlife Ranger (HWR) programme to villages near the park complex, including those involved in the CCA in order to provide secure employment and engagement in conservation; This includes technical assistance for community members to be trained for employment as wildlife monitors and boundary patrol staff.</p> <p>3.2.8 Develop a business plan for the development of complimentary sustainable livelihoods programmes (not only tourism) to ensure that they are appropriate and gender-responsive, able to provide adequate returns and are sustainable over the long-term (e.g. wildlife and park management, fisheries, agriculture, indigenous handicrafts). Programme proposals will be screened using the SESP, which will inform their selection and development, and where required further assessment to ensure SES compliance.</p> <p>3.2.9 Provide technical assistance and disburse low value grants through SFC (according to UNDP low value grants procedures) to facilitate the establishment of small community-based enterprises in targeted villages in line with the business plan, based on criteria in the business plan, compliant with the SES, and proactively supporting women and vulnerable groups.</p> <p>3.2.10 Establish an SOP on public health aspects of nature-based tourism practices, aligned with the SES, to ensure the health</p>

	<p>and wellbeing of rural communities that participate in tourism activities, and consider COVID-19 pandemic impacts on livelihood options including nature-based tourism when conducting feasibility assessments.</p> <p>3.2.11 Convene a local tourism workshop and invite established tour companies to the area to review the attractions, meet with the local communities and provide input regarding the industry requirements for eco-tourism in the area.</p> <p>3.2.12 Facilitate exchanges with other communities involved in similar conservation-related initiatives in East Malaysia (e.g., the project communities in Component 4) (Y3-4)</p>
<p>Component 4: Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah</p>	
<p>Outcome 4: Improved protection and local partnership development contributes to the stabilization and increase of the Bornean banteng population in the Greater Maliau Basin area of Sabah</p>	
<p>Output 4.1 The Bornean banteng in the Greater Maliau Basin area of Sabah is surveyed and regularly monitored</p>	<p>4.1.1 Establish a small coordination group under the leadership of SWD to develop a detailed plan for survey and monitoring of the Bornean banteng in the Greater Maliau Basin area that is aligned with requirements of the Bornean Banteng Action Plan, the SES, and well-coordinated with ongoing research and monitoring studies.</p> <p>4.1.2 Support preparatory work for the survey and monitoring programme through identification of survey participants and roles, training of staff in relevant aspects of survey, monitoring and data analysis, provision of 2? satellite-tracking collars and GPS chips, 100? camera traps, 20? binoculars, 4? cameras, 4? laptops for data downloading and analysis, and essential field equipment such as camping equipment, ranger clothing and boots, etc.</p> <p>4.1.3 Conduct a baseline population survey of the Bornean banteng in the Greater Maliau Basin area, and follow this up with annual monitoring based mainly on observations from a network of camera traps set up in areas of known usage by banteng.</p> <p>4.1.4 Implement a capture and satellite-tracking-collar programme for 2? Bornean banteng in the Greater Maliau Basin area to inform monitoring efforts using camera traps and anti-poaching measures.</p> <p>4.1.5 In connection with Output 4.3, provide training and basic equipment to selected participants from targeted communities to participate in banteng monitoring once the programme has been established and the basis for community engagement has been established, with the assistance of NGOs such as PACOS and SAWO.</p>
<p>Output 4.2 Capacity for patrolling and use of remote detection technology in the Greater Maliau Basin area strengthened to combat poaching threats</p>	<p>4.2.1 Establish a small task force to establish a plan for strengthening human resources, aligned with the SES, for patrolling and law enforcement across different jurisdictions in the Greater Maliau Basin area (especially MBCA and Forest Reserves, involving SWD, SFD, SF, RMP and other relevant partners, and including the deployment of HWW/HFRs. The plan should identify existing weaknesses and options for addressing them.</p> <p>4.2.2 Review and seek to strengthen mechanisms for HWW/HFRs through examination of options such as VETOA, RELA and</p>

	<p>others, with the aim of providing secure employment, adequate remuneration for services provided, opportunities for training and career progression, and related benefits such as pension payments.</p> <p>4.2.3 Provide training in advanced subjects for wildlife rangers, park rangers and PROTECT rangers including the SMART patrolling system, data management, drone piloting (needs to be licensed), real-time camera traps, etc, to enable the effective use of advanced technology.</p> <p>4.2.4 Procure additional essential equipment in support of patrolling by rangers and HWW/HFRs, including basic field equipment for ranger teams, one 4WD vehicle and 4 motorbikes, what else – any communications equipment for example?]</p> <p>4.2.5 Procure advanced technology in support of anti-poaching activities: 10? real-time MMS camera traps and related accessories, 1? high specification drone with heat sensors and cameras, 2 night-vision binoculars / scopes, 4 laptops and tablets, [what else?].</p> <p>4.2.6 Convene annual meetings of staff and partners involved in anti-poaching efforts to review progress and share lessons learned.</p> <p>4.2.7 Compile a technical report on lessons learned from the use of different approaches and technologies in combatting poaching for sharing through the GWP.</p>
<p>Output 4.3 A community-based banteng conservation and sustainable livelihood programme is implemented in the Greater Maliau Basin area</p>	<p>4.3.1 Conduct FPIC consultations with targeted communities to confirm acceptance of the proposed project engagement, including formation of a CCA.</p> <p>4.3.2 Work with partner organizations (e.g., WWF, SET, PACOS, SAWO) to plan a resilient community engagement programme in order to establish a CCA and complementary sustainable livelihoods programme with careful attention to gender equality and the empowerment of women and social inclusion.</p> <p>4.3.3 Facilitate a consultation and awareness raising process with local communities and NGOs to explain the concept and benefits of CCAs, review and select proposed area(s) and targeted communities for CCA development, and compile baseline information on the proposed area(s) including land ownership and land use rights, current land uses and existing ecological values, and socio-economic baselines of the target beneficiary communities.</p> <p>4.3.4 Work with the targeted communities, NGOs and relevant government agencies to secure community rights over designated land area(s) for CCA establishment, develop an agreement with the targeted communities for the establishment and management of a CCA, and assist the villages to develop protocols / management plans for CCAs – taking into account the recent experiences of WWF and Sabah Biodiversity Centre.</p> <p>4.3.5 Provide technical assistance and monitoring support for the initial management of the CCA.</p> <p>4.3.6 Establish community-managed nursery with local species for the rehabilitation of the degraded banteng habitats.</p>

	<p>4.3.7 Develop a business plan for the development of complimentary sustainable livelihoods programmes (not only tourism) to ensure that they are appropriate and gender-responsive, able to provide adequate returns and are sustainable over the long-term (e.g. fisheries, agriculture, indigenous handicrafts).</p> <p>4.3.8 Provide technical assistance and small grants to facilitate the establishment of small community-based enterprises in targeted villages in line with the business plan, based on criteria in the business plan and proactively supporting women and vulnerable groups.</p> <p>4.3.9 Establish an SOP on public health aspects of nature-based tourism practices to ensure the health and wellbeing of rural communities that participate in tourism activities, and consider COVID-19 pandemic impacts on livelihood options including nature-based tourism when conducting feasibility assessments.</p> <p>4.3.10 In collaboration with the State Ministry for Culture, Tourism and Environment (KePKAS) and Ministry of Rural Development, support the establishment of a nature-based tourism concession for the CCA, and provide training for local community members as tourism guides in support of the tourism concession in the CCA, including female guides.</p> <p>4.3.11 Convene a local tourism workshop and Invite established tour companies to the area to review the attractions, meet with the local communities and provide input regarding the industry requirements for tourism in the area.</p> <p>4.3.12 Work with SWD and SFD to recruit HWW/HFRs from the targeted villages to support CCA management and as a key means of conservation engagement and providing local benefits.</p> <p>4.3.13 Facilitate exchanges with other communities involved in similar conservation-related initiatives in East Malaysia (e.g., the SSL communities in Component 3) (Y3-4)</p>
<p>Component 5: Monitoring and Evaluation</p>	
<p>Outcome 5: Informed and adaptive project management</p>	
<p>Output 5.1: Project M&E plan incorporating gender mainstreaming and safeguards implemented for adaptive management</p>	<p>5.1.1 Convene project inception workshops within the first 60 days of the project to review, update and elaborate project plans and management arrangements. As part of this process, update and re-assess relevant project information and PPG assessments in light of COVID-19 impacts and confirm feasibility and alignment to government recovery strategies and international guidance and best practices on building resilience at the local level.</p> <p>5.1.2 Annual work plan preparation and monitoring of indicators in the project results framework for adaptive management including annual lesson learning sessions among project stakeholders.</p> <p>5.1.3 Complete annual PIR review of work plan implementation for adaptive management of project activities.</p> <p>5.1.4 Respond to any additional reporting requirements from Government, the GEF or UNDP.</p>

	<p>5.1.5 Hold at least one Project Steering Committee meeting and two Component level / State Steering Committee meetings for Sabah and Sarawak per year.</p> <p>5.1.6 Monitor implementation of the Gender Action Plan, ESMF and other safeguards plans annually, and complete sensitization workshops on gender and other safeguards for the PMU and executing partners in Year 1.</p> <p>5.1.7 Conduct surveys as necessary to collate data to update results framework indicators at mid-term (Year 3) and end of project (Year 5), including surveys on estimation of direct beneficiaries (e.g. population engaged in project-supported conservation jobs, sustainable livelihood activities, training courses).</p> <p>5.1.8 Conduct METT assessments for the project PAs at Mid-term (Year 3) and end of project (Year 5) (see Annex 11).</p> <p>5.1.9 Conduct KAP surveys to assess changes in biodiversity conservation awareness levels among targeted groups to establish KAP baselines (Year 1) and target achievement (Year 5).</p> <p>5.1.10 Conduct independent Mid-term Review of GEF-financed and co-financed activities in Year 3 in line with UNDP/GEF requirements and incorporate recommendations of MTR into revised project plans (management response) following PSC's approval.</p> <p>5.1.11 Develop a participatory Exit Strategy and Sustainability Plan as soon as the MTR is completed and prior to the Terminal Evaluation.</p> <p>5.1.12 Compile a project completion report to compile project results and lessons learned in Year 5, to inform the Terminal Evaluation.</p> <p>5.1.13 Conduct independent Terminal Evaluation of GEF-financed and co-financed activities in line with UNDP/GEF requirements within 6 months of project operational closure</p>
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1.2 Purpose and scope of this ESMF

This Environmental and Social Management Framework (ESMF) has been prepared in support of the project proposal “Building institutional and local capacities to reduce wildlife crime and enhance protection of iconic wildlife in Malaysia”. The document is a tool to assist in managing potential adverse social and environmental impacts associated with project activities, in line with the requirements of UNDP’s Social and Environmental Standards. The implementing partners of the project and the relevant members of the project management unit will follow this ESMF at the start of the project implementation to ensure the environmental and social risks and impacts are fully assessed and management measures are developed, and in place prior to the implementation of the relevant project activities.

The ESMF forms the basis upon which the implementing partner(s) will develop their specific Environmental and Social Management Plan(s), to ensure that significant adverse environmental and social impact mitigation and management measures are implemented and monitored as required. It identifies the steps for detailed assessment of the project’s potential social and environmental risks, and for preparing and approving the required management plans for avoiding, and where avoidance is not possible, reducing, mitigating, and managing the identified adverse impacts of this project. Its scope covers all project activities, including co-financing in terms of in-kind contributions and grants investment by government agencies needed to accomplish the project Outputs.

The ESMF also sets out the additional safeguards measures that apply to the project during the inception phase, including but not limited to:

- i. conducting a Strategic Environmental and Social Assessment (SESA), scoped at impacts associated with “upstream” aspects of the project involving planning support, policy advice and reform, and/or capacity building.
- ii. conducting an Environmental and Social Impact Assessment (ESIA), scoped to “downstream” impacts of on-the-ground activities identified in the SESP, paying particular attention to impacts on poor and marginalized individuals, groups, and communities.
- iii. screening of project activities and specific interventions/outputs not yet fully specified, using the SESP, to ensure that associated impacts are adequately managed.

This ESMF will be publicly disclosed in line with UNDP’s Information Disclosure Policy and SES. Free, Prior Informed Consent (FPIC) will be applied for any identified activities which may have impacts on indigenous groups, including but not limited to the implementation of the ESMF.

At the current stage, activities with a physical footprint have not been fully specified in terms of precise locations, while some interventions, such as the development of community-based enterprises, have not been selected, and so cannot be fully assessed for all potential social and environmental risks and impacts. As such, this ESMF has been prepared to set out the principles, rules, guidelines, and procedures for screening, assessing, and managing the potential social and environmental impacts of the project as they are developed and designed.

1.3 Potential Social and Environmental Impacts

During project development, the project was reviewed with UNDP’s SESP. The analysis identified a range of potential social and environmental impacts associated with the project activities. The SESP template (**Annex 4**) details the specific environmental and social risks that apply. The significance of each risk, based on its probability of occurrence and extent of impact, has been estimated as being either low, moderate, substantial, or high. Based on the significance of these individual risks, the project has been allocated an overall SESP risk categorization rating of “Substantial”, the overall risk category being taken from the highest rating allocated to any individual risk. i.e. if a project has one or more substantial risks, it has an overall “Substantial” risk categorization.

High Risk: is defined by UNDP’s SES as “Projects that include activities with potential significant adverse social and environmental risks and impacts that are irreversible, unprecedented and/or which raise significant concerns

among potentially affected communities and individuals as expressed during the stakeholder engagement process. High Risk activities may involve significant adverse impacts on physical, biological, socioeconomic, or cultural resources, and may have the potential to aggravate existing situations of fragility or conflict, adversely affect human rights, lead to extensive environmental degradation and/or contribute to cumulative impacts.”

Substantial Risk: is defined as *“Projects that include activities with potential adverse social and environmental risks and impacts that are more varied or complex than those of Moderate Risk projects but remain limited in scale and are of lesser magnitude than those of High Risk projects (e.g. reversible, predictable, smaller footprint, less risk of cumulative impacts). Substantial Risk projects may also include those with a varied range of risks rated as “Moderate” that require more extensive assessment and management measures. Scoping and assessment may determine that a scoped, fit-for-purpose Environmental and Social Impact Assessment (ESIA) or Strategic Environmental and Social Assessment (SESA) may be required in order to ensure that the SES requirements are appropriately addressed.”*

Moderate Risk: is defined by UNDP’s SES² as *“Projects that include activities with potential adverse social and environmental risks and impacts that are limited in scale, can be identified with a reasonable degree of certainty, and can be addressed through application of standard best practice, mitigation measures and stakeholder engagement during Project implementation.”*

The **Substantial Risk** categorization is due to the following risks, identified in the SESP (**Annex 4** to the project document):

Risk 1: Arrests, investigations and prosecutions (to be supported by the project) of alleged wildlife crimes may not be conducted in a manner that is compliant and/or in line with UNDP human rights requirements – posing risks of physical harm to both enforcement officers (or those serving in that role, e.g. community members including indigenous peoples) and alleged criminals. The project involves the development of operating procedures for security personnel, and UNDP is required to ensure that arrangements are provided in a manner that does not violate international human rights standards or principles, or jeopardize communities’ safety and security. The SES require that potential risks posed by security arrangements are assessed, that those providing security are appropriately vetted, trained and supervised, and that security arrangements are appropriately monitored and reported. International human rights standards and principles include the UN Basic Principles on the Use of Force and Firearms by Law Enforcement officials, and the UN Code of Conduct for Law Enforcement Officials. UNDP applies the “Human rights due diligence policy on United Nations support to non-United Nations security forces” by which UN agencies ensure that any support that they may provide to non-United Nations forces is consistent with the purposes and principles of the Charter of the United Nations and with their responsibilities to respect, promote and encourage respect for international humanitarian, human rights and refugee law. See <http://www.ohchr.org/EN/NewYork/Pages/Resources.aspx>.

Risk 5: The project may have adverse impacts on the rights, lands, resources and territories of Indigenous Peoples, and aspects of the project which may have such adverse impacts, may be conducted without their free, prior, informed consent (FPIC). Indigenous Peoples are present throughout all project landscapes, and the provisions of Standard 6 on Indigenous Peoples apply. These include appropriately scoped impact assessments focussed on project activities which may have significant impacts. A provisional list of such activities is included. Standard 6 also requires the development of an Indigenous Peoples Plan developed with the effective and meaningful participation of indigenous peoples and in accordance with UNDP Guidelines, which identifies potential risks and impacts, risk avoidance and mitigation measures, and specifies measures for provision of culturally appropriate benefits, continued consultation and participation processes, grievance procedures, monitoring and evaluation procedures, and a budget and financial plan for implementing agreed measures. the requirement of free, prior and informed consent.

In addition, the following risks were identified and rated as **“Moderate”**:

Risk 2: An increase in tiger populations attributable to activities under Components 1 and 2, may increase human-wildlife conflict, posing safety risks to livestock and local communities.

Risk 3: Vulnerable, marginalized or remote communities might not be adequately involved in project planning and therefore not fully engaged in, supportive of, or benefitting from project activities.

² UNDP SES, page 47.

Risk 6: Increased enforcement capacities in state conserved areas could change current access to resources, potentially leading to economic displacement and/or changes to property rights.

Risk 7: Project activities and approaches might not fully incorporate or adequately reflect views of women and girls and ensure equitable opportunities for their involvement and benefit. Increased surveillance presence, there is the potential to masculinize the project sites, potentially disadvantaging women further and/or putting them at risk.

Risk 9: Enforcement personnel, community forest guards and informers may face occupational safety and health risks during the course of enacting their duties

Risk 10: Local community members involved in project activities may be at a heightened risk of virus exposure, e.g., stakeholder meetings, workshops, community field work, etc. Fears over exposure to Covid-19 may discourage vulnerable stakeholders from taking part in meetings.

Risk 12: Existing conflicts related to land use and/or ownership could be exacerbated or reignited by project.

Risk 14: Project outputs and outcomes may be affected by climate change, potentially resulting in safeguards risks.

Five further risks were identified and categorized as “**Low**”. While these do not require specific management measures beyond good international practice, they have been flagged as being present and as such require attention. Their risk ratings may be revisited should they become moderate or significant. They are:

Risk 4: Increased enforcement capacities in Sedilu, Ulu Sebuyau and Gunung Lesong National Parks under Output 3.1, may result in changed access to resources, potentially leading to economic displacement

Risk 8: Poorly designed or executed project activities could damage critical or sensitive habitats, including through the introduction of invasive alien species during forest restoration activities.

Risk 11: Any significant increase in tourist numbers may result in a wide variety of social and environmental risks, including: "elite capture" and inequitable distribution of benefits (particularly with a high-end tourism model); local inflation; depression of local commercial and subsistence agriculture; re-structuring of local economies away from subsistence farming into paid employment with potential implications for food security; threats to traditional cultures; economic dependency on tourism; influx of outsiders, and social pathologies such as increases in antisocial behaviour, drugs/alcohol, crime and prostitution.

Risk 13: Small community-based enterprise activities conducted under low value grants (Outputs 3.2.9 and 4.3.8) may not adequately address social and environmental risks.

Risk 15: Forensic laboratories established under Output 1.3, may involve transport, storage, and use and/or disposal of hazardous or dangerous materials and/or chemicals.

Further details of all above-mentioned risks, are contained in the SESP report.

2 Legislation and Institutional Frameworks for environmental and social matters

This section provides a preliminary review of the policy, legal and institutional (PLR) framework related to the potential risks and benefits of the proposed project and prospective activities to be implemented with the use of the funding received. The PLR framework underpins how social and environmental safeguards will be addressed and respected. This analysis will be further expanded in the ESMP when the SESA is conducted, to compare national PLRs to the social and environmental standards as appropriate to specific project activities and indicate institutional and operational capacities and/or weaknesses, with recommendations to address identified gaps or weaknesses where appropriate.

2.1 National Legislation, Policies and Regulations

Malaysia is governed under a two-tier structure of Federal and State, with various government functions and responsibilities divided between the two levels. The overall picture is complex - in some cases decisions and legislation can be made by State governments without consent from the Federal Government, while in others

decision-making is carried out at both levels. For example, the Federal government is committed to the Convention on Biological Diversity (CBD), however, the commitment needs to trickle down to the state level because the jurisdiction over land and forest is under the purview of the state governments. Therefore, the relationship between federal and state government is dynamic due to the dual responsibilities of each jurisdiction and legislative body under the country's federal constitution.

Legislation relating to "land, forest and agriculture", is subjected to the state power, while matters related to "land and development planning", "wildlife" and "social welfare" are shared by federal and state levels. Sabah and Sarawak opted to have their own wildlife legislation, respectively. Meanwhile matters related to financial incentives, tax mechanisms, as well as commitment to international convention and treaties fall under the jurisdiction of the Federal government.

The legal and policy frameworks in relation to land use, land planning and forest management are under the purview of the State Government. There are obvious competing government agencies within the state governance structure on how to utilize land to its maximum potential. Policies for land preservation and land utilization are not integrated.

Land and land-based resources come under the purview of the State, which in turn means that each State government has the authority to legislate on land matters, including agriculture, forestry, as well as turtles and riverine fishing. The state is responsible for the land registry. Other areas such as town and country planning, rehabilitation of mining land, housing, drainage, and irrigation are the responsibility of both the Federal and State governments. However, cadastral systems come under the purview of Federal government. The following national laws are relevant to Indigenous Peoples:

- Aboriginal Peoples Act 134 (1954)
- National Forestry Act 1984
- The National Parks Act (Act 226) 1980
- Perak state Park Corporation Enactment, 2001
- Johor National Park Corporation Enactment, 1989
- Taman Negara National Park Enactment No. 6 of 1939
- Taman Negara Enactment NO.14 of 1938
- Protection of Wildlife Act, 1972
- The Land Act 1960
- The Land Conservation Act 1960

Court cases such as the Sagong Tasi v Kerajaan Negeri Selangor was an affirmation of the rights of Orang Asli to their traditional lands. The following laws and regulations are relevant for Sarawak and Sabah:

Sarawak:

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
1	Forest Policy of Sarawak	Sarawak's Forest Policy provides a set of guidelines on forest management, including on reserving sufficient land for future generations, managing productive forests, promoting the economic utilisation of forest products, fostering a profitable export trade and fostering education.	SFC	1954	More than 80% of the State is under forest cover (based on 2012 satellite imageries). Forest land in Sarawak is classified as the Permanent Forest Estate (Forest Reserves, Protected Forests and Communal Forests), Totally Protected Areas (National Parks, Wildlife Sanctuaries and Nature Reserves) and State land Forest.
2	Land Use Policy	land policies have been formulated and implemented to ensure a systematic opening up of land for agriculture development for smallholder farmers as an effort to improve the living standards of the rural, to provide housing lots to the landless, to resettle squatters, to cater for the housing lots for the extended families in established villages and to encourage private sectors in opening up rural land (both State and customary land) for large scale plantations.	MUDeNR	2012	Such land administration infrastructures and land policies are designed to encourage optimum utilization, sustainable development of land, environmental management of land resources, increased agricultural activities, supporting efficient land market, political stability and social justice, taking into consideration the interests of the State as well as the needs of the people as a whole.
3	Heart of Borneo Initiative	The state government is committed to the HoB initiative to conserve the last expanse of contiguous forest in Borneo to maximize transboundary linkages, promote expansion of protected area networks, maintain forest connectivity, and ensure sustainable land use practices.	Forest Dept. Sarawak	Ongoing	The initiative relies on the 5 pillars for its implementation: Pillar 1 - Sustainable Forest Management: Focusing on maintaining the balance between forest used and environmental protection; Pillar 2 - Ecotourism Based on Culture, Adventure and Nature (CAN): Focusing on developing the ecotourism involving the local communities to promote conservation and enhance socio-economic well-being; Pillar 3 - Conservation of Biological Diversity: Focusing on effective management of Totally Protected Areas within the Heart of Borneo areas; Pillar 4 - Sustainable Land Use/ Agriculture: Focusing on sustainable development of rural communities through wise management of natural resources and agriculture; and Pillar 5 - Community-Based/Rural Poverty Eradication Program: Focusing on the welfare of rural communities through effective management of Totally Protected Areas, production forests and agriculture.
4	Orang-utan Strategic Action Plan (OUSAP)	The OUSAP provide a holistic approach to the management and protection of orangutans in Sarawak, which are recognised as the northwest Bornean sub-species, <i>Pongo pygmaeus</i> . This plan includes expanding the boundary of Batang Ai National Park to include the area around Ulu Sungai Menyang, where surveys estimated there are some 200 orangutans.	WCS, ITTO, FDS, SFC	2015	It is estimated that 90% of orangutans in Sarawak is found in the Batang Ai National Park (BANP) and Lanjak-Entimau Wildlife Sanctuary (LEWS) landscape. This landscape is approximately 1,920 km sq. in area size. Three more national parks were gazetted outside the BANP-LEWS landscape for the purpose of orang-utan conservation. They are the Ulu Sebuyau National Park (July 2010), Sedilu National Park (September 2010) and Sabal National Park (August 2018). In May 2013, another landscape to the south of the proposed Southern extension of BANP known as the Ulu Sungai Menyang landscape was announced as a HCVF. Also, in the same month, two formerly proposed extensions to LEWS were gazetted as part of the Wildlife Sanctuary for the purpose of orang-utan conservation which added 142.25 km sq. to the landscape.
5	Sarawak Digital Economy Strategy	The strategy aims to accelerate Sarawak's economic growth; reduce socio-economic divide; increase employment of youth.	SDEC	2018-2022	The strategy for the agricultural sector includes the implementation of the Internet of things (IoT) and sensor technology for smart farming; the implementation of geospatial system for agricultural planning and operational support; and development of agricultural parks and farmers.
6	Sarawak Corridor of Renewable Energy (SCORE)	SCORE is one of five economic development corridors created by the Federal Government of Malaysia as part of its ambitious plan to stimulate investment-led growth in traditionally rural areas. The objectives of SCORE are to create new sources of wealth; to move the State's economy up the value chain, to achieve higher per capita	RECODA	2008	SCORE takes up land area of 70,000 square kilometres and a population of 600,000. It spans the central region of Sarawak, with a thousand-kilometre coastline, 8 million hectares of forest and 5 million hectares of arable and peat land suitable for agriculture. Investors in SCORE could also receive incentives from the Federal Government such as infrastructure allowance, import duty exemption, and double deductions on freight charges. The State Government will also

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
		income; to achieve balanced regional development; to enhance quality of life; and to eradicate poverty			top these incentives by offering attractive rates for energy and land, as well as other incentives, especially for trigger projects and cluster development in the corridor.
7	SOPB Oil Palms Sustainability Policy (OPSP)	The policy's goals are: To comply with applicable national and/or local laws and regulations conforming to MSPO certification principles and criteria; To respect compliance of relevant international laws and regulations for further enhancement of improvement; To continue to support the National and/or State agriculture policy on land use in the country that we are operating in ;To integrate sustainability consideration into all business decisions; To be accountable and transparent to key stakeholders; and To encourage employees, suppliers, customers, contractors, trading partners and other relevant stakeholders to adopt responsible social and environmental practices.	SOPB	2019	The policy comprises of: Ensuring No Deforestation of High Conservation Value ("HCV") areas; Identifying and protecting HCV areas; New development areas will undergo integrated HCV and High Carbon Stock Approach ("HCSA") assessments to determine the planting areas, after taking into considerations of the National and State Agriculture and Land Use Policy with priority given to low carbon stock which have no demonstrable HCV, and where Free, Prior and Informed Consent ("FPIC") has been obtained from rights-holders; No New Development on Peat Areas regardless of depth; For existing plantations on peat, the plantations are managed using Industry's Best Management Practices. This includes RSPO manual on Best Management Practices for Existing Oil Palm Cultivation on Peat and 'MPOB Guidelines for the Development of a Standard Operating Procedure for Oil Palm Cultivation on Peat'. If the areas are unsuitable for oil palm replanting, plans will be developed for the appropriate management of such areas, including rehabilitation; Implementation of programs to progressively reduce GHG emission, recycle palm biomass and generate renewable energy by methane capture; and Practice No Burning on all new planting and replanting of oil palm.

Sabah:

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
1	Sabah Structural Plan 2033 (SSP2033)	SSP2033 has been prepared under the provision of the Town and Country Planning Ordinance (Sabah Cap. 141), Section 4E, and it covers the whole State and its territorial waters (including Exclusive Economic Zone). SSP2033 represents a long-term strategic planning document that will guide and direct the State's future physical growth and development up to 2033. This plan has a key role in pinpointing the changes we must make in order to secure a more prosperous and sustainable future.	TRPD	2016-2033	Strategic policies will be provided to safeguard areas identified as High Conservation Value Environment (HCVE) and Priority Conservation Areas (PCA) on land, islands, and territorial waters. Policies will concentrate on protection, conservation, rehabilitation, and management of the environment and its natural resources through development control measures and land use restrictions. Areas that are currently protected from development are areas that are gazetted as Protection Forest Class I, Mangrove Forest Class V, Virgin Jungle Reserve Class VI, and the Wildlife Reserve Class VII under the Sabah Forestry Enactment 1968, Parks under the Sabah Parks Enactment 1984 and the Wildlife/Bird/Marine Sanctuaries under the Wildlife Conservation Enactment 1997.
2	Sabah State Policy on the Environment	The policy formulated through participatory approach among government agencies, private sectors, NGOs, individuals and other groups in society. The policy is guided by a number of core principles.	EPD-MTCE	2017	Through proper assessment and zoning, land will be allocated for development, only in areas where such development may be implemented without causing unnecessary environmental risks.
3	Third Sabah Agricultural Policy (SAP3)	Third Sabah Agricultural Policy (SAP3) (2015-2024) has been formulated with key emphasis on sustainable food production while increasing farmers' income. The policy has identified key issues and challenges faced by the sector, and accordingly formulated strategic goals and core enablers to address them. The State will prioritise land for food-based production purposes given the scarcity of suitable land for agriculture activities.	MoA	2015-2024	Agricultural land use will be decided based on sustainable development principles and optimal utilization of available resources. This is to ensure minimum impacts on the environment, such as deforestation, erosion and siltation as well as degradation of ridges and mountains. To further engage in effective management of the environment and land use, the state will regulate the type and intensity of land use through proper zoning and gazettelement on critical food and industrial crops for environmental protection purposes.
5	Sabah Biodiversity Strategy	The Policy is a 10-year strategy that charts Sabah's commitment and contributions to fulfil the pledge made by Malaysia to implement the CBD. The Strategy seeks to conserve Sabah's biological diversity and to ensure that its components are utilised in a sustainable manner for the continued progress and socio-economic development of the state. The Strategy highlights the need to reduce pressures from economic activities and to integrate biodiversity considerations into the economic sphere.	SaBC - NRO	2012-2022	The Master List of Sabah's protected areas has 93 named protected areas covering about 1,174,398 ha of land, representing about 15.95 percent of Sabah's land area (Payne, 2006). The majority of these areas, which are all owned by the state and managed by a specified government authority, gazetted under either the Land Ordinance 1930 (as reserve for conservation purposes), or Parks Enactment 1984 (as a Park), or Wildlife Conservation Enactment 1997 (as Wildlife Sanctuary), or Forest Enactment 1968 and its subsequent amendments (as Forest Reserve).
6	Sabah Tourism Master Plan (up to year 2025)	The principal objective of the second STMP is to formulate a strategic development plan for tourism in Sabah to bring the industry to the next level of value added and long-term sustainable growth. This would involve the utilisation and management of Sabah's tourism resources to benefit a wide range of stakeholders that includes tourism players and rural communities, and also to contribute significantly to Sabah's economy in line with the objectives of Sabah Development Corridor.	MTCE		<i>Review and formulated in 2011-2015. Final draft but document not yet released.</i> The principal objective of the second STMP is to formulate a strategic development plan for tourism in Sabah to bring the industry to the next level of value added and long-term sustainable growth. This would involve the utilisation and management of Sabah's tourism resources to benefit a wide range of stakeholders that includes tourism players and rural communities, and also to contribute significantly to Sabah's economy.
11	Sabah Water Resources Master Plan	The Master Plan integrates the management of water resources, including water quantity, water quality, the aquatic environment and land use. The pattern of growth and development in Sabah is being shaped by Vision 2020 and related national policies, so this Master Plan has been developed to suit the objectives of Vision 2020.	DID	1994	Existing State legislation covers the provision of water services, land use and forest management, as well as development planning. As for gazette water catchment, residents may be permitted to stay with possibly some subsistence agriculture or strictly prescribed types of commercial or industrial activity. Secondly, the incentive to enter the catchment prior to the event and establish a "plantation" is reduced, as this would not provide valuable land, even

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
					<p>if some land entitlement were granted.</p> <p>Thirdly, more comprehensive management is required. Change of ownership of titled land could also be permitted, subject to the restrictions on land use listed above.</p> <p>Where a Commercial Forest Reserve Class II, or a Forest Reserve Class V (Mangrove) occurs within a proposed protected catchment area, it should be reclassified to Protection Forest Reserve Class I.</p>
12	Sabah Development Corridor Blueprint	<p>SDC's vision is for Sabah to be a leading economic region in Asia by being a preferred gateway for trade, investment and leisure for talents and businesses</p> <p>The strategy for the SDC initiative is to leverage Sabah's inherent strengths, namely its strategic location, rich resources, as well as cultural and biological diversity to expand and grow high potential economic activities.</p>	SEDIA	2008-2025	<p>In terms of land, a total of 2.1 million hectares has been identified as suitable land for agriculture, of which 1.4 million hectares have already been developed as of 2005.</p> <p>As of 2005, 59% of Sabah's land mass was covered with forest. The Class II Commercial Forest Reserve (or Production Forest) has the largest hectareage (2.7 million hectares), followed by Class I Protection Forest Reserve and Class V Mangrove Forest Reserve.</p>
13	Sabah Land Utilisation Policy Study (SLUPS)	<p>The study was to examine the physical attributes of land utilisation in Sabah (e.g. types of land utilisation) and relevant issues that arise from sectoral approaches to land utilisation in the state. Based on these inputs, the ultimate output of the study will be to develop policy guidelines towards integrated and sustainable land utilisation based on environmentally sound principals and provide options towards achieving full potential from land utilisation in the state.</p> <p>The objectives of the study are to formulate a 10-year policy guideline for economically and environmentally sustainable and utilisation in Sabah; and to achieve an orderly, efficient and effective protection and conservation of land to support sustainable development in the State.</p>	NRO		<p>The SLUPS action plan includes: To manage the forest land of Sabah with a fresh concept (carbon offset, REDD, etc) in order to achieve sustainability; Adopt a policy to retain all existing Wildlife Sanctuary and to add specific additional land, water or marine areas as Wildlife Sanctuary or Conservation Area where there are good reasons to do so; To adopt the Bornean Biodiversity and Ecosystems Conservation (BBEC) programme Phase I recommendations (2006) that Forest Reserves, Parks and Wildlife Sanctuaries be extended as necessary in order to better secure the survival of native terrestrial species, through connections and extensions to Sabah's existing protected areas; To consider the possibilities; for land title holders to formally set aside parts of their land for conservation purposes; Islands should not be used for any extensive agricultural or plantation development, or for any potentially hazardous forms of land use; Identified potential areas along the coast and navigable rivers should be demarcated and set aside for the purpose for ports and marine activities and to be zone in accordance to the Sabah shoreline management Plan.</p> <p><i>This policy was never endorsed by state cabinet, but the government agencies implementing their action plans that reflected in the SLUPs Document.</i></p>
14	Sabah Environmental Action Plan	<p>The Sabah State Policy on the Environment outlines strategies and action plans based on five thematic aspects of the environment, namely land, air, water, biodiversity and social dimension. The policy outlines three objectives, namely, to provide a vision for environmental conditions and standards, an environmental framework for regulatory mechanisms, and guidance for all decision makers and implementing agencies in the execution of the mandates and duties.</p>	EPD/ MTCE	2018-2033	<p>Some of the strategies outlined in this action plan are: Incentive schemes will be introduced to promote introduction of land uses such as wilderness areas, wildlife refuges, recreational areas on alienated land; Use of for example water catchment regulations to regulate land management regime will be intensified; Forest habitats and ecosystems covering at least 50% of Sabah's land area will be gazetted or maintain gazetted. All existing TPAs will be maintained while the total coverage of PA will be expanded to cover 30% of Sabah's land territory; Relevant departments and agencies will continue rehabilitating degraded forest areas through enrichment planting and other silviculture treatment; Through proper assessment and zoning, land will be allocated for development, only in areas where such development may be implemented without causing unnecessary environmental risks; Mangrove areas will continue to be protected as barriers against wave and erosions.</p>
15	Sabah Environmental Quality Monitoring Master Plan	<p>The policy aims to guide and inspire the population of Sabah to maintain the state as a healthy and prosperous place to live.</p> <p>The policy provides a vision of the environmental conditions and standards which will be targeted in the development of Sabah; an environmental framework to guide the continued development of environmental regulatory mechanisms in Sabah; guidance for all decision makers and implementing agencies in the execution of their mandates and duty.</p>	EPD- MTCE	2018	<p>The monitoring programme covers habitats/ ecological zones consisting of: Stratum 1 – Conservation areas and legally protected areas other than Class II Forest Reserves; Stratum 2 – Marine conservation areas or legally protected areas; Stratum 3 – Areas recognized as "High Conservation Value Area"; Stratum 4 – Class II Forest Reserves; Stratum 5 – Community- based conservation project areas; and Stratum 6 - Eco-tourism areas; Stratum 7 – Fragmented forest landscapes; Stratum 8 - Tree- crop plantation ecosystem; Stratum 9 – Highland ecosystem; Stratum 10 – Peat swamps areas.</p>

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
16	Forest Policy	The Forest Policy strengthens the commitment and direction in managing designated forest areas and tree cover through sustainable forest management. This policy considers environmental, social and economic sustainability, through good forest governance and best management practices, to ensure forestry remains an integral and competitive land use in Sabah. The aim is for institutionalised good governance of forest management.	SFD	2019	The State Government pledge to preserve at least 30% of Sabah’s land area as TPAs by the year 2025. The total forest areas rehabilitated through silviculture treatment, tree planting and forest plantations has exceeded 750,000 hectares as of 2018.
17	Sabah LEAP	By 2035, the people of Sabah will lead productive and meaningful lives in harmony with nature, conserving it for future generations and supported by vibrant and sustainable economy.	UPEN	2035	The LEAP action plan includes: Preserve existing ecosystems and biodiversity by expanding terrestrial and marine protected areas; <i>Environmental protection</i> will be built into every initiative taken by Sabah –the “Greenest Place in Asia” has to be inherent and genuinely built in development plans.
18	Strategic Plan of Action (Sabah) Heart of Borneo Initiative (2014-2020)	The three countries (Brunei Darussalam, Indonesia and Malaysia) have committed to build partnerships to secure the future of inland areas of the Heart of Borneo (HoB) Initiative. The general objective of the initiative is to carry out collaborative programs on conservation and sustainable development through the implementation of effective management and conservation of a network of protected areas, sustainable management of productive forests and implementation of sustainable land-uses.	SFD		Within Sabah the HoB area extends 39,236 km2 spanning mainly Sabah’s core region. Of this region approximately 19% is composed of protected areas combining Class I Protection Forest Reserves (7,388 km2), Class VI Virgin Forest Reserves (437 km2), both under Sabah Forestry Department (SFD) jurisdiction, and Parks (2,440 km2) under Sabah Parks jurisdiction. A further 50% (19,720 km2) is Class II Commercial Forest Reserves that is made up of Natural Forest Management areas and plantations (mainly industrial tree plantations but with increasing oil palm plantations), under SFD. Class III Domestic Forest Reserves and Class IV Amenity Forest Reserves combined made up less than 1% (46 km2) of the HoB area combined, with both classes again under SFD. The remaining 25% (9,775 km2) of land mass within the HoB boundary will be State land or alienated titled land by the Lands and Surveys Department, such as Native title and Country lease title.
19	Orangutan Action Plan	The 5-year plan is a comprehensive document detailing priority actions for conservation of the orangutan to ensure the survival of this species. This plan considers the views and concerns of all major stakeholder involved in the management and conservation of orangutans and also to identify potential partners and donors who can assist in the implementation of the proposed action plans	SWD		The Orangutan Action Plan includes: Improving current agricultural practices in large-scale plantations and also small holdings or private orchards by introducing effective mitigation features, either by physical construction or by establishing conflict mitigation units; Acquisition of land along designated rivers and between isolated patches of forest supporting wildlife to provide for wildlife corridors in consultation with various stakeholders; Better forest management service by keeping the High Priority Areas for Orangutan Conservation in Commercial Forest Reserves under natural forest management ;Conversion of forest areas within existing orang-utan population regions into oil palm plantations and other crops should be minimized and eliminated. Conversion of these forests to Industrial Tree Plantations may be authorized if HCVF are properly identified before and protected during the establishments of these ITPs.
20	Elephant Action Plan	The plan places the protection of remaining wild elephant populations and their habitat at the highest priority. The plan also promotes greater awareness towards rehabilitating or conserving important wildlife areas such as natural corridors and important resource areas.	SWD		The action plan includes implementing the concept of Managed Elephant Ranges (MERs) in four important natural areas including the Lower Kinabatangan, Northern Kinabatangan, Tabin, and Central Sabah. The elephant habitats will then be identified and secured with the creation of corridors to connect existing protected areas. This will then facilitate migration routes which potentially help to maintain and enhance wild population.
21	Sumatran Rhinoceros Action Plan	The current (2010) number of living Bornean subspecies of the Sumatran Rhino is possibly around forty or less. Sabah has the best prospect of saving the species in Malaysia. The action plan aims to implement a policy of zero poaching and trapping of rhinos anywhere in Sabah; and to establish and operate a fenced, managed “Borneo Rhino Sanctuary” inside Tabin Wildlife Reserve, to be populated by rhinos translocated from other sites where rhinos are unable to contribute to species survival	SWD	2012-2016	Establishing rhino sanctuaries in forest reserves to increase the population of rhinos is one of the strategies in the action plan. Borneo Rhino Sanctuary (BRS) consists of managed, fenced facilities similar to those at SRS at Way Kambas in Lampung. The purpose is to bring together rhinos in a single managed facility in order to increase prospects for breeding of rhino. Rhinos will be maintained, monitored and cared for in individual paddocks (about 2 ha each) under natural forest cover inside TWR.

No.	Policy	Description	Lead Agency	Date / Status	Analysis: relation to land use planning, designation of HCV/HCS, CAs and PAs, etc.
22	Jurisdictional Certification (RSPO/MSPO)	RSPO was formed with the objective of promoting the growth and usage of sustainable palm oil products through credible international standards. By implementing the RSPO framework, suppliers are committing their organisation to work closely with other like-minded suppliers in an effort to reduce the environmental impact of palm oil plantation and production. The MSPO Certification provides a credible sustainable and responsible management, to bring about positive social, environmental and economic impacts, while minimising the negative impacts, particularly on its people and the environment	SFD		The Sabah Forestry Department took the lead of organising the Jurisdictional Certification Steering Committee (JCSC) as it has the largest land area set aside for this purpose in Sabah, of over 200,000 ha (500,000 acres), but only as an interim measure while the secretariat is being established. The JCSC consists of five governmental bodies, five civil societies and five industry players and has since been focusing on achieving three main goals of the first five-year work plan. i.e., achieve no loss of High Conservation Value (HCV) and High Carbon Stock (HCS) forests for all oil palm in Sabah, to enable zero-conflict in oil palm production landscapes in Sabah, and to strengthen smallholder sustainability and uplift local livelihoods.
23	REDD+	REDD+ is a mechanism which provides an economic incentive to encourage developing countries to reduce carbon emissions through sustainable forest management. The EU-REDD+ project is a project funded by the European Union and implemented in three selected pilot sites across different areas in Sabah (Kota Marudu, Kinabatangan, Kinabalu Ecolinc) for a duration of four years (2014 to 2017) plus a two years no-cost extension (2018-2019).	SFD	2012	The REDD+ mechanism comprises the conservation of forest carbon stocks (establishment of conservation areas); Sustainable Forest Management (SFM); and enhancement of Forest carbon stocks through restoration and enrichment planting activities.
24	No Net Loss Policy	This policy means not only maintaining forested areas, but also increasing it to achieve a gain of forests and biodiversity in Sabah. The State aims to maintain at least 50 percent of Sabah's land mass under forest reserves and tree cover, moving towards achieving a No Nett Loss/Net Gain of forest and biodiversity as well as ensuring that 30 percent of Sabah's land area are totally protected by 2025.	SFD	2014	The government plans to establish and restore a system of connected forests across Sabah. This policy implies to not only maintain the current forest areas, but also increase it further to achieve an overall net gain of forests and biodiversity in Sabah. The plan to increase the area of forests under protection to 30% of land area in the next 5 years will make Sabah a global leader in conservation of nature.
25	Agriculture Blueprint	Aims to attract public participation, especially among graduates, in the agriculture and fisheries sector while reducing imports of such goods.	MoA	2019	To contribute to the economy and create job opportunities for youths and reduce dependency on imports of food supplies. To diversify our economic activities. The targets set out under the blueprint include increasing the revenue in seaweed farming, cage fish farming, fresh milk, and rice yield. The focus will be on crops such as Musang King durian, coconut, honey pineapple, pomelo, mushrooms, cabbage, coffee, honey, rubber and rice.

2.2 Indigenous laws and customs pertaining to land use and tenure

The term “native title” arises from the traditional customs and laws of indigenous peoples’ communities. The land ownership system of indigenous people is embedded in their traditional belief systems and way of life. Their property and everything they own, including land, are subject to the rules and regulations established by their belief systems, which have been translated into the adat, which has become the generally accepted guidelines for indigenous communities.

These customs are recognized as part of the law of Malaysia under s 160 (2) of the Federal Constitution. In addition to customary laws, the English common law, the Land Code 1958, Land Ordinance 1930, and protections under the Federal Constitution are relevant in defining the content and scope of native title in Malaysia. With regard to the Federal Constitution, the primacy of equality between the various ethnic groups that comprise the Malaysian citizenry and special protections for the indigenous people of Sarawak and Sabah are important guiding principles in defining and protecting indigenous peoples’ land rights. The terms ‘native customary rights’ or ‘customary title’ describe the interests of the indigenous peoples of Sarawak and Sabah in their traditional lands. While section 5 of the Sarawak Land Code 1958 (Cap 81) refers to native customary rights and Section 15 of the Sabah Land Ordinance 1930 spells out the conditions under which indigenous peoples can claim Native Customary Rights (NCR).

In Sabah, indigenous peoples’ land is inherited property and is often passed down from one generation to the next within the family. The ownership of such land is governed by the adat system of the relevant local community and legalized through the torrent system, as stated in the land title under the Land Ordinance. The status of such land is often disputed because of the differences in the definitions of land ownership between the adat (custom) and state law perspectives.

Section 15 of the Sabah Land Ordinance 1930 spells out the conditions under which indigenous peoples can claim “Native Customary Rights” (NCR), which gives detailed criteria for the establishment of NCR over a plot of land. However, it is not without problems, and may not, in all cases adequately address the problems faced by Indigenous People in establishing NCR. For the indigenous communities, the practice of managing land and natural resources is closely tied to the adat system, whereas for the state, land management is strictly under the provisions of state laws and regulations.

In Sarawak, Article 161A (6) (a) of the Federal Constitution of Malaysia, highlights a clearer definition of ‘Indigenous Peoples’. According to this Article, indigenous people of Sarawak are citizens who either belong to a tribal group specified as indigenous to the State or are of mixed blood derived exclusively from those groups. Article 161A (7) of the Federal Constitution of Malaysia and Section 3 of the Sarawak Interpretation Ordinance (Cap. 1 1958 Ed.), further highlight the groups in Sarawak that are to be considered as indigenous.

2.3 International Agreements and Treaties

Of the nine core international human rights instruments, Malaysia has ratified:

- the Convention on the Rights of the Child (CRC)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and
- Convention on the Rights of Persons with Disabilities (CRPD).

The following have not been ratified:

- International Convention on Elimination of All Forms of Racial Discrimination (ICERD),
- International Convention on Civil and Political Rights (ICCPR),
- International Convention on Economic, Social and Cultural Rights (ICESCR),
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention against Torture or UNCAT),
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

- and International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
- State ratification of any international instrument is a sovereign call and would normally require a policy decision by the Government on whether to proceed or bypass the international legal obligation.

Lack of ratification does not necessarily imply that the provisions of these instruments are not reflected in law, either at the State or the Federal level. In some cases, national-level ratification is difficult due to the federal nature of the constitution.

2.4 UNDP's Social and Environmental Standards

UNDP's Social and Environmental Standards (SES), which came into effect 1 January 2015 and were updated in 01 January 2021 (which is the version of the policy to be followed by this project), underpin UNDP's commitment to mainstream social and environmental sustainability in its programs and projects to support sustainable development, and are an integral component of UNDP's quality assurance and risk management approach to programming. Through the SES, UNDP meets the requirements of the GEF's Environmental and Social Safeguards Policy.

The objectives of the SES are to:

- Strengthen the social and environmental outcomes of Programs and Projects
- Avoid adverse impacts to people and the environment
- Minimize, mitigate, and manage adverse impacts where avoidance is not possible
- Strengthen UNDP and partner capacities for managing social and environmental risks
- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people

UNDP uses its [Social and Environmental Screening Procedure](#) (SESP, Annex 4), to identify potential social and environmental risks and opportunities associated with all proposed projects. Each project is scrutinized as to its type, location, scale, sensitivity, and the magnitude of its potential social and environmental impacts. All project components are screened, including planning support, policy advice, and capacity-building, as well as site-specific, physical interventions. Activities that will be completed under project co-financing are also included in the scope of the assessment.

Projects are required to comply with [UNDP's Social and Environmental Standards \(SES\)](#), which came into effect in January 2015. The SES are an integral component of UNDP's quality assurance and risk management approach to programming. This includes the Social and Environmental Screening Procedure (SESP, Annex 4). The SES underpin UNDP's commitment to mainstream social and environmental sustainability in its Programs and Projects to support sustainable development. Through the GEF Accreditation Process, the SES are acknowledged to be consistent with the GEF's Environment and Social Standards. The objectives of the standards are to:

- Strengthen the social and environmental outcomes of Programs and Projects
- Avoid adverse impacts to people and the environment
- Minimize, mitigate, and manage adverse impacts where avoidance is not possible
- Strengthen UNDP and partner capacities for managing social and environmental risks
- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

Through the GEF Accreditation Process, the SES are acknowledged to be consistent with the GEF's Environment and Social Standards.

The SES, outlined in Table 2, are an integral component of UNDP's quality assurance and risk management approach to programming. This includes the Social and Environmental Screening Procedure (see the completed SESP for the project in Annex 4 to project document).

Table 2: Key Elements of UNDPs Social and Environmental Standards (SES)

Overarching Policy	Project-Level Standards	Policy Delivery Process & Accountability
Overarching Principle: Leave No-One Behind	Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	Quality Assurance
Principle: Human Rights	Standard 2: Climate Change and Disaster Risks	Screening and Categorization
	Standard 3: Community Health, Safety and Security	Assessment and Management
Principle: Gender Equality and Women's Empowerment	Standard 4: Cultural Heritage	Stakeholder Engagement and Response Mechanism
	Standard 5: Displacement and Resettlement	
Principle: Sustainability and Resilience	Standard 6: Indigenous Peoples	Access to Information
	Standard 7: Labour and Working Conditions	Monitoring, Reporting, Compliance review
Principle: Accountability	Standard 8: Pollution Prevention and Resource Efficiency	

The Standards are underpinned by an [Accountability Mechanism](#) with two key functions:

- 1) A [http://www.undp.org/content/undp/en/home/operations/accountability/secu-srm/stakeholder-response-mechanism/Stakeholder Response Mechanism](http://www.undp.org/content/undp/en/home/operations/accountability/secu-srm/stakeholder-response-mechanism/Stakeholder%20Response%20Mechanism) (SRM) that ensures individuals, peoples, and communities affected by UNDP projects have access to appropriate procedures for hearing and addressing project-related grievances; and
- 2) A [Compliance Review](#) process to respond to claims that UNDP is not in compliance with UNDP's social and environmental policies.

Where projects are rated as being Substantial Risk, scoping and assessment may determine that a scoped, fit-for-purpose Environmental and Social Impact Assessment (ESIA) and/or Strategic Environmental and Social Assessment (SESA) may be required in order to ensure that the SES requirements are appropriately addressed, and that mechanisms to manage identified risks are developed and implemented. The assessment must be commensurate with the magnitude and severity of foreseen risks.

The nature of the assessment will vary according to the type of risk foreseen. Where potential impacts are foreseen from “upstream” project activities, such as those involving planning support, policy advice and reform, or capacity building, they are typically assessed using forms of Strategic Environmental and Social Assessment (SESA). Risks and impacts associated with projects that have a physical footprint (“downstream” activities) are typically addressed through an Environmental and Social Impact Assessment (ESIA). Where appropriate, the assessments can be scoped to particular project components or activities, or identified risks.

Safeguard Policies Triggered:

The Social and Environmental Screening Procedure (SESP) has been applied to the project during the project development phase (Annex 4). Under this procedure, a SES principle or standard is triggered when a potential risk is identified and assessed as having either a ‘moderate’, ‘substantial’ or ‘high’ risk rating based on its probability of occurrence and extent of impact. Risks that are assessed as ‘low’ do not trigger the related principle or standard.

The SESP was finalised during project preparation, as required by UNDP’s Social and Environmental Standards. It identified 15 risks for this project that could, in the absence of safeguards, result in one or more of the Standards not being met. Two of these risks were rated as Substantial and eight as moderate.

The screenings also indicate that three of the ten social and environmental principles and standards have been triggered due to ‘Substantial’ risks:

- Principle: Human Rights
- Principle: Accountability
- Standard 3: Community Health, Safety and Security
- Standard 6: Indigenous Peoples

In addition, three of the Principles and five of the Standards are triggered due to potential impacts rated as “Moderate”. They are:

- Principle: Human Rights.
- Principle: Accountability.
- Principle: Gender Equality and Women’s Empowerment.

- Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management
- Standard 2: Climate Change and Disaster Risks
- Standard 3: Community Health, Safety and Security
- Standard 5: Displacement and Resettlement
- Standard 6: Indigenous Peoples
- Standard 7: Labour and Working Conditions

Full details on the risks and categorizations is contained in the SESP Template, which is attached as Annex 4. A summary of the risk significance under each SES principle and standard, and the project-level safeguard standards triggered by each project is shown in Table 3 below.

Table 3: Summary of safeguards triggered based on screening conducted during project preparation

Overarching Principle / Project-level Standard	Risk rating
Principle: Human Rights	✓ Substantial
Principle: Gender Equality and Women’s Empowerment	✓ Moderate
Principle: Accountability	Substantial
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	✓ Moderate
Standard 2: Climate Change and Disaster Risks	✓ Moderate
Standard 3: Community Health, Safety and Security	✓ Substantial
Standard 4: Cultural Heritage	n/a
Standard 5: Displacement and Resettlement	✓ Moderate
Standard 6: Indigenous Peoples	✓ Substantial
Standard 7: Labour and Working Conditions	✓ Moderate
Standard 8: Pollution Prevention and Resource Efficiency	n/a
Number of risks in each risk rating category:	
High	0
Substantial	2

Overarching Principle / Project-level Standard	Risk rating
Moderate	8
Low	5
Total number of project risks	15
Overall Project Risk Categorization	Substantial
Number of safeguard standards triggered	9

2.5 Gaps in policy framework

The Strategic Environmental and Social Assessment conducted for Component 1 will include analysis of the legal and policy frameworks that apply, identifying gaps and strategies to enable the project’s policy-level activities to operate with and alongside state and federal jurisdictional realms.

3 Procedures for Screening, Assessing and Managing Social and Environmental Impacts

3.1 Guiding Principles

The project will follow UNDP’s requirements and procedures for screening, assessment, and management according to its substantial-risk project categorization. The following principles will guide the procedures:

- Mitigation Hierarchy: the project will first seek to avoid potential adverse impacts, then minimize them; where impacts remain, it will then apply mitigation measures; the offset of impacts that have not mitigated will be used as a last resort.
- Precautionary Principle: the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent serious threats.
- Direct, Indirect, and Cumulative impacts: the project will consider all relevant impacts, not just in the immediate project areas but also in the project’s area of influence; it will also consider cumulative impacts from the project or from other relevant past, present, and reasonably foreseeable developments in the geographic areas.

3.2 Screening

The SESP has been conducted on the basis of the broad scope of project activities currently envisaged. This has identified the project as being potentially of Substantial impact, and as such it requires further assessment. The potential impacts and management strategies identified in the SESP are therefore designed to manage the identified impacts in their broadest sense, and the allocated significance rating of Low, Substantial, Moderate or High is based on a precautionary approach.

The SESP was conducted during PPG and is summarized in Table 3 and included as annex to the ProDoc. While jurisdictions, provinces and districts of operation have been established, exact locations for on-the-ground activities (and hence the project’s direct beneficiaries and project-affected communities), have not been specified at the present stage of project development. Additionally, exact locations for specific activities with a physical footprint are not currently defined and may in themselves present additional risks/impacts.

The relevance of currently-identified risks may vary across sites, and the significance or likelihood of the risks or impacts will not necessarily be uniform across all locations. Further screening is required to identify risks’ site-specific significance, and to effectively target any required further impact assessment or management.

Locations, and proposed project activities specific to those locations, will be defined during the first year of the project and an initial screening will inform project design and selected locations. Once the initial project activities are fully specified and exact locations selected, further screening using the SESP will be required to ground-truth and update the current SESP, and to determine whether additional social and environmental impacts may be present that will require further assessment and management.

Ongoing Screening Requirements

Over the course of the project, activities, outputs and potentially additional locations not already covered by the existing SESP will be proposed and developed. Such proposed activities will, as they arise, require screening using the SESP methodology to ensure that any impacts are identified, their significance is established, and any required impact-specific management actions are developed and applied. All additional proposed activities will be subject to screening using the SESP template, impacts identified and categorized as “High”, “Substantial”, “Moderate” or “Low”.

The ESMPs must therefore ensure:

1. Additional screening with the SESP on a site-specific basis, to ground-truth and update the existing SESP. This is required as soon as proposed locations and on-the-ground activities are specified and must take place during the first year of project operation. Where sites are not yet specified, the SESP may also be used to inform the site-selection process.
2. Use of the SESP as a first step in site selection for proposed project activities where sites have not been finalized.
3. Screening of activities proposed through SCF, in accordance with UNDP low value grants procedures, to facilitate the establishment of small community-based enterprises in targeted villages in line with the business plan, based on criteria in the business plan, compliant with the SES, and proactively supporting women and vulnerable groups, under Activity 3.2.9.
4. Screening of proposed community-based enterprises, under Activity 4.3.8
5. Further screening of all newly proposed activities, as they are proposed during the project, on a location- and activity-specific basis.
6. Project activities will be re-screened with the UNDP SESP as needed in the course of required assessments, when determined necessary by the respective Project Manager (after consideration of the advice from PMO staff with responsibility for safeguards), by the Project Steering Committee, or UNDP CO, and/or when project circumstances change in a substantive or relevant way. These will include a screening before Delegation of Authority, to ensure that activities which might contribute to violations of human rights obligations and the core international human rights treaties, are subject to the Human Rights Due Diligence Policy on UN support to non-UN security forces, and that support provided is consistent with the purposes and principles of the Charter of the United Nations.

Overall project SESP updates

During implementation, the project will be re-screened with the UNDP SESP:

1. as prescribed by the project’s SESA, ESIA/ESMP and screening procedures and management plans (as relevant) ;
2. when determined necessary by the Project Manager (after consideration of the advice from PMU staff with responsibility for safeguards), the Project Board, or UNDP; and/or
3. when project circumstances change in a substantive or relevant way.

Where screening, at any stage, identifies activities which entail impacts of rated Moderate, Substantial or High significance, they will be subject to further assessment (either scoped SESA or ESIA) in accordance with the SES and this ESMF.

Screening shall be the responsibility of the Project Safeguards Officer.

3.3 Assessment

The SESP has identified the project as being Substantial Risk, and has highlighted issues which require further detailed assessment. Potential impacts from specific “upstream” project activities (i.e. those which involve planning support, capacity building, policy advice and reform), will be assessed through scoped Strategic Environmental and Social Assessments (SESAs), and appropriately-scoped Environmental and Social Impact

Assessments (ESIAs) are required in order to identify and assess impacts and develop management mechanisms to mitigate identified risks from “downstream” activities with a physical footprint.

The combined assessments will develop strategies for avoiding, reducing and managing adverse impacts and enhancing positive impacts, and the outputs of both assessments will inform the overall Environmental and Social Management Plan, and will be implemented as described below.

3.3.1 Strategic Environmental and Social Assessments for upstream activities

At project inception, the UNDP Country Office will commission appropriate experts to conduct Strategic Environmental and Social Assessments, which will assess potential impacts from, and strategies for the management of, upstream policy-level project activities, to ensure compliance with the SES.

SESA refers to a range of analytical and participatory assessments that aim to integrate social and environmental considerations into policies, plans and programmes and evaluate their interlinkages, where appropriate with economic considerations. SESA evaluates the effect of strategies and programmes on a broad, cross-sectoral basis with the aim of making “upstream” development decision-making more sustainable.

Separate scoped SESA studies are required for each of the Components 1 to 4, focused on the relevant upstream project activities as described in Table 4 below. The SESAs will be carried out by independent experts in accordance with UNDP’s SES policy and the [UNDP SES Guidance Note on Assessment and Management](#) to systematically examine potential adverse risks and impacts associated with the upstream activities. The studies will be conducted in a participatory manner with stakeholders and will:

1. Identify social and environmental priorities to be included in planning and policy processes.
2. Assess gaps in the institutional, policy, and legal frameworks to address these priorities.
3. Identify potential adverse social and environmental impacts associated with activities, and situations where there is, or which might bring about or enable, a risk of non-compliance with the SES.
4. Identify where upstream project activities may affect the rights, territories, resources and traditional livelihoods of indigenous peoples (see section 3.4.2).
5. Engage decision makers and stakeholders to ensure a common understanding and broad support for implementation.
6. Identify where upstream project activities might contribute to violations of human rights obligations and the core international human rights treaties, and ensure the application of the Human Rights Due Diligence Policy on UN support to non-UN security forces, to guarantee that support provided is consistent with the purposes and principles of the Charter of the United Nations.
7. Formulate policy and institutional measures needed to close policy and legal gaps, address institutional weaknesses and avoid adverse social and environmental impacts.

Information and strategies identified will inform decision-making and will be used to guide subsequent assessments of downstream activities.

The detailed scope of the SESAs will be refined by the experts conducting the assessment, and may be widened at their discretion, but will include as a minimum, the activities detailed in Table 4 below.

Table 4: Scoping of Strategic Environmental and Social Assessment Studies

Component 1: Strengthen institutional capacities to combat wildlife crime and reduce poaching of iconic wildlife species at the national level.	
Outcome 1: Increased institutional capacity to combat wildlife crime	
Output	Activities

<p>Output 1.1: National coordination mechanism and centralized wildlife intelligence system established and maintained to enhance inter-agency information-sharing.</p>	<p>1.1.4 Facilitate the development of a national strategic plan on combating wildlife crime informed by the ICCWC Indicator Framework baseline assessment and SESA, a budgeted operational framework and performance indicators for the national task force. Report on progress annually against operational strategic plan indicator targets including review of financial constraints for delivery of the strategy and conduct an evaluation of overall progress achieved at the end of project.</p> <p>1.1.5 Facilitate the development of the Wildlife Crime Bureau (WCB) within the Royal Malaysian Police, informed by the SESA and including staff development, provision of a technical advisor to guide and support the development of the WCB (and other Component 1 inputs), technical support for database and software acquisition and operational use, and provision of essential equipment for wildlife crime investigations.</p>
<p>Output 1.2: Inter-agency training and capacity building programme implemented</p>	<p>1.2.1 Develop norms and standards for the arrest, investigation and prosecution of wildlife crimes in Malaysia based on national experience (see UNODC 2019) and international standards (see ICCWC tools and UNDP SES) to ensure that wildlife crime investigations across all three regions of Malaysia follow best practices, are legally defensible, and in accordance with UNDP Social and Environmental Standards.</p>
<p>Component 2: Conserve the Malayan tiger and its habitats in the Malaysian Peninsular</p>	
<p>Outcome 2: Strengthened capacity and partnerships for combating poaching and for rewilding of the Malayan tiger contribute towards stabilization of its population in key habitats</p>	
<p>Output</p>	<p>Activities</p>
<p>Output 2.1: Specialized anti-poaching rapid response field ranger teams for tiger habitat conservation areas equipped and trained</p>	<p>2.1.4 Informed by the SESA studies and consultations with Orang Asli communities, develop a proposal for the consideration by the MyTTF that aims to increase the manpower resources on the ground and operational budgets to tackle the poaching and IWT threat to the Malayan tiger and other wildlife, including the deployment of 3 Rapid Ranger Field Response Teams of 6 staff each (3 agency staff and 3 orang asli), additional National and State Park rangers, rangers for Temengor FR, auxiliary police and RELA, and increased engagement of Orang Asli. Explore options to mobilize rangers for deep jungle patrols/patrols in inaccessible areas, helicopter support, etc. The proposal will require the Free, Prior Informed Consent of indigenous communities.</p> <p>2.1.7 Conduct an evaluation of the VETOA programme and use the findings to inform the development of a proposal to KeTSA with the agreement of Sabah and Sarawak state governments to extend it to Sabah and Sarawak states.</p>
<p>Output 2.3: Tiger rehabilitation and rewilding programme strengthened to protect tiger population.</p>	<p>2.3.2 Prepare a policy paper on tiger rewilding for presentation to the National Tiger Conservation Task Force/Cabinet for endorsement.</p>
<p>Component 3: Conserve the Bornean Orangutan and its habitats in targeted protected areas of Sarawak</p>	

<p>Outcome 3: The improved conservation status and participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks ensures more secure habitats for the establishment of viable Orangutan populations.</p>	
<p>Output 3.2 Sustainable livelihoods, Orangutan-based tourism enterprise and Community Conserved Area (CCA) developed and implemented in the Ulu Sebuyau, Sedilu and Gunung Lesong National Parks complex.</p>	<p>3.2.4 Work with the targeted communities, NGOs and relevant government agencies to secure community rights over designated land area(s) for CCA establishment, develop an agreement with the targeted communities for the establishment and management of a CCA, and prepare a simple management plan for the area with clear actions and responsibilities, in accordance with SES Standard 5.</p> <p>3.2.11 Convene a local tourism workshop and invite established tour companies to the area to review the attractions, meet with the local communities and provide input regarding the industry requirements for tourism in the area.</p>
<p>Component 4: Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah</p>	
<p>Outcome 4: Improved protection and local partnership development contributes to the stabilization and increase of the Bornean banteng population in the Greater Maliau Basin area of Sabah</p>	
<p>Output 4.2 Capacity for patrolling and use of remote detection technology in the Greater Maliau Basin area strengthened to combat poaching threats</p>	<p>4.2.1 Establish a small task force to establish a plan for strengthening human resources , aligned with the SES, for patrolling and law enforcement across different jurisdictions in the Greater Maliau Basin area (especially MBCA and Forest Reserves, involving SWD, SFD, SF, RMP and other relevant partners, and including the deployment of HWW/HFRs. The plan should identify existing weaknesses and options for addressing them.</p> <p>4.2.2 Review and seek to strengthen mechanisms for HWW/HFRs through examination of options such as VETOA, RELA and others, with the aim of providing secure employment, adequate remuneration for services provided, opportunities for training and career progression, and related benefits such as pension payments.</p> <p>4.2.3 Provide training in advanced subjects for wildlife rangers, park rangers and PROTECT rangers including the SMART patrolling system, data management, drone piloting (needs to be licensed), real-time camera traps, etc, to enable the effective use of advanced technology.</p>
<p>Output 4.3 A community-based banteng conservation and sustainable livelihood programme is implemented in the Greater Maliau Basin area</p>	<p>4.3.2 Work with partner organizations (e.g., WWF, SET, PACOS, SAWO) to plan a resilient community engagement programme in order to establish a CCA and complementary sustainable livelihoods programme with careful attention to gender equality and the empowerment of women and social inclusion.</p> <p>4.3.3 Facilitate a consultation and awareness raising process with local communities and NGOs to explain the concept and benefits of CCAs, review and select proposed area(s) and targeted communities for CCA development, and compile baseline information on the proposed area(s) including land ownership and land use rights, current land uses and existing ecological values, and socio-economic baselines of the target beneficiary</p>

	<p>communities.</p> <p>4.3.4 Work with the targeted communities, NGOs and relevant government agencies to secure community rights over designated land area(s) for CCA establishment, develop an agreement with the targeted communities for the establishment and management of a CCA, and assist the villages to develop protocols / management plans for CCAs – taking into account the recent experiences of WWF and Sabah Biodiversity Centre.</p> <p>4.3.7 Develop a business plan for the development of complimentary sustainable livelihoods programmes (not only tourism) to ensure that they are appropriate and gender-responsive, able to provide adequate returns and are sustainable over the long-term (eg fisheries, agriculture, indigenous handicrafts).</p> <p>4.3.9 Establish an SOP on public health aspects of nature-based tourism practices to ensure the health and wellbeing of rural communities that participate in tourism activities, and consider COVID-19 pandemic impacts on livelihood options including nature-based tourism when conducting feasibility assessments.</p> <p>4.3.10 In collaboration with the State Ministry for Culture, Tourism and Environment (KePKAS) and Ministry of Rural Development, support the establishment of a nature-based tourism concession for the CCA, and provide training for local community members as tourism guides in support of the tourism concession in the CCA, including female guides.</p>
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Component 1 SESA will include a gap analysis to examine the compatibility of UNDP Human Rights and Standard 3 requirements regarding security and law enforcement, with relevant laws and procedures in Malaysia, and make recommendations as to how compliance with UNDP requirements can be assured in the conducting of Activities 1.2.1 and 2.1.4. The Assessment will be informed by human rights analysis, including from the UN human rights mechanisms, (the relevant human rights treaty bodies, the Universal Periodic Review process and Special Procedures). It will inform the development of norms and standards for arrest, investigation and prosecution of alleged poachers to ensure that wildlife crime investigations across all three regions of Malaysia follow best practices and are compliant with UNDP requirements. It will include:

- the development of norms and standards, under Output 1.2.1., for arrest, investigation and prosecution of alleged poachers to ensure that wildlife crime investigations across all three regions of Malaysia follow best practices and are compliant with UNDP requirements and core international human rights treaties³.
- a publicized Code of Conduct, in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement officials and, the UN Code of Conduct for Law Enforcement Officials.

³ ¹⁷These include the following: International Convention on the Elimination of All Forms of Racial Discrimination (1969), International Covenant on Civil and Political Rights (1976), International Covenant on Economic, Social and Cultural Rights (1976), Convention on the Elimination of All Forms of Discrimination against Women (1981), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), Convention on the Rights of the Child (1990), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003), International Convention for the Protection of All Persons from Enforced Disappearance (2010), Convention on the Rights of Persons with Disabilities (2008).

- Procedures for investigating and reporting allegations of unlawful or abusive acts to law enforcement authorities, and the necessary actions taken to prevent recurrence.
- Training modules will include human-rights based standards for law enforcement, including gender and indigenous cultural sensitization and will cover, at a minimum:
 - The legal basis for patrolling and enforcement including arrest, investigation, and prosecution
 - Human rights-based standards for patrolling and enforcement (including gender and indigenous culture sensitization)
 - Procedures for arrest and management of suspects
 - Tactical methods for patrolling

The scoped SESAs will include the human rights aspects of arrest, investigation and prosecution, will be conducted at the start of the project, and will seek to enhance and maximize the benefits from these activities.

The SESA processes will be accompanied by concise reports that summarize the main findings and results including:

- a. The SESA stakeholder engagement process;
- b. The key social and environmental priorities and issues associated with the proposed project-born amendments and policy work;
- c. Institutional arrangements for coordinating integration of social and environmental issues into chosen amendments;
- d. Legal, regulatory, policy, institutional and capacity recommendations to address any identified gaps for managing the social and environmental priorities and implementing applicable social and environmental policies;
- e. Identification of measures (e.g. policies, institutional strengthening, governance reform) to address and manage anticipated adverse social and environmental risks and impacts, including a summary Action Matrix (see annexed outlines);
- f. where applicable, final or advanced draft of ESMF as framework for managing social and environmental risks during implementation of the proposed regulations or strategies.

As high-level documents, SESAs are based on the broad scope of project activities. As these are already identified, work on the studies can commence during the first 6 months of the project. Information and strategies identified in the SESAs will inform decision making and will be used to guide assessments and the formulation of downstream activities to ensure SES compliance. Component 1 SESA findings will directly inform the implementation of upstream activities, whilst those of Components 2, 3 and 4 will inform the associated ESIA's (see below). SESA findings and strategies should cascade down through tiers of decision-making, to ensure that sustainability and SES-compliance issues are reflected in the design and implementation of downstream activities.

3.3.2 Environmental and Social Impact Assessments (ESIAs)

In parallel with the SESAs, three Environmental and Social Impact Assessments (ESIAs) are required, one each for Components 2, 3 and 4, scoped to the planned "downstream" activities (i.e. those with a physical footprint), as listed in Table 5 below. The ESIA's will be informed by the SESAs and where relevant by further screening, and will address impacts to communities and individuals from on-site project activities. Where relevant the ESIA's will also inform the selection of exact locations for project activities.

The studies will develop strategies and plans for avoiding, reducing and managing adverse impacts and enhancing positive impacts. Plans will be informed by both the SESA and ESIA assessments. They will be developed and carried out by independent experts in a participatory manner with stakeholders⁴ and will further

⁴ See also Section 5 on Stakeholder Engagement and Information Disclosure, and 3.3.2 below on Indigenous Peoples and Free, Prior Informed Consent.

identify and assess social and environmental impacts of the project and its areas of influence, evaluate alternatives, and design appropriate avoidance, mitigation, management, and monitoring measures.

The ESIA's will:

- Screen social and environmental issues and impacts specific to the local context.
- Further clarify the applicable social and environmental standards triggered by the project activities.
- Integrate, where appropriate, FPIC principles and procedures for consultations with indigenous communities (see Section 3.4.2 below).
- Take steps necessary in the context of the ESIA's to fulfil those requirements and make recommendations on how such compliance is to be assured through the life of the project.
- Define the processes by which beneficial project impacts will be enhanced, and adverse impacts managed, through avoidance, minimization, mitigation or compensation, in accordance with the Mitigation Hierarchy.

The assessment(s) will be conducted in a manner consistent with national regulations and the UNDP SES and lead to the development of appropriately scaled management measures and plans to address the identified risks and impacts.

ESIA's will be applied to the following activities, scoped accordingly:

Component 2: Conserve the Malayan tiger and its habitats in the Malaysian Peninsular	
Outcome 2: Strengthened capacity and partnerships for combatting poaching and for rewilding of the Malayan tiger contribute towards stabilization of its population in key habitats	
Output	Activities
Output 2.1: Specialized anti-poaching rapid response field ranger teams for tiger habitat conservation areas equipped and trained	<p>2.1.1 In line with ESIA findings, develop detailed implementation plans for consideration of the PSC and NTTF within the wider context of supporting implementation of the MTCAP, to secure political support for inter-agency collaboration and deployment of manpower.</p> <p>2.1.2 Develop Standard Operational Procedures (SOPs) for all anti-poaching patrol staff, including monitoring and enforcement procedures and protocols for: a) human-wildlife conflict (HWC) management; b) SMART patrolling; c) tiger monitoring (including a monitoring protocol for each project landscape. SOPs will be in line with the SES, informed by SESA studies conducted under Output 1.1.1, and will address key human rights, social and environmental issues and risks highlighted by those studies. The SOPs will address related human rights/IPLC issues in each landscape (eg possible risks to indigenous women from increased enforcement presence) as identified in the ESIA's</p>
Output 2.2: A suite of technologies piloted, and their cost-effectiveness evaluated, to complement tiger anti-poaching efforts in tiger habitat conservation areas.	<p>2.2.1 Develop detailed plans for site-based testing of specific technologies within each project landscape, based on the incidence of poaching activities, availability of staff to operate equipment, and baseline experience of different technologies. The piloting will be led by the respective site management authorities (i.e. Perak State Park Corporation, Forest Department, DWNP and Johor State Parks Corporation) in</p>

	<p>collaboration with technical partners, as required. Detailed plans will be SES compliant and will include social and environmental impact management measures identified and prescribed by scoped ESIA studies specific to each technology and landscape.</p>
<p>Output 2.3: Tiger rehabilitation and rewilding programme strengthened to protect tiger population.</p>	<p>2.3.1 Establish a small task force led by DWNP and involving key stakeholders to guide and oversee the development and implementation of a reintroduction master plan for the National Tiger Conservation Centre (NTCC) that covers all aspects of the tiger reintroduction process and identified clear steps, responsibilities and costs involved. Facilitate the planning process through a technical advisor who will assist in preparing the plan.</p> <p>2.3.3 Identify potential reintroduction sites and conduct baseline surveys to determine habitat suitability, stocks of prey species, access for reintroduction, monitoring and protection measures, (cofinanced by KeTSA - – GEF resources will not support this activity) and conduct a risk assessment in relation to any communities or land users in the vicinity (especially involving livestock farming) with GEF resources.</p> <p>2.3.4 Prepare a Human-Tiger Conflict Management Plan to provide early warning, risk mitigation and rapid response to tiger threats to local communities.</p>
<p>Component 3: Conserve the Bornean Orangutan and its habitats in targeted protected areas of Sarawak</p>	
<p>Outcome 3: The improved conservation status and participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks ensures more secure habitats for the establishment of viable Orangutan populations.</p>	
<p>Output 3.1: Strengthened participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks as one park complex and boundaries secured for Orang-Utan conservation.</p>	<p>3.1.1 Facilitate the participatory preparation of a management plan/master plan for the three National Parks as one physically linked SSL park complex.</p> <p>3.1.4 Support community engagement including women in the restoration of forest habitats in the proposed corridor connecting Ulu Sebuyau and Sedilu NPs after the land ownership has been settled, including: seedling and seed stock gathering, nursery development and maintenance, planting and plant maintenance.</p> <p>3.1.5 Identify other potential areas such as river reserve land around the park complex where forest restoration could be undertaken, and work with local communities, WWF and other stakeholders such as the Japan-Malaysia Association to develop plans and facilitate forest restoration efforts.</p>
<p>Output 3.2 Sustainable livelihoods, Orangutan-based tourism enterprise and Community Conserved Area (CCA) developed and implemented in the Ulu Sebuyau, Sedilu and Gunung Lesong National Parks complex.</p>	<p>3.2.3 Facilitate a consultation and awareness raising process with local communities and NGOs to explain the concept and benefits of CCAs, identify proposed area(s) and targeted communities for CCA development, and compile baseline information on the proposed area(s) including land ownership and land use rights, current land uses and existing ecological values, and socio-economic baselines of the target beneficiary communities.</p>

	<p>3.2.5 Provide technical assistance and monitoring support for the initial management of the CCA. Provide technical assistance for the establishment of local tree nurseries to supply material for the replanting of the National Park corridors.</p> <p>3.2.6 Identify, and support the establishment of a nature-based tourism concession for the CCA and provide training for local community members and especially women as tourism guides in support of the tourism concession in the CCA, including female guides.</p> <p>3.2.7 Extend the existing Honorary Wildlife Ranger (HWR) programme to villages near the park complex, including those involved in the CCA in order to provide secure employment and engagement in conservation; This includes technical assistance for community members to be trained for employment as wildlife monitors and boundary patrol staff.</p> <p>3.2.8 Develop a business plan for the development of complimentary sustainable livelihoods programmes (not only tourism) to ensure that they are appropriate and gender-responsive, able to provide adequate returns and are sustainable over the long-term (eg wildlife and park management, fisheries, agriculture, indigenous handicrafts). Programme proposals will be screened using the SESP, which will inform their selection and development, and where required further assessment to ensure SES compliance.</p>
<p>Component 4: Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah</p>	
<p>Outcome 4: Improved protection and local partnership development contributes to the stabilization and increase of the Bornean banteng population in the Greater Maliau Basin area of Sabah</p>	
<p>Output 4.3 A community-based banteng conservation and sustainable livelihood programme is implemented in the Greater Maliau Basin area</p>	<p>4.3.6 Establish community-managed nursery with local species for the rehabilitation of the degraded banteng habitats.</p>

The PMU will commission the ESIA's in conjunction with the SESAs. ESIA's will be completed in parallel with the SESAs and commence at the start of the project. It is expected that field activities would not start before 6 to 12 months after project launch. This period will allow sufficient time to conduct ESIA's by the team of safeguard consultants, who will then design appropriate measures in the ESMP and appropriate plans. ESIA's should commence as specific project locations are proposed, at the latest within 1 year of project inception. ESIA's should start *before* and continue, together with FPIC/IPP preparation (see 3.4.2 below), during and as part of, site selection.

The UNDP SES require that in all cases, required social and environmental assessments and adoption of appropriate mitigation and management measures must be completed disclosed and discussed with stakeholders prior to implementation of any activities that may cause adverse social and environmental impacts. In addition, activities which may affect the rights, territories and interests of Indigenous Peoples may not proceed until, and unless, Free, Prior, Informed Consent of the affected indigenous communities is obtained.

The output of the ESIA's will be ESMP's tailored to the relevant project activities.

Exclusions:

The project will not support any activities which:

- Involve, or will lead to physical displacement. GEF funds will not be used for any activities which would necessitate, or lead to people being required to relocate, nor any activities which render untenable their continued residency in the project area.
- Trigger UNDP Standard 5 on economic displacement. Note that Standard 5 is not triggered by restrictions of access to natural resources under community-based natural resource management arrangements, such as the establishment of a community conserved area, where the relevant community decides to restrict its own access to these resources based on an appropriate community decision-making process that reflects voluntary, informed consensus. The ESMP will include measures to ensure that any such decisions are a result of a genuine community consensus. Should such restrictions apply to Indigenous Communities, a rigorous FPIC process will be required, with full attention paid to the need to protect vulnerable or marginalized community members.
- Restrict indigenous communities legal and traditional rights to sustainable subsistence forest use (hunting, gathering, etc).

3.3.3 Additional Scoped Assessments:

Climate Change: The Climate Change impact screening report has been completed, and is included in Annex 13.

COVID-19 Risks and Opportunities: An assessment of risks and opportunities from Covid-19 has been conducted and is included as Annex 14.

Further ongoing assessment: The requirement for additional, activity-specific assessment will be determined by the ongoing screening detailed above of further activities, which will be commensurate with the magnitude of the envisaged risk, and scoped specifically at the risk, especially considering risks to poor, vulnerable or marginalized communities and individuals. Full stakeholder consultation will be required at all stages.

3.4 Management

3.4.1 Environmental and Social Management Plans

The project will create Environmental and Social Management Plans for each Component, which will be informed by the updated SESP and the ESAs, which will themselves draw on the findings of the relevant SESAs, as well as other management plans detailed below. The Plans will:

- Provide time-bound specific recommendations for avoiding adverse impacts, and where avoidance is not possible, for reducing, mitigating, and managing those impacts for all project activities.
- Further identify project activities that cannot take place until certain standards, requirements and mitigation measures are in place and carried out (complimenting and updating what has already been identified in this draft ESMF).
- Develop site-specific management plans, as necessary and as required by the applicable UNDP SES. These will outline the management objectives, potential impacts, control activities and the environmental performance criteria against which projects will be evaluated (e.g. audited). Recommendations will be adopted and integrated into the project activities, monitoring and reporting framework and budget.
- Stakeholder engagement, including FPIC consultations with indigenous peoples (see below), and plans for stakeholder engagement during implementation of management measures.
- Actions to implement mitigation measures for each identified risk and impact.
- A monitoring and reporting plan.
- Summary of identified adverse social and environmental impacts and any residual risks remaining after impact avoidance/mitigation/minimization.

- Capacity development and training.
- Stakeholder engagement plans including FPIC procedures.
- Defined roles and responsibilities.
- Implementation schedule, cost estimates and funding sources.

Impact management will adhere to the “mitigation hierarchy” model. Where possible, adverse impacts will be “designed out” – i.e. design of project activities will be amended or adjusted so as to avoid the identified impacts. Where this is not possible, measures will be developed, in conjunction with stakeholders, to reduce, minimize, mitigate or manage those impacts.

Where appropriate ESMPs will be created for each site, outlining the specific impacts and mitigation and impact management methods required. Each of these is dynamic and will require amending as new project activities are identified, screened, and assessed in accordance with the procedures described. Additional required mitigation and impact management measures must be integrated into management plans, and in some cases may require, or benefit from, input from the Project Gender Specialist.

Project-affected stakeholders will be consulted on the scope and parameters of the assessment processes and their findings, including proposed mitigation and management measures. It will be necessary to undertake targeted consultations to ensure that marginalized or disadvantaged groups and individuals affected by the project have the opportunity to participate.

ESIAs and/or additional screening, will where relevant mandate the establishment of a Process Framework, by which members of potentially affected communities will participate in the design of project components, determine measures necessary to address the requirements of SES Standard 5, and implement and monitor relevant project activities. The Process Framework will supplement the environmental and social assessment with a participatory framework focused on the potential impacts of access restrictions.

Assessment reports and adoption of appropriate mitigation plans/measures will be completed, disclosed, and discussed with stakeholders prior to initiation of any project activities that may cause adverse social and environmental impacts.

The above required assessments and management plans must be prepared and mitigation measures in place as per those plans, prior to the initiation of any project activity that may cause adverse impacts, including any actions that may lead to or cause physical or economic displacement and/or impacts on Indigenous Communities.

An indicative template is appended to this document, outlining the required ESMP sections.

3.4.2 FPIC and Indigenous Peoples Plans

SES Standard 6 requires that where a project may affect the rights, lands, resources or territories of indigenous peoples, an Indigenous Peoples Plan (IPP), must be developed, and integrated into the design of the project. ESIAs will identify the presence of these peoples at each of the specific sites, and further establish the nature of the risk(s), including any gender-related issues specific to indigenous groups. Where the potential for such impacts is confirmed through an ESIA or SESA, Indigenous Peoples Plans will be developed, and integrated into the ESMP.

Precise locations for downstream activities have not been selected at the current stage of project development. However, as Indigenous People are common in all provinces and identified districts, it is expected that the ESIAs will confirm that indigenous communities will be affected, and SESAs will similarly establish whether upstream activities may also trigger this requirement. Both studies will establish the extent to which Indigenous Peoples will be affected.

The Plans will define how best to engage with indigenous peoples and to ensure they benefit equally from the project’s positive impacts. IPPs will be based on the findings of the SESAs and ESIAs and need to be developed with full, effective, and meaningful participation of potentially affected indigenous peoples.

The IPPs will enable and map out the communication to take place with affected Indigenous groups throughout the decision-making process, facilitating information exchange during landscape management processes. It will describe how Indigenous people will be involved at all stages of landscape management plan development, and subsequent on-the-ground project activities. Discussions on upstream elements of the project will include Indigenous People's representatives. As specific landscapes and activities are proposed, further FPIC discussions will take place at grass roots level with affected communities.

The plans must be developed during the first year of the project and integrated with the development of ESIA's. No activities that may affect the rights, customs, lands, resources or territories of Indigenous People will commence without their explicit prior, freely given consent.

An indicative template is appended to this document, outlining the required IPP sections. The IPP is to be project-wide, with site-specific sections as appropriate.

Plans will include arrangements for culturally-appropriate consultation with the objective of achieving agreement and Free Prior and Informed Consent. ***No activities that may adversely affect the existence, value, use or enjoyment of customary/traditional lands, resources or territories may take place without the explicit agreement – the Free, Prior, Informed Consent - of affected Indigenous People.***

FPIC, for the purposes of the project, is defined as follows:

Free means the process will be self-directed by the customary landholders from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed. The process:

- will be free from coercion, bias, conditions, bribery or rewards;
- will ensure that the decision-making structure is determined by stakeholders;
- will give information transparently and objectively;
- meetings and decisions will take place at locations and times and in language and formats determined by the stakeholders; and
- all community members will be free to participate regardless of gender, age or standing. .

Prior means that no project activity implementation that may cause adverse impacts may take place before a decision by the affected communities has been made. The process will ensure that enough time is provided to communities to understand, access, and analyse information on the proposed activities.

Informed: Information on proposed project activities will be provided in a manner that is accessible, clear, consistent, accurate, and transparent. It will be:

- delivered in appropriate language and format (including video, graphics, radios, documentaries, photos, etc.);
- given to the communities about their rights as relevant to the project and possible impacts;
- objective, covering both the positive and negative potential of activities and consequences of giving or withholding consent;
- complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- delivered in a manner that strengthens and does not erode indigenous or local cultures;

Consent is:

- made by the indigenous communities through their customary decision-making process.
- a freely given decision that may be a "Yes" or a "No", including the option to reconsider if conditions agreed upon are not met, there are changes in the proposed activities or if new information relevant to the proposed activities emerges;

- a collective decision determined by affected people in accordance with their customary forms of decision making (e.g. consensus, majority, etc.);
- based on full understanding of opportunities and risks associated with the proposed activity;
- given or withheld in phases, over specific periods of time for distinct stages or phases of the project;

An FPIC protocol will be designed as part of the IPP in a manner consistent with SES Standard 6.

The FPIC protocol will include the following sections:

- legal and policy framework
- Local context
- Methodology of participatory FPIC protocol design
- Protocol and associated steps
- Implementation principles, criteria, and indicators

The protocol will be developed together with local communities and indigenous peoples in order to enable communities to get extensive information about the project and associated possible positive and negative consequences. Communities’ decision-making processes must be respected and allowed to operate in an open and transparent manner.

Indigenous Peoples’ right to choose how they want to live will be respected and, if consent is not given, this shall be respected. The collective right to give or withhold consent applies to all activities, legislative and administrative measures and policies (and their associated processes and phases) that may directly impact the lands, territories, resources, and livelihoods of the affected communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

The SESAs and ESIA’s will identify all project activities with the potential to affect indigenous people’s rights and interests, resources, territories and traditional livelihoods. Table 5 lists activities provisionally identified as requiring formal FPIC agreement before they may commence. These activities will be subject to a “Go/No Go” decision by affected Indigenous communities. This list may be amended as a result of additional SESP screening, ESIA or SESA assessments.

Table 5: Project Activities Requiring Free, Prior, Informed Consent (Provisional)

Component 1: Strengthen institutional capacities to combat wildlife crime and reduce poaching of iconic wildlife species at the national level.	
Outcome 1: Increased institutional capacity to combat wildlife crime	
Output	Activities
Output 1.1: National coordination mechanism and centralized wildlife intelligence system established and maintained to enhance inter-agency information-sharing.	1.1.4 Facilitate the development of a national strategic plan on combating wildlife crime informed by the ICCWC Indicator Framework baseline assessment and SESA, a budgeted operational framework and performance indicators for the national task force. Report on progress annually against operational strategic plan indicator targets including review of financial constraints for delivery of the strategy and conduct an evaluation of overall progress achieved at the end of project.
Component 2: Conserve the Malayan tiger and its habitats in the Malaysian Peninsular	

Outcome 2: Strengthened capacity and partnerships for combatting poaching and for rewilding of the Malayan tiger contribute towards stabilization of its population in key habitats	
Output	Activities
Output 2.1: Specialized anti-poaching rapid response field ranger teams for tiger habitat conservation areas equipped and trained	<p>2.1.2 Develop Standard Operational Procedures (SOPs) for all anti-poaching patrol staff, including monitoring and enforcement procedures and protocols for: a) human-wildlife conflict (HWC) management; b) SMART patrolling; c) tiger monitoring (including a monitoring protocol for each project landscape. SOPs will be in line with the SES, informed by SESA studies conducted under Output 1.1.1, and will address key human rights, social and environmental issues and risks highlighted by those studies. The SOPs will address related human rights/IPLC issues in each landscape (eg possible risks to indigenous women from increased enforcement presence) as identified in the ESAs.</p> <p>2.1.4 Informed by the SESA studies under Output 1.1.1, and consultations with Orang Asli communities, develop a proposal for the consideration by the MyTTF that aims to increase the manpower resources on the ground and operational budgets to tackle the poaching and IWT threat to the Malayan tiger and other wildlife, including the deployment of 3 Rapid Ranger Field Response Teams of 6 staff each (3 agency staff and 3 orang asli), additional National and State Park rangers, rangers for Temengor FR, auxiliary police and RELA, and increased engagement of Orang Asli. Explore options to mobilize rangers for deep jungle patrols/patrols in inaccessible areas, helicopter support, etc. The proposal will require the Free, Prior Informed Consent of indigenous communities.</p> <p>2.1.5 Provide technical assistance for the deployment of 3 Rapid Ranger Response Teams across the project landscapes, including the recruitment of a tiger landscape intelligence officer (to train and guide RRF teams across the 3 landscapes), and recruitment of auxiliary police at RBSP .</p> <p>2.1.6 Facilitate the employment of further orang asli as anti-poaching / ranger staff through mechanisms such as VETOA, auxiliary police, STAMPEDE and MENRAQ, and strengthen the opportunities for career development for orang asli in the related government services by KeTSA and the Public Services Department (PSD).</p>
Output 2.3: Tiger rehabilitation and rewilding programme strengthened to protect tiger population.	2.3.4 Prepare a Human-Tiger Conflict Management Plan to provide early warning, risk mitigation and rapid response to tiger threats to local communities.
Component 3: Conserve the Bornean Orangutan and its habitats in targeted protected areas of Sarawak	
Outcome 3: The improved conservation status and participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks ensures more secure habitats for the establishment of viable Orangutan populations.	

<p>Output 3.1: Strengthened participatory management of Ulu Sebuyau, Sedilu and Gunung Lesong National Parks as one park complex and boundaries secured for Orang-Utan conservation.</p>	<p>3.1.1 Facilitate the participatory preparation of a management plan/master plan for the three National Parks as one physically linked SSL park complex.</p> <p>3.1.3 Facilitate a participatory process for the surveying and demarcation of national park boundaries by SFC, that involves adjacent communities and seeks to take into account NCR claims, while building support for conservation goals through awareness raising, and opportunities for engagement and employment in conservation-related activities (see Output 3.1.2).</p>
<p>Output 3.2 Sustainable livelihoods, Orangutan-based tourism enterprise and Community Conserved Area (CCA) developed and implemented in the Ulu Sebuyau, Sedilu and Gunung Lesong National Parks complex.</p>	<p>3.2.1 Conduct FPIC consultations with targeted communities to confirm acceptance of the proposed project engagements under this output, including formation of a CCA.</p> <p>3.2.2 Establish a robust local community engagement programme for establishing CCAs and complementary sustainable livelihoods with careful attention to gender equality and the empowerment of women and social inclusion.</p> <p>3.2.3 Facilitate a consultation and awareness raising process with local communities and NGOs to explain the concept and benefits of CCAs, identify proposed area(s) and targeted communities for CCA development, and compile baseline information on the proposed area(s) including land ownership and land use rights, current land uses and existing ecological values, and socio-economic baselines of the target beneficiary communities.</p> <p>3.2.5 Provide technical assistance and monitoring support for the initial management of the CCA. Provide technical assistance for the establishment of local tree nurseries to supply material for the replanting of the National Park corridors.</p> <p>3.2.6 Identify, and support the establishment of a nature-based tourism concession for the CCA and provide training for local community members and especially women as tourism guides in support of the tourism concession in the CCA, including female guides.</p> <p>3.2.7 Extend the existing Honorary Wildlife Ranger (HWR) programme to villages near the park complex, including those involved in the CCA in order to provide secure employment and engagement in conservation; This includes technical assistance for community members to be trained for employment as wildlife monitors and boundary patrol staff.</p>
<p>Component 4: Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah</p>	
<p>Outcome 4: Improved protection and local partnership development contributes to the stabilization and increase of the Bornean banteng population in the Greater Maliau Basin area of Sabah</p>	
<p>Output 4.3 A community-based banteng conservation and sustainable livelihood programme is implemented in the Greater Maliau Basin area</p>	<p>4.3.1 Conduct FPIC consultations with targeted communities to confirm acceptance of the proposed project engagement, including formation of a CCA.</p>

	4.3.6 Establish community-managed nursery with local species for the rehabilitation of the degraded banteng habitats.
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FPIC should not be sought for approval “of the project” but for specific activities identified as having the potential to impact communities’ livelihoods. It is not appropriate for communities to consent to “the project” or its “general aims” as the project is too big and contains too many elements. Consent should be sought separately – through separate documented agreements – for all specific activities that may affect communities.

FPIC Consultations shall be carried out in a culturally appropriate manner, be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers. Consultations shall be delivered with sufficient time to be understood and verified, and measures must be taken to ensure that consultations reach the most remote, rural customary landowners, women, marginalized and vulnerable and are provided on an on-going and continuous basis throughout the FPIC process. FPIC consultations will be comprehensively documented. Ideas, questions and concerns raised by different stakeholders, including related government institutions, NGO, CSOs, and women’s groups, private institutions, landholder groups, local village community and/or resource-owners, shall be captured, clearly documented and shared with the relevant national government agencies.

Communities will be encouraged and given the time to explicitly reflect on this information in order to able to give their free prior informed consent. The FPIC protocol will then be applied to each relevant activity of the project, as communities will be allowed to provide their consent to part of them, ask for modifications, or withhold their consent.

The project will ensure that any decision to establish Community Conserved Areas under Outputs 3.2 and 4.3 is based on voluntary, informed consensus, and is the result of an appropriate community decision-making process. There will be no physical displacement or involuntary relocation. GEF will not fund any activities which result in a requirement for people to relocate, nor activities which render untenable their continued residency in the project area. Co-financing allocated to this project will not be linked to unexpected government-led physical displacement or involuntary relocation activities.

3.4.3 Additional Sub-Plans

The SESP has identified requirements for the following additional stand-alone management sub-plans:

Stakeholder Engagement Plan: A SEP has been developed and will be updated (see **Annex 7 to the project document**), informed by the SESAs and ESIA. Sequential updates of the Plan will enable project officers to ensure that selection is carried out in synergy with the related legal and policy governance structure and that the implementation and selection procedures meet the required norms and standards. The plan will specifically consider how to equitably and meaningfully engage marginalized and vulnerable populations including specific measures to include women within the project areas. The plan will also provide terms of reference and modalities for managing stakeholder engagement in project activities at each site and with each community.

Gender Analysis and Action Plan (GAAP – Annex 9 Project Document): The Gender Action Plan has been developed during PPG, based on existing reports and gender analysis. Addressing gender gaps and inequalities is necessary for women to live in a safe environment and enjoy equal rights and opportunities with men and achieve commensurate results. To achieve this goal, the GAP proposes gender sensitive activities to address the unequal access to and control over natural resources; unbalanced participation and involvement in decision making in environmental planning and management at all levels and unequal access to socio-economic benefits and services. The gender plan includes targeted activities deployed with the aim of ensuring the equitable participation of women at three levels: as project beneficiaries, as active promoters of sustainable wetlands management measures and at decision making level. The gender activities will be implemented and supported by dedicated gender consultant and by the project team.

Human-Tiger Conflict Management Plan will be developed under activity 2.3.4 to provide early warning, risk mitigation and rapid response to tiger threats to local communities.

Activity 2.3.1 will establish a small task force led by DWNP, involving key stakeholders to guide and oversee the development and implementation of a reintroduction master plan for the National Tiger Conservation Centre (NTCC), covering all aspects of the tiger reintroduction process, including Human-Wildlife Conflict (HWC). The development of Standard Operating Procedures for all anti-poaching patrol staff under Activity 2.1.2 includes procedures and protocols for HWC management and tiger monitoring, including a monitoring protocol for each project landscape. In addition 2.3.3 identifies potential reintroduction sites, including the conducting of baseline surveys to determine habitat suitability, stocks of prey species, access for reintroduction, monitoring and protection measures, and conducting risk assessments in relation to any communities or land users in the vicinity (especially involving livestock farming). Both these activities are subject to an ESIA and may not proceed without comprehensive consultations with local communities and the explicit (FPIC) consent of indigenous peoples in the project area.

Forest Restoration Plans

The SESP has identified a risk that poorly designed or executed forest restoration activities under Output 3.1.4 and 3.1.5 entail a risk of introducing IAS, or could damage critical or sensitive habitats, including through the introduction of invasive alien species during forest restoration activities. Forest restoration activities will be subject to ESIAAs which will inform management plans for each activity, and develop Restoration Plans which will prohibit the use of non-native species, and define safeguard measures consistent with the SES, including protocols for seedling and seed stock gathering, nursery development and maintenance, planting and plant maintenance.

Safeguards measures related to Labour and Working Conditions

The project will support activities that will entail direct employment of personnel or contracting of local suppliers. These may include the installation of equipment under Outputs 1.1 and 1.3, employment of ranger teams under Output 2.1, forest restoration under Output 3.1.5, and the development of tourist infrastructure facilities under Output 3.2. In order to implement adequate safeguards measures relevant to Standard 7 Labour and Working Conditions, the project will conduct case by case screening, using UNDP SESP. The risk mitigation measures should be aligned with specific UNDP SES requirements, as relevant (below).

Terms and conditions of employment: Written labour management procedures are established that set out the conditions in which project workers will be employed or engaged and managed, in accordance with the requirements herein and applicable labour laws, rules and regulations. The procedures are appropriate to the size, locations and workforce of project activities.

Project workers are provided information and documentation that is clear and understandable regarding their terms and conditions of employment, including information that sets out their rights under applicable labour laws, rules and regulations (including any applicable collective agreements), and their rights related to hours of work, wages, overtime, compensation and benefits, occupational safety and health and the requirements herein. This information and documentation is provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment or engagement occur.

Project workers are paid on a regular basis as required by applicable labour laws, rules and regulations. Deductions from payment of wages are only made as allowed by human resources management policies and applicable labour laws, rules and regulations. Project workers are informed of the conditions under which such deductions will be made. Project workers are provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by applicable labour laws, rules and regulations.

Project workers receive written notice of termination of employment and details of severance payments in a timely manner as required by applicable labour laws, rules and regulations. All wages that have been earned, social security benefits, pension contributions and any other entitlements are paid, either directly to the project workers or, where appropriate, for the benefit of the project workers, with evidence of such payments.

Non-discrimination and equal opportunity: Decisions relating to the employment or treatment of project workers are not made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers is based on the principle of equality of opportunity and treatment, and there shall be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. Women and men shall receive equal remuneration for work of equal value. The labour management procedures

shall set out measures to prevent and address violence, harassment, intimidation and/or exploitation. Where applicable labour laws, rules and regulations are inconsistent with this paragraph, activities are carried out in a manner that is consistent with these requirements to the extent possible.

Neither special measures of protection and assistance to remedy discrimination nor selection for a particular job based on the inherent requirements of the job are not deemed as discrimination.

Appropriate measures of protection and assistance are provided to address the vulnerabilities of project workers, including specific groups of workers, such as women, persons with disabilities, migrant workers and young workers.

Appropriate measures will be taken to prevent and address any form of violence and harassment, bullying, intimidation and/or exploitation, including any form of gender-based violence (GBV).

Workers organizations: National law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference. The role of legally established workers' organizations and legitimate workers' representatives shall be respected and they will be provided with information needed for meaningful negotiation in a timely manner. Employers shall not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment and shall not seek to influence or control these alternative mechanisms. There will be no discrimination or retaliation against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms.

Forced labour: Forced labour, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, shall not be used in connection with the project. This prohibition covers any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements. No trafficked persons may be employed in connection with the project activities.

Where cases of forced labour are identified, immediate steps must be taken by the applicable parties to correct and remedy them.

Child labour: Child labour, which consists of employment of children below the minimum age of employment as defined by the ILO Minimum Age Convention, 1973 (No. 138) and ILO Worst Forms of Child Labour Convention, 1999 (No. 182), may not be used in connection with or arising from the project activities.

A minimum age for employment shall be specified in connection with the project activities, as determined by national law for applicable parties subject to national law and consistent with the ILO Convention No. 138.

Notwithstanding paragraph 16 above, a child under the age of 18 may not perform work in connection with or arising from the project activities which, by its nature or the circumstances in which it is carried out, is likely to harm his/her health, safety or morals. Such work is determined by national laws or regulations or by the competent authority and commonly specified in national lists of hazardous work prohibited to children. In the absence of such regulations, guidance on hazardous work to be prohibited in connection with the project should derive from the relevant ILO instruments. In addition, a child under the age of 18 may not, in connection with project activities, perform work that is likely to interfere with his/her compulsory education or be harmful to his/her physical, mental, spiritual, moral or social development.

Where cases of child labour are identified, immediate steps shall be taken by applicable parties to correct and remedy them, including the rehabilitation and social integration of the child where necessary.

Occupational safety and health (OSH): Necessary processes and measures that address the safety and health of project workers shall be in place to support project design, planning and implementation. These processes and measures may be encompassed and implemented through the applicable party's occupational safety and health management system or processes and shall address:

- Identification and assessment of potential hazards and risks, particularly those that could result in serious injury, ill health or death and those identified through worker health surveillance;
- Elimination of hazards and minimization of risks through implementation of preventive and protective measures in the following order of priority: elimination or substitution, engineering and organizational controls,

administrative controls, and where residual hazards and risks cannot be controlled through these collective measures, provision of personal protective equipment at no cost to the worker;

- Safety and health training, including on the proper use and maintenance of personal protective equipment, at no cost to workers conducted by competent persons and the maintenance of training records;
- Recording and notification of occupational accidents and incidents and any resulting injuries, ill health or death;
- Emergency prevention and preparedness and response arrangements to emergency situations; and
- Employment injury benefits and/or remedies for adverse impacts such as occupational injuries, disability, ill health or disease and death.

All applicable parties who employ or engage project workers shall put in place the above safety and health processes and measures to prevent and protect workers from chemical, physical, biological and psychosocial hazards and to establish and maintain safe and healthy workplaces including the work environment, organization, processes, tools machinery and equipment. Such parties actively consult and collaborate with project workers and promote their understanding and participation in the implementation of safety and health measures, as well as provide them information, training and personal protective equipment. Mechanisms are used for consultation and participation of project workers, such as worker safety representatives or joint worker-management safety and health committees.

Workplace mechanisms are made available for project workers to report work situations that they believe are not safe or healthy and to remove themselves from a work situation they have reasonable justification to believe presents an imminent and serious danger to their life or health. project workers who remove themselves from such situations are not required to return to work until necessary remedial action to correct the situation has been taken, and are not retaliated against or otherwise subject to reprisal or negative action.

Project workers are provided with safe and healthy facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest where appropriate on the basis of the work performed. Where accommodation services are provided to project workers, policies are put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social and cultural needs.

Where more than one party is employing or engaging workers and such workers are working together in one location, the parties who employ or engage the workers shall collaborate in applying the OSH measures, without prejudice to the responsibility of each applicable party for the safety and health of its own workers. The design and implementation of OSH measures shall be reviewed and necessary action taken in the event of significant changes in the working conditions or workers.

A process for conducting accident investigations and regular evaluation of preventive and protective measures and OSH performance shall be put in place and necessary corrective actions adopted based on the results of such investigations and evaluations.

Workplace grievance mechanism: A workplace grievance mechanism (distinct from any general project-level grievance mechanism) is provided for all project workers (and, where relevant, their organizations) to raise workplace concerns (including potential violations of existing rights and entitlements as provided for in legislation, collective agreements, employment contracts and human resources policies). The mechanism will be easily accessible to project workers who are to be informed of the grievance mechanism at the time of recruitment and the measures to protect them against any reprisal for its use.

The grievance mechanism shall be designed to address workers' concerns promptly, using an understandable, transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and shall operate in an independent and objective manner. The grievance mechanism may utilize existing grievance mechanisms, providing that they meet the above criteria. Existing grievance mechanisms may be supplemented as needed with project-specific arrangements.

The grievance mechanism shall not impede access to other judicial or administrative remedies that might be available under applicable laws, regulations or rules or through existing arbitration procedures, or substitute for

grievance mechanisms provided through collective agreements, if applicable. The mechanism ensures workers' rights to be present and to participate directly in the proceedings and to be represented by a trade union, if applicable, or person of their choosing.

Contractor/Third Party Workers: Due diligence is conducted to ascertain that third parties who engage project workers are legitimate and reliable entities and have in place appropriate policies, processes and systems that allow them to operate in accordance with the minimum requirements herein.

Procedures are established for managing and monitoring the performance of such third parties in relation to the minimum requirements herein, including incorporation of the minimum requirements into contractual agreements with such third parties, together with appropriate noncompliance remedies. In the case of subcontracting, third parties are required to include equivalent requirements and remedies in their contractual agreements with subcontractors.

Contractor workers shall have access to a grievance mechanism. Where the third party employing or engaging the workers is not able to provide an easily accessible grievance mechanism, the grievance mechanism provided to direct project workers shall be made available.

Primary Supplier Workers: Potential risks of violations of primary supplier workers' fundamental rights and safety and health issues which may arise in relation to primary suppliers (at a minimum) are to be identified. Roles and responsibilities for monitoring primary suppliers are established. If child labour or forced labour cases or breaches of other fundamental rights are identified, the applicable party will require the primary supplier to take appropriate steps to remedy them.

Additionally, where primary supplier workers are exposed to hazards that present a risk of serious injury, ill health or death, the relevant primary supplier is required to have procedures in place to address such safety and health issues. Such procedures and mitigation measures shall be reviewed periodically to ascertain their effectiveness.

The ability to address these risks shall depend upon the applicable party's level of control or influence over its primary suppliers. Where prevention and remedy are not possible, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements herein. Where there is imminent danger of serious injury, ill health or death to workers, the applicable party shall exercise its control or influence to stop the operation concerned until such time as the primary supplier can demonstrate that it can control the hazard in a manner consistent with the minimum requirements herein.

Summary of Assessment Requirements

Focus	Assessment	Timing	Responsibility
Upstream Activities	Strategic Env. and Social	To commence within 6 months of project inception	PMU, external consultants, and UNDP in its oversight role.
Downstream Activities	Environmental and Social	To commence as specific project locations are proposed, at the latest within 1 year of project inception. Completion within 6 months.	PMU, external consultants, and UNDP in its oversight role.
Specific additional Project Activities rated as potentially Moderate or High impact	SESA/ESIA as appropriate	As required by additional or updated SESP.	PMU, external consultants, and UNDP in its oversight role.

3.5 Management.

3.5.1 SESA Report and Recommendations

The SESA report will identify the main findings and results of SESA, including

- The stakeholder engagement process used in the study.
- Key social and environmental priorities and issues associated with the risks of non-compliance with required Human Rights standards.
- Institutional arrangements for coordinating integration of social and environmental issues into the relevant project activities.
- Legal, regulatory, policy, institutional and capacity recommendations to address any identified gaps or barriers to implementation of required policies and standards.
- Results of assessment of social and environmental risks/impacts associated with the project activities.
- Identification of measures (e.g., policies, institutional strengthening, governance reform) to address and manage anticipated adverse social and environmental risks and impacts, including a summary Action Matrix.

3.5.2 Environmental and Social Management Plan

The project will create an overarching Environmental and Social Management Plan, which will be informed by the revised SESP, Environmental and Social Impact assessment (both SESA and ESIA) reports, and other management plans including the Gender Action Plan. Develop site-specific management plans as necessary and as required by the applicable UNDP SES. These will outline the management objectives, potential impacts, control activities and the environmental and social performance criteria against which projects will be evaluated (e.g. The above required assessments and management plans must be prepared and mitigation measures in place as per those plans, prior to the initiation of any project activity that may cause adverse impacts, including any actions that may lead to or cause adverse impacts on Indigenous People.

Where appropriate, appendices to the over-arching ESMP will be created for each site, outlining the specific impacts and mitigation and management methods required for each site. It may be necessary to undertake targeted consultations to ensure that marginalized or disadvantaged groups and individuals affected by the project have the opportunity to participate.

3.5.3 Indigenous Peoples Plan and FPIC

SES Standard 6 requires that where a project may affect the rights, lands, resources or territories of indigenous peoples, an Indigenous Peoples Plan (IPP), must be developed, and integrated into the design of the project.

Precise locations for downstream activities have not been selected at the current stage of project development, and it is therefore not certain that activities will take place on land claimed by Indigenous People (Indigenous Peoples), or the extent to which Indigenous Peoples will be affected. However, as Indigenous People are common in all provinces and identified districts, it is expected that the ESIA will confirm that Indigenous communities will be affected.

ESIA will identify the presence of these peoples at each of the specific sites, and further establish the nature of the risk(s), including any gender-related issues specific to indigenous groups. Where the potential for such impacts is confirmed through the ESIA, an Indigenous Peoples' Plan will be developed, simultaneously with, and integrated into the ESMP.

As required under Standard 6 of the SES, this will include a plan for culturally appropriate consultation with the objective of achieving agreement and Free Prior and Informed Consent. No activities that may adversely affect the existence, value, use or enjoyment of customary/traditional lands, resources or territories will be permitted without the explicit agreement of affected Indigenous People. Their right to choose how they want to live will be respected and, if consent is not given, this shall be respected.

The plan must be developed during the first year of the project and integrated with the ESIA development. The SESP has identified requirements for the following additional stand-alone management sub-plans: including a monitoring protocol for each project landscape. In addition, 2.3.3 identifies potential reintroduction sites, including the conducting of baseline surveys to determine habitat suitability, stocks of prey species, access for reintroduction, monitoring and protection measures, and conducting risk assessments in relation to any communities or land users in the vicinity (especially involving livestock farming).

Additional Targeted Assessments:

targeted specifically at the risk, especially considering risks to poor, vulnerable or marginalized communities and individuals. **Targeted management plans:**

Stakeholder Engagement Plan: A SEP has been developed and will be updated (see **Annex 7 to the project document**), informed by SESA and ESIA. **Gender Analysis and Action Plan:** The plan is in place and included as **Annex 10** to the project document. Updates will be informed by the ESIA/SESA, and progress against relevant benchmarks.

Further information on stand-alone management plans can be found on the UNDP website at: https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Guidance%20and%20Templates.aspx.

4 Institutional arrangements and capacity building

4.1 Roles and responsibilities for implementing this ESMF

The roles and responsibilities of project staff and associated agencies in the implementation of this ESMF is as follows. Note that this ESMF does not cover the roles and responsibilities associated with implementation of the subsequent ESMPs and/or stand-alone management plans, which will be defined for each management plan that is developed in the project inception phase, as required.

Implementing Partner and Project Board/Steering Committee:

The Implementing Partner for this project is the Ministry of Environment/Ministry of Energy and Natural Resources (KeTSA) and is responsible for executing the project. Specifically:

- Ensure that the required assessment (ESIA/SESA) and assessment report and the required management plan (including specific plans evolving through the ESIA process, including ESMP, Indigenous Peoples' Plans and other relevant plans) are developed, disclosed for public consultation and approved, and management measures are adopted and integrated during project implementation.
- Approve and supervise the work of a Safeguards Expert to implement the ESMP, and any other safeguards-related personnel deemed necessary once the ESIA/SESA and resultant plans are developed has been prepared.
- Report, fairly and accurately, on project progress against agreed work plans in accordance with the reporting schedule and required formats.
- Maintain documentation and evidence that describes the proper and prudent use of project resources in conformity to the signed Project Document and in accordance with applicable regulations and procedures (e.g. SES).
- Ensure all requirements of UNDP's SES and national regulatory/policy frameworks and relevant international standards have been addressed.
- Hold responsibility and accountability to UNDP for overall management of the project, including compliance with UNDP SES.
- Monitor implementation of the ESMP and related plans and compliance with national and international regulations, and UNDP social and environmental standards.
- Decision making for the adoption of necessary measures including full integration of risk management measures within project Outputs and annual work plans.
- Establish and support GRM mechanism to address any grievances.

The Project Board will have the final responsibility for the integration of ESMP in the execution of the project. The integration of those plans will need to consider particular institutional needs within the implementation framework for application of these plans, including a review of the required budget allocations for each measure,

Responsible Parties:

a. Royal Police Department of Malaysia (RMP)

Responsible party to execute project activities and produce three (3) outputs – outputs 1.1, 1.2, and 1.3 under Project Component 1 - Strengthen institutional capacities to combat wildlife crime and reduce poaching of iconic wildlife species at the national level, in close collaboration with the Department of Wildlife and National Parks (DWNP). Project outputs and indicative activities can be referred in the Results section and Annex 3 Multi-year Workplan. This includes setting up a technical team and the procurement of goods and services for the delivery of outputs and activities. RMP will engage directly with DWNP, Sabah Wildlife Department (SWD) and Sarawak Forestry Corporation as regional partners and other relevant agencies, State Parks, NGOs and communities to implement the project activities in the project landscapes, including strengthening the sharing of intelligence, investigation and prosecution of wildlife crime.

b. Department of Wildlife and National Parks Peninsular Malaysia (DWNP)

Responsible party to collaborate closely with RMP in the implementation of Project Component 1 including outputs 1.1, 1.2, 1.3 and 1.4, and execute project activities and produce three (3) outputs 2.1, 2.2 and 2.3 under Project Component 2 - Conserve the Malayan tiger and its habitats in the Malaysian Peninsula. DWNP will assign two dedicated officers from the headquarters and the Institute of Biodiversity respectively, to engage directly with RMP, Sabah Wildlife Department (SWD), Sarawak Forestry Corporation and other relevant agencies, State Parks, NGOs and communities to implement the project activities in the project landscapes for Component 2.

c. Sarawak Forestry Corporation (SFC)

Responsible party to execute project activities and produce two (2) outputs – outputs 3.1 and 3.2 under Project Component 3 - Conserve the Bornean Orangutan and its habitats in targeted protected areas of Sarawak. SFC is expected to partner with NGOs and community-based organizations in the State of Sarawak to carry out some of the activities to be determined during the project inception phase. SFC will assign two dedicated officers who will engage directly with RMP, DWNP and other relevant agencies, NGOs and communities to implement the project activities in the project landscape of Sedilu, Ulu Sebuyau and Gunung Lesong National Park complex.

d. Sabah Wildlife Department (SWD)

Responsible party to execute project activities and produce three (3) outputs – outputs 4.1, 4.2 and 4.3 under Project Component 4 - Conserve the Bornean banteng and its habitats in the Greater Maliau Basin area of Sabah. NRO will assign two dedicated officers with the state to engage with RMP, DWNP, and the Sabah Wildlife Department as the main state agency and other relevant agencies, and Sabah-based NGOs to implement the project activities in the project landscape of the Greater Maliau Basin.

The Ministry of Energy and Natural Resources (KeTSA) as the Implementing Partner will officially appoint the four coordinating agencies in accordance with the applicable administrative and/or legal instruments under the Government of Malaysia. This enables the implementing partner to leverage on their specialized skills and expertise to provide goods and services to the project, carry out project activities and/or produce outputs using the project budget. This will in turn support the Implementing Partner to mitigate risk and to relieve administrative burdens.

A project tender committee will be established to ensure effective, best value for money and timely procurement of goods and services based on existing government procurement policy, rules and principles.

The PMU will develop project-level annual work plans with responsible parties. These annual work plans will be reviewed and endorsed by the National Project Director for approval by the Project Board (also known as the Project Steering Committee). Responsible parties are to prepare reports for review, endorsement and approval by the National Project Director.

In consultation and upon approval with the Implementing Partner, responsible parties may competitively select and appoint service providers such as academic institutions and/or CSO/NGO through a written agreement in accordance with applicable administrative and/or legal instruments under the Government of Malaysia to execute specific activities to produce project outputs under Project Component that they are tasked.

Given that responsible parties and service providers play an execution role and are directly accountable to the implementing partner, responsible parties and service providers cannot serve on the Project Board as its member to avoid conflict of interest.

Project stakeholders and target groups: A whole-of-government approach will be facilitated during project implementation. Key inter-governmental/ministerial platforms, stakeholders and target groups of the project include:

- National Land Council and other inter-governmental/ministerial platforms
 - The National Land Council is in charge of formulating a forum for policies uniformity upon the promotion and control of the utilization of land in Peninsular Malaysia, in consultation with the Federal and State Governments and the National Finance Council.

- National Tiger Conservation Task Force (MyTTF)
 - MyTTF is established to improve good governance and effectiveness in the conservation of Malayan tigers. The purpose of the task force is:
 - To ensure shared commitment between the Federal Government and the State Governments in handling of the dwindling population of Malayan Tigers.
 - To coordinate implementation and monitoring of strategic actions for Malayan Tigers Conservation
 - To increase cooperation among stakeholders especially the State Governments.
 - This task force will monitor the implementation of the nine (9) extraordinary strategic actions to reverse the declining trend of the Malayan Tiger population. Among the actions include formation of the Wildlife Crime Bureau (WCB) within RMP, Increasing the rangers on the ground for effective patrolling, and providing incentives to state governments to secure tiger habitats.
 - MyTTF meeting is scheduled to be held once a year and the meeting is chaired by the Honourable Prime Minister. The secretariat of the meeting is the Department of Wildlife and National Parks Peninsular Malaysia.
 - The members of the meeting include:
 - Federal Government representatives – Minister of Finance, Senior Minister of Works, Minister of Agriculture and Food Industry, Minister of Home Affairs, Minister of Energy and Natural Resources, Minister of Housing and Local Government, Minister of Plantation Industries and Commodities, Chief Secretary to the Government of Malaysia and Attorney General of Malaysia.
 - State Government representatives – Kelantan Chief Minister (CM), Terengganu CM, Negeri Sembilan CM, Pahang CM, Selangor CM, Johor CM, Kedah CM and Perak CM.
 - Secretary – Secretary General of Ministry of Energy and Natural Resources.
 - Other invitees as necessary.
- National Tiger Implementation Working Group (MyTWG)
 - MyTWG is established to improve the implementation and monitoring of strategic actions for the conservation of Malayan Tigers. MyTWG is chaired by the Minister of Energy and Natural Resources and is scheduled quarterly based on the recommendation of Technical Committee of MyTTF chaired by the Director General of Department of Wildlife and National Parks Peninsular Malaysia. The secretariat of the meeting is the Department of Wildlife and National Parks Peninsular Malaysia.
 - The members of the meeting include:
 - State Government representatives who are in charge of wildlife and habitat management.
 - Other relevant government agencies.
- State Governments of Perak, Pahang, Kelantan, Terengganu, Johor, Sabah and Sarawak
- Indigenous Peoples and Local Communities (IPLC). IPLCs will be among the beneficiaries of this Project in addition to the key beneficiaries from the public sector. They will be consulted on project planning and implementation activities. The Project will ensure securing of FPICs from IPs and PICs from local communities in accordance with the ESMF and Indigenous Peoples Planning Framework (Annex 8) and Stakeholder Engagement Plan (Annex 7).

- Academic and research institutions. These institutions will provide support to the Project on research, communication, education and public awareness (CEPA), and capacity-building.

The project will work with existing multi-stakeholder partnership mechanisms and establish new partnerships where necessary to ensure project target groups are involved in the design, implementation, and monitoring & evaluation of the activities in their communities.

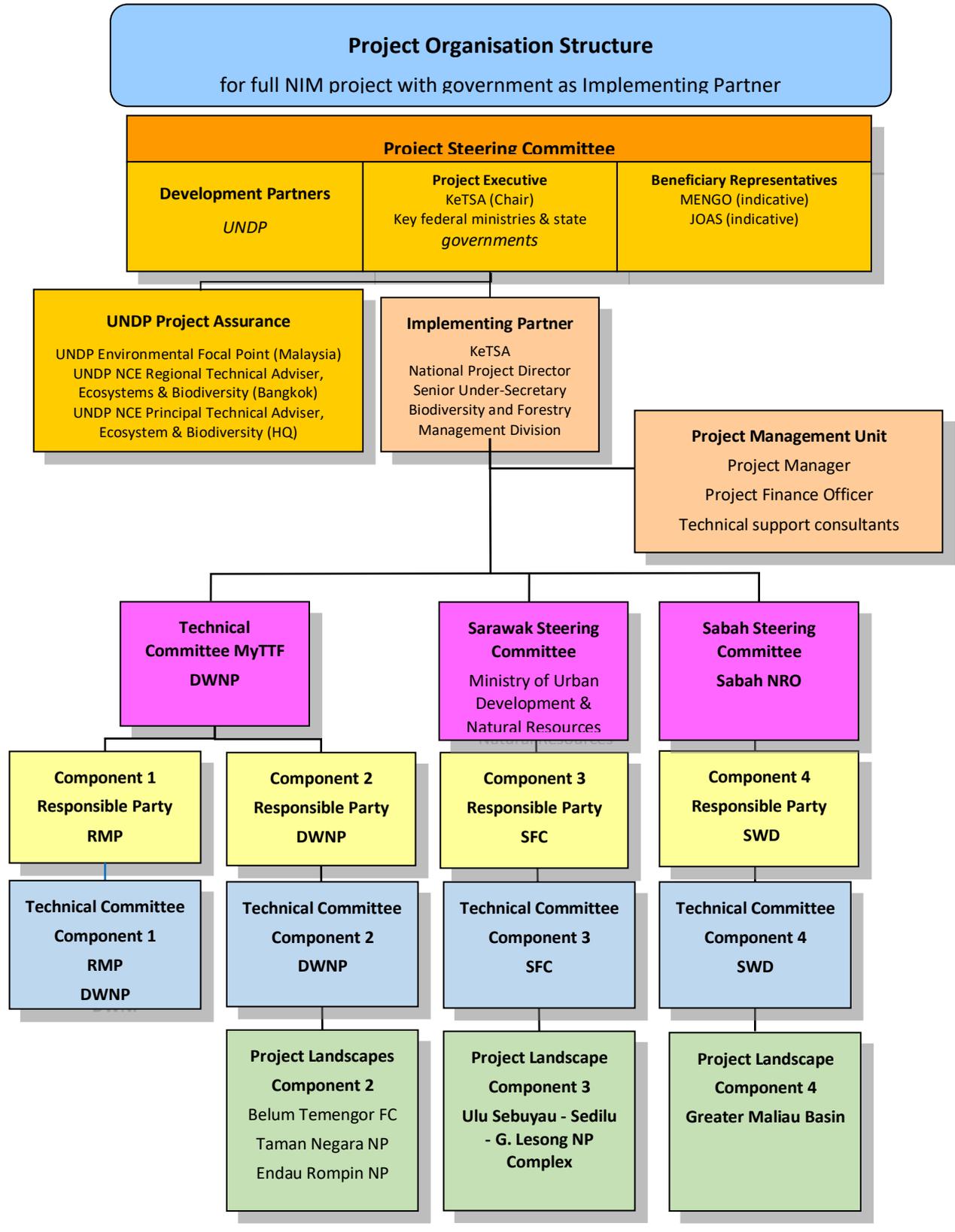
UNDP: is accountable to the GEF for the implementation of this project. This includes overseeing project execution undertaken by the Implementing Partner to ensure that the project is being carried out in accordance with UNDP and GEF policies and procedures and the standards and provisions outlined in the Delegation of Authority (DOA) letter for this project. UNDP will:

- Provide oversight on all matters related to safeguards.
- Inform all the stakeholders and right-holders involved in, or potentially impacted, positively or negatively, by the GEF-financed projects, about the UNDP's corporate Accountability Mechanism (described below).
- Ensure that the Compliance Review and the Stakeholder Response Mechanisms are operational during the lifetime of the projects.
- Ensure adhere to the SES for project activities implemented using funds channeled through UNDP's accounts, and undertake appropriate measures to address any shortcomings.
- Verify and document that all UNDP SES requirements have been addressed.
- Provide technical guidance on implementation of the ESMP and administrative assistance in recruiting and contracting expert safeguards services (as required), and monitor adherence of each project to the ESMP and UNDP policies and procedures.

Project Management Office/Project Management Unit:

- Supervise and manage implementation of measures defined in the ESMP (including specifically the implementation of the FPIC procedures, GRM, Ethnic Groups Plans, LAP and any other plans) evolving from the ESIA.
- Assign specific responsibilities for implementation of the ESMP, including monitoring, and community consultations on the draft management plans to a staff member(s) of the PMO/PMU.
- Maintain relevant records associated with management of environmental and social risks, including updated SESP, impact assessments, a log of grievances together with documentation of management measures implemented.
- Report to the Implementing Partner, the Project Board, UNDP CO on the implementation of the ESMP.
- Ensure that all service providers are informed of their responsibilities for the day-to-day compliance with the ESMP.
- Provide strategic advice and guidance on implementation of the Project including oversight for safeguards and the implementation of the ESMP.

An overview of the Project organization structure is given below. Further details are contained in the Project Document.



4.2 Capacity Building

Specialists with relevant expertise in social and environmental safeguards will be engaged to support the completion of the assessment(s) of economic displacement, and the subsequent development of ESMPs and any subsequent stand-alone management plans. These experts will offer an induction session for Project Management Units (and implementing partners, as needed) on safeguards responsibilities and approaches.

The UNDP-GEF Unit will provide advice to project teams as needed to support the implementation of this ESMF and the preparation, implementation and monitoring of social and environmental management plans/measures.

The Project Steering Committee will have the final responsibility for the integration of ESMP/stand-alone management plan(s) in the execution of the project. The integration of those plans will need to consider particular institutional needs within the implementation framework for application of the ESMP, including a review of the required budget allocations for each measure, as well as the authority and capability of institutions at different administrative levels (e.g. local, regional, and national), and their capacity to manage and monitor ESMP implementation. Where necessary, capacity building and technical assistance activities will be included to enable proper implementation of the ESMP.

5 Stakeholder engagement and information disclosure

5.1 Community consultations completed during the project preparation phase

Stakeholder Identification

A national level consultation was held online between 30 November and 4 December 2020 among key agencies. A wide range of stakeholders were identified and subsequently stakeholder analysis was undertaken to assess their interests in the project and define their roles and responsibilities in project implementation. Between November and early December 2021, selected stakeholders from civil society, Indigenous peoples and academicians were identified and were interviewed or given self-administered questionnaires to help understand the possible impact and participation from among affected Indigenous communities in the targeted landscapes. Included also were prior conversations with Indigenous communities in the Royal Belum State Park on their views regarding increased enforcement in their landscape. A list of the stakeholders engaged in these consultations has been annexed to the Project Document.

Information Dissemination And Consultations

Numerous consultations were made with a large number of stakeholders at the Federal, State and Site levels which included all related government institutions and NGOs to discuss different aspects of project design. These consultations were mainly undertaken online and some hybrid due to the various levels of lockdowns and restrictions imposed by authorities due to the prevailing Covid-19 pandemic. Therefore visits to project sites and consultations with local communities could not be undertaken. However, consultation with local Indigenous communities were undertaken via phone calls and online teleconferencing. The details of the consultations are summarised in Appendix 1. The project activities were jointly developed with the stakeholders at working group meetings.

The project also has a Stakeholder Engagement Plan and Gender Action Plan, also annexed to the Project Document. These Plans will further be refined following the SESA/ESIA process to ensure that stakeholders are engaged in project implementation and particularly in the further assessment of social and environmental impacts and the development of appropriate management measures. The Project Stakeholder Engagement Plan will be updated during project implementation based on the SESA/ESIA report and the ESMP produced.

5.2 Community consultations during project implementation

Potentially affected stakeholders will be engaged during the implementation of this ESMF. This will include FPIC consultations with IPs where applicable.

As part of the stakeholder engagement process, UNDP's SES require that project stakeholders have access to relevant information. Specifically, the SES (SES, Policy Delivery Process, para. 21) stipulates that, among other disclosures specified by UNDP's policies and procedures, UNDP will ensure that the following information be made available:

- Stakeholder engagement plans and summary reports of stakeholder consultations
- Social and environmental screening reports with project documentation
- Draft social and environmental assessments, including any draft management plans
- Final social and environmental assessments and associated management plans
- Any required social and environmental monitoring reports.

The ESIA/SESA report and resultant ESMP and stand-alone management plans will be disclosed via the UNDP website in accordance with UNDP SES policy, and the ESIA/SESA report and ESMP will be finalized and adopted only after the required time period for disclosure has elapsed.

Specific stakeholder consultations will be held to ensure that the ESIA process is conducted in a participatory manner that results in a widely accepted ESIA report and ESMP. Particular attention will be paid to inclusion of women and girls.

The project also has an individual Stakeholder Engagement Plan and Gender Action Plan, which is annexed to the Project Document. These Plans will be followed to ensure that stakeholders are engaged in project implementation and particularly in the further assessment of social and environmental impacts and the development of appropriate management measures. Project Stakeholder Engagement Plans will be updated during project implementation based on the assessments and management plans conducted in line with this ESMF, as needed.

These requirements for stakeholder engagement and disclosure will be adhered to during the implementation of this ESMF, and the subsequent implementation of the resulting ESMPs and any stand-alone management plans. This ESMF (and the project SESP) will be disclosed via the UNDP website in accordance with UNDP SES policy. The subsequent project ESMPs or stand-alone management plan(s) will also be publicly disclosed via the UNDP website once drafted and finalized. They will be adopted only after the required time period for disclosure and comment has elapsed.

6 Accountability and Grievance Redress Mechanisms

6.1 UNDP's Accountability Mechanisms

UNDP's SES recognize that even with strong planning and stakeholder engagement, unanticipated issues can still arise. Therefore, the SES are underpinned by an Accountability Mechanism with two key components:

1. A Social and Environmental Compliance Review Unit (SECU) to respond to claims that UNDP is not in compliance with applicable environmental and social policies; and
2. A Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by projects have access to appropriate grievance resolution procedures for hearing and addressing project-related complaints and disputes.

UNDP's Accountability Mechanism is available to all of UNDP's project stakeholders.

The Social and Environmental Compliance Unit (SECU) investigates concerns about non-compliance with UNDP's Social and Environmental Standards and Screening Procedure raised by project-affected stakeholders and recommends measures to address findings of non-compliance.

The Stakeholder Response Mechanism helps project-affected stakeholders, UNDP's partners (governments, NGOs, businesses) and others jointly address grievances or disputes related to the social and/or environmental impacts of UNDP-supported projects.

Further information, including how to submit a request to SECU or SRM, is found on the UNDP website at: <http://www.undp.org/content/undp/en/home/operations/accountability/secu-srm/>

6.2 Project-level Grievance Redress Mechanisms

The Implementing Partner will establish and implement, as described in the Project Document, a transparent, fair, and free-to-access project-level Grievance Redress Mechanism (GRM), approved by stakeholders, which will be put in place at the start of implementation. Interested stakeholders may raise a grievance at any time to the Project Management Office, the Executing Agency, Implementing Agency (UNDP), or the GEF. The Implementing Partner will establish sub-committees responsible for the GRM in Sabah and Sarawak, responsible for the development and oversight of the mechanism, including reporting on the work of the GRM to all stakeholders.

The mandate of the GRM will be to:

- (i) receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively “*Grievance*”) alleging actual or potential harm to affected person(s) (the “*Claimant(s)*”) arising from Project.
- (ii) assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies, and commissions, CSOs and NGOs, and others (collectively, the “*Stakeholders*”) in the context of the Project.
- (iii) Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

The functions of the GRM will be to:

- (i) Receive, Log and Track all Grievances received.
- (ii) Provide regular status updates on Grievances to Claimants, Project Board (PB) members and other relevant Stakeholders, as applicable.
- (iii) Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution.
- (iv) Process and propose solutions and ways forward related to specific Grievances *within a period not to exceed sixty (60) days* from receipt of the Grievance.
- (v) Identify growing trends in Grievances and recommend possible measures to avoid the same.
- (vi) Receive and service requests for, and suggest the use of, mediation or facilitation.
- (vii) Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings, and outcomes).
- (viii) Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process.
- (ix) Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed.
- (x) Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM.
- (xi) Monitor follow up to Grievance resolutions, as appropriate.

Further details regarding requirements for the GRM are included in Terms of Reference for developing a Grievance Redress Mechanism, in Enclosure 9.4 below.

7 Implementation Action Plan

Implementation Schedule

Table 6: Implementation Schedule

Activities	Y1/1	Y1/2	Y2/1	Y2/2	Y3/1	Y3/2	Y4/1	Y4/2	Y5/1	Y5/2
Screening ⁵	X	X		X		X		X		X
SESA Development	X	X								
ESIA Development ⁶	X	X								
FPIC Consultations and IPP development	X	X	X	X	X	X	X	X	X	X
Develop the ESIA's	X									
Develop the SESAs	X									
Develop the SESP site and activity specific	X									
Develop the ESMPs	X	X	X							
ESMF Monitoring	X	X	X	X	X	X	X	X	X	X
Stakeholder consultation for ESMF, M&E and update		X		X		X		X		X

Budget

Funding for implementation of the ESMF is included in the Project's total budget. The estimated costs are indicated below. Costs associated with the time of Project Management Unit Staff coordinating the implementation of this ESMF or UNDP support are not shown.

Table 7: Breakdown of project-level costs for ESMF implementation

Description	Cost, USD
Targeted SESA and ESIA, FPIC, IPP, preparing ESMP and other management plans as warranted:	
International safeguards expert (advisory support)	32,500
Travel and DSAs	116,000
Contractual Services (Implementing Partner)	99,324
Contractual Services (Companies/Institutions)	200,000
AV and Print Production	1,500
Trainings, Meetings, field training	60,000
Sub-total:	509,324

8 Monitoring and evaluation arrangements

Reporting on progress and issues in the implementation of this ESMF will be documented in the project quarterly reports and annual project implementation reports (PIRs). Until the ESMPs and stand-alone management plans are put in place, UNDP CO will be responsible for compiling reports on the implementation of this ESMF, for

⁵ And/or as required for newly-proposed activities/landscapes

⁶ And as required by SESA or additional screening

reporting to the Project Steering Committee. Key issues will be presented to the Project Steering Committee during each committee meeting.

Implementation of the subsequent ESMPs and stand-alone management plans (all projects, as required) will be the responsibility for the individual project management teams, and other partners as agreed upon and described in those future plans.

The ESMF monitoring and evaluation plan is outlined below in Table .

Table 8: ESMF M&E plan

Monitoring Activity & Relevant Projects	Description	Frequency / Timeframe	Expected Action	Roles and Responsibilities
Track progress of ESMF implementation	Implementation of this ESMF coordinated for each project, and with results reported to each Project Steering Committee on an annual basis	Quarterly (until ESMPs and management plans are in place)	Required ESMF steps are completed in a timely manner.	Project Coordinator, with support from Project Safeguards Officer
Implementation of mitigation measures and monitoring of potential impacts identified in assessment(s) and per the subsequent ESMP	Permanent and participatory implementation and monitoring of impacts and mitigation measures, in accordance with ESMP (to be prepared together with assessment)	Continuous, once ESIA/SESA is completed and ESMP is in place	Implementation of ESMP; participatory monitoring of assessment findings (i.e. identifying indicators, monitoring potential impacts and risks); integration of ESMP into project implementation strategies. Monitoring of environmental and social risks, and corresponding management plans as relevant (tendered to national institute, local consultant, CSO or service provider)	Project Coordinator, Safeguards Officer, oversight by UNDP CO, Project Board
Development of Indigenous Peoples Plan	Drafted in a participatory manner, commencing as soon as project-affected indigenous communities are identified.	Year 1 of project implementation	Detailed procedures for the implementation of FPIC are established, and incorporated into impact screening, assessment and management procedures and the ESMP.	External service providers (environmental and social) With guidance from UNDP, Project Coordinator, and Project Safeguards Officer
Learning	Knowledge, good practices, and lessons learned regarding social and environmental risk management will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project teams and used to inform management decisions.	Project Coordinator
Annual project quality assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project	Annually	Areas of strength and weakness will be reviewed and used to inform decisions to improve project performance	UNDP CO, with support from Project Coordinator and Project Safeguards Officer
Review and make course corrections	Internal review of data and evidence from all monitoring actions to inform decision making	At least annually	Performance data, risks, lessons, and quality will be discussed by the project steering committee and used to make course corrections	Project Board

Monitoring Activity & Relevant Projects	Description	Frequency / Timeframe	Expected Action	Roles and Responsibilities
Annual project implementation reports	As part of progress report to be presented to the Project Steering Committee and key stakeholders, analysis, updating and recommendations for risk management will be included	Annually	Updates on progress of ESMF/ESMP will be reported in the project’s annual PIRs. A summary of the avoidance and mitigation of potential social and environmental impacts will be included in the program annual report, sharing best practices and lessons learned across the program.	UNDP CO, UNDP-GEF RTA, Project Coordinator
Project review	The Project Steering Committee will consider updated analysis of risks and recommended risk mitigation measures at all meetings	At least annually	Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team will be discussed in project steering committee. Recommendations will be made, discussed, and agreed upon.	Project Board, Project Coordinator

9 Enclosures

9.1 Indicative Outline of Environmental and Social Impact Assessment (ESIA)/ Report

UNDP Social and Environmental Standards: ESIA Report – Indicative Outline

Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information.

An ESIA report should include the following major elements (not necessarily in the following order):

(1) Executive summary: Concisely discusses significant findings and recommended actions.

(2) Legal and institutional framework: Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under UNDP's SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental framework and applicable requirements of UNDP's SES (and those of other donors/development partners) and identifies any potential gaps that will need to be addressed.

(3) Project description: Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project's primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts. (i.e. area of influence).

(4) Baseline data: Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions; assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.

(5) Social and environmental risks and impacts: Predicts and takes into account all relevant social and environmental risks and impacts of the project, including those related to UNDP's SES (Overarching Policy and Principles and Project-level Standards). These will include, but are not limited to, the following:

(a) Environmental risks and impacts, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards.⁷

(b) Social risks and impacts, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means

⁷ For example, the Environmental, Health, and Safety Guidelines (EHSs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSs contain information on industry-specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at www.ifc.org/ehsguidelines.

of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

(6) Analysis of alternatives: systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives' feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

(7) Mitigation Measures: Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan.

(8) Conclusions and Recommendations: Succinctly describes conclusion drawn from the assessment and provides recommendations.

(9) Appendices: (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans.

9.2 Indicative outline of Environmental and Social Management Plan (ESMP)

UNDP Social and Environmental Standards: ESMP – Indicative Outline

Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document.⁸ The content of the ESMP should address the following sections:

(1) Mitigation: Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b) describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c) estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, ethnic minorities).

(2) Monitoring: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

(3) Capacity development and training: To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

(4) Stakeholder Engagement: Outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation; and (c) description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

(5) Implementation action plan (schedule and cost estimates): For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

⁸ This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions.

9.3 Indicative outline of Indigenous Peoples Plan (IPP)

Please refer to the [UNDP SES Guidance Note on Indigenous Peoples](#) and the [IPP Outline](#) for additional information.

Background:

Where there is presence of indigenous peoples and/or communities, an Indigenous peoples Plan (IPP) shall be prepared and implemented for relevant target project sites where Project interventions will affect the rights, lands, resources, or territories of indigenous peoples (IP) communities. These IPPs will be developed and implemented following the UNDP Social and Environmental Standards 6 on Indigenous peoples with details appropriate to the Project's complexity and scale of interventions and its effects on the IPs, and their lands, resources, and territories. A Free and Prior Informed Consent (FPIC) will be procured prior to any project activities in areas where presence indigenous community or people have been recorded or registered and/or in line with UNDP Social and Environmental Standards 6 on Indigenous peoples. The outline provided below will guide the preparation of the Indigenous Peoples Plan

1. Executive Summary of the Indigenous Peoples Plan

- Under this Section, describe the IP communities that will be impacted by Project interventions, potential impacts of the Project, including its nature, extent, and scale, on the IP communities as well as recommended strategies and actions necessary to mitigate adverse impacts of Project interventions.

2. Project Description

- Define Project objectives, target outputs and activities with elaborate discussions on activities that will have adverse impacts of Project interventions.
- Explain Project interventions that will result in impacts to IP communities. Explain impacts resulting from and management measures that will help avoid, minimize, and mitigate adverse impacts and maximize positive impacts and opportunities from Site Intervention Plans.

3. Project Impact Analysis for Affected Indigenous peoples

3.1 Profile of Affected IP Communities

Establishing IP presence in the Project sites is the first step to identifying risk mitigation measures necessary to ensure equitable benefit sharing of Project gains. Under this sub-section, discuss:

- IP presence and claims covering the Project sites that will be affected;
 - areas where transient, migrant and permanent indigenous peoples are found;
 - tenurial systems of the land and territories that IPs inhabit or customarily used or occupied, and the natural resources on which they depend;
 - Ethnic tribes of affected IP communities;
 - Baseline information on the size of IP population and number of IP households affected by Project interventions, including the vulnerable groups, i.e., women, children, youth, senior citizens, and People with Disabilities (PWDs)
 - Elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with IPs at each stage of project preparation and implementation, taking the review and baseline information into account;
- Climate risks faced by IP communities in the Project sites;
- Resource dependence of IP communities that will be affected in the Project sites, including: (i) types of livelihood activities of IP communities; (ii) specific location and size of areas utilized by IPs; (iii) frequency, extent and period of utilization of resources by IP communities; and (iv) alternative livelihoods of IP communities in the Project sites. It is important that data on available livelihood options for IP communities are documented for strategic intervention planning;
- Indigenous Knowledge Systems and Practices (IKSPs) and Indigenous Community Conserved Areas (ICCAs), if any, in the Project sites;
- Level of participation of IP communities in resource use management;

- Challenges and opportunities of affected IP communities in the target sites, including economic risks and opportunities.

3.2 Potential Impacts of Project Interventions to IP Communities

The Site Intervention Plans that will be developed for all Project sites will determine the ecosystem and community-based interventions that will be undertaken for the sites. Provide the details below.

- Project interventions that will have impacts on IP communities' economic activities. While the Project is projected to have no adverse impacts on indigenous peoples, an impact analysis on the Project's interventions vis-à-vis indigenous peoples in the areas will be undertaken as a form of validation. For one, displacement or disruption of economic or livelihood activities of indigenous peoples will have to be taken into account.
- Magnitude of impacts of Project interventions on IP communities' economic activities, e.g., income reduction, disruption of IKSPs, customary institutional arrangements, and status of ancestral domains' environment. Define whether these impacts are temporary or permanent; and partial or full; and
- IKSP related to community-based natural resource management that will be affected by Project interventions.

4. Summary of Substantive Rights and Legal Framework

- Discuss the international multilateral agreements and protocols supported at the Federal and State levels, and the local policies recognizing and protecting the rights and vulnerability of the indigenous peoples in the country.
- Discuss provisions of the United Nations Declaration on the Rights of Indigenous peoples (UNDRIP), the Conference of the Parties (COP) to the CBD.
- Discuss key provisions of local legislation, policies, and regulations
 - Discuss general assessment of government implementation of the above policies
- Provide an analysis of Project activities that are contingent on establishing legally recognized rights to lands, resources, or territories. In cases where these contingencies exist, include:
 - A work plan that lays-out the steps and target timeline for establishing tenurial rights of the concerned IP communities; with a discussion on the manner through which IKSPs will be preserved and promoted as well as the process involved in securing FPIC; and
 - Prohibited activities until the delimitation, demarcation and titling is completed.
- Provide an analysis of Project activities that are contingent on the recognition of juridical personality of affected Indigenous peoples. In cases where these contingencies exist include:
 - A work plan that specifies activities and timeline for achieving such recognition with the support of the relevant authority, with the full and effective participation and consent of effected indigenous peoples; and
 - List of activities that are prohibited until the recognition is achieved.

5. Summary of Social and Environmental Assessment and Mitigation Measures

IP Plans will be developed for Project sites where necessary. From the Integrated Landscape Management Plans (ILM), IP Plans will be developed as guidelines to addressing issues related to the needs of IPs in relation to the Project interventions. Under this Section, provide details on:

- Potential adverse and positive environmental, economic and socio-cultural impacts, risks and opportunities of Site Intervention Plans to affected IP communities, based on meaningful consultation with affected IPs;
- Management measures that will help avoid, minimize, and mitigate adverse impacts and maximize positive impacts and opportunities from ILM Plans.
- Project interventions where IP participation can be significant and through which IP benefits can be maximized.
- Grievance redress mechanism; and
- Cost, budget, timetable, and institutional arrangements for the implementation of IP Plans

6. Participation, Consultation, and FPIC Processes

Discuss IP engagement in the implementation processes, including:

- Indigenous peoples engagement in planning, implementation and monitoring, evaluation and reporting phases of the Project;
- Sustained preservation of IKSPs in decision-making processes, resource management, economic activities and cultural practices;
- Securing free, prior and informed consent of indigenous peoples who will be affected by Project interventions or;
- Data collection activities undertaken: (i) from State Agencies; (ii) through conduct of Focus Group Discussions (FGDs) among LGUs, IP-related People's Organizations (POs) and/or identified IP community representatives in the areas; and (iii) conduct of Key Informant Interviews (KIIs) with non-government organizations (NGOs) working with IPs in the areas.

7. Appropriate Benefits

- Discuss Project interventions where IP participation can be significant and through which IP benefits can be maximized.
- Discuss measures to be taken to ensure that indigenous peoples receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that lead to the determined benefit sharing arrangements.

8. Capacity support

- Describe Project activities aimed at increasing capacity within the government and/or the affected indigenous peoples, and facilitating exchanges, awareness, and cooperation between the two.
- Describe measures to support social, legal, technical capabilities of indigenous peoples' organizations in the project area to enable them to better represent the affected indigenous peoples more effectively.
- Where appropriate and requested, describe steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.

9. Grievance Redress Mechanism

- Discuss project-specific Grievance Redress Mechanism (GRM) that will be established to complement the existing mechanisms at the local level. In areas where IPs may be present, discuss the separate mechanism that will be established in consideration of their traditional grievance resolution processes and systems. Describe how this GRM for IP communities will take into account the different customary institutional practices of the concerned ethnic tribes and language barriers in the Project sites.
- Describe the institutional arrangements for the IP GRM. Discuss the feedback system that will be implemented, including identified responsible focal person from the IP communities, regional Project Team and national Project Management Unit (PMU). Discuss how the IP GRM that will be developed will promote mutual acceptable resolution of issues.
- Describe how the IP GRM will be put in writing in languages that are understandable to the ethnic tribes concerned, translated into user-friendly Information, Education and Communication (IEC) materials, and distributed to concerned IP communities to facilitate accessible, fair, transparent and constructive process of resolving conflicts. Explain the IP GRM procedure on public posting, including the set period of resolving conflicts, necessary forms to be filled-up by the complainant and resolution procedure as well as appeals process.
- Describe the formal documentation process of resolving conflicts, including the setting-up of the database on grievances and resolutions that will be undertaken. Discuss how this documentation process and grievance registry/database will form part of the Projects M&E system.
- Describe the eligibility criteria that will be set by the concerned IP communities together with the PMU based on traditional decision-making structures and the Project GRM. Minimum eligibility criteria may include, among others:
 - Negative economic, environmental and socio-cultural impacts on an individual IP or communities perceived to result from Project interventions;
 - Identified impact that has occurred or has the potential to occur and description of the extent of impacts that may arise from Project interventions; and

- Specific IP person and/or communities filing a complaint and/or grievance is impacted or can potentially be impacted or representative of the impacted IP person and/or communities with authorization.

10. Monitoring, Reporting, Evaluation

- Describe the Project M&E system that will be developed will include M and E indicators related to the implementation of the IP Plans.
- Discuss how the project will ensure participation of IPs in the development of M&E indicators concerning IPP implementation.
- Define IP focal persons and local NCIP offices which will form part of the project governance and technical committees.

11. Institutional Arrangements

- Describe the institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the **IPP**, including participatory mechanisms of affected indigenous peoples. Describes role of independent, impartial entities to audit, conduct social and environmental assessments as required, and/or to conduct oversight of the project.
- Describe the roles of the Environmental and Social Safeguards Specialist.
- For the IP communities that will be impacted or perceived to be impacted by Project interventions, discuss how the PMU will work with the focal persons from the communities on the implementation of the IP Plans.

12. Budget and Financing

- Present an appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Note: The **IPP** will be implemented as part of Project implementation. However, in no case shall Project activities that may adversely affect indigenous peoples – including the existence, value, use or enjoyment of their lands, resources or territories – take place before the corresponding activities in the **IPP** are implemented. The relationship between the implementation of specific **IPP** measures and the permitted commencement of distinct Project activities shall be detailed within the **IPP** to allow for transparent benchmarks and accountability. Where other Project documents already develop and address issues listed in the above sections, citation to the relevant document(s) shall suffice.

9.4 Sample Terms of Reference: Project-level Grievance Redress Mechanism

Source: Guidance Note on Stakeholder Engagement, UNDP Social and Environmental Standards (SES), October 2017

I. Mandate

The mandate of the GRM will be to:

- i. Receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively “*Grievance*”) alleging actual or potential harm to affected person(s) (the “*Claimant(s)*”) arising from Project.
- ii. Assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies, and commissions, CSOs and NGOs, and others (collectively, the “*Stakeholders*”) in the context of the Project.
- iii. Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

II. Functions

The functions of the GRM will be to:

- i. Receive, Log and Track all Grievances received.
- ii. Provide regular status updates on Grievances to Claimants, Project Board (PB) members and other relevant Stakeholders, as applicable.
- iii. Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution.
- iv. Process and propose solutions and ways forward related to specific Grievances within a period not to exceed sixty (60) days from receipt of the Grievance.
- v. Identify growing trends in Grievances and recommend possible measures to avoid the same.
- vi. Receive and service requests for, and suggest the use of, mediation or facilitation.
- vii. Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings, and outcomes).
- viii. Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process.
- ix. Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed.
- x. Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM.
- xi. Monitor follow up to Grievance resolutions, as appropriate.

III. Composition

The GRM will be composed of:

[Name of Implementing Partner] as the Secretariat and either:

- (a) A standing GRM Sub-Committee [made up of x, y, z PB members],

and/or

- (b) Ad hoc GRM Task Teams in response to specific requests for grievance.

The GRM Sub-Committee will be balanced in composition (government and non-government) and should not include any PB members with a direct interest or role in the grievance/dispute.

IV. [Name of Implementing Partner]

In its role as GRM Secretariat, [Name of Implementing Partner] will perform the following core functions:

- Publicize the existence of the GRM and the procedure for using it.
- Receive and log requests for dispute resolution.
- Acknowledge receipt to the requestor.
- Determine eligibility.
- Forward eligible requests to the PB for review and action.
- Track and document efforts at grievance/dispute resolution and their outcomes.

V. Project Board/GRM Sub-Committee/GRM Task Team

The Project Board/GRM Sub-Committee and/or GRM Task Team will perform the following core functions:

- Take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the PB).
- Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PB took an appropriate administrative action to deal with a complaint.
- Refer the grievance/dispute to independent mediation, while maintaining oversight; or
- Determine that the request was outside the scope and mandate of the PB and refer it elsewhere (e.g. Ministry of Justice and Police or to the courts).

VI. Communicating a Grievance

(i) Who can Submit a Grievance?

A Grievance can be sent by any individual or group of individuals that believes it has been or will be harmed by the Project.

If a Grievance is to be lodged by a different individual or organization on behalf of those said to be affected, the Claimant must identify the individual and/or people on behalf of who the Grievance is submitted and provide written confirmation by the individual and/or people represented that they are giving the Claimant the authority to present the Grievance on their behalf. The GRM will take reasonable steps to verify this authority.

(ii) How is the Grievance Communicated?

The GRM shall maintain a flexible approach with respect to receiving Grievances in light of known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the GRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.). The contact information is the following:

[Implementing Partner to add address, phone number, fax, etc.]

To facilitate communications with and between the GRM and potential Claimants, the GRM will receive support from the PB members' institutions, local government, and civil society organizations

(iii) What information should be included in a Grievance?

The Grievance should include the following information:

- (a) the name of the individual or individuals making the Complaint (the "Claimant").
- (b) a means for contacting the Claimant (email, phone, address, other).
- (c) if the submission is on behalf of those alleging a potential or actual harm, the identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant's authority to lodge the Grievance on their behalf.
- (d) the description of the potential or actual harm.
- (e) Claimant's statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity).
- (f) what has been done by Claimant thus far to resolve the matter.

- (g) whether the Claimant wishes that their identity is kept confidential.
- (h) the specific help requested from the GRM.

However, complainants are not required to provide all of the information listed above. Initially, the complainant need only provide enough information to determine eligibility. If insufficient information is provided, the GRM has an obligation to make a substantial, good faith effort to contact the complainant to request whatever additional information is needed to determine eligibility, and if eligible, to develop a proposed response.

VII. Logging, Acknowledgment, and Tracking

All Grievances and reports of conflict will be received, assigned a tracking number, acknowledged to Claimant, recorded electronically, and subject to periodic updates to the Claimant as well as the office file.

Within one (1) week from the receipt of a Grievance, the GRM will send a *written* acknowledgement to Claimant of the Grievance received with the assigned tracking number.⁹

Each Grievance file will contain, at a minimum:

- i. The date of the request as received.
- ii. The date the written acknowledgment was sent (and oral acknowledgment if also done).
- iii. The dates and nature of all other communications or meetings with the Claimant and other relevant Stakeholders.
- iv. Any requests, offers of, or engagements of a Mediator or Facilitator.
- v. The date and records related to the proposed solution/way forward.
- vi. The acceptance or objections of the Claimant (or other Stakeholders).
- vii. The proposed next steps if objections arose.
- viii. The alternative solution if renewed dialogues were pursued.
- ix. Notes regarding implementation.
- x. Any conclusions and recommendations arising from monitoring and follow up.

IX. Maintaining Communication and Status Updates

Files for each Grievance will be available for review by the Claimant and other Stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

The GRM will provide periodic updates to the Claimant regarding the status and current actions to resolve the Grievance. Not including the acknowledgment of receipt of the Grievance, such updates will occur within reasonable intervals (not greater than every thirty (30) days).

X. Investigation and Consensus Building

Within one (1) week of receiving a Grievance, [Implementing Partner] will notify the **PB/GRM Sub-Committee (GRM SC)/GRM Task Team (GRM TT)** and any other relevant institutions of the receipt of the Grievance.

[IF THE PB, RATHER THAN A PRE-DESIGNATED GRM SC OR GRM TT IS THE PRIMARY BODY RECEIVING COMPLAINTS: The PB will identify a specific team of individuals drawn from the PB and/or their respective institutions to develop a response to the Grievance. The names of these individuals will be made available to the Claimant.]

The designated PB members/GRM SC/GRM TT will promptly engage the Claimant and any other relevant Stakeholders deemed appropriate, to gather all necessary information regarding the Grievance.

⁹ Oral acknowledgments can be used for expediency (and also recorded), but must be followed by a written acknowledgment

Through the PB members/GRM SC/GRM TT, the GRM will have the authority to request from relevant Government institutions any information (documents or otherwise) relevant to resolving the Grievance and avoiding future Grievances of the same nature.

As necessary, the PB members/GRM SC/GRM TT will convene one or more meetings with relevant individuals and institutions in [national capital], or elsewhere in [name of country] as needed.

The objective of all investigative activities is to develop a thorough understanding of the issues and concerns raised in the Grievance and facilitate consensus around a proposed solution and way forward.

The PB members/GRM SC/GRM TT will procure the cooperation of their respective staff with the investigation.

At any point during the investigation, the PB members/GRM SC/GRM TT may determine that an onsite field investigation is necessary to properly understand the Grievance and develop an effective proposed solution and way forward.

XI. Seeking Advisory Opinion and/or Technical Assistance

At any point after receiving a Grievance and through to implementation of the proposed solution and way forward, the PB members/GRM SC/GRM TT may seek the technical assistance and/or an advisory opinion from any entity or individual in [country] or internationally which may reasonably be believed to be of assistance.

XII. Making Proposed Actions and Solutions Public and Overseeing Implementation

The PB members/GRM SC/GRM TT will communicate to the Claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.

If the Claimant does not accept the resolution, the PB members/GRM SC/GRM TT will engage with the Claimant to provide alternative options.

If the Claimant accepts the proposed solution and way forward, the GRM will continue to monitor the implementation directly and through the receipt of communications from the Claimant and other relevant parties. As necessary, the GRM may solicit information from the relevant parties and initiate renewed dialogue where appropriate.

In all communications with the Claimant and other stakeholders, the GRM will be guided by its problem-solving role, non-coercive principles and process, and the voluntary, good faith nature of the interaction with the Claimant and other stakeholders.

XII. Monitoring and Evaluation

Bi-annually, the GRM will make available to the public, a report describing the work of the GRM, listing the number and nature of the Grievances received and processed in the past six months, a date and description of the Grievances received, resolutions, referrals and ongoing efforts at resolution, and status of implementation of ongoing resolutions. The level of detail provided with regard to any individual Grievance will depend on the sensitivity of the issues and Stakeholder concerns about confidentiality, while providing appropriate transparency about the activities of the GRM. The report will also highlight key trends in emerging conflicts, Grievances, and dispute resolution, and make recommendations regarding:

- i. Measures that can be taken by the Government to avoid future harms and Grievances.
- ii. improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

XIII. Mediation

For the option of independent mediation, mediators on the roster/panel should have at least the following qualifications:

- Professional experience and expertise in impartial mediation.

- Knowledge of [project type and activities in the country] and the region, including an understanding of indigenous and tribal culture and practices.
- [National and local language, as appropriate] proficiency.
- Availability in principle for assignments of up to 20 days.
- Willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome will be documented by [Implementing Partner] and reviewed by the Task Team. If it is unsuccessful, stakeholders will have the option to return to the PB members/GRM SC/GRM TT for assistance.

XIV. Without Prejudice

The existence and use of this GRM is without prejudice to any existing rights under any other complaint mechanisms that an individual or group of individuals may otherwise have access to under national or international law or the rules and regulations of other institutions, agencies, or commissions.