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## Environmental and Social Management Framework (ESMF)

<b>Project title:</b> Establishing systems for sustainable integrated land-use planning across New-Britain Island in Papua New Guinea		
<b>Country:</b> Papua New Guinea	<b>Implementing Partner (GEF Executing Entity):</b> Conservation and Environmental Protection Authority	<b>Execution Modality:</b> NIM
<b>Contributing Outcome (UNDAF/CPD, RPD, GPD):</b>  <i>Priority Area: Improved and Sustainable Environment; CPD Outcome 3:</i> Papua New Guinea demonstrates improved performance in managing environmental resources and risks emanating from climate change and disasters		
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## Contents

Executive Summary.....	iv
Abbreviations and Acronyms .....	vi
1 Introduction.....	1
1.1 Project description .....	1
1.2 Purpose and scope of this ESMF .....	5
1.3 Potential Social and Environmental Impacts.....	5
2 Legislation and Institutional Frameworks for environmental and social matters.....	9
2.1 National Legislation, Policies and Regulations .....	9
2.1.1 Environmental Impact Assessments in PNG.....	12
2.1.2 Environmental Management of Traditional/Customary Lands.....	12
2.1.3 Indigenous Peoples and Environmental Management .....	13
2.1.4 Free, Prior and Informed Consent.....	13
2.2 International Agreements and Treaties .....	14
2.3 UNDP’s Social and Environmental Standards.....	16
2.4 Gaps in policy framework.....	19
3 Procedures for Screening, Assessing and Managing Social and Environmental Impacts.....	20
3.1 Screening.....	20
3.2 Assessment.....	21
3.2.1 Strategic Environmental and Social Assessment:.....	21
3.2.2 B. Environmental and Social Impact Assessment (ESIA):.....	21
3.3 Management.....	22
3.3.1 Environmental and Social Management Plan .....	22
3.3.2 Indigenous Peoples’ Plan.....	23
4 Institutional arrangements and capacity building.....	26
4.1 Roles and responsibilities for implementing this ESMF .....	26
4.2 Capacity Building .....	30
5 Stakeholder engagement and information disclosure .....	31
6 Accountability and Grievance Redress Mechanisms.....	32
6.1 UNDP’s Accountability Mechanisms .....	32
6.2 Project-level Grievance Redress Mechanisms.....	32
7 Budget for ESMF Implementation.....	33
8 Monitoring and evaluation arrangements .....	34
9 Annexes .....	38
9.1 SESP Template.....	38
9.2 Indicative Outline of Environmental and Social Impact Assessment (ESIA)/ Report.....	38
9.3 Indicative outline of Environmental and Social Management Plan (ESMP).....	40



**List of Tables:**

Table 1 Overview of Project Components, Outcomes and Outputs .....	1
Table 2: Applicable National Laws and Regulations.....	10
Table 3: Relevant International Agreements and Protocols in PNG. ....	14
Table 4: Key Elements of UNDPs Social and Environmental Standards (SES) .....	16
Table 5: Summary of safeguards triggered based on screening conducted during project preparation.....	18
Table 7: Breakdown of project level costs for ESMF implementation .....	33
Table 8: ESMF M&E plan and estimated budget.....	35

## Executive Summary

This Environmental and Social Management Framework (ESMF) has been prepared for the submission of the UNDP project proposal “Establishing systems for sustainable integrated land-use planning across New Britain Island in Papua New Guinea” 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 ESMF will be implemented by the **Conservation and Environmental Protection Authority** of Papua New Guinea, and overseen by the UNDP National Technical and Safeguards Officer and Project Officer 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 High risk, and that the identified social and environmental risks’ impacts are manageable through identified mitigation measures detailed in the Screening Template, included in **Annex 9.1**.

Three significant risks are assessed as “High”:

Risk 1: **Indigenous peoples** are present in the Project area and the project is located on lands and territories claimed by indigenous peoples. There is a risk that an absence of culturally-appropriate consultations will lead to project activities being instigated without securing Free, Prior, Informed Consent (FPIC) of local indigenous communities.

Risk 4: **“Elite Capture”** could result in a failure of vulnerable groups to benefit from the project. Misuse/abuse of the national sustainable land use planning (NSLUP) by political powers working with dominant groups (principal LO’s, chiefs, headmen etc) to suit their personal interests, may isolate vulnerable/marginalized groups and prevent them benefiting from potential economic opportunities. Hence, the project could have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups.

Risk 15: Project activities and outcomes will be vulnerable to the potential **impacts of climate change**. Climate change is contributing to changes in the viability of different crops within landscapes as well as changes in the nature and transmission of crop diseases. There is a risk that negative climatic impacts could offset project benefits or cause negative impacts if interventions are not effectively designed to be climate change compatible.

This ESMF has been developed on the basis of the high risk categorization 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). This ESMF also details the roles and responsibilities for its implementation and includes a budget and monitoring and evaluation plan.

The broad scope of project activities and outputs is established. However, additional assessment is required during the inception phase as project activities and sites 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.

The document 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. It 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) of impacts associated with “upstream” aspects of the project involving planning support, policy advice and reform, and/or capacity building.
- ii. screening of project activities and specific interventions/outputs not yet fully specified, using the SESP, to ensure that associated impacts are adequately managed.
- iii. conducting an Environmental and Social Impact Assessment (ESIA) focused on “downstream” impacts of on-the-ground activities identified in the SESP (and any others later identified), paying particular attention to impacts on poor and marginalized individuals, groups, and communities.
- iv. development of an Environmental and Social Management Plan (ESMP), including an Indigenous Peoples Plan with measures for Free, Prior and Informed Consent (FPIC), and developed through additional stakeholder consultation with affected communities.

Stakeholder consultation has been conducted over a 6 month period from Oct 2019 to March 2020. This has included one- on-one meetings, small group meetings and multi-stakeholders workshops, including an inception and validation workshop as well as circulation of information via email and hard copy documents. These processes have engaged over 140 stakeholders, including representatives from key government agencies, the private sector, civil society, and representatives of landowning communities (including indigenous peoples).

## Abbreviations and Acronyms

BAU	Business as usual
CCA	Community Conservation Areas
CCDA	Climate Change Development Authority
CCMA	Climate Change Management Act
CEPA	Conservation and Environment Protection Authority
CIMC	Consultative Implementation and Monitoring Council
CoP	Country of Practice
DAL	Department of Agriculture and Livestock
DDA	District Development Authorities
DJAG	Department of Justice and Attorney General
DLPP	Department of Lands and Physical Planning
DPLGA	Department of Provincial and Local Government Affairs
EIA	Environmental Impact Assessment
ELVIS	???
EMIS	Environmental Management Information System
ESIA	Environmental and Social Impact Assessments
ESMF	Environmental and Social Management Framework
FA	Forestry Act
FCA	Forest Clearance Authority
FCPF	Forest Carbon Partnership Facility
FMA	Forest Management Agreements
FOLUR IP	Food System, Land use and Restoration Impact Program
FORCERT	Forest Management and Product Certification Services
FPIC	Free Prior Informed Consent
FRIMS	Forest Informational Management System
FSC	Forest Stewardship Council
GCP	???
GEF	Global Environmental Facility
GHG	Greenhouse gas
GRM	Grievance and Redress mechanism
HCS	High Carbon Stock
HCV	High Conservation Value
ILG	Incorporated Land Group
ILM	Integrated Landscape Management
LAGIS	Land Information System for Alienated and Customary land in PNG
LLG	Local Level Government
LO	Landowner
MRA	Mineral Resources Authority
MRV	Measurement, reporting and verification
MTDP	Medium Term Development Plan
NARI	National Agricultural Research Institute

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NBPOL	New Britain Palm Oil
NCW	National Council of Women
NFB	National Forest Board
NFDG	National Forest Development Guidelines
NFMS	National Forest Monitoring System
NFP	National Forest Plan/Policy
NGO	Non-Government Organisation
NRS	National REDD+ Strategy
NSLUP	National Sustainable Land Use Policy
OLPLLG	Organic Law on Provincial and Local Level Governments
PA	Protected Areas
PCW	Provincial Council of Women
PFD	Program Framework Document
PFMC	Provincial Forest Management Committee
PIF	Project Identification Form
PIR	Project Inception Report
PLR	Policies, Laws and Regulations
PLLSMA	Provincial and Local Level Service Monitoring Authority
PM&NEC	Prime Minister and National Executive Council
PNGFA	PNG Forest Authority
PNGFRI	PNG Forest Research Institute
PNGRIS	PNG Resources Information System
PPE	Personal Protective Equipment
PPG	Project Preparation Grant
REDD+	Reducing emissions from deforestation and forest degradation and the inclusion of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.
RFIP	REDD+ Finance and Investment Plan
SES	Social and Environmental Safeguards
SESA	Strategic Social and Environmental Assessments
SESP	Social and Environmental Screening Process
SLM	Sustainable Land Management
ToC	Theory of Change
UNDP	United Nations Development Program
UNFCCC	United Nations Framework Convention on Climate Change

## 1 Introduction

This Environmental and Social Management Framework (ESMF) has been prepared for the UNDP-supported project “Establishing systems for sustainable integrated land-use planning across New Britain Island in Papua New Guinea”.

UNDP is the GEF Agency for the project to which this ESMF applies.

### 1.1 Project description

#### Project description:

The project’s overall aim is to reduce rates of agricultural-driven deforestation and biodiversity loss and to establish a sustainable system of land-use planning to guide future land development activities across the island of New Guinea. It is part of an innovative approach towards reducing the rates of agricultural-driven deforestation and biodiversity loss and to establish a sustainable system of land-use planning to guide future land development activities across the island of New Guinea. The project will work towards achieving this objective by introducing various measures and approaches for improvement within two of the major agricultural commodities within this region - palm oil and cocoa, as well as within existing community conservation areas.

The program aims to do so through specific actions that provide long term sustainable livelihoods for communities, as well as establishment of the coordination, monitoring, reporting and management systems required to ensure transparency of results delivered and the effective management of resources. This is achieved through the following actions, which are divided into the following components:

**Component 1:** Development of integrated landscape management (ILM) systems

**Component 2:** Promotion of sustainable food production practices and responsible value chains

**Component 3:** Conservation and restoration of natural habitats

**Component 4:** Knowledge management, gender mainstreaming, and coordination with Global FOLUR IP platform.

As a result of these interventions the project will endeavour to demonstrate improvements to the enabling conditions, institutional mandates and enforcement capacity for sustainable land use management (SLM) in the region, particularly at the subnational level. The project will achieve strengthened multi-stakeholder dialogue mechanisms/platforms for sustainable commodity supply chains, increased investment in sustainable, responsible practices within these supply chains, increased involvement of the private sector, strengthened effectiveness in the designation of priority ecosystems and enhanced effectiveness of PA management, and knowledge and capacity of key stakeholders. The project has a strong potential for supporting institutional capacity building, strengthened enabling environments, and the establishment of long-term partnerships between farmers, private and public sector agencies and the creation of marketing networks, certification schemes and new markets for the palm oil and cocoa industries in PNG.

Two demonstration landscapes have been identified at district level, where these various interventions will be implemented: Pomio and Gazelle districts of East New Britain Province, and Talasea district in West New Britain Province, although the exact locations have not yet been specified. Precise locations of operation will be established during the first year of the project.

An overview of the project components and outcomes, is given in Table 1 below.

*Table 1 Overview of Project Components, Outcomes and Outputs*

**Component 1: Development of integrated landscape management systems**

Outcome	Outputs
<p><b>Outcome 1:</b> National Sustainable Land Use Planning Policy Framework, supporting effective management of development activities, formulated, legalized and mainstreamed into the development planning process for two provinces, four districts and four LLGs.</p>	<p><b>Output 1.1:</b> <i>National Sustainable Land-use planning policy, guidance and regulations endorsed, implemented and sustainably financed.</i></p> <p>This includes enhancing awareness of sustainable land use planning, strengthening understanding of how land use planning can be operationalized and financed at different scales, and development of guidance and regulations for operationalizing SLUP</p>
	<p><b>Output 1.2:</b> <i>Sustainable land use planning information and coordination systems and tools established at national level and within target provinces.</i></p> <p>This includes development of a core data base and spatial visualization system, a system for linking information from different sector sources including the National Forest Monitoring Portal, MRA cadastral mapping system to support land use planning as well as tools to enable cost effective land use planning action at the subnational level. Capacity building of a core group of operators at the national and subnational level capable of utilizing information and tools, and development of a sustainable financing strategy to ensure regular updates and maintenance of tools.</p>
	<p><b>Output 1.3:</b> <i>Provincial-level sustainable landscape management (SLM) plans developed, consulted on and integrated into development planning across two provinces, four districts and four LLGs across New Britain.</i></p> <p>This includes work to increase understanding of the benefits of SLM and information to provide indicative costs and benefits of the proposed development pathways, to be integrated into the spatial planning tool developed under Output 1.2. Estimate trade-offs for macro-economic, environment and social indicators through multi-stakeholder dialogues, at provincial, district and local level will be identified together with the required enabling conditions.</p>
<p><b>Component 2: Promotion of sustainable food production practices and responsible value chains</b></p>	
<p><b>Outcome 2:</b> Strengthened cooperation and coordination within Cocoa and Palm Oil sectors for improved productivity and investment.</p>	<p><b>Output 2.1.</b> <i>National level Palm Oil and Cocoa Platforms fully operational and linked with subnational coordination systems and development of a community of leaders</i></p> <p>Including action to support multi-stakeholder groups for palm oil and cocoa to share perspectives and information/knowledge on domestic production, its environmental, social and economic impact; enhanced coordination between key stakeholders from the palm oil sector (including land owning indigenous communities) and government; provision of support to a participatory process to identify key opportunities and barriers for development of the palm oil sector in PNG for the production of a policy and guidance document and action plan for the sector.</p>
	<p><b>Output 2.2.</b> <i>Scenario analysis of cocoa and oil palm development in PNG</i></p> <p>This includes work to to inform key stakeholders of the potential benefits and challenges of different development pathways, combining existing information on production, economic benefits, certification, sustainability standards, past and future expansion, climate change, market access and pricing to provide information on potential costs and benefits of different scenarios.</p>
	<p><b>Output 2.3</b> <i>One national policy and guidance and two subnational action plans on sustainable palm oil development, and one national policy and two subnational action</i></p>

	<p><i>plans on sustainable cocoa formulated and adopted</i></p> <p>The output will assess the existing legislation for palm oil and cocoa development, including the oil palm small-holder pricing formula, existing tax exemptions for rural agricultural development projects and the cocoa freight subsidy, aligned with sustainability goals. The process will be done in parallel and in consultation with support to the Provincial Administrations of ENB and WNB in the development of sustainable agricultural development plans.</p>
<p><b>Outcome 3:</b> Strengthened Smallholders Support Systems through improvement of access to technical support, finance, and markets</p>	<p><b>Output 3.1</b> <i>Strengthened extension systems for small scale palm oil and cocoa producers including through expansion of privatized extension service provision</i></p> <p>Conducting a review of existing support to farmers and development of test approaches to improved service provision using GCP Farmer support tool.</p>
	<p><b>Output 3.2:</b> <i>Enhanced materials to support provision of integrated extension services to small-holders in the oil palm and cocoa sectors including hybrid livelihoods and business planning.</i></p> <p>Including assessment of current service provision and production of core information on GAP, integrated farming practices and integration of food crops and small-livestock (e.g. poultry) within the farming system, strengthen guidance on cyclical replanting systems for palm oil and training of trainers.</p>
<p><b>Outcome 4:</b> Strengthened value chains to enable sustainable agricultural production</p>	<p><b>Output 4.1</b> <i>Improved access to high value markets through development of business capacity, networking and coordination across smallholders.</i></p> <p>Work with smallholder cocoa and oil palm cooperatives to support knowledge sharing and business skills. Development of a network of cooperative societies working across New Britain.</p>
	<p><b>Output 4.2.</b> <i>Development of improved traceability and payment process for cocoa in partnership with key private sector institutions</i></p> <p>Including review of existing levels of certification and opportunities for improved market access through adoption of enhanced traceability of beans, including development of a trial traceability system in conjunction with key private sector buyers to ensure effective integration into existing supply chains and to allow for improved access to international markets.</p>
	<p><b>Output 4.4.</b> <i>Establishment of international buyers' groups for PNG cocoa and palm oil through the global FOLUR platform.</i></p>
<p><b>Component 3: Conservation and restoration of natural habitats through public-private-community partnerships</b></p>	
<b>Outcome</b>	<b>Output</b>
<p><b>Outcome 5:</b> Strengthened governance structures and institutional capacity for integrated action on conservation and restoration of</p>	<p><b>Output 5.1</b> <i>Enhanced capacity of provincial officers, including female officers to take action with regard to environmental issues, including enforcement of environmental legislation, and undertaking of restoration and conservation actions</i></p> <p>Including work with CEPA to enhance the capacity of provincial officers to undertake key designated authorities under the Environmental Act 2000, localizing environmental monitoring capacity.</p>
	<p><b>Output 5.2.</b> <i>Establishment of Integrated Environmental Monitoring and Reporting</i></p>

<p>natural habitats</p>	<p><i>System including remote deforestation monitoring and field verification reporting app</i></p> <p>This will comprise of a remote deforestation monitoring system, an environmental performance and infringement monitoring and reporting app, and drone based enhanced monitoring capacity</p> <hr/> <p><b>Output 5.3.</b> <i>Strengthened action on restoration of degraded areas to prevent environmental risks,</i></p> <p>Including engaging land owning communities for the enhanced integration of trees within production landscapes. Assessment of degradation across New Britain Island , combining local knowledge with existing remote sensing and new drone footage to develop an assessment of land degradation across New Britain Island. Work with communities through the participatory mapping processes and at farm level under to take enhanced action to support restoration of key degraded areas.</p>
<p><b>Outcome 6:</b> Effectively planned and managed CCAs in the target province</p>	<p><b>Output 6.1.</b> <i>Increased capacity of community groups to effectively manage community-based conservation areas through capacity building of community groups, strengthening coordination networks and development of sustainable finance plans</i></p> <p>Including finance and record keeping and training on land use planning and collective decision making within groups as well as on mechanisms to effectively integrate plans into LLG, and district planning processes.</p> <hr/> <p><b>Output 6.2.</b> <i>Detail management and restoration plans for CCAs formulated, implemented and monitored,</i></p> <p>Including action across 14 existing and proposed community conservation areas in New Britain to enhance the understanding of communities of the nature of SLM approaches and to improve the integration of these approaches into existing management and land use plans.</p>
<p><b>Component 4: Knowledge management and impact monitoring</b></p>	
<p><b>Outcome</b></p>	<p><b>Output</b></p>
<p><b>Outcome 7:</b> Integrated knowledge management, coordination and collaboration to enhance knowledge of factors to foster lessons learnt for replication in other areas.</p>	<p><b>Output 7.1</b> <i>Establishment of a FOLUR community of practice to share knowledge and skills domestically and internationally</i></p> <hr/> <p><b>Output 7.2.</b> <i>Project implementation controlled through proactive steering committee functions and inclusive monitoring and evaluation</i></p> <hr/> <p><b>Output 7.3:</b> <i>Inclusive participation of local communities, including women and indigenous peoples, facilitated through effective implementation of environmental and social management and indigenous peoples plans</i></p> <hr/> <p><b>Output 7.4</b> <i>Implementation is monitored and evaluated to assess causal impacts and systemic change</i></p> <hr/> <p><b>Output 7.5</b> <i>Lessons learnt captured, and knowledge products generated and disseminated globally, regionally, nationally and across target provinces and landscapes</i></p>

## 1.2 Purpose and scope of this ESMF

The ESMF is a management 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. It forms the basis upon which the implementing partner will develop an Environmental and Social Management Plan to ensure that significant adverse environmental and social impact mitigation and management measures are implemented and monitored as required.

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 this stage, on-the-ground activities and specific locations have not been fully specified, they 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. The ESMF is designed to ensure that policy-level, "upstream" activities are consistent with sustainable development objectives and "downstream" impacts from site-specific on-the-ground activities are identified and appropriately managed.

## 1.3 Potential Social and Environmental Impacts

During project development, the project was reviewed using UNDP's social and environmental screening procedure (SESP). The analysis identified a range of potential social and environmental impacts associated with the project activities. The SESP report (Annex 4.1) 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 or high. Based on the significance of these individual risks, the project has been allocated an overall SESP risk categorization rating of "High", the overall risk category being taken from the highest rating allocated to any individual risk. i.e. if a project has one or more high risks, it has a high overall risk categorization.

**High Risk:** is defined by UNDP's SES<sup>1</sup> as *"Projects that include activities – either "upstream" or "downstream" activities - with potential significant and/or irreversible adverse social and environmental risks and impacts, or which raise significant concerns among potentially affected communities and individuals as expressed during the stakeholder engagement process. High risk activities may involve significant impacts on physical, biological, ecosystem, socioeconomic or cultural resources. Such impacts may more specifically involve a range of human rights, gender, and/or environmental sustainability issues."*

**Moderate Risk:** is defined by UNDP's SES<sup>2</sup> 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 following risks have been identified in the SESP (see **Annex 4.1**) as **High**:

**Risk 1: Indigenous peoples** are present in the Project area and the Project or portions of the Project are located on lands and territories claimed by indigenous peoples. The proposed Project could potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples.

The project sites in which activities will be carried out are located in provinces and on land and natural resources, which belong to indigenous/traditional landowners. This means that there is a high risk that project activities will affect the basic ownership/tenure rights of landowners and their right of access to and the use of their land in the event that certain land zoning places prohibitions over the use of land, especially for traditional activities such as hunting, gardening, for sacred cultural observances and any other traditional forms of land use.

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<sup>1</sup> UNDP SES, page 47.

<sup>2</sup> UNDP SES, page 47.

Ecosystem services include collection of traditional attire for cultural purposes (bilas for traditional ceremonies etc.), and restrictions on forest use may result in the exclusion of these groups from potential sources of income and the enjoyment of their economic and social rights.

**Risk 4: “Elite Capture”** could result in a failure of vulnerable groups to benefit from the project, and the project could have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups.

Misuse/abuse of the national sustainable land use planning (NSLUP) by political powers working with dominant groups (principal land owners (LOs), chiefs, headmen etc) to suit their personal interests, may further isolate vulnerable/marginalized groups from benefiting, thus excluding them from potential economic opportunities. LOs, often chiefs (headmen), may dominate the process of land use development at the local level, due to customary practices which may further isolate marginalized/vulnerable groups from the decision-making processes, excluding their inputs from consideration. Sustainable palm oil and cocoa development is controlled by smallholders who are often LOs/block owners.

**Risk 15:** Project activities and outcomes will be **vulnerable to the potential impacts of climate change**. Climate change is contributing to changes in the viability of different crops within landscapes as well changes in the nature and transmission of crop diseases. There is a risk that negative climatic impacts could offset project benefits or cause negative impacts if interventions are not effectively designed to be climate change compatible.

Limited specificity and potential high impacts of climate change related events e.g. storm surges, river flooding etc may also present significant challenges to effective land use zoning and inclusion of risks within this process while also maintaining political and community commitments due to potential restrictions that inclusion of such risks may present. The following risks were identified and rated as **“Moderate”**:

**Risk 2: Economic displacement.** Improved enforcement of landscape protections and development of zoning could result in changes to current access to resources, potentially leading to economic displacement.

The project has the potential to affect land use zoning and/or community-based rights/customary rights to access to land, territories and/or resources. Although this has potential to benefit some, it could also have adverse impacts particularly on marginalized or unempowered people restricting their access to land for farming or forest areas for collection of resources, leading to economic displacement.

**Risk 3:** Improved enforcement of landscape protections and new approaches to land management could result in **changes to current access to resources**. Ecosystem services include collection of traditional attire for cultural purposes (such as bilas for traditional ceremonies etc.), and restrictions on forest use may result in the exclusion of these groups from potential sources of income and the enjoyment of their economic and social rights. Environmental permitting processes only apply to land owning communities, which excludes marginalized/ vulnerable groups from also attaining this knowledge. This includes migrants from other areas, in particular widows who married into the community (including their children, particularly girls) who lost their rights to land when the husband/father died.

**Risk 5: That rights-holders do not have the capacity to claim their rights.** Due to illiteracy many LOs/local communities lack the capacity to claim their rights in the event of breaches by PS/National Govt./Provincial Govt of environmental permitting processes or regulations, laws or systems within Community Conservation Areas, especially on customary land.

**Risk 6: Low participation rates among smallholders.** Insufficient numbers of farmers/smallholders taking up incentive schemes, due to poor access, lack of information, perceived insufficient compensation, bureaucratic delay, and a historic legacy from disappointing experiences with previous land use schemes (eg. “lease, lease-back”).

High levels of illiteracy among the poor means that many may not be able to understand and participate in awareness raising/trainings on either land use/spatial planning, environmental management or sustainable forest management. This places them at a disadvantage and prevents them from contributing to and benefitting from these initiatives.

**Risk 7: Social Tensions.** Existing community and inter-community conflicts may be exacerbated by project activities. Project activities seen as favouring one community over an adjacent one, might give rise to new conflicts. Conflict which did not previously exist might be ignited between adjacent landowning groups if activities on demarcation of land boundaries/spatial planning/zoning are introduced.

Conflicts could result between LOs/local communities on decisions over which land to allocate for wood lots, areas designated for forest rehabilitation as part of improved environmental management activities.

A degree of distrust of arrangements with large-scale commodity producers exists as a legacy of past agreements whereby communities have lost a degree of control over land use.

**Risk 8: Gender Inequality/Discrimination**

Project activities and approaches might not fully incorporate or reflect views of women and girls, or ensure equitable opportunities for their involvement and benefit.

A lack of specific inclusion of women within community activities that have the potential to help generate income, such as spatial planning at the subnational level, or cocoa farming and sustainable oil palm development, environmental conservation commodities, ultimately impacts women and girls disproportionately to the rest of the community.

The absence of a mechanism for sector agencies to monitor ILG's – numbers registered, details of clan composition, boundaries, objectives and gender participation - means that women may be poorly represented at the local community level, potentially limiting women's participation in decision-making.

Continued lack of sex-desegregated data in collection of information management systems to develop spatial planning (data systems), as well as mechanisms for analysing data, means that men's and women's differentiated needs, uses, skills, and knowledge on forests and natural resources are not being identified and included. This can adversely affect the successful planning and implementation of project activities and have a more disproportionate impact on women because they perform the core labor in activities such as planting/farming of commercial crops, collection of fuelwood, gardening and (in some cases) landownership.

Women may be denied additional monetary benefits from increased commodity yields.

**Risk 9: Labour Standards**

Field- and policy-level activities related to the value chains of key commodities could inadvertently support child labour and other violations of international labour standards.

It is anticipated as part of the actions on development of small-scale woodlots, undertaking of improved environmental conservation and management, and forest rehabilitation, that LOs/local communities will be engaged and payment incentives or support to livelihoods will be made. These forms of payment/support may fail to comply with national laws on unfair transactions & ILO conventions on equal/fair remuneration, discrimination against women and prohibitions against child workers (minimum age laws).

Capacity building actions in relation to sustainable livelihood options in CCA's and the development of sustainable commodity production within these areas as well as the support for small to medium enterprises (SMEs) for smallholders and landowners may require that local communities are engaged to work in eco lodges, canteens, as tourist guides, on small farms, etc. In these cases, remuneration will need to be given. Possible risks of non-compliance with national laws and international ILO conventions as it relates to fair remuneration, discrimination against women and prohibitions against child workers (minimum age) may arise.

The project will promote the establishment of farmer support and integrated value chain traceability systems for palm oil and cocoa, including support to capacity development and sustainability certification for smallholder producers, and due diligence safeguard procedures have been conducted for prospective private sector partners. The project therefore has clear potential to produce a net benefit in improving labour standards compliance through promotion of third party certification standards. However, there remains a risk that international labour standards will not be fully adhered to, and may be difficult to monitor and enforce at the field level. This has the potential for reputational damage to UNDP.

**Risk 12: Damage to Protected Areas and/or biodiversity.** Poorly designed or executed project activities could damage critical or sensitive habitats, including through the introduction of invasive alien species during forest restoration activities.

As part of the actions to improve degraded areas of land through forest rehabilitation there is a possibility that invasive species may be introduced which would threaten the native species (plants/wildlife).

**Risk 13: The project involves the application of pesticides that may have a negative effect on the environment,** with potential for adverse local, regional, and/or transboundary impacts, as well as the potential to result in the generation of waste (both hazardous and non-hazardous). Excessive use of fertilizers as part of oil palm and cocoa development could lead to contamination of rivers and water sources for drinking and impact on soil degradation and the overall degradation of the natural habitat in that specific area.

**Risk 14: Workers in commodity supply chains (including smallholder producers) might be exposed to hazards in their use of chemical inputs** (pesticides, fertilizers etc.) without adequate PPE, training and safeguards, or which might be subject to international bans. Farmers and workers are often ill-informed about the dangers of agricultural chemicals and correct safety procedures, and appropriate PPE is not always available or used.

**Risk 16:** A failure to establish the correct **balance between improving per hectare commodity production with improved enforcement of land use regulations** might in certain locations produce a counter-productive result. There is a possibility that increasing the per ha profit from commodity production might lead to an increased incentive to expand production into forest areas or areas of high biodiversity value including protected areas, particularly where enforcement of land use regulations is lax.

Further details of identified risks, including 2 risks rated as low, are contained in the SESP report (**Annex 4**).

## 2 Legislation and Institutional Frameworks for environmental and social matters

### 2.1 National Legislation, Policies and Regulations

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. The section includes (a) the country's applicable policy framework (e.g. national laws and regulations) relating to relevant social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) likely applicable requirements under UNDP's SES. 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.

PNG has been one of the pioneers in the South Pacific region in terms of the enactment of climate change legislation in addition to the regulatory and institutional arrangements for the monitoring and conservation of its rainforests. These include:

- Fourth National Goal and Directive Principle of the Constitution of PNG and section 25 – Implementation of the NGDP's - promotes the preservation and replenishment of all natural resources including our forests especially within the development of all national legislation and policies.
- Within the Preamble of the Forestry Act, 1991 it endeavours to give effect to the aspirations of the National Goals and the Directive Principles by aiming to manage, develop and protect the Nation's forest resources and environment in such a way as to conserve and renew them as an asset for the succeeding generations and to maximise Papua New Guinean participation in the wise use and development of the forest resources as a renewable asset.
- Subsections 15.2.3 of the PNG Vision 2050 promotes the establishment of Sustainable Development Policies in all sectors, especially forestry.
- The MTDP III, 2018 – 2022, sections 2.1 and 3.2, 3.3, 4.2 and 4.4 cover the issue of forestry and the need for forest preservation. Clause 4.4 emphasizes Forestry and Biodiversity in which forestry is included as an asset that must be managed responsibly and sustainably.
- Customary/traditional landowners in forested areas as owners of the land (which makes up 97% of all land in PNG) who are entitled to compensation for any illegal or unjust deprivation of their land from resource acquisition including forestry/timber harvesting. This is further recognized and supported within the Forestry Act 1991, section 58, which establishes the various processes of compliance for customary/traditional landowners when leasing the land for forest concessions.
- The Forest Policy and Plan 1992 also demonstrates PNG's commitment to the sustainable management of its forests with specific conditions/requirements stipulated within Logging Codes of Practice and Timber Legality Standards that aim to limit the amount of timber harvested annually as well as to prohibit harvesting in areas with high conservation value. This also applies to the preservation of native species and trees and the limit to the introduction of foreign or exotic tree species within its forest plans and replanting programs.
- The Climate Change Management Act 2015 outlines the objectives and guidelines for addressing climate change in PNG, providing enforcement of its climate change laws and the ratification of the UNFCCC in PNG.

A series of advances in environmental policies and law occurred in the last ten to fifteen years, including:

- The Protected Areas Policy of 2015/16
- The PNG Vision 2050
- National Strategy on Responsible Sustainable Development (StaRS) 2015/16
- Climate Compatible Development Management Policy 2017

- The Forestry and Climate Change Framework for Action Policy, 2015
- The National Sustainable Land Use Policy
- The National REDD+ Strategy 2017
- The Climate Change Management Act 2015
- The Paris Agreement (Implementation) Act 2016
- The Conservation and Environment Protection Authority Act 2015<sup>3</sup>

These laws and regulations constitute a legal basis for combating deforestation, arrangement on benefit-sharing mechanisms, conflict management and guidance on environmental conservation and violations to forest preservation or sustainable management of forests. They also provide the framework/structure for the management of climate change mitigation and the institutional mandates and responsibilities of the sectors involved.

Table 2 below summarizes the key national policies, laws and regulations that support the implementation of project related actions and thus are directly relevant to the project. A key element of the project will be to support monitoring frameworks and respect for social and environmental safeguards through the Safeguard Information System.

Table 2: Applicable National Laws and Regulations.

Laws and regulations	Description/Objective
Climate Change Management Act 2015	This legislation provides the legal basis for all climate change programs and activities in PNG setting out the various administrative, financial and project related functions and powers. It seeks to primarily reduce greenhouse gas emissions in PNG according to PNG’s national targets and domesticizes the UNFCCC and all subsequent COPs into PNG’s legal regime. This law empowers the CCMA to coordinate between all key sectors in PNG on matters of CC mitigation & REDD+ to combat deforestation as means of meeting its national targets.
Paris Agreement (Implementation) Act, 2016	Ensures that the UNFCCC Paris Agreement of 2016 which was ratified by PNG is domesticized and legally enforceable in the country.
Forestry Act, 1991	The legislation that governs the management of forest resources in PNG and the mechanisms for conducting forestry activities. It recognizes the need for the protection of areas of forests (10%) within logging concessions that are high in biodiversity or set aside for conservation purposes. This meets the national goal of preserving the environment, biodiversity, soil, water resources and the integrity of the climate system, for the well-being of current and future generations.

<sup>3</sup> This Act repeals the National Parks Act and combines the following Acts into "environmental conservation laws" - The **Conservation Areas Act** (Chapter 362); the **Crocodile Trade (Protection) Act** (Chapter 213); and (c) the **Environment Act 2000**; and (d) the **Fauna (Protection and Control) Act** (Chapter 154); and (e) the **International Trade (Fauna and Flora) Act** (Chapter 391); and (f) any other law relating to environment or conservation matters the administration of which is or becomes the responsibility of the Authority from time to time.

Forestry Policy 1990	This policy addresses the need for the sustainable management of forest resources in PNG and adopts an integrated approach to implementing this goal through administrative, research and project approaches in the forestry sector.
Forestry Plan 1990	The Forestry Plan seeks to implement the above policy through periodic and detailed planning that seeks to establish limits on total allowable cuts for timber harvesting each year or period prescribed in the plans.
Reforestation Policy (Painim Graun Planim Diwai)	This program is led by the PNGFA and aims to conduct reforestation and afforestation activities in the country with the target of achieving a total of 500,000 hectares by 2030.
Environment Act & Regulations 2000	This legislation governs and regulates the protection of the environment, impacts of development activities in order to promote sustainable development of the environment and the economic, social and physical well-being of people by safeguarding the life-supporting capacity of air, water, soil and ecosystems for present and future generations and avoiding, remedying and mitigating any adverse effects of activities on the environment.
National Sustainable Land Use Policy	This policy is in place to harmonize the various national development policies and specific natural resource sector policies with the SDG's. It provides an overarching framework that aims to facilitate this process and promotes the sustainable development and management of our natural resources through better coordination and collaboration.
Land Act & Physical Planning Act,1996	This is the legislation that gives the power of law to the DLPP and particularly the Physical Planning department to implement the Land Act and respective regulations and policies including the NSLUP and the various forms of land use planning in PNG.
Strategy on Responsible Sustainable Development (StaRS)	This is the national policy that promotes sustainable development and management of natural resources in the country with the goal of preserving our environment and biodiversity through more energy efficient (low carbon/carbon neutral) or green growth paths for key sectors and government agencies. The focus is to produce a green growth economy in PNG.
PNG Vision 2050	This policy document is the long-term underpinning strategy or blueprint for the development of the country and all its priority sectors/areas of development. It sets out the guiding principals or pillars for the development of all policies in PNG and establishes the concept of sustainable development in all sectors including forestry and climate change. All future medium to long-term strategies and plans must align to this vision.

MTDP III – 2018 - 2022

This national development plan sets out specific indicators and targets relating to the development of PNG’s resources and the delivery of its services throughout the country within the medium term. All subsequent sectoral plans/programmes must align with or be consistent with these objectives, including forestry/climate change programs and is covered under the broad targets for increased revenue and wealth creation and responsible sustainable development objectives in the country.

### 2.1.1 Environmental Impact Assessments in PNG

Environmental Impact Assessments (EIA) are integral to the environmental licensing process, and they have been a main environmental management tool in PNG. They are obligatory for all activities with a potentially significant environmental impact. The level of severity and the corresponding actions to be taken at each level are prescribed in detail within the relevant regulations. The EIA process includes both the development of an environmental impact report, as well as public hearings, which are organized depending on the size of the project and the level of its potential environmental impact. At the hearings, a non-technical summary is required to provide information about the EIA process. The process also requires that a number of government authorities are consulted, especially those sectors responsible for developing the project, the DLPP, the provincial and local level government and landowners and local communities living in the designated project area.

The Environment Act 2000, and accompanying regulations such as the Environment Regulation, 2000, the Environmental (Permits) Regulation 2000 and the Environment (Prescribed Activities) Regulations 2000, detail the criteria and conditions for carrying out EIAs. Responsibility for the environmental licensing process, which includes EIAs was ascribed initially to the Department of Environment which was later changed to the Conservation and Environment Protection Authority (CEPA) in 2015. The responsible entity depends on the project’s objective, scale, location and extent of potential environmental impact. At the national level, most agencies have their own requirements, depending on the type of activity and project. For provincial or local level land use planning or other development programs and projects at this level, which are most relevant to this ESMF, strategic environmental assessments are not often legally required at the national level. However, it a mandatory process in some projects for these assessments to be carried out especially when it involves projects that fall into categories 2 and 3 of the potential Environmental Impact scale within the regulations/legislation mentioned herein.

EIAs are prescribed as a form of environmental control within the Environmental (Prescribed Activities) Regulation 2002 especially for large scale forestry activities in both private and public forests. Regulation 4 and Schedule 2 (Clause 14.4) of the regulation also covers activities that may result in a significant risk of serious or material environmental harm within Wildlife Management Areas, Conservation Areas, National Parks and Protected Areas or any area declared to be protected under the provisions of an International Treaty to which PNG is a party.

### 2.1.2 Environmental Management of Traditional/Customary Lands.

The Registry of Incorporated Land Groups (ILGs Registry) is a national public registry, mandatory for all customary/traditional land which is subject to some form of commercial/business lease or natural resource development project. This is clearly recognized within the Land Act 1996, sections 54-57 of the Forestry Act 1991, sections 81-86 of the Environment Act 2000, sections 87-89 of the Climate Change Management Act 2015, and also within both agriculture and mining sector legislation as well. This particular registry, however, is not sufficient to provide the necessary forest or environmental information required to integrate relevant environmental information of the land in a database to support monitoring and combating deforestation as well as environmental and economic planning. This ILG registry needs to be coupled with the individual sector registries within PNG in order to address these issues. This includes the land registry system (LAGIS), the registry for forestry/timber concessions (DSS, FIMS/FRIMS), the environmental information management

system (EMIS), the registry of agricultural leases/projects (PNGRIS). There are plans underway to combine all the various information management systems/registries into one broad land use management system to achieve the objectives of this project under Component 1.

If there is a need for forest restoration, there are options for customary/traditional landowners to apply for reforestation as part of the Program on Reforestation offered by the PNGFA, if not already applied as part of the sustainable management options promoted within the Forestry Act and Policy<sup>4</sup>. Some of the options and benefits offered as part of these provisions are the allocation of 10% forest conservation areas in forest concession areas, forest rehabilitation and restoration, the reforestation or afforestation programs with introduced planting of native species, and maintenance of previously established agro-forestry (eco-forestry activities).

### 2.1.3 Indigenous Peoples and Environmental Management

In PNG, 97% of the land is under customary/traditional ownership by virtue of sovereign rights guaranteed to all Papua New Guineans at Independence<sup>5</sup> by the drafters of the Constitution and the traditional customs and practices of the people of PNG also recognized within section 45 of the Constitution.

The customary land in PNG accounts for the majority of the 84% of PNG's natural forests. The environmental importance of these forests and lands are recognized by the Constitution and the various laws and policies mentioned in previous sections of this report. In addition to these PLRs are the important sector policies on Forestry and Sustainable Land Use which have been the subject of extensive stakeholder consultations at the various levels of government and within the key pilot project areas of PNG.

### 2.1.4 Free, Prior and Informed Consent

In regards to Free, Prior and Informed Consent, PNG has legislation that supports the process of accessing customary/traditional land and resources under the National Constitution, Section 53, which recognizes the right of landowners to not be unjustly deprived of their land and the need to respect that right especially in light of relevant international conventions.<sup>6</sup> The Land Act 1996 also provides the process for acquiring Land for development purposes, which requires the use of FPIC, where compulsory acquisition takes place.<sup>7</sup> The process of FPIC is also recognized and respected in Acts of Parliament such as the Forestry Act 1991,<sup>8</sup> the Oil & Gas Act 1998<sup>9</sup>, the Fauna (Protection and Control) Act<sup>10</sup> and the Climate Change Management Act 2015<sup>11</sup> in relation to the development or protection of natural resources and environmental projects. The Fauna (Protection and Control) Act also covers matters relating to traditional knowledge associated with biodiversity.

According to the Constitution of PNG, customary/traditional peoples have the right and exclusive usufructuary rights over the lands they traditionally occupy. The phases of the demarcation procedure of customary/traditionally owned lands, described below, are defined by specific Acts of Parliament<sup>12</sup> and entail:

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<sup>4</sup> Refer to s. 47 (2) to (5) of the Forestry Act 1991 in so far as it relates to Forest Plans.

<sup>5</sup> The rationale for this is contained in the Constitutional Planning Committee Report of 1974, Chapter 5, Human Rights and Obligations and Emergency Powers, Part 1 - Human Rights and Obligations, A. Declaration Of Fundamental Rights and Freedoms and within the section on 'Unjust Deprivation of Property as it relates to all natural born citizens of this country.

<sup>6</sup> This respects the objectives of the UNDRIP Article 10.

<sup>7</sup> Section 10 of the Land Act 1996 recognizes the need for Consent to be obtained prior to acquisition of customary owned land and section 12 provides the process which gives rise to compensation for land acquired by the State

<sup>8</sup> This is seen as part of the FMA process under s.58 of the Forestry Act, in which consultations with customary resource owners is necessary in order to obtain their consent to acquire forest resources in exchange for adequate compensation as per terms stipulated in Project Development Agreements.

<sup>9</sup> Divisions 5 (Social Mapping & Land Owner identification), Div. 6 (Project Consultation), Div.12 (Rights in Respect of Land and Property), Div.14 (Fees and Royalties) and Part IV (Project Benefits) of the Oil and Gas Act 1998.

<sup>10</sup> Section 15(2)(a) of the Fauna Protection and Control Act. Although this is not guaranteed

<sup>11</sup> Section 87, 88 and 89 of the **CCMA 2015** relating to the need for FPIC (landowner recognition and rights over resource and the process of consultation and compensation.)

<sup>12</sup> Refer to the relevant Acts of Parliament that relate to this.

- *Request for Incorporation or Voluntary registration:* Customary/traditional landowners approach the respective Land department (ILG) and apply for the registration of their customary/traditional group or their land. This is often publicized within the national gazette for purposes of ensuring there are no objections to the claim of ownership.
- *Land Dispute Resolution:* If there are objections to this application due to conflicts over land between rival customary/traditional groups, then this becomes the subject of a land court hearing or some form of land dispute settlement process which will need to be determined prior to continuing with ILG/land registration.
- *Land, Social and Environmental Surveys/mapping:* depending on the purpose for the formation of the ILG or for voluntary registration, either anthropological, historical, land, cartographic and environmental surveys and/or studies are carried out, which form the basis for identification and delimitation of customary lands. This is a process that often occurs prior to or conjunctive to the land dispute resolution process.
- *Delineation:* once the ownership is determined and appropriate data is collected, this is actually entered into the existing land registry/systems within the lands department.
- *Approval:* this is the formal approval process carried out by the Lands Department (ILG division) which is then formally endorsed by the Commissioner for Customary Land and the Secretary of Lands.
- *Declaration:* this comes in the form of a public notice (in a gazettal) that is issued by the Lands Department acknowledging that the process of registration is complete and formally identifying the customary/traditional land boundaries as being registered within the lands department and marked and georeferenced as part of the LAGIS/PNGRIS (or other land information management system) in the country.
- *Regulations:* these customary/traditional lands are now legally subject to regulation pursuant to the respective Acts of Parliament (ILG Acts and/or Voluntary Registration Acts) and all other respective Land Acts and Regulations for all development or conservation purposes within the country.

## 2.2 International Agreements and Treaties

Relevant international policy and legal framework are listed in Table 3 below:

Table 3: Relevant International Agreements and Protocols in PNG.

International policies/legislation	Description/Objective
United Nations Framework Convention on Climate Change (UNFCCC), Paris Agreement, as well as decisions made in the corresponding Conferences of the Parties.	Stabilize concentrations of greenhouse gases in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.
United Nations Convention on Biological Diversity (UNCBD), as well as decisions made in the corresponding Conferences of the Parties, notably the 2012 COP11, held in Hyderabad, India, Decision IX/19, which established Biodiversity Safeguards in compliance with the REDD+ approach.	Promotes the conservation of biological diversity, sustainable use of its components, and the fair and equitable sharing of the benefits derived from the utilization of genetic resources, ensuring free, prior and informed consent of the States, as well as the protection and promotion of associated traditional knowledge.
Ramsar Convention on Wetlands of International Importance	Promotes the conservation and rational use of wetlands, such as Baixada Maranhense, Pantanal in Mato Grosso State, Atol das Rocas, etc.

<p>UN Convention on Climate Change and Desertification (UNCCD)</p>	<p>This convention integrates and coordinates the collection, analysis and exchange of relevant data and information, both short and long term, to ensure systematic observation of land degradation in the affected countries to better understand and assess the processes and effects of drought and desertification areas.</p>
<p>Convention on International Trade of Endangered Species (CITES)</p>	<p>This convention aims to help parties to maintain records of trade in specimens of species included in Appendices I, II and III of the convention. Each party has to prepare and submit to the Secretary periodic reports on the implementation of the Convention, including – annual reports containing a summary of the information and a biennial report on legislative, regulatory and administrative measures taken to comply with the provisions of this Convention.</p>
<p>Convention on the Protection and Promotion of The Diversity of Cultural Expressions</p>	<p>States Parties undertake to provide a report to UNESCO to provide appropriate information on measures taken to protect and promote the diversity of cultural expressions on their territory and in the plane international, four years after ratification.</p>
<p>International Covenant on Economic, Social and Cultural Rights</p>	<p>States Parties are required to regularly submit reports on the measures taken and progress in country to ensure the respect for all the rights recognized within this covenant including labour rights and the right to health, the right to education, and the right to an adequate standard of living.</p>
<p>International Covenant on Civil and Political Rights</p>	<p>States Parties undertake to submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of the same. This covers rights relating to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.</p>
<p>Convention on The Elimination Of All Forms Of Racial Discrimination (CERD)</p>	<p>States Parties undertake to submit to the Secretary-General of the UN a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention which includes ensuring all rights pertaining to people of different race or ethnicity, especially minority groups, are recognized and protected.</p>
<p>Convention on the Elimination of all forms of Discrimination against Women (CEDAW)</p>	<p>States Parties undertake to submit to the Secretary-General of the UN a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in ensuring a respect for the rights of all women and girls in the country.</p>
<p>ILO Indigenous and Tribal Peoples Convention 169</p>	<p>Applies to indigenous peoples and traditional peoples and communities in order to promote the full realization of the social, economic and cultural rights of these peoples, respecting their social and cultural identity, their customs and traditions, and their institutions. It acknowledges the territorial rights of ownership and possession of the lands they occupy or have</p>

	already used for their traditional activities and subsistence; the right to participate in the use, management and conservation of natural resources; as well as the right to free, prior and informed consultation in accordance with their own institutions, among other rights.
United Nations Declaration on the Rights of Indigenous Peoples	Reflects the set of claims of indigenous peoples on the improvement of their relations with national states and is used to establish minimum parameters for other international instruments and national laws. The declaration includes principles such as equal rights and prohibition of discrimination, the right to self-determination and the need to obtain consent and agreement as a reference for the relationship between indigenous peoples and States.

### 2.3 UNDP’s Social and Environmental Standards

UNDP’s Social and Environmental Standards (SES), which came into effect 1 January 2015, 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 1) to identify potential social and environmental risks and opportunities associated with all proposed projects. The SES underpin UNDP’s commitment to mainstream social and environmental sustainability in its Programs and Projects to support sustainable development. 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.

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 4, are an integral component of UNDP’s quality assurance and risk management approach to programming.

**Table 4: Key Elements of UNDPs Social and Environmental Standards (SES)**

Overarching Policy	Project-Level Standards	Policy Delivery Process & Accountability
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<b>Principle 1:</b> Human Rights	Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	Quality Assurance Screening and Categorization
	Standard 2: Climate Change Mitigation and Adaptation	Assessment and Management Stakeholder
<b>Principle 2:</b> Gender Equality and Women's Empowerment	Standard 3: Community Health, Safety and Working Conditions	Engagement and Response Mechanism
	Standard 4: Cultural Heritage	Access to Information
<b>Principle 3:</b> Environmental Sustainability	Standard 5: Displacement and Resettlement	Monitoring, Reporting, Compliance review
	Standard 6: Indigenous Peoples	
	Standard 7: Pollution Prevention and Resource Efficiency	

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

- 1) A [Stakeholder Response Mechanism](#) (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 High Risk, comprehensive social and environmental assessment is required, together with the identification of management mechanisms to mitigate identified risks. 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 a full Environmental and Social Impact Assessment (ESIA).

The Social and Environmental Screening Procedure (SESP) has been applied to the project during the project development phase, as required by the UNDP SES, and is included as Annex 4. Under this procedure, when a potential risk is identified and assessed as having either a "moderate" or "high" risk rating, based on its probability of occurrence and magnitude of impact, a standard or principle is triggered. (Risks that are assessed as "low" do not trigger the related principle or standard). The SESP identified 16 risks for this project that could have potential negative impacts in the absence of safeguards. Two of these risks were rated as Low, eleven as Moderate and three as High.

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

- Principle 1: Human Rights (due to the risk that project benefits could have inequitable adverse impacts on people living in poverty or marginalized or excluded individuals or groups)
- Standard 2: Climate Change Mitigation and Adaptation (due to vulnerability to climate change).
- Standard 6: Indigenous Peoples (due to the potential of the project to impact the human rights, lands, natural resources, territories and traditional livelihoods of indigenous peoples).

In addition, six of the ten Principles and Standards are triggered due to potential impacts rated as "moderate". They are:

- Principle 1: Human Rights
- Principle 2: Gender Equality and Women’s Empowerment
- Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management
- Standard 3: Community Health, Safety and Working Conditions
- Standard 4: Cultural Heritage
- Standard 5: Displacement and Resettlement
- Standard 6: Indigenous Peoples
- Standard 7: Pollution Prevention and Resource Efficiency

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 5 below.

**Table 5: Summary of safeguards triggered based on screening conducted during project preparation**

Overarching Principle / Project-level Standard	
Principle 1: Human Rights	✓ High
Principle 2: Gender Equality and Women’s Empowerment	✓ Moderate
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	✓ Moderate
Standard 2: Climate Change Mitigation and Adaptation	✓ High
Standard 3: Community Health, Safety and Working Conditions	✓ Moderate
Standard 4: Cultural Heritage	✓ Moderate
Standard 5: Displacement and Resettlement	✓ Moderate
Standard 6: Indigenous Peoples	✓ High
Standard 7: Pollution Prevention and Resource Efficiency	✓ Moderate
<b>Number of risks in each risk rating category</b>	
<b>High</b>	3

<b>Moderate</b>	11
<b>Low</b>	2
<b>Total number of project risks</b>	16
<b>Overall Project Risk Categorization</b>	<b>High</b>
<b>Number of safeguard standards triggered</b>	

In accordance with the SES, as a High-Risk project, a comprehensive social and environmental assessment, including the identification of management mechanisms to mitigate identified risks must be undertaken. Potential impacts from “upstream” project activities, such as those involving planning support, policy advice and reform, or capacity building, will be assessed via a Strategic Environmental and Social Assessment (SESA). Risks and impacts associated with the project’s physical footprint (“downstream” activities) will be assessed through an Environmental and Social Impact Assessment (ESIA). The outputs of both assessments will feed into the overall Environmental and Social Management Plan. The Environmental and Social Impact Assessment (ESIA) of planned downstream, on-the-ground activities with a physical footprint, will address direct impacts to communities and individuals from on-site project activities, and develop strategies for avoiding, reducing and managing adverse impacts.

## 2.4 Gaps in policy framework

Further analysis of the legal and policy frameworks that apply to the project will be completed during the implementation of this ESMF (i.e during the completion of the ESIA and SESA). At this stage no gaps have been identified.

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

#### 3.1 Screening

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, specific activities with a physical footprint are not currently defined, and may in themselves present additional risks/impacts.

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

Locations, and proposed project activities specific to those locations will be defined during the first year of the project. 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 SESP, and to determine whether additional social and environmental impacts may be present that will require further assessment and management.

In addition, during the course of the project, activities, outputs and potentially additional locations not already covered by the existing SESP, may be proposed and developed. Such proposed activities will, as they arise, require screening, assessment and management, 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.

Screening will be the responsibility of the PMU and the Safeguards Specialist.

#### Ongoing Screening Requirements

Over the course of the project, further project activities, which have not yet been included in the existing SESP, nor subsequent updates, may be proposed. All additional proposed activities will be subject to screening using the SESP template, impacts identified and categorized as “High”, “Moderate” or “Low”.

The ESMP 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 proposed, and must take place during the first year of project operation. The SESP may also be used as part of the site-selection process.
2. Further screening of all newly-proposed activities, as they are proposed during the project, on a location- and activity-specific basis.

#### Summary of ESMP Screening (SESP) Requirements

Screening Focus	Purpose	Timing	Responsible
Existing SESP	Re-screening for ground-truthing, identification of project-affected people/beneficiaries, and site-specific impacts.	During Year 1, As specific sites, beneficiaries and project-affected communities are identified.	UNDP Safeguards Specialist

Proposed additional activities.	Updating existing SESP	At least annually throughout the project, and as additional specific activities are proposed/appraised.	UNDP Safeguards Specialist
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### 3.2 Assessment.

The SESP has identified the project as being High risk. As such, comprehensive environmental and social impact assessment is required in order to identify and assess impacts and develop management mechanisms to mitigate identified risks.

Potential impacts from “upstream” project activities, which involve planning support, capacity building, policy advice and reform, will be assessed through a Strategic Environmental and Social Assessment (SESA). An Environmental and Social Impact Assessment (ESIA), assessing planned downstream, on-the-ground activities with a physical footprint, will address direct impacts to communities and individuals from on-site project activities.

Both 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.

The SESA and ESIA will be implemented as follows:

#### 3.2.1 Strategic Environmental and Social Assessment:

At project inception, the UNDP Country Office will commission appropriate experts to conduct a Strategic Environmental and Social Assessment, which will assess potential impacts from, and strategies for, upstream policy-level project activities.

The SESA will evaluate the effect of policy changes on a broad, cross-sectoral basis with the aim of making policy decisions and other upstream actions more sustainable. The assessment of upstream impacts will integrate environmental and social considerations into policies, plans and programmes and evaluate their interlinkages with economic and sustainability considerations. The SESA process will examine the linkages between the two and anticipate the potentially adverse impacts of policies at the site level.

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

As a high-level document, the SESA is based on the broad scope of envisaged high-level project activities. As these are already identified and broadly defined, work on the SESA will commence at an early stage.

The detailed scope of the SESA will be refined by the experts conducting the assessment. The report will identify strategies for effective management of identified impacts, which will inform the impact management approach adopted.

#### 3.2.2 Environmental and Social Impact Assessment (ESIA):

The ESIA will commence in the first year following project inception, and should commence as soon as specific project locations are selected. It will focus on, but not be restricted to the potential impacts identified during the SESP screening process, which are a result of proposed on-the-ground project activities in their location-specific contexts. The assessment therefore requires that sites and locations are specified, and proposed activities specific to those sites are identified. As such, the ESIA can take place only when those proposed sites and activities are specified.

The ESIA will be developed and carried out by independent experts in a participatory manner with stakeholders during the first year of the project and as part of the workplan preparatory activities. This will involve stakeholder consultations and engagement, as well as research, fieldwork, and management planning. See also Section 5 below on Stakeholder Engagement and Information Disclosure.

UNDP PMU will commission the ESIA, in conjunction with the SESA. 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.

The ESIA will:

- Screen social and environmental issues and impacts specific to the local context.
- Further clarify the applicable social and environmental standards (including UNDP SES) triggered by the project activities.
- Take steps necessary in the context of the ESIA to fulfil those requirements and make recommendations on how such compliance is to be carried out through the life of the project.

The UNDP SES and SESP 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.

**Assessment** of further activities will be commensurate with the magnitude of the envisaged risks especially considering risks to poor, vulnerable or marginalized communities and individuals. Comprehensive stakeholder consultation, commensurate with FPIC principles, will be required at all stages.

**Summary of Assessment Requirements**

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

**3.3 Management.**

**3.3.1 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, Indigenous Peoples’ Plan, and other management plans including the Gender Action Plan. The Plan 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.

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 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. 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 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.

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.

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

### **3.3.2 Indigenous Peoples’ Plan**

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. It also requires that social and environmental assessment is conducted with the full, effective and meaningful participation of affected indigenous people.

Precise locations for downstream activities have not been selected at the current stage of project development, and it is therefore not possible to identify which groups may be affected at the current time. The ESIA will identify indigenous 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. An appropriate Indigenous Peoples' Plan will be developed. This will include a plan for culturally-appropriate consultation with the objective of achieving agreement and Free Prior and Informed Consent (FPIC). 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.

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 takes place before a decision by the customary landowners and local communities has been made. The process will ensure that enough time is provided to customary landowners to understand, access, and analyse information on the proposed activities.

**Informed:** Information 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 landowner 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 customary landowners 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 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;

Customary landowners' decision-making processes must be respected and allowed to operate in an open and transparent manner. Customary landowners' 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 customary landowners. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

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, well documented and shared with the relevant national government agencies.

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.

The IPP will enable and map out the communication to take place with affected Indigenous groups throughout the decision-making process, facilitating information exchange during integrated landscape management processes.

The IPP will describe how indigenous people will be involved at all stages of integrated landscape management plan development, and subsequent on-the-ground project activities. During the project's first year, discussions on upstream elements of the project will include Indigenous People's representatives, and will build upon the initial consultations held with them during the PPG, which are detailed in Annex 8. As specific landscapes and activities are proposed, further FPIC discussions will take place at grass roots level with affected communities.

No activities that may affect the rights, customs, lands, resources or territories of Indigenous People will commence without their explicit prior, freely-given consent.

The IPP will be prepared during the first year of the project, and its provisions incorporated in the screening, assessment and management procedures described above.

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

### **Additional Sub-Plans**

The SESP has identified requirements for the following additional sub-plans to be included in the ESMP.:

- Stakeholder Engagement Plan : A Stakeholder Engagement Plan has been developed and will be updated, informed by SESA 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.
- Livelihood Action Plan: A Livelihood Action Plan will be necessary if/when project activities cause, either directly or indirectly, economic displacement whereby the livelihoods of individuals or communities are restricted, partially or fully, in their access to land or resources to support their economic well-being. These action plans will address beneficiary participation in economic displacement decision-making, adequate (full and fair) compensation and assistance, as well as risk management to ensure that livelihoods are at least as good as prior to the program implementation

and that the livelihoods of poor and marginalized are improved. The plan will include independent monitoring procedures, clarification of land rights consistent with applicable law, and outline capacity, training, and development actions targeting beneficiaries' livelihoods. It will ensure that UNDP SES requirements, best practice standards, and mitigation measures are being met, such that Program activities involving economic displacement cannot proceed until completion of the full ESIA and livelihood action plans that are site-specific.

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](https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Guidance%20and%20Templates.aspx).

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

## 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. This ESMF does not cover the roles and responsibilities associated with implementation of the subsequent ESMPs and/or stand-alone management plans; those will be defined for each management plan that is developed in the project inception phase, as required per this ESMF.

#### Implementing Partner:

The Implementing Partner for this project is the Conservation and Environmental Protection Authority (CEPA). The CEPA is responsible for:

- Ensuring that the required assessment (ESIA, as above) and assessment report and the required management plan(s) (an ESMP, as above) are developed, disclosed for public consultation and approved, and management measures are adopted and integrated during project implementation;
- Project planning, coordination, management, monitoring, evaluation and reporting.
- Reporting, fairly and accurately, on project progress against agreed work plans in accordance with the reporting schedule and required formats;
- Maintaining 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);
- Ensuring all requirements of UNDP's SES and national regulatory/policy frameworks and relevant international standards have been addressed (e.g. mitigation of identified adverse social and environmental impacts);
- Procurement of goods and services, including human resources required to ensure compliance with this ESMF.

#### UNDP:

- UNDP is accountable to the GEF for the implementation of this project. This includes oversight of project execution to ensure that the project is being carried out in accordance with agreed standards and provisions. UNDP is responsible for delivering GEF project cycle management services comprising project approval and start-up, project supervision and oversight, and project completion and evaluation. UNDP is also responsible for the Project Assurance role of the Project Steering Committee. UNDP's role includes the following:
  - 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 channelled 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 this ESMF and administrative assistance in recruiting and contracting expert safeguards services (as required), and monitor adherence of each project to the ESMF and UNDP policies and procedures.

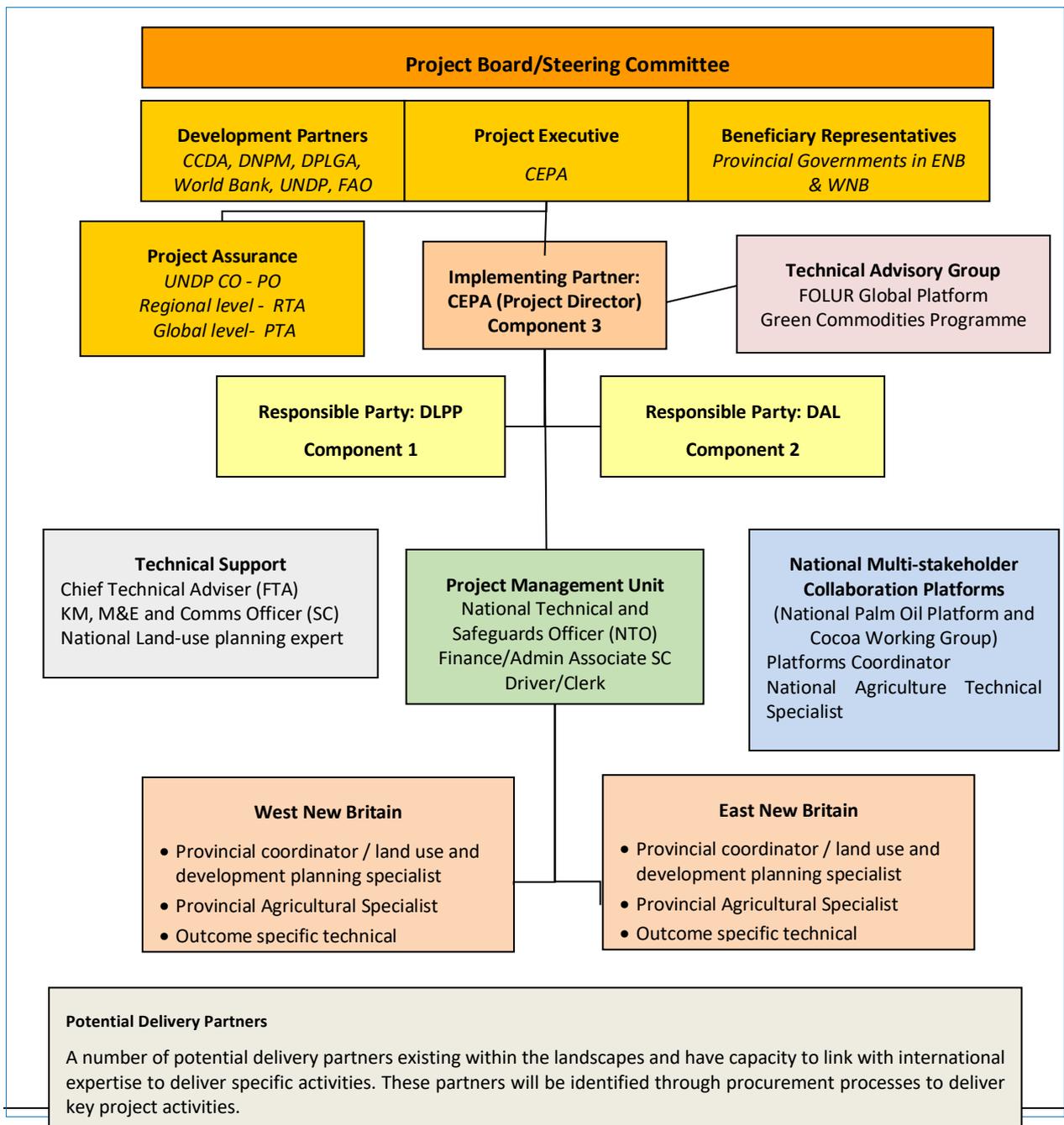
**Project Management Office:**

- Supervise and manage implementation of measures defined in this ESMF;
- Assign specific responsibilities for implementation of this ESMF, including monitoring, and community consultations on the draft management plans to a staff member(s) of the PMO;
- 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 Steering Committee, and UNDP CO on the implementation of the ESMF;
- Ensure that all service providers are informed of their responsibilities for the day to day compliance with the ESMF.

As noted above, the projects’ subsequent ESMPs and stand-alone management plans as required, will describe the roles and responsibilities in the implementation of those plans. Those new roles and responsibilities will be assessed and integrated, as appropriate, as part of the participatory decision making and implementation proceedings of the project.

The project organization structure is shown in **Figure 7** below.

**Figure 7. Proposed Project Organisational Structure for FOLUR GEF7 PNG Project**



**Project Steering Committee:**

The Project Steering Committee, provides strategic guidance to implementation of the project including oversight for safeguards and the implementation of this ESMF. It is also responsible for taking corrective action as needed to ensure the project achieves the desired results. In order to ensure UNDP’s ultimate accountability, Project Steering Committee decisions should be made in accordance with standards that shall ensure management for development results, best value money, fairness, integrity, transparency and effective international competition.

The composition of the Project Steering Committee must include the following roles:

- a. **Project Executive:** Is an individual who represents ownership of the project and chairs the Project Steering Committee. The Executive is normally the national counterpart for nationally implemented projects. The Project Executive is: the Director of Sustainable Environment Programs, CEPA.
  
- b. **Beneficiary Representative(s):** Individuals or groups representing the interests of those who will ultimately benefit from the project. Their primary function within the Project Steering Committee is to ensure the realization of project results from the perspective of project beneficiaries. Often civil society representatives can fulfil this role. The Beneficiary representatives are:
  - West New Britain Provincial Government, Office of the Governor
  - West New Britain Provincial Government, Office of the Governor
  - Institute of National Affairs – Managing Director
  - PNG Eco-forestry Forum
  - Oil Palm Growers Association
  - Cocoa Growers Association
  
- c. **Development Partner(s):** Individuals or groups representing the interests of the parties concerned that provide funding and/or technical expertise to the project. The Development Partners are:
  - a. The UNDP – represented by the Deputy Resident Representative/CO Programme Manager
  - b. The Department of Planning & Monitoring,
  - c. The Department of Provincial and Local Government Affairs
  - d. The Climate Change and Development Authority (CCDA)
  - e. Department of Agriculture and Livestock (DAL)
  - f. Department of Lands and Physical Planning (DLPP)
  - g. World Bank – based on their support the PACD project and potential close links between project implementation.
  - h. Food and Agriculture Organization (FAO) – based on links with GEF CEIBT project in development of deforestation monitoring tool as well engagement in Cocoa value chain through the STREIT project.
  - i. Department of Foreign Affairs and Trade (DFAT) – based on links with PHARMA project.
  
- d. **Project Assurance:** UNDP performs the quality assurance role and supports the Project Steering Committee and Project Management Unit by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. The Project Steering Committee cannot delegate any of its quality assurance responsibilities to the Project Manager. UNDP provides a three – tier oversight services involving the UNDP Country Offices and UNDP at regional and headquarters levels. Project assurance is totally independent of the Project Management function.

The proposed membership of the Project Steering Committee taking into account the above requirements is shown in **Box 1** below. Observers may be invited to participate in meetings of the Project Steering Committee.

### **Box 1. Project Steering Committee Membership**

Chair:

- Director of Sustainable Environment Programs, CEPA (and Director of Sustainable Land Use Planning, DLPP)

Vice chairs:

- Director of Sustainable Land Use Planning, DLPP, Director of Policy and Development, Department of Planning and Monitoring (DPNM) or Director of Policy and Planning, Department of Agriculture and Livestock (DAL)

Members:

- The UNDP – represented by the Deputy Resident Representative/CO Programme Manager,
- The Department of Provincial and Local Government Affairs
- The Climate Change and Development Authority (CCDA)
- Department of Lands and Physical Planning (DLPP)
- World Bank – based on their support the PACD project and potential close links between project implementation.
- Food and Agriculture Organization (FAO) – based on links with GEF CEIBT project in development of deforestation monitoring tool as well engagement in Cocoa value chain through the STREIT project.
- Department of Foreign Affairs and Trade (DFAT) – based on links with PHARMA project.
- West New Britain Provincial Government, Office of the Governor
- West New Britain Provincial Government, Office of the Governor
- Institute of National Affairs – Managing Director
- PNG Eco-forestry Forum
- Oil Palm Growers Association
- Cocoa Growers Association

## **4.2 Capacity Building**

Specialists with relevant expertise in social and environmental safeguards will be engaged to support the completion of the ESIA and ESMP. These experts will offer an induction session for Project Management Units (and implementing partners, as needed) on safeguards responsibilities and approaches.

The UNDP-Vertical Fund 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

Discussions with project stakeholders, including local communities at project sites, commenced during the project development phase. A list of the stakeholders engaged in these consultations has been Annexed to the Project Document (Annex..). The project also has an individual Stakeholder Engagement Plan and Gender Action Plan, which is annexed to the Project Document (Annex..). 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.

Potentially affected stakeholders will be engaged during the implementation of this ESMF. This will include FPIC consultations with IPs/Customary LOs. 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.

As outlined in the SES and UNDP's Social and Environmental Screening Procedure (SESP), the type and timing of assessments and management plans vary depending of the level of social and environmental risk associated with a project as well as timing of the social and environmental assessment.

This ESMF (and the project SESP) will be disclosed via the UNDP PNG 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 PNG website once drafted, and finalized and adopted only after the required time period for disclosure has elapsed.

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.

## 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 project requires a comprehensive Grievance and Redress Mechanism (GRM). As such the project will establish a central GRM system that will be based around the central structures of project implementation namely the Project Board, and Project Management Unit as well as UNDP country office.

The full design of the GRM system will be developed during the project inception and early implementation period linked with the development of the SESA, ESIA and resulting updated ESMP. The approach however will follow key principles of a transparent, fair and free-to-access project-level mechanism as well as the principles of subsidiarity.

A summary of the expected mandate and functions of the project GRM in line with UNDP guidance on GRMs is shown below.

**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.

## 7 Budget for ESMF Implementation

Funding for implementation of the ESMF is included in the Project budget. The estimated costs are indicated in Table 6 below. Costs associated with the time of Project Management Unit Staff coordinating the implementation of this ESMF or UNDP support are not shown.

**Table 6: Breakdown of project level costs for ESMF implementation**

Area of Cost	Details	Cost USD
Gender Specialist	Ongoing support on gender	18,000
International consultant	Indigenous people's plan development	19,500
Consultant travel	Indigenous people's plan development	8,000
International Consultant	ESIA mission travel and DSA expenses	8,000
National Consultant	Carry out ESIA, develop ESMP (and other management plans as necessary) and support ongoing monitoring	32,500
International consultant	ESMP M&E missions, travel and DSA expenses	19,500
Consultant travel	ESMP M&E missions, travel and DSA expenses	8,000
Audiovisual and print production for communicating ESMP issues	Audiovisual and print production for communicating ESMP issues	1,250
ESIA public consultations	ESIA public consultations	4,000
Gender, ESMP training during implementation	Gender, ESMP training during implementation	8,000
	<b>Total Cost</b>	<b>126,750</b>

## **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 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 7.

**Table 7: ESMF M&E plan and estimated budget**

Monitoring Activity & Relevant Projects	Description	Frequency / Timeframe	Expected Action	Roles and Responsibilities	Cost (per project, excl. staff time)
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 Manager, with support from and Project M&E/Safeguards Specialist	None
Development of impact assessments (ESIA and SESA) and report, and ESMP	Carried out in a participatory manner, in-depth analysis of potential social and environmental impacts, as well as identification / validation of mitigation measures, drafted in participatory manner	SESA: Quarters 1 and 2. ESIA Quarters 3 and 4 of project implementation	Risks and potential impacts are assessed with support of external consultants and participation of project team and stakeholders; management actions identified and incorporated into project implementation strategies.	External service providers (environmental and social) With guidance from UNDP, Project Manager, and Project M&E/Safeguards Specialist	
Development of Indigenous Peoples' Plan	Drafted in a participatory manner, commencing as soon as project-affected indigenous communities are identified.	Quarters 2 and 3 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 Manager, and Project M&E/Safeguards Specialist	
Implementation of mitigation measures and monitoring of potential impacts identified in impact assessments and per the subsequent ESMP	Permanent and participatory implementation and monitoring of impacts and mitigation measures, in accordance with ESMP (to be prepared as part of impact assessments).	Continuous, once impact assessment 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 Manager, M&E/Safeguards Officer, Provincial Coordinators, oversight by UNDP CO, PSC	TBD, based on assessment report.
Development of assessment and report, and livelihood restoration plan as needed	Carried out in a participatory manner, analysis of potential livelihood impacts associated with CCA establishment/enhanced management, as well as	Quarters 3 and 4 of project implementation	Potential impacts related to economic displacement around CCAs are assessed with support of external consultants and participation of project team and stakeholders; assessment	External service providers (environmental and social) With guidance from	

Monitoring Activity & Relevant Projects	Description	Frequency / Timeframe	Expected Action	Roles and Responsibilities	Cost (per project, excl. staff time)
	identification / validation of mitigation measures, drafted in participatory manner		report completed; if justified based on findings of assessment, a livelihoods action plan will be developed; management actions will be identified and incorporated into project implementation strategies.	UNDP, Project Manager, and Project M&E/Safeguards Specialist	
Implementation of management measures and monitoring of potential impacts identified in assessment report.	Permanent and participatory implementation and monitoring of management measures, in accordance with assessment findings (and livelihoods restoration plan if developed)	Continuous, once assessment is complete and management plan is in place	Implementation of stand-alone management plans; participatory monitoring; integration of management plans into project implementation strategies	Project Manager, Provincial Land use planning Coordinators, oversight by UNDP CO, PSC	TBD, based on assessment
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 Managers	None
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, Program Safeguards Specialist, with support from Project Managers and Project M&EOfficers	None
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 Steering Committee	None
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 Manager	None
Project review	The Project Steering Committee will consider updated analysis of risks and	At least annually	Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team	Project Steering Committee,	None

Monitoring Activity & Relevant Projects	Description	Frequency / Timeframe	Expected Action	Roles and Responsibilities	Cost (per project, excl. staff time)
	recommended risk mitigation measures at all meetings		will be discussed in project steering committee. Recommendations will be made, discussed and agreed upon.	Project Manager	

## 9 Annexes

### 9.1 SESP Template

Please see Annex 4 of the project document

### 9.2 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.<sup>13</sup>

*(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,

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<sup>13</sup> For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs 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](http://www.ifc.org/ehsguidelines).

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 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.

### 9.3 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.<sup>14</sup> 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

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<sup>14</sup> 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.

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.

## 9.4 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 KSPs 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 IKSP practices, 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 tenur 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.

