

Process Framework for Involuntary Restrictions

This Process Framework describes CEPF requirements to address social impacts from restrictions of access to natural resources as per the World Bank's Involuntary Resettlement Policy (OP 4.12). A parallel Indigenous Peoples Planning Framework describes CEPF requirements related to Indigenous Peoples consistent with the World Bank's Policy on Indigenous Peoples (OP 4.10) ¹.

The objectives of this Framework are to avoid, minimize, or mitigate potentially adverse effects of restrictions of access to natural resources, and ensure that affected communities are consulted with and participate in meaningful ways in project activities affecting them.

The Framework describes the requirements and planning procedures for grant applicants and subsequently grantees in the preparation and implementation of related projects, as well as the role of CEPF in ensuring compliance with this Framework.

CEPF and Access Restrictions

CEPF projects triggering the World Bank's policy on Involuntary Resettlement include projects that introduce involuntary restrictions of access to legally designated parks and protected areas or support efforts to improve enforcement of existing restrictions. This typically includes projects that support the development and implementation of management plans for protected areas and may also involve resources such as wildlife, non-timber forest products, and production areas.

In some of these cases it would be useful to follow the planning process described in this Framework, including the development of a Process Framework during project preparation and a Plan of Action during implementation. In any case, adverse social impacts on local communities should be avoided or appropriately mitigated.

The Framework does *not* apply to projects that provide incentives to change livelihood and natural resource use practices on a voluntary basis.

Policy Requirements

Projects affecting local communities in terms of their access to local resources need to be prepared with care and with the participation of affected communities. The requirements of the World Bank's policy include:

1. The development of a project-specific Process Framework during project preparation that describes the project and implementation process, including: (a) how specific components of the project were prepared and will be implemented; (b) how the criteria

¹ Additional information can be found in the sourcebook for each policy at www.worldbank.org.

for eligibility of affected persons will be determined; (c) how measures to assist the affected persons in their efforts to improve or restore, in real terms, to pre-displacement levels, their livelihoods while maintaining the sustainability of the park or protected area will be identified; and (d) how potential conflicts involving affected persons will be resolved. It also provides a description of the arrangements for implementing and monitoring the process.

2. The development of a Plan of Action during project implementation that describes the agreed restrictions, management schemes, measures to assist the displaced persons and the arrangements for their implementation. This could be in the form of a natural resources or protected areas management plan.

Preparation of a Process Framework

Participation of affected communities is the key element of the Process Framework. Affected communities have the *right to participate* in deciding the nature and scope of restrictions and the mitigation measures.

Affected communities should also participate in the drafting of the Process Framework. Typically, the Applicant will prepare a draft Framework that will then be shared and discussed with local communities and other relevant stakeholders. Based on the consultations, a final Framework will be prepared. CEPF may provide guidance on development of the Framework and will review and approve the final Framework prior to approving the final project proposal application.

The level of details of the Framework may vary depending on project activities, characteristics of restrictions and their impacts, and the number of persons affected. In some cases, the Applicant may prepare a simple Framework with input from local communities, leaving more detailed analysis for implementation. In more complex or larger projects, the preparation of the Framework may be supported by social analysis or surveys during preparation to assess the local context, particularly the circumstances of local communities and their land and natural resource use and management systems.

Content of the Process Framework

The Process Framework will describe the project and how restrictions of access to natural resources and measures to assist affected communities will be determined with the participation of affected communities. The Process Framework should include the following elements:

A. Project background. The Framework will briefly describe the project and local context, how the project was prepared, including the consultations with local communities and other stakeholders, and the findings of any social analysis or surveys that informed design. It will describe project activities and potential impacts from these.

B. Participatory implementation. This section will detail the participatory planning process for determining restrictions, management arrangements, and measures to address impacts on local communities. The roles and responsibilities of various stakeholders and the methods of participation and decisionmaking should be described; decisionmaking may include the establishment of representative local structures, the use of open meetings, and involvement of existing local institutions. Methods of consultation and participation should be in a form appropriate to local needs.

Decisions should be based on well-founded understandings of the biological and socioeconomic contexts. It is thus common to include some form of participatory social assessment to inform the decision-making process. Such an assessment could develop a more in-depth understanding of: (a) the cultural, social, economic, and geographic setting of the communities in the project areas; (b) the types and extent of community use of natural resources, and the existing rules and institutions for the use and management of natural resources; (c) identification of village territories and customary use rights; (d) local and indigenous knowledge of biodiversity and natural resource use; (e) the threats to and impacts on the biodiversity from various activities in the area, including those of local communities; (f) the potential livelihood impacts of new or more strictly enforced restrictions on use of resources in the area; (g) communities' suggestions and/or views on possible mitigation measures; (h) potential conflicts over the use of natural resources, and methods for solving such conflicts; and (i) strategies for local participation and consultation during project implementation, including monitoring and evaluation.

Similarly, biological and ecological assessments are commonly undertaken to develop a well-founded understanding of existing biodiversity and natural resources and threats to these. Threats analysis is a useful tool to ascertain that restrictions will be informed by real threats rather than assumptions about the impacts from local communities' natural resource use practices, which sometimes can be viewed in stereotypical ways.

It is important to also pay particular attention to land tenure issues, including traditional land rights and obligations and use of natural resources by different local communities. For instance, areas used to collect non-timber forest products and for shifting cultivation, including fallow areas, under traditional farming systems should not be exposed to restrictions unless this is necessary for the conservation of important biodiversity and appropriate agreements with local communities can be made.

C. Criteria for eligibility of affected persons. The Framework describes how the local communities will participate in establishing criteria for eligibility for assistance to mitigate adverse impacts or otherwise improve livelihoods. In cases with significant consultations and social analysis during preparation, these criteria may be included in the Framework. However, in most cases they will be developed, or at least refined, during implementation. This would typically be done as part of a participatory social assessment process described above.

The eligibility criteria would determine which groups and persons are *eligible for assistance* and mitigation measures, not groups affected by the project. That is, the

criteria may exclude certain persons or groups from assistance because their activities are clearly illegal, unsustainable, and destructive (e.g. wildlife poachers, dynamite fishers). The criteria may also distinguish between persons utilizing resources opportunistically and persons using resources for their livelihoods, and between groups with customary rights and non-residents or immigrants.

The Framework should identify vulnerable groups and describe what special procedures and measures will be taken to ensure that these groups will be able to participate in, and benefit from, project activities. Vulnerable groups are groups that may be at risk of being marginalized from relevant project activities and decision-making processes, such as groups highly dependent on natural resources, forest dwellers, Indigenous Peoples,² groups or households without security of tenure, mentally and physically handicapped people or people in poor physical health, and the very poor.

D. Measures to assist the affected persons. The Framework should describe how groups or communities will be involved in determining measures that will assist affected persons in managing and coping with impacts from agreed restrictions. The common objective is to improve or restore, in real terms, to pre-displacement levels, their livelihoods while maintaining the sustainability of the park or protected area. However, in some circumstances affected communities may agree to restrictions without identifying one-for-one mitigation measures as they may see the long-term benefits of improved natural resource management. They may also forego practices in place of obtaining more secure land tenure and resource use rights. Possible measures to offset losses may include:

- Special measures for the recognition and support of customary rights to land and natural resources.
- Transparent, equitable, and fair ways of more sustainable sharing of the resources;
- Access to alternative resources or functional substitutes;
- Alternative livelihood activities;
- Health and education benefits;
- Obtaining employment, for example as park rangers or eco-tourist guides; and
- Technical assistance to improve land and natural resource use.

These measures should be in place before restrictions are enforced, although they may be implemented as restrictions are being enforced. The Plan of Action should be approved by CEPF before implementation.

E. Conflict resolution and complaint mechanism. The Framework should describe how conflicts involving affected persons will be resolved, and the processes for addressing grievances raised by affected communities, households or individual regarding the agreed restrictions, criteria for eligibility, mitigation measures and the implementation of these elements of the Process Framework.

² If Indigenous Peoples are affected, the applicant will also prepare an Indigenous Peoples Plan (or similar instrument) as described in the separate CEPF Indigenous Peoples Planning Framework.

The roles and responsibilities concerning conflict resolution and grievances of different stakeholders, including the Grantee, affected communities and relevant government agencies, will be described. The roles of mediation entities or institutions will be described. The procedures should take into account local dispute resolution practices.

F. Implementation Arrangements. The Framework should describe the implementation arrangements. The roles and responsibilities concerning project implementation of different stakeholders, including the grantee, affected communities, and relevant government agencies, will be described. This includes agencies involved in the implementation of mitigation measures, delivery of services and land tenure, as appropriate and to the extent that these are known at the time of project preparation.

Monitoring and evaluation arrangements will also be described in the Framework, with more specific details for the Plan of Action designed during implementation. The Framework should include a budget for its implementation.

Plan of Action

During implementation, a Plan of Action is developed together with affected communities to describe the agreed restrictions, management schemes, measures to assist the displaced persons and the arrangements for their implementation. The action plan can take many forms. It can simply describe the restrictions agreed to, persons affected, measures to mitigate impacts from these restrictions, and monitoring and evaluation arrangements. It may also take the form of a broader natural resources or protected areas management plan.

The following elements and principles may be included in the plan, as appropriate:

- Project background and how the plan was prepared, including consultations with local communities and other stakeholders;
- The socio-economic circumstances of local communities;
- The nature and scope of restrictions, their timing as well as administrative and legal procedures to protect affected communities' interests if agreements are superseded or rendered ineffective;
- The anticipated social and economic impacts of the restrictions;
- The communities or persons eligible for assistance;
- Specific measures to assist these people, along with clear timetables of action, and financing sources;
- Protected area boundaries and use zones;
- Implementation arrangements, roles and responsibilities of various stakeholders, including government and non-government entities providing services or assistance to affected communities;
- Arrangements for monitoring and enforcement of restrictions and natural resource management agreements;
- Clear output and outcome indicators developed in participation with affected communities;

- Special measures concerning women and vulnerable groups;
- Capacity building of the grantee or other implementing agencies;
- Capacity building activities for the affected communities to enhance their participation in project activities;
- Grievance mechanism and conflict resolution taking into account local dispute resolution practices and norms; and
- Participatory monitoring and evaluation exercises adapted to the local context, indicators and capacity. Monitoring will include the extent and significance of adverse impacts as well as the outcome of mitigation measures.

Disclosure

A draft Process Framework is shared with (potential) affected communities to inform them about the project and get their input to project design and the Framework. Once the project, with the Process Framework, has been approved, the final Framework is again disclosed locally as well as at the CEPF Web site, www.cepf.net.

The Plan of Action is prepared with the participation of affected communities. A draft should be disclosed together with the findings of any social analysis that may inform the plan in a culturally appropriate manner to the persons affected by the project. Language is critical and the Framework should be disseminated in the local language or in other forms easily understandable to affected communities – oral communication methods may be needed to communicate the proposed plans to affected communities.

After CEPF has reviewed and approved the Plan of Action, the Grantee discloses the final plan to affected communities and other stakeholders. The final Plan of Action is also disclosed at the CEPF Web site.

Roles and Responsibilities

Applicants, and subsequently Grantees, with projects that restrict access to natural resources are responsible for complying with this Framework. Such applicant will prepare a Process Framework during preparation with the participation of affected communities. If the project is approved, during implementation the Grantee will prepare a Plan of Action with the informed and meaningful participation of affected communities. Applicants and Grantees will ensure that local communities are consulted and participate in culturally appropriate ways during preparation and implementation. They will avoid adverse impacts on affected communities or, where this is not possible, develop with the informed participation of affected communities measures to mitigate such impacts. Finally, they are responsible for reporting to both affected communities and CEPF on project progress and any unexpected and unintended events affecting local communities.

CEPF is responsible for the implementation of this overall Framework. CEPF responsibilities include:

- Inform applicants and other stakeholders, including local communities and organizations, of the Process Framework and policy requirements;
- Assist applicants, and subsequently grantees, in the implementation of the Process Framework and policy requirements;
- Screen for projects which may affect local communities through restrictions of access to natural resources;
- Assess the adequacy of the assessment of project impacts and the proposed measures to address issues pertaining to restrictions of access to natural resources. When doing so, project activities, impacts and social risks, circumstances of the affected communities, and the capacity of the applicant to implement the measures will be assessed. If the risks or complexity of issues concerning affected communities outweigh the project benefits, the project should not be approved as proposed;
- Assess the adequacy of the consultation process during preparation and implementation; and
- Review and approve project-specific action plans prepared during implementation.

Grievance Mechanism

Local communities and other stakeholders may raise a grievance at all times to applicants, grantees, and CEPF about any issues covered in this Framework and the application of the Framework. Affected communities should be informed about this possibility and contact information of the respective organizations at relevant levels should be made available. These arrangements should be described in the project-specific frameworks and action plans along with the more project-specific grievance and conflict resolution mechanism.

As a first stage, grievances should be made to the applicant or grantee, who should respond to grievances in writing within 15 working days of receipt. Claims should be filed, included in project monitoring, and a copy of the grievance should be provided to the CEPF Secretariat. If the claimant is not satisfied with the response, the grievance may be submitted to the CEPF Executive Director at cepfexecutive@conservation.org or by mail to: Critical Ecosystem Partnership Fund, Conservation International, Attn: Executive Director, 2011 Crystal Drive, Suite 500, Arlington, VA 22202, USA. CEPF will respond within 15 calendar days of receipt, and claims will be filed and included in project monitoring.