

## **TFCA FF Interim Environmental and Social Safeguard – and Management Requirements (Interim E&S Requirements)**

### **1 Introduction**

For all TFCA FF activities and projects it will be important to ensure that potential negative environmental and social impacts are minimized, while striving to enhance benefits for local communities and the environment.

**NOTE:** The TFCA FF currently is in the process to develop an Environmental and Social Management System (ESMS) which is expected to be operational from beginning of 2022 the latest. In the meantime, this document sets out the interim environmental and social safeguard- and management requirements for the 1<sup>st</sup> Call for Applications of the TFCA FF. The provisions as presented below reflect the E&S safeguard standards which will be required by the upcoming ESMS. Additional and comprehensive support to grantees will be provided by the upcoming ESMS. On the other hand, more specific requirements regarding the development of E&S safeguard instruments and regarding monitoring and reporting are to be expected as well. The requirements of the upcoming ESMS will be applicable for all applicants and/or grantees under the 1<sup>st</sup> Call for Applications, from the date of ESMS publication onwards.

The ESMS will establish and explain TFCA FF's procedures for identifying, assessing and managing E&S risks of transactions and co-operations with fund receivers and with local communities as beneficiaries of TFCA FF interventions. The ESMS will define decision-making processes, describe the roles, responsibilities and capacity needs of staff in the context of environmental and social management, and will set the documentation and recordkeeping requirements. The ESMS will also provide guidance on how to screen concept notes and proposals, categorize projects based on their E&S risks, conduct Environmental and Social Due Diligence (ESDD), monitor fund receivers' E&S performance and track environmental and social management activities on the target community level. The ESMS will also set out the requirements for fund receivers' E&S risk and impacts management including the development of specific safeguard instruments, monitoring and reporting requirements.

### **2 Interim Environmental and Social Safeguard Provisions for the 1<sup>st</sup> Call**

#### **2.1 Key Environmental and Social Risk Areas**

The provisions below cover the following key risk areas, which may be triggered by projects to be supported by the TFCAFF:

- Social risks and impacts related to land use planning processes in the conservation context, including agreements on natural resource use management and land use restrictions with communities, including approaches for community based natural resource management (CBNRM);
- Social risks and impacts related to access restrictions and enforcement of access restrictions to protected areas;
- Social risks and impacts related to law enforcement operations in the conservation context;
- Social risks and impacts related to human wildlife conflict/-coexistence;

- Environmental and social risks and impacts related to the construction and operation of infrastructure and other physical interventions;

## 2.2 Relevant Standards

Projects funded by TFCA FF are required to be prepared and implemented in line with the following national legal provisions and international safeguard standards and guidelines:

- National environmental, social, occupational health and safety and labor laws as well as legislation related to law enforcement in the conservation context in the host countries of TFCA FF projects, including requirements for public disclosure and engagement established therein;
- International law including conventions and treaties adopted by the host countries and applicable to TFCA FF projects;
- Sustainability Guidelines of the KfW Development Bank 2021 and therewith:
  - World Bank Environmental and Social Standards (WB ESS 1-10) and Corresponding Guidance Notes;
  - World Bank Group's General Environmental and Health and Safety Guidelines and Industry Specific Guidelines, as applicable;
  - ILO Core Labour Conventions;
- IUCN Environmental and Social Management System  
<https://www.iucn.org/resources/project-management-tools/environmental-and-social-management-system>;
- SADC TFCAs Development Guidelines
- Voluntary Principles (VPs) on Security and Human Rights (2010):  
[https://docs.wixstatic.com/ugd/f623ce\\_60604aa96d1c4bdcbb633916da951f25.pdf](https://docs.wixstatic.com/ugd/f623ce_60604aa96d1c4bdcbb633916da951f25.pdf)
- Regarding involuntary displacement impacts, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, namely §§ 42, 49, 52, 54 and 60);
- The [\*Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security\*](#) (FAO 2012) known as the VGGT<sup>1</sup> will be integrated into the ESMS;

## 2.3 Environmental and Social Safeguard Requirements for Applicants/Grantees

### 2.3.1 Concept Note Stage

In line with the Relevant Standards listed above, applicants/grantees will provide relevant information to the TFCA FF timely in the course of the application process so that TFCA FF

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<sup>1</sup> <http://www.fao.org/cfs/cfs-home/activities/vggt/en/>

can undertake a structured identification of environmental and social risks and potential impacts which may result from proposed activities and projects. **Such E&S risk screening is undertaken based on information to be provided as part the Concept Note.**

**Applicants shall fill in the questionnaire in Annex 1 to this document.** Please note that TFCAFF's initial E&S risk screening will take into account any already existing documents, plans, processes and routines. Any safeguard documents or -procedures required to be prepared by fund receivers would ideally be based on such already existing plans, documents or procedures. Hence, the comprehensive presentation of all relevant information as asked for in the questionnaire would significantly support the targeted determination of project specific E&S safeguard requirements. Applicants are also welcome to ask TFCA FF for advice and support in the Concept Note Stage as needed.

### 2.3.2 Proposal Stage

Depending on the outcomes of TFCA FF's initial E&S risk screening, the requirements for the proposal stage will be identified and discussed with the applicant.

TFCA FF may require that an overall Environmental and Social Due Diligence (ESDD) would be undertaken for a proposed project, to support the applicant within further risk identification and initial assessment of potential impacts to be expected from the planned activities. Such ESDD would conclude with a so called *Environmental and Social Action Plan* (ESAP). The ESAP is a time bound action plan, presenting all necessary safeguard activities, instruments and routines in order to appropriately address the identified E&S risks of a given project. The ESDD would be undertaken by specialized consultants in close consultation with the respective applicant. The ESAP would be integrated into the applicant's proposal (including the budget) and the implementation of the action plan be monitored through project implementation. Safeguard instruments as required by an ESAP could e.g. comprise a Process Framework (PF) to address impacts from access restrictions, a Law Enforcement Risk Assessment (LERA) or a Human Wildlife Conflict Management Plan.

For projects with small scale activities of lower complexity, not triggering the key higher risk areas (i.e. access restrictions and/or law enforcement), TFCA FF will determine the required safeguard instruments and applicants will be required to present additional information as part of the proposal, including time bound action plans outlining necessary activities and steps for the development/implementation of such instruments. Note that for any project a Stakeholder Engagement Plan, a functional Grievance Mechanism and an Immediate Reporting Procedures for Serious Accidents and Incidents are required. Please see section 2.3.4 below regarding typical safeguard instruments.

TFCA FF will share additional supporting documentation with applicants in this stage of the application process. Applicants are also welcome to ask TFCA FF for advice and support in the Proposal Stage as needed.

### 2.3.3 Project Implementation, Monitoring and Reporting

Grantees will develop and implement E&S safeguard instruments as presented in the proposal and agreed upon the respective contractual agreements with TFCA FF. Safeguard provisions will comprise the corresponding monitoring plans. Grantees will report on development of

safeguard instruments, on overall E&S performance and on the implementation progress for all safeguard instruments to TFCA FF. Reporting templates will be shared by TFCA FF.

### 2.3.4 General and specific Safeguard Instruments

For all TFCA FF funded projects, TFCA FF requires:

- a **Stakeholder Engagement Plan (SEP)** or equivalent plan (in line with WB ESS 10), ideally based on existing mechanisms and activities or plans for community liaison and engagement;
- a transparent, accessible and culturally appropriate **Grievance Mechanism** (in line with WB ESS 10), ideally based on existing grievance management/complaints management procedures
- **immediate reporting of any serious accidents and incidents** of an environmental, social, occupational health and safety, public health and safety or labor nature which occurs in the project context; TFCAFF will share reporting template.

#### Specific Safeguard Instruments

-For projects involving support to overall PA management including e.g. the preparation of General Management Plans and projects triggering key higher risk areas such as access restrictions, law enforcement or risks for adverse impacts on Indigenous Groups, TFCA FF may require an **Environmental and Social Due Diligence** to be undertaken following the Concept Note Stage of the Application Process **as explained in 2.3.2**. The format and scope of any ESDD would be tailored to identified risks and would also take into account available funding budgets and funding periods (e.g. regarding the items for the Environmental and Social Action Plan).

-Projects which would involve management of involuntary access restrictions (i.e. restrictions of use of natural resources in a protected area or any other access restriction to natural resources founded on a legal provision or regulation) would be required to develop a **Process Framework** (in line with WB ESS 5). The need for such Process Framework may be identified through an ESDD or by consultation of TFCA FF with the applicant, following the initial E&S risk screening in the Concept Note Phase.

-Projects involving land use planning process or comparable processes may require specific additional components e.g. to **identify and support vulnerable groups** or may, depending on the respective legal framework, require a Process Framework or comparable instrument.

-Projects which would be implemented on land traditionally owned by Indigenous Groups (IP) would have to ensure a continuous process of meaningful consultation and the participation of IP in project design. In case any adverse impacts on IP would be likely, **Free, Prior and Informed Consent (FPIC)** will be obtained from the IP and an Indigenous Peoples Plan may be required (in line with WB ESS 7). FPIC will be required as per WB ESS 7 in circumstances in which the project will

- have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation or

-cause relocation of IP from land and natural resources subject to traditional ownership or under customary use or occupation or;

-have significant impacts on IPs cultural heritage that is material to the identity and/or cultural, ceremonial or spiritual aspects of the affected IPs lives.

Specific guidance for FPIC and the development of Indigenous Peoples Plans will be provided by TFCA FF.

-Projects which involve support to law enforcement operations would require a **Law Enforcement Risk Assessment** to be undertaken (in line with WB ESS 2 and ESS 4). The need for such Law Enforcement Risk Assessment may be identified through an ESDD or by consultation of TFCA FF with the applicant, following the initial E&S risk screening in the Concept Note Phase.

-For Projects addressing the risk area of human wildlife conflict, a **Human Wildlife Conflict Management Plan** may be required. The need for such management plan may be identified through an ESDD or by consultation of TFCA FF with the applicant, following the initial E&S risk screening in the Concept Note Phase.

-In case a TFCA FF funded project involves physical works (e.g. construction of infrastructure, construction of wildlife fences, boundary demarcation, rehabilitation works), appropriate E&S safeguard instruments have to be prepared, commensurate to the level of E&S risks and impacts; this means that either an Environmental and Social Management Framework (projects involving different types of physical interventions at different locations, which are not yet determined in the concept note stage) or Environmental and Social Impact Assessment including Environmental and Social Management Plan or just an Environmental and Social Management Plan would be required (in line with WB ESS1-8) and to be developed in the preparation phase of the respective intervention. TFCA FF will share support documents and templates in this regard.

**Note** that TFCA FF will support the applicant with guiding documents, formats and templates in order to prepare the required safeguard instruments. TFCA FF will also be available for discussion, advice and clarifications as required.

### 2.3.5 Project Budget

For the development of the overall project budget applicants shall take into account the preparation and implementation of safeguard instruments including monitoring and reporting. Budget estimates should also consider that for the development of most of the typical safeguard instruments, specialized experts would have to be assigned.

## ANNEX 1:

Initial Identification of E&S Issues, Risks and existing documentation, plans and procedures, **to be filled in by applicants and annexed to the Concept Note**

	Question	YES	NO	Unknown	Additional Information (please explain activities and any envisaged management activities or support measures including measures to avoid or manage negative E&S impacts), see sample questions below
<b>Existing mechanisms, routines and activities</b>					
	Are there regular community liaison and stakeholder engagement activities in place and documented in the project area, implemented by the applicant?				<i>Please describe engagement activities and share available documents and plans, please describe responsibilities and overall organizational set up for community liaison</i>
	Is there a grievance mechanism in place which could be applied for the proposed project?				<i>Please describe how communities would share their concerns and complaints and who would be responsible for grievance resolution, what are the mechanism in place?</i>
	Are there any social management plans or social support plans in place or currently under preparation related to the proposed measures and activities (e.g. Process Framework, community livelihood support plans, support plans for vulnerable groups)?				<i>Please share any available documentation regarding social management plans</i>
	Is there a serious incident and accident reporting mechanism in place?				<i>serious incidents could for example comprise fatalities in the human wildlife context, conflicts or violent incidents in the law enforcement context, serious accidents during construction activities, strikes, social unrest in project population); would there be a requirement and a process to report such incidents to PA management and/or the applicant?</i>

	Question	YES	NO	Unknown	Additional Information (please explain activities and any envisaged management activities or support measures including measures to avoid or manage negative E&S impacts), see sample questions below
<b>Planned Activities</b>					
	Does the project involve support to general PA management (e.g. operation of PA, preparation or implementation of PA Management Plan)				<i>For example, will the PA Management Plan include any E&amp;S Safeguard Plans, such as Stakeholder Engagement Plan, Mitigation Plans to address impacts from access restrictions, resource use agreements?</i>
	Does the project foresee the support of law enforcement capacities (patrols, rangers, training, technical equipment etc.) and associated regulations?				<i>For example, regarding law enforcement, please describe any selection criteria, code of conduct, training or SOP in place for law enforcement personnel; please describe different types of personnel/functions if applicable (e.g. PA level, community level )</i>
	Does the project foresee the expansion, demarcation and/or maintenance of Protected Area management areas?				<i>How would community involvement and consultation and participation be organized? For demarcation or expansion of a PA, would this result in loss of land use/resource use rights for local communities? Would any relocation of households, physical or economic displacement be required? How would the project mitigate impacts from access restrictions?</i>
	Does the project foresee activities that involve restricting access to land/water or natural resources or changes in the use and management of natural resources?				<i>See questions above;</i>
	Does the project involve land use planning or the development of land use agreements with/for local communities?				<i>Are there sample land use agreements available? How would such agreements be established? For land use planning, please outline the process including any relevant legal regulations, please indicate how communities would be engagement and how vulnerable groups would be supported</i>
	Will the project involve resettling/relocating peoples or communities?				<i>e.g. in case of development of a wildlife corridor, if local communities have their residences and cultivated land in the area earmarked for the corridor, how would requirements for corridor development and local livelihood needs be balanced? Would corridor development result in relocation of communities and/or in loss of access to livelihood sources?</i>

	Question	YES	NO	Unknown	Additional Information (please explain activities and any envisaged management activities or support measures including measures to avoid or manage negative E&S impacts), see sample questions below
	Is the project site in an area inhabited by or important to indigenous peoples, tribal peoples or other traditional peoples?				<i>Please explain which population groups are living, permanently or seasonally in the project area and which of these groups would be considered as indigenous group (please note that many national legislations do not recognize indigenous groups but would refer to marginalized and traditionally underserved groups)</i>
	Will the project involve infrastructure development or small civil works (such as roads, telecommunication infrastructure or buildings, such as patrol stations, community infrastructure or visitor centers)?				<i>Please explain and please inform, which type of planned infrastructure would require an EIA and an environmental permitting process according to national legislation</i>
	Will the project involve the application of pesticides, fungicides or herbicides (biocides) or of integrated pest management?				<i>Please explain and list the types of chemicals would be applied and how corresponding environmental and occupational health and safety measures would look like for application and storage</i>
	Will the project comprise activities to address human–wildlife conflict?				<i>Please explain key impacts and challenges from HWC and any management schemes for human wildlife conflict which are already in place</i>



	Question	YES	NO	Unknown	Additional Information (please explain activities and any envisaged management activities or support measures including measures to avoid or manage negative E&S impacts), see sample questions below
	Will the project involve the introduction of non-native species (e.g. for restoration)?				<i>Please explain and describe permitting and management procedures</i>
<b>Legacy Issues and Conflict</b>					
	Are there areas and/or resources under dispute (intra-, inter-communal and transboundary) in the project area, such as previous conflicts, existing conflicts, potential future conflicts				<i>As legacy issues may influence community relations and may still have pertaining negative impacts on livelihoods of local communities, it would be important to take such issues into account for a meaningful planning process</i>
	Has the project area in the past experienced any activities related to forced eviction, resettlement or access restrictions?				<i>See above</i>
	Is informal use of natural resources and/or encroachment to areas of restricted access occurring in the project area?				<i>Please describe, including any root causes of encroachment and management activities to address such root causes (i.e. loss of livelihoods due to PA establishment in the past, lack of alternative livelihoods, external threats such as uncontrolled in-migration)</i>