# UN environment programme

# UNEP ENVIRONMENTAL AND SOCIAL SUSTAINABILITY FRAMEWORK (ESSF)

**Approved by UNEP Executive Director**
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**Date: _____**

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# Acronyms

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| ABS | Access and benefit sharing |
| BRS | Basel, Rotterdam and Stockholm Conventions |
| CBD | Convention on Biological Diversity |
| CITES | Convention on International Trade in Endangered Species in Wild Fauna and Flora |
| CRC | Concept Review Committee |
| EPDs | Environmental Product Descriptions |
| ESES | Environmental, Social and Economic Sustainability |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESS | Environmental and Social Sustainability |
| FAO | Food and Agriculture Organization |
| GCF | Green Climate Fund |
| GEF | Global Environment Facility |
| GHG | Greenhouse Gas |
| ICCAs | Indigenous and community conserved areas |
| ICOMOS | International Council on Monuments and Sites |
| IOSSR | Independent Office for Stakeholder Safeguard-related Response |
| IPAs | Indigenous Protected Areas |
| IPM | Integrated Pest Management |
| IUCN | International Union for Conservation of Nature |
| IVM | Integrated Vector Management |
| MEA | Multilateral Environmental Agreement |
| NBS | Nature-Based Solutions |
| NGO | Non-Governmental Organization |
| OHCHR | The Office of the United Nations High Commissioner for Human Rights |
| OSH | Occupational Safety and Health |
| PRC | Project Review Committee |
| SDGs | Sustainable Development Goals |
| SESA | Strategic Environmental and Social Assessment |
| SRIF | Safeguard Risk Identification Form |
| UNECE | United Nations Economic Commission for Europe |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNIDSR | UN Office for Disaster Risk Reduction |
| UNSDCF | United Nations Sustainable Development Cooperation Framework |
| WHO | World Health Organization |
| WIPO | World Intellectual Property Organization |

# I. Introduction

1.  UNEP's Environmental and Social Sustainability Framework (ESSF) aims to strengthen the sustainability and accountability of UNEP programmes and projects. It respects human rights and aims to protect people and the environment from potential adverse impacts of project interventions and to ensure that stakeholders actively participate in programmes and projects and have effective channels to voice their concerns. The ESSF sets out UNEP's commitment to sustainable development and environmental and social standards that are designed to promote human well-being and the protection of the environment.  It is UNEP's aim that these standards are integrated in preparation and implementation of UNEP programmes and projects.

2.  The ESSF replaces UNEP's Environmental, Social and Economic Sustainability Framework (ESESF) of 2014.[1] The revised Framework goes beyond the ESESF in that it seeks to align with the 2030 Agenda adopted by the United Nations General Assembly in September 2015 and captures lessons learned[2] from organizational experiences to date in order to align with key international standards.[3]

3.  The purposes of the Framework are:

    -   To enhance outcomes by systematically integrating environmental, social and economic dimensions in UNEP-funded programmes and projects.

    -   To strengthen alignment of UNEP's work with the SDGs and other UN entities and partners in addressing the environmental and social sustainability of development efforts.

    -   To set standards of sustainability for UNEP's operations thereby confirming UNEP's accountability to its member States, and other funders.

    -   To enable UNEP to work in a safer and smarter manner, thereby minimizing potential risks and harm to intended beneficiaries while enhancing UNEP's capabilities and credibility.

4.  The Framework is structured around guiding principles, safeguard standards and related operational modalities. It reflects key elements of a human rights-based approach to programmes and projects and applies a risk-informed approach to addressing environmental and social risks and impacts. In this regard the Framework extends beyond a "do no harm" approach by seeking to realize rights and to enhance programme and project outcomes.

5.  The ESSF sets out the environmental and social safeguard principles and standards for UNEP programmes and projects. It establishes procedures for identifying and avoiding, or where avoidance is not possible, mitigating environmental, social and economic risks, and for discerning and exploring opportunities to enhance positive environmental, social and economic outcomes. Detailed operational

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[1] The modification of the title from the ESESF to the ESSF does not signify that economic aspects are no longer considered in the revised Framework. The change has been made to align the UN Environment Framework with other international environmental and social safeguard frameworks.

[2] Key lessons from implementation of the ESESF over the last 5 years include the following:  (i) certain thematic areas deserve greater attention (e.g., climate change impacts and disaster risks; community health, safety and security); (ii) key guiding principles should be considered applicable to all projects regardless of the safeguard risk levels (e.g., gender equality, resilience, economic sustainability, heightened attention to marginalized and disadvantaged groups and individuals); and (iii) the need to ensure that UNEP's safeguard framework is aligned with changing international best practices and trends.

[3] This includes the Model Approach to Environmental and Social Standards for UN Programming which was finalized in July 2019 as a reference framework for UN entities that are adopting or revising agency-specific environmental and social safeguard standards. Alignment with the Model Approach aims to strengthen harmonization and standardization in the application of safeguards across UN agencies.

procedures for applying the safeguard standards enumerated in the Framework will be set forth in separate guidelines and tools. The Framework's environmental and social standards are predicated on inclusive stakeholder engagement, information sharing, and access to grievance redress.

## Scope

6.  The Framework applies to all UNEP-funded programmes and projects, UNEP-administered MEAs, implementing partners, executing agencies and contractors.

7.  The Framework is to be read in conjunction with and applied together in a manner, consistent with other cross-cutting policies, management practices, and standard operating procedures of UNEP[4] and of UNEP-administered MEAs.[5]

8.  The Framework's environmental and social safeguard requirements are addressed primarily through the process of environmental and social screening, assessment and management of potential environmental and social risks and impacts associated with project and programme activities.

9.  In cases where implementation of the ESSF is found to be inadequate, UNEP will make its best efforts to work with the partner to remedy any shortcomings.

# II. Guiding Principles of the Framework

10. The 2030 Agenda for Sustainable Development is a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.[6] The following Guiding Principles of the Framework are derived from the 2030 Agenda[7] and should be considered consistently for all UNEP-funded programmes and projects regardless of the presence and levels of safeguard risks.

11. **Leave No One Behind**: Leaving no one behind and reaching the furthest behind first is the central promise of the 2030 Agenda. UNEP will reinforce the overarching leave no one behind principle, in part by ensuring, through proactive engagement, that marginalized and disadvantaged groups and individuals are appropriately identified, provided equitable access to programme and project benefits and resources, and are not left behind due to disadvantages, discrimination, and vulnerability to shocks, including crisis and conflict situations, climate change impacts and natural disasters.

12. **Human Rights and Gender Equality and Women's Empowerment:** The Framework is based on the human rights standards contained in, and the principles derived from, the United Nations Charter, the Universal Declaration of Human Rights and other international human rights treaties and other legal

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[4] Access to information (link); Gender Equality and the Environment Policy and Strategy (link); UN Environment and Indigenous Peoples (link): Policy Guidance Promoting greater protection for environmental defenders (link); UN Environment partnership policy and procedures (link); Stakeholder engagement policy (link); Sustainability framework standards (link)

[5] UNEP-administered MEAs will address the ESSF requirements in a manner appropriate to their business models and nature of activities.

[6] See Transforming our world: the 2030 Agenda for Sustainable Development, para. 3, UN Doc. A/RES/70/1.

[7] The Guiding Principles are aligned with the country programming principles of the UN Sustainable Development Cooperation Framework (UNSDCF).

instruments.[8] Intergenerational equity – based on a long-term perspective on environmental, social and economic sustainability instead of short term economic gains – is promoted.

13. UNEP programmes and projects will:

▪ Uphold human rights principles of accountability and rule of law, participation and inclusion, and equality and non-discrimination, noting that prohibited grounds of discrimination include race, colour, ethnicity, sex, age, language, disability, sexual orientation, gender identity, religion, political or other opinion, national or social or geographic origin, property, birth or other status including as an indigenous person or as a member of a minority;

▪ Support Governments and other State actors to adhere to their obligations and duties to respect, to protect, and to fulfill human rights; and

▪ Refrain from supporting activities that may contribute to violations of a State's human rights obligations under international law.

14. Regarding gender equality and women's empowerment, UNEP programmes and projects will:

▪ Ensure supported activities do not discriminate against women and girls, reinforce gender-based inequalities and exclusion, or have disproportionate adverse gender-related impacts;

▪ Conduct gender analysis to promote the design and implementation of gender responsive and gender transformative programmes and projects that addresses different needs and constraints of women, men, girls, and boys, considering the effects of multiple forms of discrimination;

▪ Promote equal access to and control over productive resources and programme and project benefits;

▪ Conduct gender-sensitive stakeholder analysis and provide equal opportunities in terms of participation and decision-making;

• Empower and prioritize the needs of marginalized and vulnerable women and men of diverse socioeconomic contexts; and

• Identify and address risks of potential exposure of affected people to gender-based violence and other abuse that may occur in connection with any of UNEP's supported activities.

15. **Sustainability and Resilience:** The Framework supports international conventions and agreed policy frameworks to promote sustainability and to increase the resilience of societies, including the Paris Agreement and the United Nations Framework Convention for Climate Change, the Sendai Framework for Disaster Risk Reduction. The Framework supports efforts to reduce risks and vulnerabilities associated with natural and human-made hazards, environmental degradation, climate change, violence, conflict, political and social instability or economic volatility, in a manner consistent with UNEP's mandate. UNEP will:

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[8] See the UN Development Group, "The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies" (the 'Common Understanding'); the Office of the High Commissioner on Human Rights (OHCHR), "Frequently Asked Questions on A Human-Rights-Based Approach to Development Cooperation", HR/PUB/06/8, 2006, and; "Policy Guidance on Environment, Human Rights and Addressing Inequalities – Integrating Human Rights in the UNEP Organizational Culture and Programmatic Activities" (UNEP, 2016).

- Integrate social, environmental and economic sustainability considerations into programmes and projects;

- Conduct sound environmental and social risk assessment of proposed initiatives and apply appropriately targeted environmental and social safeguards;

- Promote financial sustainability of supported activities, consider the full economic costs of various project options, and seek to avoid negative economic consequences during and after project implementation (including to future generations), especially for vulnerable and marginalized social groups;

- Apply a precautionary approach to addressing significant environmental and social challenges;

- Strengthen resilience of communities to address risks of climate change impacts and disasters; and

- Consider interconnectivity among issues related to the economy, environment, human rights, conflict, crises and vulnerability, where relevant.

16. **Accountability:** The 2030 Agenda includes commitments to greater accountability. UNEP will:

- Promote compliance with legal norms and standards, including national laws, regulations and obligations under international environmental treaties and agreements, human rights law, international labour standards (respecting the higher standard where national law and international law set different standards);

- Stress active local community engagement and participation in programme and project decision-making and implementation, paying attention to marginalized or disadvantaged groups;

- Promote transparency of programme and project interventions through provision of timely, accessible and relevant information regarding supported activities;

- Promote stakeholder access to legitimate, accessible, predictable, equitable and transparent, and rights-compatible complaints redress processes and mechanisms to share concerns and grievances; and

- Promote monitoring – and where appropriate, participatory monitoring with stakeholders – and reporting on implementation of environmental and social risk management measures.

# III. Safeguard Standards of the Framework

## Safeguard Standard 1: Biodiversity, Ecosystems and Sustainable Natural Resource Management

17. Biological diversity – or biodiversity – is the term given to the variety of life on Earth, including plants, animals and micro-organisms, as well as the ecosystems of which they are part. Biodiversity includes genetic differences within species, the diversity of species and the variety of ecosystems. It is the result of the interaction of species, including humans, with one another and with the air, water and soil around them. This combination of life forms – ecosystems, species and genetic varieties – has made Earth a uniquely habitable place and provides the goods and services that sustain our lives, such as clean air and water, food and medicine, fuel, fibre, and material for construction. Our cultures are founded upon the different environments in which they have developed. Biodiversity and healthy ecosystems also strengthen our resilience to address environmental and social changes and shocks, including climate change impacts and disaster risks.

18. Biodiversity, however, is currently being lost at unprecedented rates due to human activities that destroy, degrade or encroach on habitats, increase pollution, and contribute to climate change. The Convention on Biological Diversity (CBD)[9] and other international conventions and agreements[10] seek to address this problem by preserving the rich diversity of life forms at the genetic, species, and ecosystem levels. This Safeguard Standard reflects and supports the objectives of the CBD and elaborate a range of actions to avoid and minimize adverse impacts to terrestrial, freshwater and marine biodiversity and ecosystems in country programmes.

19. The detailed Requirements for the Safeguard Standard 1 are listed in Annex 1, which aim to:

    - Preserve the integrity of ecosystems;
    - Conserve biodiversity;
    - Maintain and enhance the benefits of ecosystem services[11];
    - Promote nature-based solutions (NBS) wherever feasible or possible;
    - Promote sustainable management and use of living natural resources;
    - Ensure the fair and equitable sharing of the benefits from the utilization of genetic resources; and
    - Respect, preserve, and maintain knowledge, innovations and practices of indigenous peoples and local communities relevant for the conservation and sustainable use of biodiversity and their customary use of biological resources.

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[9] See the Convention on Biological Diversity.

[10] Including the Convention on Conservation of Migratory Species, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), International Treaty on Plant Genetic Resources for Food and Agriculture, Convention on Wetlands (Ramsar Convention), World Heritage Convention, International Plant Protection Convention, and the International Whaling Commission.

[11] Ecosystem services are the benefits that people derive from ecosystems. Examples are as follows: (i) provisioning services may include food, freshwater, timber, fibers, medicinal plants; (ii) regulating services may include surface water purification, carbon storage and sequestration, climate regulation, protection from natural hazards; (iii) cultural services may include natural areas that are sacred sites and areas of importance for recreation and aesthetic enjoyment; and (iv) supporting services may include soil formation, nutrient cycling, primary production.

## Safeguard Standard 2: Climate Change and Disaster Risks

20. Climate change is a fundamental threat to sustainable development and the fight against poverty. It has the potential to stall and even reverse human development through its impacts on key development sectors and activities, including but not limited to agriculture and food production, water, energy, ecosystems and other natural resources, disaster risk reduction and management, and health. Climate change may produce negative impacts through gradual environmental changes and may exacerbate extreme weather events, increasing the risk of sudden-onset, high-impact disasters.

21. The Sustainable Development Goals, the UN Framework Convention on Climate Change and the Paris Agreement, and the Sendai Framework on Disaster Risk Reduction require countries to integrate climate change and disaster risk considerations into projects, programmes, plans, and policies to strengthen resilience and to reduce potential exposure and vulnerability of communities.

22. Disaster risks encompass a broad range of potential hazards, including biological, environmental, geological, hydro meteorological, and technological processes and phenomena. The Sendai Framework calls for decision-making to be inclusive and risk-informed while using a multi-hazard approach. A multi-hazard approach should guide programme in all phases of the programme cycle. Under this safeguard area, risks associated primarily with weather-related or hydro meteorological hazards are addressed. Additional dimensions of hazard and disaster risk reduction are addressed in other thematic standard sections of the Framework. [12]

23. Reducing the impacts of climate change is pursued through two complementary strategies: mitigation (reducing greenhouse gas emissions[13] that cause climate change) and adaptation (adjusting human systems to moderate harm and/or exploit beneficial opportunities from climate change).

24. Disaster risk reduction requires integrated analysis and planning to prepare, manage and strengthen resilience to potential hazards, including applying the concept of "build back better" after a disaster to increase the resiliency of communities.

25. Communities that are already subjected to impacts from climate change may experience an acceleration and/or intensification of impacts due to programme and project activities that do not integrate and anticipate climate change and disaster risks. This Safeguard Standard aims to identify actions to reduce exposure and vulnerability of communities to climate change and disaster risks.

26. The detailed Requirements for the Safeguard Standard 2 are listed in Annex 1, which aim to:

   - Strengthen resilience of communities to address risks of climate change impacts and disasters;
   - Ensure programmes and projects integrate climate change adaptation considerations and does not exacerbate vulnerability of communities to climate change impacts or disaster risks; and
   - Minimize programme and project-related greenhouse gas (GHG) emissions and intensity and maintain carbon sinks.

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[12] Namely the sections on Screening, Assessment and Management of Environmental and Social Risks and Impacts; Community Health, Safety and Security; Biodiversity, Ecosystems and Sustainable Natural Resources; and Pollution Prevention and Resource Efficiency.

[13] "Greenhouse Gases"(GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation. The UNFCCC requires countries to report on the following direct GHGs: carbon dioxide (CO2); methane (CH4); nitrous oxide (N2O); hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); sulfur hexafluoride (SF6); nitrogen trifluoride (NF3) from five sectors (energy; industrial processes and product use; agriculture; land use, land-use change and forestry; and waste). The Montreal Protocol and its Kigali Amendment call for the phase-out of ozone depleting substances and phase-down of the powerful GHG hydrofluorocarbons (HFCs).

## Safeguard Standard 3: Pollution Prevention and Resource Efficiency

27.    Increased industrial activity, urbanization, and intensive agricultural development often generate increased levels of pollution[14] to air, water, and land, and consume finite resources in a manner that may threaten people and the environment at the local, regional, and global level. Pollution prevention and resource efficiency are core elements of a sustainable development agenda and the programme or project of UNEP needs to meet good international practice in this regard.  Pollution prevention also supports the implementation of Multilateral Environmental Agreements (MEAs) in the chemicals and waste area (e.g. Montreal Protocol, Minamata Convention, Basel Convention, Rotterdam Convention, Stockholm Convention)

28.    The detailed Requirements for the Safeguard Standard 3 are listed in Annex 1, which aim to:

- Avoid and minimize adverse impacts on human health and the environment from pollution and the unsound management of chemicals and wastes;
- Promote more sustainable and efficient use of resources, including circular approaches and practices of using energy, land and water;
- Avoid or minimize programme or project-related emissions of short and long-lived climate pollutants[15], unintentionally produced persistent organic pollutants, and ozone-depleting substances;[16]
- Avoid or minimize generation of hazardous and non-hazardous waste, and promote a human rights-based approach to the environmentally sound management and disposal of hazardous substances and wastes;[17]
- Avoid or minimize the generation of plastic waste in view of reducing the prevalence of marine plastic litter and microplastics in the marine environment; and
- Promote safe, effective, and environmentally sound pest management.

## Safeguard Standard 4: Community Health, Safety and Security

29.    The Community Health, Safety and Security Standard recognizes that programme/project activities, equipment, and infrastructure can increase community exposure to health and safety hazards and impacts. Potential negative impacts affecting health and safety may arise from a broad range of supported activities, including from infrastructure development and construction activities, changes in

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[14] For the purposes of this safeguard standard, the term "pollution" refers to both hazardous and nonhazardous pollutants in the solid, liquid, or gaseous phases, and includes other components such as pests, pathogens, thermal discharge to water, GHG emissions, ozone-depleting substances, nutrient pollution, nuisance odors, noise, vibration, radiation, electromagnetic energy, and the creation of potential visual impacts including light.

[15] This includes GHGs (see Safeguard Standard 2: Climate Change and Disaster Risks) and black carbon.

[16] Ozone Depleting Substances (ODSs) are manufactured halogen source gases that are controlled worldwide by the Montreal Protocol. These gases bring chlorine and bromine to the stratosphere, where they destroy ozone in chain chemical reactions.

[17] In this regard, due consideration should be given to the Guidelines for good practices in relation to the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes *(*2017), a report (A/HRC/36/41) prepared by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

the nature and volume of traffic and transportation, water and sanitation issues, use and management of hazardous materials, chemicals and wastes, impacts on natural resources and ecosystems, the influx of programme/project labour, and potential abuses by security personnel. This Standard addresses the need to avoid, and where avoidance is not possible, to minimize and mitigate the health and safety-related risks and impacts that may arise from UNEP-supported activities, with particular attention given to marginalized or disadvantaged groups. Measures to ensure occupational health and safety issues are addressed in Safeguard Standard 8: Labour and Working Conditions.

30. The detailed Requirements for the Safeguard Standard 4 are listed in Annex 1, which aim to:

   ▪ Anticipate and avoid adverse impacts on health and safety of affected communities during the programme or project life cycle, from both routine and non-routine circumstances;

   ▪ Ensure quality and safety in the design and construction of programme or project-related infrastructure, preventing and minimizing potential safety risks and accidents;

   ▪ Avoid or minimize community exposure to disaster risks, diseases and hazardous materials associated with programme or project activities;

   ▪ Ensure the safeguarding of personnel and property minimizes risks to communities and is carried out in accordance with international human rights standards and principles; and

   ▪ Have in place effective measures to address emergency events, whether human-made or natural hazards.

## Safeguard Standard 5: Cultural Heritage

31. Cultural heritage is central to individual and collective identity and memory, providing continuity between the past, present and future. Cultural heritage reflects and expresses people's constantly evolving values, beliefs, knowledge, traditions and practices. Cultural heritage also serves a crucial role within the sustainable development process through enhancing social cohesion, diversity, well-being and the quality of life; supporting cultural rights by protecting the heritage of minority and indigenous groups; fostering socio-economic regeneration; enhancing the appeal and creativity of cities and regions; boosting long-term tourism benefits; and enhancing sustainable practices. Cultural heritage resources are often unique and irreplaceable, and may be particularly fragile due to neglect, exploitation, or even destruction given their symbolism.

32. The requirements are designed to preserve, protect and promote cultural heritage in UN-entity programme or project in a manner consistent with UNESCO cultural heritage conventions or any other national or international legal instruments that might have a bearing on the use of cultural heritage.[18]

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[18] These conventions include The Hague Convention (for Protection of Cultural Property in the Event of Armed Conflict) (1954), The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), The Convention on the Protection of the World Cultural and Natural Heritage (1972), The Convention for the Protection of the Underwater Cultural Heritage (2001), The Convention on the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005).See also  the work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) relating to intellectual property and the protection of traditional knowledge and traditional cultural expressions.

33. The term "cultural heritage" includes tangible and intangible heritage which may be recognized and valued at the local, regional, national, or global level,[19] as follows:

- *Tangible cultural heritage* includes moveable or immovable objects, sites, structures, groups of structures, human settlements and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible cultural heritage may be located in any setting and in any environment (e.g. above or below ground or under water).

- *Intangible cultural heritage*, also referred to as living heritage, includes practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities/groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. This may include a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; b) performing arts; c) social practices, rituals and festive events; d) knowledge and practices concerning nature and the universe; e) traditional craftsmanship.

34. The detailed Requirements for the Safeguard Standard 5 are listed in Annex 1, which aim to:

- Protect cultural heritage from damage, inappropriate alteration, disruption, removal or misuse and support its preservation and safeguarding and protection;

- Ensure equitable sharing of benefits generated from integration and utilization of cultural heritage in programme or project; and

- Promote meaningful consultation with stakeholders regarding preservation, protection, utilization and management of cultural heritage.

## Safeguard Standard 6: Displacement and Involuntary Resettlement

35. Programme or project-related land acquisition and/or restrictions on land use can lead to significant adverse impacts on individuals and communities. Displacement of people from their original places of residence and disruption of their economic activities and practices, if not appropriately planned and mitigated, may give rise to severe impoverishment risks, including loss of livelihoods, homelessness, food insecurity, and loss of socio-cultural cohesion, health and well-being.

36. Programme or project-related land acquisition and restrictions on land use may cause physical displacement (i.e. relocation or loss of shelter), whether full or partial, permanent or temporary, or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood). The term "involuntary resettlement" refers to these impacts whereby persons do not have the choice to refuse displacement.

37. UNEP shall seek to avoid involuntary resettlement in supported activities wherever possible. However, UNEP may be called upon to support partner activities that could lead to involuntary resettlement of individuals or communities. Activities that lead to involuntary resettlement shall be undertaken only in exceptional circumstances for the purpose of promoting the general welfare with full justification, will

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[19] The listed elements and features do not need to be ancient in order to be considered Cultural Heritage and the requirements do not apply an age limitation.

be reasonable and proportional, and will provide appropriate forms of compensation, assistance, legal protection and information according to the requirements, with special attention to ensuring such activities do not exacerbate impoverishment risks of marginalized and disadvantaged groups and individuals. Where displacement leads to significant adverse impacts, programme or project will support the economic and social reconstruction of affected persons lives and livelihoods.

38. The detailed [Requirements for the Safeguard Standard 6](#) are listed in Annex 1, which aim to:

   ▪ Avoid, or where avoidance is not possible, minimize and mitigate adverse impacts from land or resource acquisition or restrictions on land or resource use;

   ▪ Prohibit forced evictions;

   ▪ Enhance and restore the livelihoods and living standards of all displaced persons and to improve the living conditions and overall socioeconomic status of displaced poor and persons belonging to marginalized or disadvantaged groups;

   ▪ Ensure that resettlement activities are planned and implemented collaboratively with the meaningful and informed participation of those affected.

39. The benchmark standards below apply to permanent or temporary physical and economic displacement resulting from programme or project-related land or resource acquisition or restrictions on land use or access to resources that people depend on, including the following types of land acquisition or restrictions on land or resource use:

   ▪ Land rights or land use rights acquired or restricted through expropriation according to applicable law or through negotiated settlement if the failure of negotiations would result in expropriation;

   ▪ Restrictions on land use or access to natural resources of those with traditional or customary tenure or recognizable usage rights;

   ▪ Displacement of people without formal, traditional recognizable usage rights who occupy or use land prior to the established cutoff date;

   ▪ Displacement due to programme or project-related externalities such as pollution and impacts on biodiversity or ecosystem services or the rendering of lands unusable or inaccessible; and

   ▪ Displacement occurring for associated facilities[20] and/or activities significantly related to the programme or project activities, or which occurred in anticipation of thereof.

40. The requirements do not apply to (a) voluntary, legally recorded market transactions in which the seller is fully informed about available choices and has the genuine right to retain the land and refuse to sell it.[21] However, if the sale may displace people, other than the seller, who occupy, use, or claim rights to the land in question, these requirements shall apply; and (b) restrictions of access to natural resources under community-based natural resource management arrangements where the relevant community decides to restrict access to these resources based on an appropriate community-decision making process that reflects voluntary, informed consensus.

41. For activities that may cause displacement of indigenous peoples, the benchmark standards of the Indigenous Peoples Safeguard area shall also apply.

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[20] Associated facilities mean facilities that are essential to the construction or operation of UNEP project but not financed through UNEP.

[21] Due diligence is required to ensure that the seller truly has the right to retain the land and is not compelled to sell it.

## Safeguard Standard 7: Indigenous Peoples

42. Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms. Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination. Indigenous peoples possess collective human rights which are indispensable for their existence, well-being and development as peoples. The special relationship that indigenous peoples have with their lands, territories, resources and cultural heritage is integral to their physical, spiritual and cultural survival.

43. The promotion and protection of the rights of indigenous peoples, especially concerning their lands, territories, resources, traditional livelihoods, tangible and intangible cultural heritage are central to respecting indigenous peoples' identities and improving their well-being.

44. This Safeguard standard applies to all programme or project which may affect or benefit indigenous peoples' rights to lands, territories, natural resources, knowledge, social fabric, traditions, governance systems, and cultural heritage.

45. Identification of indigenous peoples. "Indigenous peoples" refers to distinct collectives who possess any of the more commonly accepted definitions of indigenous peoples,[22] with self-identification as distinct peoples as a fundamental criterion, regardless of the local, national and regional terms applied to them. Other key characteristics of these definitions include the following: voluntary perpetuation of cultural distinctiveness (e.g. languages, laws, customary cultural, social, economic or political institutions); collective attachment to the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired; traditional livelihoods and tangible and intangible cultural heritage associated to their lands, territories, and resources; priority in time with respect to occupation and use of specific territory; and an experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist. Indigenous peoples may have a distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

46. Indigenous peoples include those indigenous peoples who have lost access to lands, territories or resources because of forced severance, conflict, government resettlement, dispossession, natural disasters, or incorporation of lands into urban areas, but that still maintain collective attachment to those lands, territories and resources.

47. Indigenous peoples might not be recognized by the country in question or possess recognized title to lands, territories or resources. In some countries, indigenous peoples may be referred to by other terms, such as "ethnic groups or minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," "first nations," "tribal groups," "pastoralists," "hunter-gatherers," "nomadic groups" or "forest dwellers," or other terms. Regardless of which terminology is used, the requirements herein shall apply to groups that satisfy the above characteristics.

48. UNEP shall work in partnership with indigenous peoples and support their right to determine and develop priorities and strategies for exercising their right to development and contribute to the

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[22] Including but not limited to those provided for in ILO Convention No. 169; the Study on the Problem of Discrimination against Indigenous Populations (the Martinez Cobo Study); and the Working paper on the concept of "indigenous people" of the Working Group on Indigenous Populations (Commission on Human Rights) (E/CN.4/Sub.2/AC.4/1996/2).

realization of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples,[23] the Indigenous and Tribal Peoples Convention, 1989 (No. 169),[24] and other relevant international instruments.

49. The detailed Requirements for the Safeguard Standard 7 are listed in Annex 1, which aim to:

- Recognize and foster full respect for indigenous peoples and their human rights, dignity, cultural uniqueness, autonomy, identity, and aspirations;
- Promote indigenous peoples' rights to self-determination and development with culture and identity;[25]
- Recognize and respect the rights of indigenous peoples to their lands, territories, and resources that they have traditionally owned, occupied, or otherwise used or acquired;
- Recognize, respect, protect and preserve indigenous peoples' culture, knowledge, and practices;
- Promote interventions designed, managed, and implemented by indigenous peoples;
- Ensure that programmes and projects are designed in partnership with indigenous peoples, with their full effective and meaningful consultation and participation, and respect free, prior and informed consent (FPIC);
- Support countries to respect, protect and fulfill the rights of indigenous peoples;
- Avoid adverse impacts on indigenous peoples from supported activities, and minimize, mitigate and remedy adverse impacts where avoidance is not possible; and
- Ensure indigenous peoples obtain fair and equitable benefits and opportunities from supported activities in a culturally appropriate and inclusive manner.

## Safeguard Standard 8: Labour and Working Conditions

50. The pursuit of inclusive and sustainable economic growth, full and productive employment and decent work for all requires the protection of workers' fundamental rights, their fair treatment, and the provision of safe and healthy working conditions. Programme or project activities shall enhance employment promotion benefits, development outcomes and sustainability by ensuring sound worker-management relationships and cooperation in their design and implementation. The requirements set out herein have been guided by a number of international conventions and instruments, including those of the International Labour Organization (ILO) and the United Nations (UN).[26]

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[23] See the United Nations Declaration on the Rights of Indigenous Peoples.

[24] See ILO Convention No. 169.

[25] See Indigenous peoples: development with culture and identity in the light of the United Nations Declaration on the Rights of Indigenous Peoples - A reflection paper of the Inter-Agency Support Group on Indigenous Issues, consolidated by the United Nations Educational, Scientific and Cultural Organization; Permanent Forum on Indigenous Issues, E/C.19/2010/17.

[26] These conventions include among others: ILO Convention 87 on Freedom of Association and Protection of the Right to Organize; ILO Convention 98 on the Right to Organize and Collective Bargaining; ILO Convention 29 on Forced Labour and Protocol of 2014 ; ILO Convention 105 on the Abolition of Forced Labour; ILO Convention 138 on Minimum Age (of Employment); ILO Convention 182 on the Worst Forms of Child Labour; ILO Convention 100 on Equal Remuneration; ILO Convention 111 on Discrimination (Employment and Occupation); ILO Convention 155 on Occupational Safety and Health; ILO Convention 161 on Occupational Health Services; UN Convention on the Rights of the Child, Article 32.1; UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

51.	The detailed [Requirements for the Safeguard Standard 8](#) are listed in Annex 1, which aim to:

- Promote, respect and realize fundamental principles and rights at work[27] through:
  - Supporting freedom of association and the effective recognition of the right to collective bargaining;
  - Preventing the use of child labour and forced labour;
  - Preventing discrimination and promoting equal opportunity of workers;
- Protect and promote the safety and health of workers;
- Ensure projects/programmes comply with national employment and labour laws and international commitments; and
- Leave no one behind by protecting and supporting workers in disadvantaged and vulnerable situations, including a special focus, as appropriate, on women workers, young workers, migrant workers and workers with disabilities.

52.	The requirements of this Standard are to be applied in an appropriately-scaled manner based on the nature and scale of the project, its specific activities, the project's associated social and environmental risks and impacts, and the type of contractual relationships with project workers.

53.	The requirements regarding labour and working conditions shall apply to all workers employed or engaged directly by a project/programme to work specifically in relation to the project/programme (direct workers), by third parties[28] to perform work related to the core functions[29] of the project/programme regardless of location (contractor workers), and by its primary suppliers30 (primary supplier workers). The requirements shall apply to full-time, part-time, temporary, seasonal and migrant workers, and are to be addressed by the party or parties responsible for implementing the project/programme.

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[27] [ILO Declaration on Fundamental Principles and Rights at Work](#) (1998).

[28] "Third parties" may include contractors, subcontractors, brokers, agents or intermediaries.

[29] "Core functions" of a project/programme constitute those production and/or service processes essential for a specific activity without which the project/programme cannot continue.

[30] "Primary suppliers" are those suppliers who, on an ongoing basis, provide directly to the project/programme goods or materials essential for the core functions of the project/programme.

# IV. Operationalizing the Framework[31]

54.  UNEP and of UNEP-administered MEAs will make best efforts to ensure its projects and programmes are prepared and implemented in a manner that adhere to the Guiding Principles and complies with the Safeguard Standards of the Framework.

55.  UNEP will consider the use of a host country's or partner's safeguards system where UNEP has determined that such systems are consistent with UNEP's Guiding Principles and Safeguard Standards and objectives.[32]  UNEP may agree with a host country or partner on actions to enhance its capacity, so as to permit the use of the country's or partner's system.

56.  The following sections set out for the overarching approach UNEP will take to operationalizing this Framework: (a) screening, assessment, management and monitoring of environmental and social risks; and (b) steps for ensuring meaningful stakeholder engagement and accountability. The detailed processes UNEP will put in place to operationalize this Framework in line with the approach laid out below will be elaborated in UNEP Programme Manual.

57.  While UNEP-administered MEAs seek to adhere to the overarching approach, MEAs may adapt it, if need be, to be consistent with the UNEP Delegation of Authority Policy Framework (DAPF) for MEAs, other MEAs-applicable policies and consistent with MEAs-specific processes and manuals as adopted by their governing bodies.

## Screening, Assessment, Management and Monitoring of Environmental and Social Risks and Impacts

58.  Screening, assessment, management and monitoring refers to a process of identifying, predicting, evaluating, and then taking requisite steps to avoid – and where avoidance is not possible to mitigate adverse environmental and social impacts associated with programme and project activities. Early identification of such risks and impacts allows for informed decision making to avoid or mitigate adverse consequences, as well as to enhance potential beneficial outcomes. With an emphasis on engagement of stakeholders, the screening, assessment and management process broadens public understanding and ownership of programme and project activities. MEAs is involved in such screening/assessment & management processes, i.e. by conducting these processes themselves according to their UNEP delegations of authority and at least by being consulted in these UNEP processes.

### Screening and Categorization

59.  UNEP screens and categorizes proposed programme and project activities using the Safeguard Risk Identification Form (SRIF)[33]  (i) to identify potential environmental and social risks and impacts

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[31] Details on the UN Environment Environmental and Social Sustainability Framework operational process, tools and templates, please visit "Wecollaborate" in UNEP intranet.

[32] UNEP will review relevant policies and the host country's or partner's capacity during the project preparation and review phases up to full project approval.  In so doing, UNEP may take into account country system diagnostic reviews that were conducted by other reputable international organizations, such as the World Bank Group, UN agencies and other entities.

[33] It is similar to the Environmental, Social and Economic Review Note (ESERN), which was used for risk screening against the ESESF.

associated with supported activities, (ii) to determine the nature and level of review and management measures required for addressing the identified risks and impacts, and (iii) to identify opportunities to support other positive changes to the environment and societies.

60. Screening and categorization occur at the Concept Review Committee (CRC) review phase (for projects and programmes that require concept clearance) and reoccur during the project development period and well before the Project Review Committee (PRC) review phase. Projects that do not require CRC review are also screened well before the PRC review phase. The risk types and levels should be screened and cleared by the UNEP Safeguards Advisor via project concepts, project documents, SRIF and consultations. In this context, consultation with the safeguards team on the risk types, risk levels and mitigation measures at early project development phase is required.

61. The screening process results in the assignment of a risk category based on the programme and project components presenting the most significant potential environmental and social risks. The risk categories include consideration of direct, indirect, cumulative and induced potential impacts in the programme or project area.[34] The safeguard risk categories for UNEP programmes and projects are Low Risk, Moderate Risk, and High Risk. See Annex I for descriptions of each category.

**Assessment and Management Process**

62. For projects or programmes categorized as Moderate Risk or High Risk, additional assessment and management measures shall be integrated into the project's design and implementation plans. The environmental and social analysis and/or assessment and management measures shall be developed and implemented at a scope and depth commensurate to the nature and magnitude of potential risks and impacts and as necessary to address the differentiated requirements specified in Annex I, including application of a precautionary approach and adherence to the mitigation hierarchy.

63. Specific due diligence is undertaken to ascertain the performance capacity and reputation of implementing partners, including private sector partners, in accordance with the UNEP Partnership Policy and Procedures and the UNEP Private Sector Engagement Policy.

64. When projects or programmes are focused on emergency action during humanitarian crisis or disasters, adjustments may be required to the timelines and sequencing of addressing the assessment and management requirements to prioritize rapid response activities. In such cases, UNEP will identify the environmental and social risks of the given situation for response activities and progressively address the operational requirements as activities transition to longer term interventions.

**Monitoring and Reporting of Environmental and Social Risks and Impacts**

65. The risk monitoring of programme or project activities will put in place adequate institutional arrangements, systems, resources and personnel to oversee agreed environmental and social risk management measures and plans. Where appropriate, monitoring shall engage stakeholders and third parties, such as affected communities, independent experts, or NGOs, to complement or verify monitoring activities. Based on the monitoring results, necessary corrective actions shall be undertaken. UNEP shall be promptly notified by the implementing partners or the project teams of any

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[34] Significance of risks and impacts depends on a range of factors, including the nature and type of the programme or project activities, location, and the magnitude of potential environmental and social impacts.

incident or accident related to the programme or project activities that has or is likely to have significant adverse impacts on people or the environment. UNEP, associated MEAs where the case may be, and the implementing partners shall take Immediate measures to address the incident or accident and to prevent any recurrence.

66.     UNEP, and associated MEAs where the case may be, and the implementing partners, including private sector partners, shall provide periodic reports to programme or project-affected communities describing progress on the implementation of environmental and social management measures and plans and on issues that the consultation process or grievance mechanisms have identified as matters of concern, as set out in the agreed environmental and social management plans. Regular progress reporting on projects and programmes through UMOJA should include information on implementation of environmental and social management measures and plans, emerging challenges and adaptive measures taken.

## Stakeholder Engagement and Accountability

67.     Effective stakeholder engagement is a cornerstone to achieving sustainable development. Meaningful engagement with stakeholders, including access to timely and relevant information and grievance redress, are key aspects of a human rights-based approach to programmes and projects. Government partners, civil society actors and organizations, private sector actors, trade unions, indigenous peoples, local communities and other stakeholders are important partners in this approach. Effective stakeholder engagement is also fundamental in combatting inequality and ensuring equity and non-discrimination across all programme and project areas.

### Stakeholder Engagement

68.     UNEP will promote meaningful and effective engagement with stakeholders throughout the programme or project management cycle, in particular with those who may be directly or indirectly affected by supported activities.[35] Stakeholder engagement is an on-going process that involves to varying degrees: (i) stakeholder identification and analysis, (ii) planning and management of stakeholder engagement over the course of the programme or project, (iii) timely disclosure of relevant, accessible information on the programme and project activities, (iv) consultation and meaningful participation, (v) dispute resolution and addressing potential grievances, (vi) reporting to stakeholders, and (vi) inclusion of stakeholders in monitoring and evaluation. Stakeholder engagement in projects and programmes of UNEP and UNEP-administered MEAs, where consistent with their delegations of authority and the decisions adopted by their governing bodies, shall adhere to the guidelines in Annex II.

69.     Stakeholder engagement specialists with up-to-date familiarity of local contexts may be required to devise and help manage engagement processes in contextually appropriate ways. Decentralized, targeted meetings with specific stakeholder groups may be necessary. Timelines and documentation for stakeholder engagement may need to be adjusted in such cases. Risks to stakeholders from participation in supported activities should be closely monitored.

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[35] The term "stakeholder" refers to individuals or groups who are affected or are likely to be affected by the programme or project activities or to those who may have an interest in the programme or project activities.

**Access to Information**

70. UNEP shall ensure that stakeholders have timely access to relevant, appropriate, understandable information on the programme or project and potential associated environmental and social risks and impacts described in Annex III.

71. UNEP, through its UNEP Access-to-information Policy[36] and Principle 10 of the Rio Declaration on Environment and Development, as well as UNEP-administered MEAs throughout their respective information platforms and websites, are committed to the timely access and dissemination of information concerning the organization, its work, and its programmes and projects.

**Grievance Redress**

72. Stakeholders who may be adversely affected by a UNEP project or programme that is either in preparation or under implementation can communicate their concerns about the environmental and social performance of the activity through various entry points, scaled appropriately to the nature of the activity and its potential risks and impacts. Stakeholders are informed about available grievance redress processes/mechanism as part of the stakeholder engagement process.

73. When necessary, a local redress mechanism is made available (either through an existing mechanism or one created for the project/programme). These mechanisms aim to be fair, inclusive, readily accessible, culturally appropriate, and transparent, with due consideration for confidentiality of potential complainants. Such mechanisms are to outline clear roles, responsibilities, and procedures to ensure the handling of stakeholder concerns in a prompt and effective manner, free of charge.[37] Measures will be undertaken to identify, address and reduce the risk of retaliation or reprisals against people accessing local grievance redress processes.

74. Local grievance redress processes and mechanisms are to be the first point of contact for stakeholders who may be adversely affected by a UNEP project or programme. In the event that such concerns are not resolved at the local level, such stakeholders may access UNEP's Stakeholder Response Mechanism which undertakes both compliance review and grievance redress functions. The UNEP Stakeholder Response Focal Point is responsible for receiving and addressing potential grievance issues.

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[36] Visit http://wedocs.unep.org/bitstream/handle/20.500.11822/9922/REVISED-access-to-information-policy-Jan-2016.pdf?sequence=1&isAllowed=y for the policy document.

[37] Grievance redress mechanisms should be designed to the extent possible according to the effectiveness criteria for non-judicial grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights, 2011. See http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

# ANNEXES

## ANNEX I: Requirements for UNEP ESSF Safeguard Standards

### 1. Safeguard Standard 1: Biodiversity, Ecosystems and Sustainable Natural Resource Management

*Requirements*

1.1.   **Risk identification.** Identify potential direct and indirect impacts – at both concept and full proposal phase, on biodiversity, ecosystems and ecosystem services from supported activities. Consider risks related to habitat and species loss, degradation and fragmentation, overexploitation, invasive alien species, hydrological changes, nutrient loading, pollution, incidental take, potential climate change impacts, and differing values attached to potentially affected biodiversity and ecosystem services by potentially affected communities and other stakeholders.[38] Consider potential impacts across landscapes and seascapes to ensure that any adopted impact mitigation strategy aligns with regional conservation goals. Where adverse impacts to biodiversity and ecosystems are identified, ensure that suitably qualified expertise is used in assessing potential impacts, developing appropriate mitigation and monitoring measures, and verifying implementation.[39] Involve and consult with relevant stakeholders, and in particular local communities affected by the supported activities, in the identification and assessment of potential impacts on biodiversity and relevant ecosystem services.

1.2.   **Ecosystem approach, mitigation hierarchy and precautionary approach.** Where relevant, pursue an ecosystem approach for the integrated management of land, water and living resources, and its dependencies and linkages, that promotes conservation and sustainable use in an equitable way.[40] Apply the mitigation hierarchy to anticipate and, as a matter of priority, avoid adverse impacts on biodiversity and ecosystems. Where avoidance is not possible, minimize and then mitigate potential adverse impacts to acceptable levels, and lastly, consider compensation for or offsetting remaining residual impacts (on biodiversity offsets, see below). Avoidance of significant adverse impacts may at times require redesign of or not proceeding with certain activities. In addition, use a precautionary approach when addressing potential adverse impacts on biodiversity, ecosystems and communities: the lack of full scientific certainty should not be used as a reason for avoiding cost-effective measures to prevent environmental degradation.

1.3.   **Siting preference**. Prioritize siting activities with potential adverse impacts far from critical habitats[41], protected areas or areas of ecological significance, giving preference to locating

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[38] Biodiversity and ecosystems will be viewed differently depending on the stakeholders and will vary from region to region. Particular biodiversity attributes and ecosystem services will generally be valued differently (e.g. ecologically, economically, culturally) by relevant local, national and international stakeholders.

[39] See CBD Voluntary Guidelines on Biodiversity-inclusive Impact Assessment (CBD Decision VIII/28)

[40] "Ecosystem" means a dynamic complex of plant, animal and microorganism communities and their nonliving environment interacting as a functional unit (CBD, Article 2). See Convention on Biological Diversity, Ecosystem Approach.

[41] Critical habitats are areas with high biodiversity value, including any of the following features: (i) habitat of significant importance to threatened or endangered species (e.g. Critically Endangered, Endangered or Vulnerable species identified in the IUCN Red List of Threatened Species); (ii) habitat of significant importance to endemic and/or restricted-range species; (iii) habitat supporting globally significant concentrations of migratory species and/or congregatory species; (iv) highly threatened and/or unique ecosystems; and/or (v) areas associated with key evolutionary processes. Critical habitats include those areas that are (i) legally protected, (ii) officially proposed for protection, (ii) identified by authoritative sources for their high conservation value (such as

activities on lands where natural habitats have already been converted or degraded and with limited restoration potential or in areas of low value for biodiversity and ecosystem services. If potential sites are recognized as critical habitats by national or international designation, such as protected areas, a more detailed environmental impact assessment may be required.

1.4.   **Habitats.** Avoid activities that would lead to adverse impacts on critical habitats (i.e. no measurable adverse impacts on the biodiversity values and ecological processes of such areas), including activities that may convert or degrade such areas. For areas of natural habitat[42], seek to avoid any significant conversion or degradation and proceed with activities that could cause adverse impacts to such areas only if no viable alternatives exist and appropriate environmental conservation and impact mitigation measures are in place, including the maintenance of any potentially affected ecosystem services. Appropriate mitigation and management measures shall aim to achieve net gains of biodiversity for critical habitats and, wherever possible, for natural habitats, striving at least for no net loss of biodiversity for such areas. However, it must be recognized that no net loss is not possible in all cases, e.g. where endemic species have highly restricted distributions. In such instances, explore alternative designs to avoid adverse impacts to biodiversity.

1.5.   Ensure programmes and projects involving forest restoration maintain or enhance biodiversity and ecosystem functionality, and are environmentally appropriate, socially beneficial and economically viable.

1.6.   **Protected areas.** Avoid activities that would cause significant adverse impacts to legally protected areas, areas designated for legal protection, and areas recognized for their high biodiversity value, including indigenous protected areas (IPAs) or indigenous and community conserved areas (ICCAs). Activities in these areas need to be consistent with the area's legal protection and management objectives and plans, where existent. Protected area stakeholders (e.g. sponsors, managers, potentially affected communities, indigenous peoples, other interested parties) are to be consulted and involved in the design, implementation, and monitoring and evaluation of activities that may affect such areas.[43] Where supported activities may affect protected lands and territories claimed by indigenous peoples, the requirements of Safeguard Standard 7: Indigenous Peoples also apply.

1.7.   **Endangered species.** Ensure that activities do not lead to a reduction in the populations of any recognized Vulnerable, Endangered, or Critically Endangered species, or restricted range species, as identified in the IUCN Red List of Threatened Species[44] or equivalent national/regional listings. All programmes and projects should also ensure that they do not increase the risk of illegal trade.[45] If endangered species or their habitats are likely to be affected by supported activities, a more detailed environmental impact assessment will likely be required.

1.8.   **Management of ecosystem services.** Avoid adverse impacts to ecosystem services. In particular, the analysis of ecosystem services should take into account the ecological, social and cultural importance of services to locally affected communities. If avoidance of adverse impacts is not

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areas that meet criteria of the World Conservation Union classification, the Ramsar List of Wetlands of International Importance, and UNESCO world heritage sites), or (iv) recognized as protected by traditional local communities.

[42] Natural habitats are land and water areas where the biological communities are formed largely by native plant and animal species, and where human activity has not essentially modified the area's primary ecological functions and species composition.

[43] See the IUCN Best Practice Guidelines on protected areas.

[44] See the IUCN Red List of Threatened Species.

[45] In accordance with the Convention on International Trade in Endangered Species in Wild Fauna and Flora (CITES). See the CITES Appendices of species threatened by international trade.

possible, mitigation and management measures will aim to maintain the value and functionality of affected ecosystem services. Involve and consult with affected communities on activities that may affect their ecosystem services.

1.9. **Water resources.** Seek to avoid adverse impacts on water resources and water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, and promote sustainable use of water resources through integrated water resources management approaches. Ensure that supported activities do not adversely affect access to and and/or quality of water supplies. In addition, the impact of activities on downstream water, including coastal and marine ecosystems should also to considered with negative impacts avoided.

1.10. **Soil Management.** Avoid, and where not possible, minimize adverse impacts on soils (e.g. through avoidable and excessive use of agro-chemicals), their below-ground biodiversity, organic content, productivity, structure, water-retention capacity.

1.11. **Biodiversity offsets.** Biodiversity offsets shall be considered only as a last resort if significant residual adverse impacts to biodiversity remain after avoidance, minimization, and restoration measures have been applied. Such offsets are to be designed to achieve measurable, additional, and long-term conservation outcomes that achieve no net loss of biodiversity and preferably a net gain (which would be required if critical habitats are affected). It must be recognized that certain impacts cannot be offset if the affected area is unique and irreplaceable. Qualified experts and key stakeholders are to be involved in the design of offsets, which are to adhere to the "like-for-like or better" principle.

1.12. **Alien and invasive alien species.** Implement measures to avoid introduction, dispersion or utilization of invasive alien species, whether accidental or intentional, and support activities to mitigate and control their further spread. Avoid the intentional introduction of new alien species unless carried out according to existing regulatory frameworks and the introduction is subject to a risk assessment.[46]

1.13. **Biosafety and genetic resources.** Adhere to the CBD and its Cartagena Protocol on Biosafety[47] in the handling, transport, and use of living modified organisms that result from modern biotechnology which may have adverse impacts on biodiversity and human health.

1.14. **Customary sustainable use of biological diversity**. Where relevant, protect and encourage customary use of biological resources in accordance with traditional knowledge, innovations and cultural practices that are compatible with conservation or sustainable use requirements, ensuring full and effective participation of relevant indigenous peoples and local communities where such traditional knowledge and practices are affected, supported or utilized in country programme.

1.15. **Use of genetic resources.** For programmes and projects that involve the utilization of genetic resources, ensure that the collection of such resources is conducted sustainably and that benefits derived from their utilization are shared in a fair and equitable manner, consistent with applicable access and benefit sharing (ABS) measures in the utilization of genetic resources in accordance with

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[46] See Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats or Species, CBD Decision VI/23, Annex.

[47] See the CBD Cartagena Protocol on Biosafety.

the CBD (Article 15) and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.[48]

1.16.   **Sustainable management of living natural resources.** Ensure sustainable management of living natural resources in accordance with Article 10 of the CBD. Apply appropriate industry-specific best management practices and, where codified, credible certification and independent verification systems. Where relevant, support small-scale landholders to harvest and produce living natural resources in a sustainable manner.[49]

1.17.   **Primary Suppliers**. When purchasing natural resource commodities, where possible, limit procurement to those primary suppliers that can demonstrate that they are not contributing to significant conversion or degradation of natural or critical habitats, and if necessary within a reasonable period, shift to primary suppliers that can demonstrate that they are not significantly adversely impacting these areas. Encourage application of Environmental Product Descriptions (EPDs),[50] ecolabels and/or other certified sourcing standards, where available.

## 2.   Safeguard Standard 2: Climate Change and Disaster Risks

*Requirements*

2.1   **Climate change and disaster risk analysis, planning, implementation, monitoring and evaluation**. Adverse impacts may be caused by gradual changes in climate, including rising temperatures, decreased water availability, salinization of land and fresh water, erosion, desertification, sea level rise, ocean acidification, and loss of natural buffer zones, thawing of permafrost lands among other potential changes. Climate change may also have an impact on the frequency, intensity, spatial extent, duration and timing of weather-related or hydro-meteorological hazards leading to sudden-onset extreme events such as floods, landslides, tropical storms, wildfires and droughts.

2.2   Ensure programme or project is sensitive to and informed by climate change and disaster risk considerations through the following measures:

- Integrate relevant and up-to-date climate and disaster risk information during the design and implementation of interventions;

- Identify potential exposure and sensitivity of relevant communities, ecosystems, and critical infrastructure to climate change impacts and hazards, both natural and human-made, including extreme weather events. Analyse potential specific gender-, age- and social vulnerabilities and differentiated impacts, particularly to marginalized and disadvantaged groups and individuals;

- Integrate where relevant climate change adaptation considerations in planning ("climate proofing") and examine viability of intended outcomes and sensitivity of programme or project components given potential climate change impacts and disaster risks;

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[48] See the CBD Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is supporting development of an international legal instrument relating to intellectual property which will ensure the effective and balanced protection of genetic resources.

[49] See Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, CBD Decision VII/12, Annex II.

[50] An Environmental Product Declaration (EPD) is an independently verified and registered document that communicates transparent and comparable information about the life-cycle environmental impact of products. The relevant standard for Environmental Product Declarations is ISO 14025, where they are referred to as "type III environmental declarations."

- Assess whether activities may increase exposure or exacerbate vulnerability to climate change impacts or disasters (e.g., maladaptation[51]) and avoid activities that may exacerbate such risks;

- Ensure development of appropriate climate and disaster risk management plans are in place, including but not limited to emergency and response plans and ensure appropriate monitoring and, where necessary, adoption of corrective measures;

- Where relevant, integrate disaster risk reduction measures into the restoration of physical infrastructure and societal systems to "build back better" after a disaster to increase the resiliency of communities;

- Identify opportunities for facilitating climate change adaptation, strengthening resilience, reducing vulnerabilities[52] and seek synergies with existing or planned activities, and generating mitigation co-benefits (e.g., reduction in GHG emissions) where possible; and

- Incorporate stakeholder perspectives, including those most vulnerable to potential to climate change impacts and disaster risks, into programme or project risk analysis, planning, implementation, monitoring and evaluation.

2.3 **Minimize and reduce GHG emissions.** Minimize and avoid unwarranted increases in greenhouse gas emissions or other drivers of climate change from supported activities, including through the following measures:

- Consider alternatives and implement technically and financially feasible options to reduce programme or project-related GHG emissions and other drivers of climate change. Options may include alternative locations; use of renewable and low-carbon energy sources; energy efficiency; and climate-smart agriculture, forestry, livestock management practices; and use of low-global-warming-potential coolants for air-conditioning and refrigeration;

- Where GHG emissions may be significant, characterize and estimate all sources of GHG emissions related to programme or project activities to form a baseline for reducing such emissions. Support and adopt, where relevant, GHG-accounting methodologies for programme or project activities according to good international practice; and

- Protect, conserve and, where appropriate, incorporate carbon sinks in programme or project activities. Carbon sinks absorb atmospheric carbon into plants, soils, wetlands and water.

# 3. Safeguard Standard 3: Pollution Prevention and Resource Efficiency

*Requirements*

3.1 **Resource efficiency and circular approaches**. Apply lifecycle thinking and implement technically and financially feasible measures for improving efficiency along the relevant and/or related supply chains, in particular for the use of energy, water, raw materials and other resources. Circular approaches can support a move to pollution prevention and waste generation through more

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[51] See e.g. UN Environment Progamme's Frontiers 2018/19 Report which contains a chapter on Maladaptation, UN Environment (2019). Frontiers 2018/19 Emerging Issues of Environmental Concern. United Nations Environment Programme, Nairobi

[52] Among other measures, conserving biodiversity and promoting healthy ecosystems strengthens resilience to potential adverse climate change impacts and disaster risks and may facilitate effective adaptation strategies. See CBD/SBSTTA, Guidelines for Ecosystem-Based Approaches to Climate Change Adaptation and Disaster Risk Reduction, January 2018 (draft).

efficient value retention. Apply good international practices to improve resource efficiency, including principles of cleaner production, innovation, eco-design, sustainable infrastructure, and sustainable procurement and sustainable lifestyles where applicable and/or feasible.

3.2     **Water use and conservation**. Where programme or project activities involve high demand for water resources, apply measures to reduce water use and ensure that such usage does not have significant adverse impacts on communities, other users, or on the environment and ecosystems. Assess cumulative impacts of water use and implement appropriate mitigation measures such as water demand management, efficiency measures, benchmarking usage, alternative supplies, resource contamination avoidance, mitigation of impacts on downstream users, and water use offsets. Apply good international practice for water conservation and efficiency, including for irrigation activities and wastewater usage.

3.3     **Pollution prevention.** Avoid, and if not possible, minimize and control the intensity and flow of pollutants from routine, non-routine, and accidental releases. Establish preventive measures wherever possible and ensure that application of pollution prevention and control technologies are consistent with best available techniques and best environmental practices established under the chemicals and waste MEAs and good international practice throughout the programming cycle. Use performance levels and measures specified in national law or in good international practice, whichever is more stringent.[53] If less stringent measures are appropriate, fully justify the chosen alternative through the assessment process, demonstrating that the alternative is consistent with these requirements and with the obligations of countries under the chemicals and waste MEAs. In addressing potential adverse impacts, consider ambient conditions and assimilative capacity of the environment, land use, proximity to ecologically sensitive areas, and the potential for cumulative impacts. If the programming activities will generate significant emissions ensure that those emissions are not consisting of or containing pollutants regulated under the chemicals and waste MEAs.  If the programming activities will generate significant other emissions in already degraded/polluted areas, adopt measures that avoid and minimize potential negative effects, including potential alternative locations. Control runoff of contaminated water from programming sites and ensure polluted wastewater is treated.

3.4     **Wastes.** Avoid, and if not possible, minimize generation of waste, and reuse, recycle, and recover wastes in a safe manner (following the waste hierarchy and circular economy approaches to resource use). Develop waste management plans where waste generation and handling may be significant. Waste materials must be treated and disposed of in an environmentally sound manner with control of emissions and residues in line with technical guidelines established under the Basel, Rotterdam and Stockholm (BRS) Conventions.  Utilize reputable contractors and ascertain if licensed disposal sites are being operated to acceptable international standards and in line with the obligations of countries under the BRS Conventions. If not, minimize waste sent to such sites and consider alternative disposal options. Obtain chain of custody documentation for third party disposal and ensure adherence to laws governing transboundary movement of wastes.  Identify, and where possible, remediate sites contaminated by hazardous substances.

3.5     **Hazardous materials.** Avoid, and if not possible, minimize and control the use, release and community exposure to hazardous materials in line with the obligations of countries under the BRS Conventions. Utilize less hazardous substitutes wherever possible, and where use of hazardous

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[53] For good international practice, see the performance measures in the World Bank Group Environmental Health and Safety Guidelines.

materials cannot be avoided, develop hazardous materials management and safety measures/plans as per good international practice.[54] In the programming environmental and social risk assessment, consider potential impacts on human rights of potentially affected groups as well as differentiated effects and risks on men, women, children and older persons to potential exposure to hazardous materials. Consider the special vulnerabilities faced by workers as well as low-income communities, indigenous peoples and minorities. Do not support the manufacture, trade, or use of chemicals or hazardous substances subject to national, regional and international regulations, restrictions or phase-outs unless for specific exemptions and acceptable purposes as defined by the BRS Conventions.

3.6     **Pesticide use and management**. Seek to avoid use of pesticides in supported activities. Where recourse to pesticide use is deemed necessary, adopt safe, effective and environmentally sound pest management in line with the obligations of countries particularly under the Rotterdam and Stockholm conventions and in accordance with the WHO/FAO International Code of Conduct on Pesticide Management[55] for the safe labelling, packaging, handling, storage, application and disposal of pesticides. Utilize Integrated Pest Management (IPM) and Integrated Vector Management (IVM) approaches as called for, among others, under the Rotterdam and Stockholm conventions. If after having considered available IPM approaches, pesticide use is deemed to be justified, carefully consider hazards and select least toxic pesticides that are known to be effective, have minimal effects on non-target species and the environment, and minimize risks associated with development of resistance in pests and vectors. Develop a Pest Management Plan where use of a significant volume of pesticides is foreseen that demonstrates how IPM will be promoted to reduce reliance on pesticides and describes measures to minimize risks of pesticide use. Do not supply or use pesticides that contain active ingredients that are banned or restricted under applicable international treaties and MEAs, or meet the criteria of carcinogenicity, mutagenicity, or reproductive toxicity as set forth by relevant international agencies.[56] Users of any pesticides shall be trained to handle pesticides in a proper and responsible manner and utilize appropriate application equipment and adequate personal protective equipment. Manage pesticide stockpiles and wastes in an environmentally sound manner.

3.7     **Participation, access to information and accountability**. Ensure that the benchmark standards of the Stakeholder Engagement and Accountability safeguard area are followed. Effectively and timely communicate all relevant information and facilitate the meaningful participation of potentially affected communities in relation to the design and implementation of pollution prevention and resource efficiency, as per good international practice and in line with the obligations of countries under treaties on access to information, public participation and access to justice in environmental

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[54] These include the principles of inherently safer design, life-cycle approach, and global approach. See Guidelines for good practices in relation to the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes *(2017), a report (A/HRC/36/41) by the UN Special Rapporteur, in particular, paras. 45-55.

[55] FAO/WHO, The International Code of Conduct on Pesticide Management (2014).

[56] Including those that meet the criteria for Highly Hazardous Pesticides identified by WHO and FAO: (1) pesticide formulations that meet the criteria of classes Ia or Ib of the WHO Recommended Classification of   Pesticides by Hazard; (2) pesticide active ingredients and their formulations that meet the criteria of carcinogenicity, mutagenicity, and reproductive toxicity Categories 1A and 1B of the Globally Harmonized System on Classification and Labelling of Chemicals (GHS); (3) pesticide active ingredients listed by the Stockholm Convention in its Annexes A and B, and those meeting all the criteria in paragraph 1 of annex D of the Convention; (4) pesticide active ingredients and formulations listed by the Rotterdam Convention in its Annex III; (5) substances listed under the Montreal Protocol; and (6) pesticide active ingredients and formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment.

matters[57] as well as under specific MEAs such as the BRS Conventions.  Ensure an effective remedy for any adverse impacts on human beings and the environments, which may include the remediation of contaminated sites, compensation, the cessation of action or inaction that gives rise to impacts, the provision of health care and the dissemination of information to prevent recurrence.[58]

## 4.  Safeguard Standard 4: Community Health, Safety and Security

*Requirements*

4.1     **General health and safety risk management.** Ensure health and safety risks directly and indirectly associated with programme or project activities are duly identified and appropriate avoidance, minimization, and mitigation measures as per the mitigation hierarchy are adopted. Ensure appropriate health and safety assessments are undertaken[59] and management measures, plans and systems are in place based on good international practice, tailored to the specific sector or activities in question, and designed and carried out with appropriate health and safety expertise. Consider potential health and safety risks and impacts throughout the programme or project cycle and ensure that the adopted management measures are commensurate with the nature and magnitude of the identified risks and impacts, taking into account differences in risk exposure and sensitivity of women and men, as well as marginalized and disadvantaged groups, including children, older persons, persons with disabilities, minorities and indigenous people. These measures shall favour the prevention or avoidance of risks and impacts over their minimization and reduction. Consider risks of accidents and hazards, ensuring to avoid exacerbating potential adverse impacts of natural and human-made hazards.[60] Ensure that programme or project-related accidents or incidents are appropriately recorded, reported and addressed. Ensure that emergency preparedness and response plans are in place.

4.2     **Community exposure to health issues.** Avoid or minimize potential community exposure to health risks (e.g. pollution, contaminated areas/resources) and diseases that could result from or be exacerbated by programme or project activities, including water-related[61] and vector-borne diseases, communicable and non-communicable diseases, injuries, nutritional disorders, mental health and well-being. Give due consideration to potential differentiated exposure and higher

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[57] These include the principles and standards set forth in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), and the Escazú Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (2018).

[58] See Guidelines for good practices in relation to the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes *(*2017), para. 99.

[59] For example, a hazard assessment, health risk assessment (including where relevant an environmental health risk assessment or a chemical health risk assessment), health impact assessment, or a health needs assessment.

[60] On human-made and technological hazards, see UNIDSR, Words into Action Guidelines: Implementation Guide for Man-made and Technological Hazards. Natural hazards, such as earthquakes, floods, storms, or extreme temperatures etc., can cause the release of dangerous substances from hazardous installations resulting in fires, explosions or toxic or radioactive releases. Such natural hazard-triggered technological accidents, or "Natech" accidents, are frequent in the wake of natural disasters and have often had severe and long-term consequences on the population, the environment and the economy. On natural hazard-triggered technological hazards ("Natech" hazards), see UNISDR, Words into Action Guidelines: 9. Natech Hazards and Risk Assessment (2017). See also the UNECE Convention on the Transboundary Effects of Industrial Accidents.

[61] See for example the UNECE/WHO Protocol on Water and Health.

sensitivity of health impacts on marginalized groups and those living in voluntary isolation.[62] Avoid or minimize the transmission of communicable diseases associated with the influx of labour to programme or project areas. Where endemic diseases exist in the programme or project area (e.g. malaria), explore ways to improve environmental conditions that could minimize the incidence of such diseases. Where programme or project involves the provision of health services, incorporate antimicrobial stewardship.[63]

4.3     **Infrastructure design and safety.** Structural elements and services will be designed, constructed, operated and decommissioned in accordance with national legal requirements, good international practice, and any relevant international obligations and standards.[64] Potential safety risks to third parties and communities shall be evaluated. Structural elements of any infrastructure that poses significant health and safety risks shall be (i) designed and constructed by qualified engineers and professionals, (ii) certified and approved by independent professionals not involved in the design process, (iii) include appropriate plans for construction supervision and quality assurance, operation and maintenance, and emergency preparedness, and (iv) require periodic safety inspections and monitoring. Structural elements shall take into account climate change and disaster risk considerations as appropriate. Consider geological and geophysical hazards and undertake appropriate risk assessments where needed. If structural elements must be situated in a high-risk location (e.g. seismic activity, risk of extreme weather or slow onset events), engage independent experts with relevant experience to review the programme or project activities as early as possible and throughout programme or project stages.

4.4     **Construction safety.** For programme or project-related construction activities, ensure appropriate control of site access (e.g. fencing, security), use of appropriate personal protective equipment, safely designed work platforms, appropriate engineering and administrative controls (e.g. detours, traffic calming, signs), and safety barriers. Where public access is intended, consider incremental risks of public's potential exposure to operational accidents or natural hazards. Where relevant, identify, evaluate, and monitor potential traffic and road safety risks associated with programme or project.

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[62] In order to address community exposure to health risks and to understand the social and environmental determinants of health of community members, a health impact assessment may be necessary and integrated into the overall environmental and social assessment. For further resources, see the WHO guidance on health impact assessments. For additional measures regarding people living in voluntary isolation, see Safeguard Standard 7: Indigenous Peoples.

[63] Antimicrobial stewardship is a coordinated program that promotes the appropriate use of antimicrobials (including antibiotics) that improves patient outcomes, reduces microbial resistance, and decreases the spread of infections caused by multidrug resistant organisms.

[64] While UNEP does not finance the construction or rehabilitation of large or complex dams, it may be requested to provide advice on improving the sustainability of dam infrastructure. In such cases UNEP will ensure that appropriate good international practice is followed in the construction, operation, rehabilitation, decommissioning of dam infrastructure. Large dams are defined as those with a height of 15 meters or more from the foundation. Dams that are between 5 and 15 meters high and have a reservoir of more than 3 million cubic meters are also classified as large dams. Complex dams are those of a height between 10 and 15 meters that present special design complexities, including an unusually large flood-handling requirement, location in a zone of high seismicity, foundations that are complex and difficult to prepare, or retention of toxic materials. For large dams and dams that may pose significant safety risks, an independent panel of experts will be appointed to review the assessment, design, construction and start of dam operations. For small dams without significant safety risks (e.g. farm ponds, local silt retention dams, low embankment tanks), UNEP will ensure confirmation that there are no or negligible risks of significant adverse impacts and ensure that dam construction and safety measures are designed by qualified engineers in accordance with good international practice. If the project/programme relies on an existing dam or a dam under construction, an independent dam specialist will be engaged (a) to inspect and evaluate the dam's safety status and performance history, (b) review and evaluate the dam's operation and maintenance procedures, and (c) provide a written report and recommendation for any remedial work or safety measures needed.

4.5    **Universal access.** Ensure the concept of universal access is applied wherever feasible in the design and construction of facilities and services open to or provided to the public.[65]

4.6    **Hazardous materials management and safety**. Avoid or minimize potential community exposure to hazardous materials and substances that may be utilized in or released by programme or project activities. Where potential exposure exists to health-and life-threatening hazards, including to workers and their families, exercise special care to avoid such exposure by modifying, substituting, and eliminating the condition or material causing potential hazard. Consider risks of exposure to hazardous material from natural hazard-triggered accidents. If hazardous materials are part of the existing programme or project-related infrastructure, exercise due care during construction, implementation and decommissioning in order to avoid exposure. Exercise appropriate due diligence to control the safety of deliveries and transportation and disposal of hazardous materials and wastes.

4.7    **Emergency preparedness and response.** Identify and implement measures to address emergency events, defined as unanticipated incidents arising from both natural and human-made hazards, typically in the form of fire, explosions, leaks or spills, caused by failure to implement operating procedures, extreme weather, or lack of early warning. Ensure emergency preparations and response plans are in place, resourced, reviewed, and publicized. Emergency preparations shall include identification of areas where emergencies may occur, communities that may be impacted, response procedures, provision of equipment and resources, designation of responsibilities, communications and notification channels, and periodic training. Ensure emergency planning is gender sensitive and participatory and consider differential impacts of emergency situations on men, women, older persons, children, persons with disabilities, and marginalized or disadvantaged groups. Disclose appropriate information on emergency response planning and review on a regular basis.

4.8    **Risks associated with influx of project/programme workers**. Ensure appropriate measures are taken to avoid, mitigate and manage the risks and potential adverse impacts on health and safety arising from the influx of workers into programme or project areas. Such risks and impacts may be associated with changes in population composition, health implications and exposure to communicable diseases, threats of sexual violence and harassment, crime, and increased vulnerability of communities due to increased pressure on already scarce natural resources. Implement measures that seek to protect community members from such risks, including training, awareness-raising programmes and codes of conduct for project/programme workers. Identify alternative means to remedy significant stress on natural resources caused by increased population numbers.

4.9    **Impacts on ecosystem services.** Adverse impacts on ecosystem services may result in adverse health and safety risks to communities (e.g. loss of natural buffers increasing flooding risks). Avoid or minimize such adverse impacts and implement appropriate mitigation measures that aim to maintain the value and functionality of ecosystem services of relevance to local communities,

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[65] Universal access includes unimpeded access for people of all ages and abilities in different situations and under various circumstances. Article 9 of the Convention on the Rights of Persons with Disabilities calls for "appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas."

paying special attention to avoid causing or exacerbating potential adverse impacts on marginalized and disadvantaged groups. Where appropriate and feasible, identify potential risks and impacts on ecosystem services that may be exacerbated by climate change. See also Safeguard Standard 1 regarding measures to conserve ecosystems and maintain ecosystem services.

4.10 **Security-related issues and personnel.** Ensure potential risks posed by programme or project-related security arrangements are assessed, personnel are appropriately vetted and trained, and that security arrangements are monitored and reported. Security arrangements shall adhere to applicable law and be provided in a manner that does not violate international human rights standards and principles[66] or jeopardize community safety and security. Undertake reasonable inquiries to verify that potential security personnel have not been implicated in past abuses and review all allegations of unlawful or abusive acts. Take action (or require appropriate parties to take action) to prevent any recurrence of abuses and/or reprisals against individuals and communities. Where necessary, report unlawful and abusive acts to relevant authorities.

# 5. Safeguard Standard 5: Cultural Heritage

*Requirements*

5.1 **Avoidance of adverse impacts.** Consider potential direct, indirect, irreversible and cumulative impacts to cultural heritage. Avoid adverse impacts on cultural heritage, and where avoidance is not possible – ensuring that all viable and feasible alternatives have been explored – minimize and mitigate impacts per the mitigation hierarchy (e.g. relocating or modifying the footprint of supported activities, in situ conservation and rehabilitation). Ensure activities do not contravene national or international obligations regarding cultural heritage and implement globally recognized practices for field-study, inventorying, documentation, and protection of cultural heritage. Ensure that supported activities take into account and do not contribute to exacerbating disaster risk at cultural heritage sites. Undertake an appropriate Heritage Impact Assessment[67] and adopt a Cultural Heritage Management Plan where adverse impacts to cultural heritage may be significant.

5.2 **Community participation, stakeholder consultations and use of experts**. Engage qualified cultural heritage experts and relevant stakeholders to assist in the identification, documentation and protection of potentially affected cultural heritage. Ensure meaningful, effective stakeholder consultations are undertaken, including with local and national regulatory authorities entrusted with the protection of cultural heritage; local, national or international cultural heritage experts and organizations; and affected-parties, including individuals and communities who develop, have developed, use or have used the potentially affected cultural heritage within living memory. Where the cultural heritage of indigenous peoples may be affected by project/programme activities, ensure that the requirements of Safeguard Standard 7: Indigenous Peoples are followed.

5.3 **Continued access**. Avoid restricting access of relevant communities to cultural heritage sites and to the instruments, objects, artefacts, cultural and natural spaces and places of memory necessary for

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[66] International human rights standards and principles include the UN Basic Principles on the Use of Force and Firearms by Law Enforcement officials, the UN Code of Conduct for Law Enforcement Officials, the Voluntary Principles on Security and Human Rights, and the International Code of Conduct on Private Security Providers.

[67] For example, see the ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties. Where supported activities may affect natural World Heritage sites, see IUCN World Heritage Advice Note on Environmental Assessment.

expressing intangible cultural heritage. However, where this is not possible allow continued access based on stakeholder consultations and provide alternative routes if access is blocked, subject to overriding safety and security considerations.

5.4    **Confidentiality and restricted access by communities.** Together with stakeholders determine whether disclosure of information regarding cultural heritage would compromise or jeopardize its safety or integrity or endanger sources of information. In such cases, sensitive information may be withheld from public disclosure. If communities affected by programme or project activities hold the location, characteristics or traditional use of cultural heritage in secret, put in place measures to maintain confidentiality. Respect customary practices enacted and conducted by the communities which restrict access to certain specific aspects of intangible cultural heritage or to information about it.

5.5    **Chance find procedures.** Include chance find procedures in all plans and contracts regarding programme or project-related construction, including excavations, demolitions, movement of earth, flooding, or other changes in the physical environment. Such procedures establish how chance finds of cultural heritage shall be managed, including notification and consultations with of relevant authorities and stakeholders, avoidance of further disturbance or damage, protection, documentation and assessment of found objects by relevant experts.

5.6    **Intangible cultural heritage**. Respect the dynamic and living nature of intangible cultural heritage and the right of communities, groups and, where applicable, individuals to continue the practices, representations, expressions, knowledge and skills necessary to ensure the viability of their intangible cultural heritage. Where programmes or projects may involve or affect intangible cultural heritage, ensure the meaningful participation of concerned parties in identifying risks and impacts to their intangible cultural heritage – including its decontextualization, commodification and misrepresentation – and in determining appropriate mitigation and safeguarding measures. This includes in the identification, inventorying, documentation, research, preservation, protection, promotion, enhancement, transmission, and revitalization of the various aspects of such heritage.

5.7    **Integration and utilization of cultural heritage.** Where programme or project activities propose to integrate and utilize cultural heritage in programmes or projects, including the knowledge, innovations, and practices of local communities, engage in meaningful consultations and inform the potentially affected communities and stakeholders of their rights and potential consequences of such integration and utilization. Where programme or project activities aim at facilitating commercial use by relevant communities of cultural heritage as an option for them to consider, inform the communities of their rights and options available to them. Programme or project activities that envisage supporting specific commercial activities involving cultural heritage should not proceed unless good faith negotiations with relevant affected communities have resulted in a successful documented outcome that provides for fair and equitable benefit sharing from such commercial use and appropriate mitigation and safeguarding measures are put in place per the mitigation hierarchy. Seek to ensure that any commercial use does not distort the meaning and purpose of the cultural heritage for the community concerned. Where programing activities propose the utilization of the cultural heritage of indigenous peoples, ensure furthermore that the requirements of Safeguard Standard 7: Indigenous Peoples are followed.

5.8 **Legally protected cultural heritage areas.** Identify and avoid adverse impacts to legally protected cultural heritage areas;[68] comply with defined national or local cultural heritage regulations, protected area management plans and/or conservation master plans; consult area sponsors and managers, local communities, local governments, local and national heritage authorities and other key stakeholders; and implement additional programs, as appropriate, to enhance conservation aims of protected areas.

*Further Provisions for Specific Types of Cultural Heritage*

5.9 **Archaeological sites and materials**. Where there is evidence or high probability of past human activity in the programme or project area, conduct desk-based research and field surveys to document, map and investigate archaeological remains, document location and characteristics of sites and materials discovered during the programme or project life-cycle, provide documentation to cultural heritage authorities, and provide documentation, with advice on due obligations, to relevant authorities undertaking programme or project activities (e.g. departments of waterworks, agriculture, tourism, transportation and energy). Determine in consultation with cultural heritage experts whether discovered material requires (a) documentation only, (b) excavation and documentation, or (c) conservation in place, and manage site accordingly. Most archaeological features are best protected by preservation in situ. If not possible, transfer of the cultural heritage to another location shall be conducted in consultation with and agreement of programme or project-affected people, in accordance with good international practice.

5.10 **Built heritage**. Identify appropriate mitigation measures to address potential impacts on built heritage, which may include (a) documentation; (b) conservation or rehabilitation in situ, (c) relocation, reconstruction and conservation or rehabilitation. Most built heritage features are best protected by preservation in situ. If not possible, transfer of the cultural heritage to another location shall be conducted in consultation with and agreement of programme or project-affected people, in accordance with good international practice. During any rehabilitation, maintain authenticity of form, construction materials and techniques of structures according to laws, regulations and good international practice.

5.11 **Landscapes and natural features with cultural significance.** Identify through research and consultation with people affected by programme or project activities the landscape elements and natural features with cultural significance, the people that value such elements and features, and individuals or groups with authority to represent and negotiate regarding their location, protection, and use. Preserve physical and visual integrity of landscapes by considering appropriateness and effect of programme or project activities (e.g. infrastructure) proposed for the location within sight range. In cases where natural features can physically be relocated and cannot be preserved in situ, their transfer to another location shall be conducted with participation and agreement of programme or project-affected people, in accordance with good international practice. Programme or project activities and any agreement reached regarding the transfer of natural features shall respect and enable continuation and transmission of the traditional practices associated with the landscape elements and natural features.

5.12 **Movable Cultural Heritage**. Take measures to guard against theft and illegal trafficking of movable cultural heritage (including, but not limited to books, paintings, sculptures, costumes, jewelry,

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[68] A Heritage Impact Assessment may be necessary, particularly for sites with an international designation such as cultural World Heritage sites.

textiles) and artefacts stored and displayed in museums (or their equivalent) that are affected by programme or project activities and notify relevant authorities if any such activity occurs. Identify items that may be endangered and make provision for their protection throughout the programme or project life-cycle. Inform religious or secular authorities or other responsible cultural heritage custodians of project/programme activities, schedule and alert them regarding potential vulnerability of movable cultural heritage items.

## 6. Safeguard Standard 6: Displacement and Involuntary Resettlement

*Requirements*

6.1 **Prohibit forced evictions, allowing evictions in exceptional circumstances only.** Prohibit forced evictions in all supported activities. Forced eviction is defined here as the permanent or temporary removal against their will of individuals, families or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.[69] Forced evictions constitute gross violations of a range of internationally recognized human rights. Any evictions that may be associated with programme or project activities shall be carried out lawfully, only in exceptional circumstances for the purpose of promoting the general welfare with full justification, are reasonable and proportional, follow due process standards, ensure full and fair compensation and rehabilitation, and are carried out in full accordance with relevant provisions of international human rights and humanitarian law.

6.2 **Avoid and minimize displacement.** Consider all feasible programme or project alternatives and measures to avoid displacement. Where a comprehensive options assessment, including the "no action" scenario, indicates that displacement is unavoidable, minimize its potential scale and demonstrate that any programme or project-related land acquisition and/or restrictions on land use are limited to direct programme or project requirements.

6.3 **Planning and assessment.** Where displacement cannot be avoided, utilize experienced professionals in establishing baseline information, designing displacement activities and assessing potential risks and impacts. Identify potentially affected persons, lands, and assets through census, socio-economic surveys and evaluations, and asset inventories, including claims of affected groups not present as part of census (e.g. seasonal resource users). Clarify the tenure rights and relationships of potentially affected persons to affected lands and resources, including recognition of customary rights and collective or communal forms of land tenure.[70]

6.4 Undertake an Environmental and Social Impact Assessment (ESIA) or equivalent to assess potential environmental and social impacts of the proposed land acquisition and/or restrictions on land and/or resource use and potential impacts on host communities where potential displacement may be significant. Pay particular attention to the needs of affected persons who are marginalized and disadvantaged. Risks posed by natural and human-made hazards should be considered and minimized in the selection of any potential resettlement sites. Where potential displacement may

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[69] Forced evictions constitute gross violations of a range of internationally recognized human rights. See UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Art. 11(1): Forced evictions (1997). Forced evictions are also prohibited by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007). See also UN Habitat/OHCHR, Forced Evictions, Fact Sheet No. 25/Rev.1 (2014).

[70] Including where relevant to community forests, fishing area, fallow lands.

be minimal, an ESIA may not be required and negotiated settlements may be reached that provide fair and just compensation for lost assets in accordance with the requirements herein.

6.5     In cases where UNEP is requested to support aspects of a partner's strategy or programme that could involve displacement activities, UNEP shall undertake appropriate due diligence (including an analysis of the national partner's regulations regarding involuntary resettlement) before engaging in such activities and advise partners to conduct any displacement activities in a manner consistent with the requirements herein.

6.6     **Participation in planning and implementation**. Ensure meaningful participation and collaboration of affected communities, including host communities, throughout the programme or project cycle, including during consideration of the rationale for proposed activities, alternative programme or project designs, determination of eligibility and compensation, planning, development of action plans, implementation, monitoring and evaluation. Ensure preferences of affected persons are integrated into programme or project and that affected persons are informed of their rights and have access to effective remedies, expertise, and legal advice.[71] Ensure women's perspectives are obtained and their interests are factored into all aspects of planning and implementation. Engage affected marginalized and disadvantaged groups and individuals, including elderly persons and persons with disabilities, and ensure they are provided equal access to programme or project benefits and resources.

6.7     Undertake good-faith efforts to secure negotiated settlements with affected individuals and communities, based on transparent, consistent and equitable compensation standards and procedures to ensure that those people who enter into negotiated settlements maintain the same or better income and livelihood status.

6.8     All relevant programme or project information, including draft action plans, shall be disclosed in a timely manner in an accessible place and in a form and language(s) understandable to the affected persons. Compensation standards shall be disclosed and applied consistently and eligibility cut-off dates shall be well publicized. Provide affected persons with written justification in an accessible form and language well in advance of initiation of land acquisition and restrictions on land use.

6.9     **Develop plans to improve livelihoods.** Where displacement cannot be avoided, develop action plans[72] designed to enhance and restore the standards of living and livelihoods of all displaced persons and communities and to improve the living conditions of physically displaced persons and displaced poor persons and marginalized or disadvantaged individuals and groups in real terms compared to pre-displacement levels.

6.10    Action plans to address displacement impacts will be proportionate to the risks and impacts associated with programme or project activities. The degree of potential impacts is largely determined by the scope of physical and economic displacement and the vulnerability of affected persons.

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[71] Affected persons should be provided, in understandable form, an explanation of relevant laws, regulations and UN Environment's standards as well as be provided access to legal representation financed by programming activities.

[72] Such as a Resettlement Action Plan and/or for economic displacement a Livelihood Action Plan. Displacement activities may also at times be conceptualized as a community development plan. Where the specific locations and magnitude of potential land acquisition and restrictions of land use are not fully known during preparation of programming activities, framework action plans may be developed that would require further specific action plans once programming components are defined and assessed. In all cases, actions plans are to address the requirements of this Standard.

6.11    Where impacts on the entire displaced population are minor, an abbreviated action plan may be developed that establishes eligibility criteria for affected persons; compensation procedures and standards at full replacement costs designed at a minimum to restore affected persons assets and livelihoods; and arrangement for participation and collaboration of affected persons.[73]

6.12    Action plans for activities involving physical displacement or economic displacement with significant social and economic impacts on affected persons are to be conceived and executed as sustainable development programs that provide sufficient resources and opportunities to enable displaced persons to benefit directly from programme or project activities and that seek to improve affected persons livelihoods and living standards. Such plans will at a minimum address the following relevant elements, taking into account the full social and economic costs to displaced persons:

   ▪ Establish eligibility criteria, cutoff dates, and entitlements for all categories of affected persons;

   ▪ Provide (a) fair and just compensation at full replacement cost (based where relevant on the cost of replacement at resettled sites and locations) prior to displacement, for any losses of personal, real or other property or goods, noting that compensation and support may be collective in nature; (b) transitional support (both financial and in-kind) based on reasonable estimates of the time required to restore and improve income-earning capacity, production levels, and standards of living; and (c) development assistance such as land development, credit facilities, direct benefits, training or employment opportunities, and provision of expertise, as appropriate. The combination of compensation, transitional support and development assistance will aim to improve pre-displacement productive capacity and earning potential of displaced persons;

   ▪ Provide to displaced individuals and communities secure access to necessary services, shelter, food, water, energy, and sanitation, as applicable;

   ▪ Consider gender aspects, recognizing women and men as co-beneficiaries and providing single women with their own compensation; and

   ▪ Ensure impoverished individuals and marginalized or disadvantaged persons and groups are provided equal access to programme or project benefits and resources.

6.13    **Physical displacement.** Where programme or project activities involve physical displacement, the action plan shall address the following additional elements:

   ▪ Specify the resettlement options chosen by displaced persons, respecting preferences to relocate in pre-existing communities wherever possible, and document all transactions;

   ▪ Provide a choice of replacement property with secure tenure[74] of higher value and better characteristics wherever possible[75] for affected persons or communities with formal land rights

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[73] Impacts are considered "minor" if affected persons are not physically displaced, are relatively few in number, and if activities involve minor land acquisition (affecting a small portion of productive assets) and do not have significant livelihood impacts.

[74] Security of tenure means that resettled individuals or communities are resettled to a site that the can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. Activities that involve physical displacement should adhere to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).

[75] Replacement property must at a minimum be of equal value of lost assets, with additional investment provided by supported activities to improve its value and characteristics.

or recognizable claims.[76] Land-based resettlement strategies will be utilized when affected livelihoods are land-based or where land is collectively owned;[77]

- Ensure resettlement sites provide adequate housing with improved living conditions, necessary civic infrastructure and services. For housing to be adequate, it must, at a minimum, meet the following criteria: providing security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy;[78]

- For affected persons without formal land rights or recognizable claims, compensate for loss of assets other than land (e.g. dwellings, other improvements) at full replacement costs, provide resettlement assistance in lieu of compensation for land sufficient to restore and improve living standards at an adequate alternative site, and provide arrangements to allow them to obtain adequate housing with security of tenure so they can resettle without facing the risk of forced eviction;

- Stipulate that compensation is not required for encroachers after the established cut-off date, provided that the date has been well publicized.

6.14 **Economic displacement.** Where programme or project activities involve economic displacement with significant social and economic impacts, the action plan shall address the following additional elements:

- Ensure compensation covers all commercial losses (including costs of transfer and re-establishing commercial activity, lost net income during transition, lost employee wages) and for other assets such as crops, irrigation infrastructure or other improvements to affected areas;

- Provide replacement property of improved value where legitimate tenure rights (both formal and informal) are restricted. Provide replacement agricultural sites of superior productive potential wherever possible, including through investments in increasing productivity. If it is clearly demonstrated that replacement land and resources are unavailable, offer cash compensation at full replacement cost and options and support for alternative income earning with evidence of mutual agreement;

- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets other than land (e.g. crops, irrigation infrastructure, other improvements made to the land), at full replacement cost;

- Where displaced livelihoods are natural resource based, offer replacement land and access to alternative resources with a combination of productive potential, locational advantage, and other factors with improved livelihood-earning potential and accessibility, wherever feasible. Provide alternative income earning opportunities and support if it is demonstrably not possible to provide replacement land and resources;

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[76] It may be appropriate to negotiate in situ land development arrangements whereby displaced persons or communities accept partial loss of land for improvements that increase property value.

[77] Cash compensation for replacement property and assets is discouraged. Payment of cash compensation for lost land and other assets may be appropriate where livelihoods are not land-based or livelihoods are land-based but the land taken is a small fraction of the affected asset and the residual land is economically viable.

[78] See OHCHR/UN Habitat, The Right to Adequate Housing, Fact Sheet 21/Rev. 1.

- If the programme or project activities restrict access to resources in legally designated parks or protected areas or other common property resources, establish a collaborative process with affected persons and communities to negotiate and determine appropriate restrictions and mitigation measures to improve affected livelihoods while maintaining the sustainability of the park or protected area.

6.15 **Prior displacement.** Where displacement has occurred in anticipation of UNEP-supported activities, the requirements herein shall apply. An audit will be conducted to identify any gaps of past activities against the requirements herein and the corrective actions that may be required to address them. Where an unoccupied site is provided from which prior residents were displaced but not in anticipation of the supported activities, undertake appropriate due diligence and determine if corrective actions are feasible and could be integrated into the programme or project.

6.16 **Redress and grievance mechanism.** Ensure potentially displaced persons have access to legal advice prior to displacement and access to judicial or administrative remedies as may be available. Ensure an effective grievance mechanism is available to address specific concerns of affected persons regarding all phases of the resettlement process, including planning, consultations, compensation, relocation, livelihood restoration or other programme or project-related issues. Grievance mechanisms are to meet the effectiveness criteria for such mechanisms in the Stakeholder Engagement and Accountability section.

6.17 **Monitoring and completion analysis.** Provide for independent monitoring by qualified experts of implementation of any action plans. Consult with directly-affected persons on implementation of plans and consider collaborative monitoring with affected persons and communities. Prepare periodic monitoring reports and inform affected persons about monitoring results. Develop a long-term monitoring plan to assess impacts on standards of living of displaced persons. Ensure adequate budget is provided for monitoring activities. Programme or project activities involving displacement shall not be considered complete until adverse impacts are addressed and plans are implemented. Utilizing experienced independent experts, undertake a completion analysis whether the objectives of the action plans were achieved, taking into account baseline conditions, and where necessary, propose corrective actions.

# 7. Safeguard Standard 7: Indigenous Peoples

*Requirements*

**7.8** **Meaningful consultation and participation.** Indigenous peoples have the right to determine their own priorities and to participate in decision-making in matters which would affect them, through representatives chosen by themselves in accordance with their own procedures. In supported programme or project, ensure meaningful consultation and participation of indigenous peoples who may be affected by programme or project activities. The perspective of the indigenous peoples concerned whether proposed activities may affect them should be a starting point for assessing whether an activity may affect them. Engagement should begin as early as possible in programme or project conceptualization and continue throughout all aspects of the programme or project cycle, including design, risk identification and assessment, implementation, monitoring and evaluation.

7.9 Conduct engagement processes with indigenous peoples in good faith, in a culturally appropriate manner, with due regard to indigenous peoples' institutions, customs, and traditional methods of

decision-making. Design and undertake engagement processes in full partnership with indigenous peoples. Engagement processes should be gender and inter-generationally inclusive, paying particular attention to groups and individuals at risk of marginalization and exclusion.

7.10 Initiate engagement processes sufficiently in advance of any authorization or commencement of activities, with timely availability of all relevant programme or project information, including full and understandable information on likely potential environmental and social impacts, provided in a culturally appropriate manner and in relevant indigenous languages whenever possible. Engagement processes need to consider the time requirements of indigenous peoples' internal processes for decision-making, and be free from any coercion, intimidation or manipulation.

7.11 Carry out engagement processes with the objective of obtaining indigenous peoples' free, prior and informed consent (FPIC) regarding programme or project activities that may affect the indigenous peoples' rights, lands, territories, natural resources, traditional livelihoods, tangible and intangible cultural heritage, including any potential relocation and activities proposing the development, utilization or exploitation of mineral, forest, water or other resources. Engagement processes require at a minimum documentation of (i) a mutually accepted process to carry out good faith negotiations, (ii) outcomes of good faith negotiations, including all agreements reached as well as disagreements and dissenting views, and (iii) efforts aimed at accommodating indigenous peoples' expressed interest and concerns in the final programme or project design. Reaching agreement or consent helps to ensure full partnership and ownership of supported activities with indigenous peoples who may be impacted by programme or project activities. Where agreement or consent cannot be ascertained in such circumstances, adjustments of the relevant activities are to be made. UNEP will exclude from programme or project the activities for which agreement or consent still cannot be ascertained.

7.12 **Prior assessment and avoidance of impacts.** Carry out environmental and social analysis for programme or project that may affect indigenous peoples as part of design process. Verify if indigenous peoples inhabit proposed programme or project areas and/or if activities may affect indigenous peoples outside of such areas. The perspective of the indigenous peoples concerned is a critical starting point for impact assessment, and the indigenous peoples concerned should have ample opportunities as early as possible to participate in the assessment and development of avoidance and mitigation measures. Indigenous and traditional knowledge is a valuable resource for identifying and addressing potential environmental and social risks, including hazards and disaster risks, and should be incorporated throughout the programme cycle. Assess all potential direct, indirect, environmental, social, cultural, and spiritual impacts on indigenous peoples, including potential impacts on their rights, lands, territories, and resources.[79] Review of all substantive rights, property interests, tenurial arrangements, and traditional resource usage may be required. Avoid adverse impacts on indigenous peoples to the maximum extent possible, including exploration of alternative programme or project strategies, designs and locations or consideration of not proceeding with the activities. Where avoidance of adverse impacts is not

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[79] See Convention on Biological Diversity: The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities (CBD Decision VII/16). The Guidelines provide advice on how to incorporate cultural, environmental (including biodiversity-related), and social considerations of indigenous and local communities into new or existing impact-assessment procedures, to ensure appropriate development. They support the full and effective participation of indigenous and local communities in screening, scoping and development planning exercises, taking into account their traditional knowledge, innovations and practices.

possible, minimize and mitigate residual impacts in a culturally appropriate manner per the mitigation hierarchy.

7.13 **Culturally appropriate benefits.** Ensure that affected indigenous peoples are able to derive benefits from programme or project activities in a culturally appropriate and inclusive manner giving full consideration to options preferred by the indigenous peoples concerned. The provision of compensation and benefits is to take into account the institutions, rules, and customs of affected indigenous peoples and may occur on a collective basis with mechanisms for effective distribution of benefits to all members of affected groups, as far as practical. Indigenous peoples affected by programme or project activities should share equitably in benefits derived from any commercial development of indigenous peoples' lands, territories or resources or from the use or development of indigenous peoples' cultural heritage.

7.14 **Support rights to lands, territories, and resources.** Indigenous peoples have collective rights to own, use, develop, and control lands, territories (including waters) and resources that they have traditionally owned, occupied, or otherwise used or acquired. Avoid programme or project activities that may undermine or inadvertently weaken such rights. Where appropriate and/or necessary, support activities that would result in legal recognition of customary or traditional land tenure and management systems and collective rights of programme or project-affected indigenous peoples, including through the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).[80]

7.15 **People living in voluntary isolation or initial contact.** Where supported activities may directly or indirectly impact indigenous peoples in voluntary isolation or initial contact, take all appropriate measures to avoid undesired contact and to respect and protect their lands and territories, environment, health and culture. Where relevant, assist national authorities to limit access and to regularize lands of groups living in isolation.

7.16 **Special considerations.** Ensure that programme or project pays particular attention to the rights and special needs of indigenous women, youth, children, and persons with disabilities. Seek to ensure that there is no discrimination against such groups and give special consideration to measures to improve their participation in decision-making and their general well-being.

7.17 **Relocation.** Indigenous peoples shall not be forcibly removed from their lands and territories. Where, as an exceptional measure, relocation cannot be avoided, it shall take place only after seeking free, prior and informed consent of the indigenous peoples concerned and in line with national law, international human rights obligations and the requirements herein.

7.18 **Cultural heritage.** In addition to the relevant requirements under Safeguard Standard 5: Cultural Heritage, where supported activities may lead to significant adverse impacts to the cultural heritage of indigenous peoples, consult and cooperate in good faith with the affected indigenous peoples with the objective of obtaining their free, prior and informed consent before the approval of the relevant activities. If indigenous peoples affected by programme or project activities hold the location, characteristics or traditional use of cultural heritage in secret, put in place measures to maintain confidentiality.[81]

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[80] See Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).

[81] See Convention on Biological Diversity: The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities (CBD Decision X/42).

7.19 **Plans to address impacts and benefits.** Develop a time-bound action plan for programme or project activities that may affect indigenous peoples' rights, lands, territories, resources, traditional livelihoods, and cultural heritage (i.e. an Indigenous Peoples Plan or an Indigenous Peoples Planning Framework if specific activities and locations have not yet been determined). The action plan shall identify potential risks and impacts, risk avoidance and mitigation measures, and measures for provision of culturally appropriate benefits, continued consultation and participation processes, grievance procedures, monitoring and evaluation procedures, and a budget and financial plan for implementing agreed measures. Where programme or project activities are designed solely to benefit indigenous peoples, a separate action plan may not be required provided programme or project documentation addresses the above elements.

7.20 **Grievance Mechanism.** Ensure an effective, culturally appropriate, accessible grievance redress mechanism is established for the programme or project activities, with due consideration of customary dispute settlement mechanisms among the indigenous peoples concerned. The development of the grievance mechanism should be part of the full, effective and meaningful consultation and participation processes and should be specified in any negotiated agreements.

7.21 **Monitoring.** Involve knowledgeable experts and ensure indigenous peoples affected by programme or project activities shall jointly monitor implementation throughout the full duration of the programme or project cycle.

# 8. Safeguard Standard 8: Labour and Working Conditions

*Requirements*

8.1 **Terms and conditions of employment.** Ensure that applicable written labour management policies and processes are in place that set out the conditions in which project/programme workers will be employed or engaged and managed, in accordance with the standards herein and national law.[82] [83] The policies and processes shall be appropriate to the size, locations and workforce of project/programme activities.

8.2 Provide project/programme workers with clear information and documentation regarding their terms and conditions of employment, including information that sets out their rights under national labour, employment and social protection law (including any applicable collective agreements), and their rights related to hours of work, wages, overtime, compensation and benefits, occupational safety and health and the requirements herein.[84]

8.3 Project/programme workers are provided regular and timely payment of wages, adequate periods of rest, holiday, sick, maternity and family leave, and written notice of termination and severance payments, as required by human resources management policies and national law.

8.4 **Non-discrimination and equal opportunity.** Decisions relating to the employment or treatment of project/programme workers shall not be made on the basis of personal characteristics unrelated to

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[82] The requirements, whether herein or in national law, that are the most protective of workers shall apply unless the application of requirements herein would violate national law.

[83] For project/programme workers who are employed or engaged by the United Nations and its specialized agencies, conditions of employment are governed by the respective entity's internal rules, in accordance with the relevant provisions of the Convention on the Privileges and Immunities of the United Nations, 1946. .

[84] Ibid.

inherent job requirements.[85] The employment of project/programme workers shall be based on the principle of equality of opportunity and treatment, and there shall be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. Women and men shall receive equal remuneration for work of equal value. The labour management policies shall set out measures to prevent and address violence, harassment, intimidation and/or exploitation.

8.5    Provide appropriate measures of protection and assistance to address the vulnerabilities of project/programme workers, including specific groups of workers, such as women, persons with disabilities, migrant workers and young workers.

8.6    **Workers organizations.** Workers who participate, or seek to participate, in workers' organizations and collective bargaining will be able to do so without interference, are not discriminated or retaliated against, and are provided with information needed for meaningful negotiation in a timely manner.

8.7    **Forced labour.** Forced labour, which consists of any work or service not voluntarily[86] performed that is exacted from an individual under threat of force or penalty, shall not be used in connection with the project/programme.[87] This prohibition covers any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements. No trafficked persons shall be employed in connection with the programme or project activities.[88] Where cases of forced labour are identified, immediate steps shall be taken to correct and remedy them.

8.8    **Child labour.** Child labour shall not be used in connection with or arise from the programme or project activities. Child labour consists of employment of children below the minimum age of employment as defined by the ILO Minimum Age Convention, 1973 (No. 138) and ILO Worst Forms of Child Labour Convention, 1999 (No. 182). A minimum age for employment shall be specified in connection with the programme or project activities, as determined by national law and consistent with the ILO Convention No. 138.[89]

8.9    Regardless of the minimum age for employment, a child under the age of 18 may not perform work in connection with or arising from the programme or project activities which, by its nature or the circumstances in which it is carried out, is likely to harm his/her health, safety or morals. Such work

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[85] Such as gender, sex, race, colour, nationality, national extraction, political opinion, affiliation or non-affiliation to a union, ethnic, social or indigenous origin, religion of belief, marital or family status, disability, age, sexual orientation or gender identity.

[86] Work is on a voluntary basis when it is done with the free and informed consent of a worker. Such consent must exist throughout the employment relationship and the worker must have the possibility to revoke freely given consent. In particular, there can be no "voluntary offer" under threat or other circumstances of restriction or deceit. To assess the authenticity of a free and informed consent, it is necessary to ensure that no external constraint or indirect coercion has been carried out, either by an act of the authorities or by an employer's practice.

[87] See the Forced Labour Convention, 1930 (No.29), as well as the Protocol of 2014 to the Forced Labour Convention.

[88] Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Women and children are particularly vulnerable to trafficking practices.

[89] To be consistent with the ILO Minimum Age Convention, 1973 (No. 138), the applicable minimum age will not be less than the age of completion of compulsory schooling and, in principle, not less than 15 years.

is determined by national laws or regulations or by the competent authority and commonly specified in national lists of hazardous work prohibited to children.[90] In addition, a child under the age of 18 may not, in connection with the programme or project activities, perform work that is likely to interfere with his/her compulsory education or be harmful to his/her physical, mental, spiritual, moral or social development. Where cases of child labour are identified, immediate steps shall be taken to correct and remedy them, including the rehabilitation and social integration of the child where necessary and appropriate.

8.14   **Occupational safety and health (OSH).[91]** Necessary processes and measures that address the safety and health of project/programme workers shall be in place to support programme or project design, planning and implementation. These processes and measures[92] shall address:

(a) Identification and assessment of potential hazards and risks, particularly those that could result in serious injury, ill health or death and those identified through worker health surveillance;

(b) The elimination of hazards and minimization of risks through the implementation of preventive and protective measures implemented in the following order of priority: elimination or substitution, engineering and organizational controls, administrative controls, and where residual hazards and risks cannot be controlled through these collective measures, provision of personal protective equipment at no cost to the worker;

(c) Safety and health training, including on the proper use and maintenance of personal protective equipment, at no cost to workers conducted by competent persons and the maintenance of training records;

(d) Recording and notification of occupational accidents and incidents and any resulting injuries, ill health or death;

(e) Emergency prevention and preparedness and response arrangements to emergency situations; and

(f) Employment injury benefits and/or remedies for adverse impacts such as occupational injuries, disability, ill health or disease and death.[93]

8.15   All parties who employ or engage project/programme workers put in place the above safety and health processes and measures[94] to prevent and protect workers from chemical, physical,

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[90]In the absence of such regulations, guidance on hazardous work to be prohibited in connection with programme or project should derive from the relevant ILO instruments. See ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190). Examples of hazardous work activities prohibited for children include work: (a) with exposure to physical, psychological or sexual abuse; (b) underground, underwater, working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or (e) under particularly difficult conditions such as work for long hours, during the night or in unreasonable confinement on the premises of the employer..

[91]See the 2018 and 2019 reports on "Workers' Rights and Toxic Exposures" (A/HRC/39/48) and "Principles on human rights and the protection of workers from exposure to toxic substances" (A/HRC/42/41) by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes..

[92] See ILO Guidelines on Occupational Safety and Health Management systems, 2001. See also United Nations Common System Occupational Safety and Health Framework, Chief Executives Board, 31 March 2015

[93] These would include for example necessary insurance arrangements that ensure access to health benefits and replacement of loss of earnings in case of a work-related injury, namely in case of death or an illness due to work.

[94] OSH measures should take into consideration ILO Codes of Practice and Good International Industry Practice where applicable.

biological and psychosocial hazards (including violence and harassment) and to establish and maintain safe and healthy workplaces including the work environment, organization, processes, tools machinery and equipment.[95] Such parties shall actively consult and collaborate with project/programme workers and promote their understanding and participation in the implementation of safety and health measures, as well as provide them information, training and personal protective equipment.

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

8.17    **Workplace grievance mechanism.** A grievance mechanism shall be provided for all project/programme workers (and, where relevant, their organizations) to raise concerns of violations of existing rights and entitlements as provided for in legislation, collective agreements, employment contracts and human resources policies. Workers shall be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures shall be put in place to make the grievance mechanism easily accessible and without retribution. The mechanism shall not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

8.18    **Restructuring.** Projects and programmes that promote sectoral restructuring which may adversely affect employment or livelihoods should systematically assess these potential impacts and support appropriate mitigation strategies.

8.19    **Contractor/Third Party Workers**. Conduct due diligence to ascertain that third parties who engage project/programme workers are legitimate and reliable entities and have in place human resources management policies and processes and applicable OSH management systems that allow them to operate in accordance with the requirements herein.[96]

8.20    **Primary Supplier Workers.** Identify potential risks of violations of supplier workers' fundamental rights[97] and safety and health issues which may arise in relation to primary suppliers (at a minimum), requiring the primary supplier to identify and remedy those risks.

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

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[95]  See also ILO Conventions 167, 184, and 176 on OSH in Construction, Agriculture and Mining

[96] Due diligence should include an examination of the past and current labour practices pf the contractor/third party.

[97] Freedom of association and the right to collective bargaining; the abolition of child and forced labour and non-discrimination and equal opportunity.

## Annex II: Safeguard risk categories, assessment criteria and related mitigation approaches

**Safeguard Risk Categorizations**

UNEP environmental, social and economic risks are screened using a Safeguard Risk Identification Form (SRIF). An SRIF is a tool to identify potential environmental, social and economic risks of a proposed project and assess the potential safeguard risks and their levels of significance in order to address them adequately by avoiding, mitigating or minimizing them in a structured, consultative and planned manner.

The safeguard risk categories for UNEP programmes and projects are:

- *Low Risk:* Programmes and projects with minimal or no adverse environmental and social risks and impacts. Low Risk programmes and projects typically do not require further environmental and social analysis or management measures beyond the application of the Guiding Principles, stakeholder engagement and access to complaints and grievance processes.

- *Moderate Risk:* Programmes or projects with potential adverse environmental and social risks and impacts that are limited in scale, are not unprecedented or irreversible, and are generally limited to the programme or project area. Moderate Risk programmes or projects typically require targeted environmental and social analysis and application of recognized good international practice; however, in certain circumstances more comprehensive forms of assessment and management may be necessary.

- *High Risk:* Programmes or projects with potentially significant adverse environmental and social impacts that are irreversible, cumulative or unprecedented and/or which raise significant concerns among potentially affected communities and individuals. High Risk programmes or projects may present significant risks and impacts that extend beyond the defined activities and area, and may contribute to cumulative impacts. Programmes or projects categorized as High Risk require comprehensive forms of environmental and social assessment such as an Environmental and Social Impact Assessment (ESIA) or Strategic Environmental and Social Assessment (SESA).[98]

**Assessment and Management Process Criteria**

Screening is the process for determining the appropriate level of environmental and social assessment and the management approach. Further environmental and social analysis and/or assessment and development of management measures are required for programmes or projects categorized as Moderate Risk or High Risk. The following criteria and measures are to be considered:

- The scope and depth of the analysis or assessment is commensurate with, and proportional to, the nature and magnitude of the potential risks and impacts of programme or project activities;

- The assessment applies a precautionary approach to addressing significant environmental and social challenges (that is, where serious threats exist, the lack of full scientific certainty will not be used to postpone adoption of effective preventive measures);

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[98] Additional thematic-specific types of analysis may also be necessary (e.g. Health Impact Assessments, Human Rights Impact Assessments, conflict risk analyses). SESA refers to a range of analytical and participatory approaches that aim to integrate environmental and social considerations into policies, plans and programmes (PPPs) and evaluate their interlinkages with economic considerations.

- The assessment applies a mitigation hierarchy by (a) anticipating and avoiding risks and impacts; (b) where avoidance is not possible, minimizing or reducing risks and impacts; (c) once risks and impacts have been minimized or reduced, mitigating them; and (d) where residual adverse impacts remain, compensating for or offsetting them, where technically and financially feasible;

- The assessment is based on recent environmental and social baseline data[99] and considers all technically and financially feasible alternatives to reduce potential environmental and social risks and impacts, including consideration of the scenario of not proceeding with the programme or project activities;

- The assessment considers impacts on physical, biological, socioeconomic and cultural resources, including direct, indirect, cumulative and induced environmental and social impacts of activities in the programme or project area of influence, including associated facilities;

- The assessment and the management process address potential transboundary and global impacts, including climate pollutants and other emissions, as they relate to programme or project activities;

- The management process utilizes adaptive management whereby lessons are learned from past management actions and are proactively utilized to predict and improve management as programme or project progresses;

- The analysis applies applicable voluntary codes and standards[100], where possible and relevant;

- The analysis follows the Polluter Pays Principle, whereby the cost of mitigation is borne by the polluter, where relevant;

- The assessment involves, early, iterative and meaningful stakeholder engagement, predicated on timely disclosure of relevant information, enabling stakeholders' views to be taken into account, including with the identification and management of environmental and social risks and impacts; and

- The assessment considers and the management process ensures compliance with national laws and regulations and obligations under international human rights law, international labour standards, and environmental agreements (i.e. applicable law). Where national law and international law set different standards, UNEP respects the higher standard.

Where the environmental and social assessment identifies potential programme or project-related adverse risks and impacts to marginalized and disadvantaged groups, the assessment and management measures will ensure that differentiated measures are implemented so that adverse impacts do not fall disproportionately on marginalized and disadvantaged groups and individuals and they are not disadvantaged in sharing in programming benefits and opportunities. Where such adverse risks and impacts may affect persons with disabilities, differentiated measures shall be adopted that ensure non-discrimination and equality, access, and opportunities for persons with disabilities to participate in and benefit from supported activities on an equal basis with others.

The assessment considers potential adverse gender impacts related to programme and project activities and differentiated measures will be adopted that seek to prevent gender-based discrimination. Potential risks of gender-based violence and/or sexual exploitation and abuse of men, women, girls and boys that may occur

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[99] Baseline data will be collected at an appropriate level of detail, recognizing variability over time (e.g. seasonal variations, movement of people) may require additional data collection.

[100] Green building codes and certification requirements, for example.

in connection with any of supported activities are considered, and appropriate reporting and response protocols are to be established to address such incidences.

The environmental and social analysis and management measures for Moderate Risk programmes and projects are more targeted than those required for High Risk programmes or projects. The analysis will describe the potential environmental and social risks and impacts and the appropriate mitigation measures, often focused on the application of recognized good international practice. In some instances, a fit-for-purpose Environmental and Social Impact Assessment (ESIA), Strategic Environmental and Social Assessment (SESA), Environmental and Social Management Plan (ESMP) and other measures, with help of qualified independent experts, may be required.

High Risk programmes or projects require comprehensive forms of environmental and social assessment such as an ESIA, SESA, or cumulative impact assessments, where appropriate.[101] For High Risk programmes or projects (and where appropriate Moderate Risk programmes and projects), qualified independent expertise are to prepare and verify the assessment. For highly risky, complex or contentious activities, an independent advisory panel needs to be utilized.

Once the potential environmental and social risks and impacts have been identified and the mitigation hierarchy has been applied, measures to mitigate, monitor and manage the impacts need to be established. For Moderate Risk programmes or projects, recognized and appropriate good international practice shall be described and applied; however, where potential risks and impacts are more complex, an Environmental and Social Management Plan (ESMP) may be necessary.

For High Risk programmes or projects, mitigation and management measures shall be reflected in an ESMP. The ESMP shall include the proposed: (a) mitigation measures; (b) environmental and social monitoring and reporting requirements; (c) related institutional or organizational arrangements; (d) provisions for stakeholder consultations and disclosure of information; (e) capacity development and training measures; (f) implementation schedule; (g) cost estimates; and (h) baselines and performance indicators. Key considerations for ESMP preparation include mitigation of potentially adverse impacts to acceptable levels, and – where relevant – the polluter pays principle. The ESMP may also include or accompany other required management plans such as Resettlement Action Plans or Indigenous Peoples Plans, where relevant.

Where programme or project consists of a series of activities whose details are not yet fully identified at the time of approval, an Environmental and Social Management Framework (ESMF) and other measures may be required. ESMF should then be developed into ESMP when programme or project activities are sufficiently defined.  The ESMF sets out (a) a description of the applicable policies and procedures to be followed to assess and address environmental and social risks and impacts of the activities; (b) an explanation of the anticipated environmental and social risks and impacts; (c) screening and assessment procedures; (d) identification of activities that will not proceed until assessments are undertaken and management plans are in place; (e) provisions for stakeholder consultations and disclosure of information; (f) implementation and monitoring requirements; and (g) roles and responsibilities.

If there are changes to the scope, design, implementation, operation or to the context of the programme or project activities that are likely to result in additional environmental and social risks or impacts or to a

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[101] Assessments and management plans for High Risk programmes or projects should be disclosed at least 120 days prior to approval of the activities.

change in the categorized risk level, additional assessment and stakeholder engagement would need to be carried out in accordance with the relevant operational standards of the Framework.

During project implementation, Project Managers and implementing partners are responsible for ensuring that the actions specified in safeguard management plans are carried out, and for reporting regularly on compliance with these requirements via progress reports. Independent experts may be involved in the monitoring of projects and in ensuring compliance with the ESMPs. Safeguard management plans should be reviewed periodically and updated and adjusted as needed.  UNEP must address compliance concerns and other grievances in a timely manner, through UNEP's Stakeholder Response Mechanism.

At the mid-term of a project, the Mid-Term Review or Mid-Term Evaluation will assess whether the environmental, social and economic risks are being vigilantly managed and monitored, and whether the UNEP safeguard requirements have been complied with. Corrective measures will be proposed as relevant. At the end of the project, the Terminal Evaluation will undertake a similar exercise. It will also assess long term impacts, if relevant.

UNEP will monitor the projects it supports for compliance with safeguard management and enhancement measures, by means of self-monitoring reports from implementing partners as well as, when appropriate, supervision missions by UNEP staff or external experts.

# ANNEX III: Stakeholder Engagement Criteria

Stakeholder engagement in UNEP projects and programmes shall adhere to the following guidelines:

- Stakeholder identification and analysis of different stakeholder groups, including identification of affected people or communities who belong to marginalized and disadvantaged groups and those who may require different or separate forms of engagement, including women, youth, older persons, persons with disabilities, indigenous peoples, minorities;

- The development and implementation of a Stakeholder Engagement Plan that is proportionate to the nature and scale of programme or project activities and potential environmental and social risks and impacts.[102] It will describe the timing and methods of engagement throughout the programme or project management cycle and the range and timing of information to be communicated to stakeholders. It will further describe measures to remove obstacles to stakeholder participation and how views of differently affected groups will be captured. Where applicable, it will include differentiated measures to allow effective participation of persons with disabilities and marginalized or disadvantaged groups. UNEP will disclose a draft of the Stakeholder Engagement Plan early and seek stakeholder views on the plan;

- Engagement of stakeholders as early as possible in the development of programme or project, enabling stakeholders' views to be taken into account in design, including with the identification and management of environmental and social risks and impacts;

- Engagement of stakeholders in meaningful effective consultations in a culturally appropriate manner. Such consultation shall be a two-way process that seeks to identify priorities of stakeholders and provide them with opportunities to express their views at all points in the programme and project decision-making process on matters that affect them and allows programme or project teams to consider and respond to them.[103] Meaningful effective consultations will be free of external manipulation, coercion, discrimination and intimidation; be gender- and -age inclusive and respond to the needs and interests of marginalized and disadvantaged groups, with engagement processes tailored to the language and accessibility preferences of each group, including persons with disabilities; be based on prior and timely disclosure of relevant, accessible understandable information; and provide appropriate time frames for stakeholders to consider and provide comments;

- Maintenance of records of stakeholder consultations, including a description of persons consulted, summary of feedback received and how feedback was taken into account and/or reasons why it was not, and sharing of records with stakeholders consulted; and

- Continuation of stakeholder engagement throughout the management cycle of the programme or project activities in a manner appropriate to the nature of the supported activities and potential environmental and social risks and impacts. It will include stakeholders in monitoring implementation and evaluation of programme or project outcomes.

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[102] The form and content of Stakeholder Engagement Plans will depend on various factors, including the nature, scale, location, and duration of programme or project activities; the diverse interests of stakeholders; the scale of potential positive and adverse impacts on people and the environment; and the likelihood of grievances. It may consist of a straightforward description of the approach to stakeholder engagement activities for smaller activities with few if any adverse impacts or initial stakeholder concerns to comprehensive plans that map out detailed engagement activities across multiple phases of complex programme or project.

[103] Topics of stakeholder shall include but are not limited to: programme or project goals and strategies; potential environmental and social risks and impacts; proposed mitigation measures; sharing of development benefits and opportunities; and implementation issues.

## Annex IV: Access to Information

UNEP shall address the following elements in providing access to information on its projects and programmes:

- Provision of information to stakeholders on key aspects of programme or project activities as early as possible, including on the purpose, nature scale, and duration; potential environmental and social risks and impacts (including any draft, final, and updated environmental and social assessments and management plans); proposed stakeholder engagement processes and plans; grievance redress mechanisms; any required environmental and social monitoring reports; and how to obtain further information;

- Provision of relevant information in understandable forms and relevant local languages in an accessible and culturally appropriate manner, considering any specific needs of groups that may be disproportionately affected by programme or project activities or groups with specific information needs, such as due to disability, literacy, gender, mobility, language, and accessibility;

- Disclosure of SRIF, ESIAs, ESMP and other relevant safeguard measures in the Open Data Platform at least 30 days for moderate risk projects and 120 days for high risk projects prior to the approvals of the projects to allow affected communities the opportunity to review and comment on these documents before the finalization of the project documents. Comments and suggestions received are responded to or incorporated in relevant project approach and risk management plans.

## Annex V: Stakeholder Response Mechanism

UNEP's Stakeholder Response Mechanism (SRM) provides the opportunity for people who believe they have been adversely affected by activities that are implemented or executed as part of UNEP-funded projects and programmes to submit complaints directly to UNEP. The SRM is not intended to replace locally available grievance redress processes and mechanisms but serves as a complementary mechanism. Local grievance redress processes and mechanisms are to be the first point of contact for project and programme stakeholders.

The SRM fulfills two primary functions:

- a **compliance review** process to respond to claims by stakeholders alleging that activities implemented or executed as part of UNEP-funded projects and programmes are not in compliance with UNEP's ESSF; and

- a **grievance redress** process that provides people allegedly affected by activities implemented or executed as part UNEP-funded projects and programmes access to appropriate dispute resolution processes for hearing and addressing project-related disputes.

The SRM will receive and address complaints in a timely and culturally appropriate manner and adhere to the following requirements:

- Identify potential breaches of the ESSF policies and procedures in UNEP-funded projects and programmes (compliance review);

- Work proactively as a neutral third party with complainants and other parties to resolve concerns and disputes concerning ESSF-related issues (grievance redress);

- Operate in a transparent, effective manner, maintaining records and keeping complainants informed as cases are considered and addressed;

- Ensure the mechanism is accessible to stakeholders (at no cost) and clearly advertised (including contact information);

- Give due regard to confidentiality of complainant's identity and information and take appropriate and timely measures to minimize the risk of retaliation to complainants.

The SRM serves as a complementary mechanism to local grievance redress processes and mechanisms that are established for UNEP projects and programmes. Local grievance mechanisms are to be the first point of contact for stakeholders who may be adversely affected by a UNEP project or programme. In the event that such concerns are not resolved at the local level, such stakeholders may access UNEP's SRM.

The [SRM operating procedures](#) outline the eligibility and filing requirements, acknowledgment and registering of complaints, and procedural steps for the compliance review and grievance redress processes.