

Access Restriction Mitigation Process Framework

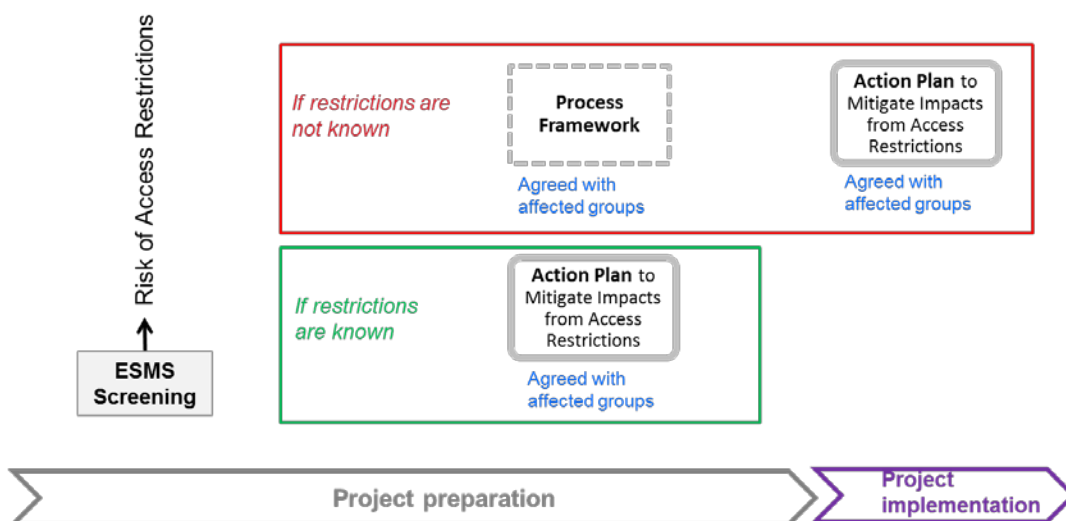
1. When is an Access Restriction Mitigation Process Framework needed?

IUCN's Standard on Involuntary Resettlement and Access Restrictions determines that the development of an Action Plan to Mitigate Impacts from Access Restrictions (action plan) is needed when the conservation objectives of a project:

- require or imply:
 - restricting access to and/or use of *natural resources* by communities, groups or individuals living within or outside legally designated parks and protected areas (e.g., fishing, hunting wildlife, harvesting timber or non-timber forest products);
 - restricting physical *access to areas* of occupation or use;
 - restricting *access to social services* such as education or health services by prohibiting or limiting physical access to the places where those services occur; or
 - changes in the use and management regimes of natural resources
- and such restrictions will impact negatively on the economic, social, cultural and environmental benefits that people accrue from those resources or areas.

If access or use restrictions are not known during the project preparatory phase or the phase is not long enough to undertake and finalise the participatory development of an action plan, the process will continue during project implementation. To formalise this process, an Access Restriction Mitigation Process Framework should be developed and agreed on with affected groups and other relevant stakeholders during the preparatory phase of the project. This process is visualised in the red box in Figure 1.

Figure 1: Process of preparing an Action Plan for Mitigating Impacts from Access Restrictions



2. What are the purpose and overarching objective of the process framework?

The purpose of the process framework is twofold:

- It seeks to establish an agreed process by which potentially affected communities, groups or individuals shall participate in the:
 - design of project components;
 - identification of potential negative impacts from the project and proposed access restrictions on their rights and livelihoods;
 - identification of alternative project design to avoid access restrictions and associated negative impacts;
 - if avoidance is not feasible design of measures for mitigating these impacts; and
 - implementation and monitoring of the mitigation measures.
- It documents the key elements of the future action plan which have already been pre-identified by the project proponent and agreed with affected groups and other stakeholders.

The provisions agreed on in the process framework will be carried out during project implementation. The end result is an agreed action plan describing restrictions as well as measures for minimising or compensating losses or other social impacts resulting from such restrictions.

The overarching objective of the action plan is to avoid communities experiencing any negative impact on their rights and livelihoods caused by the project.

3. How is the process framework developed?

The process framework must be developed through a consultative process with legitimate representatives of all affected communities or groups as well as with other relevant stakeholders (e.g., protected area management).

It is highly desirable to involve all affected groups in the consultation process. However, in exceptional circumstances it might be acceptable to consult with a representative sample of communities; this requires giving a sound rationale for the sampling method used, including specifying the criteria for selecting the communities with which to consult.

As visualised in Figure 1, the development of the process framework is usually preceded by a Social Impact Assessment (SIA) that analyses the impacts and proposes mitigation measures. Unless the project is very complex and triggers numerous impacts (besides access restrictions), it makes sense to combine the SIA and the development of the process framework, given their overlapping objectives, to reduce the investment of effort and time by the project-affected groups.

Following the ESMS disclosure policy, the process framework must be made publically available prior to the final approval of the project. This should be done in a timely, culturally appropriate and inclusive manner, in a place accessible to all potentially affected groups. The purpose of the disclosure is to ensure that all affected groups are informed and provided an opportunity to raise any concerns.

4. What should a process framework entail?

The process framework should include the following components:

a. Description of the project and of access restrictions

Describe the overall project and the specific components or activities that may involve access restrictions and delineate:

- relevant types of access restrictions (natural resources, physical access or access to social services) and/or required changes in the use and management regimes of natural resources and
- location and people or groups that would be affected by restrictions differentiating, where applicable, between women and men, indigenous peoples and vulnerable groups such as persons with disabilities, children, ethnic minorities or landless, elderly or displaced persons.

To systematise the analysis and to ensure that no significant resources or groups are left out, an inventory should be developed describing (i) the main types of natural resources, their current use and importance for the livelihoods of the people/groups identified above, (ii) their current use rights and (iii) the planned restrictions and changes in use and management regimes. Table A1 in Annex A provides a format for such an inventory. The degree of completion depends on the level of data available and whether an SIA has already been carried out as a preceding step providing inputs for the inventory.¹

b. Past consultation process and results achieved

Describe and document the process used so far for consulting with groups affected by access restrictions and for agreeing on the process framework; provide evidence as culturally appropriate (e.g. photographic or video evidence). List all groups and individuals involved in the process, include names of the selected representatives and explain their legitimacy to represent the respective groups. Describe how it was assured that women and men, indigenous peoples and/or vulnerable groups, where relevant, were engaged in the development of the process framework.

State the key elements of the future action plan that have already been identified and agreed with affected groups. This might include a list of identified impacts of access restrictions, respective mitigation or compensation measures and a tentative definition of the criteria for eligibility of affected persons, groups and communities.

c. Future assessment and planning process

Describe the participatory assessment and planning methods and approaches that will be used for developing the missing elements of the action plan: assessing impacts from access restrictions on people's rights and livelihood, developing mitigation measures and defining arrangements for their implementation (including criteria for eligibility) and monitoring.²

¹ This Guidance Note is written as stand-alone instruction; in practice it will often be used in combination with the guidance provided for Social Impact Assessment (SIA) available at www.iucn.org/esms. The latter provides generic guidance on the impact assessment process and the respective report whereas this guidance note is focussed specifically on impacts from access restrictions and how to produce the required action plan.

² See the ESMS Guidance Note on Action Plan to Mitigate Impacts from Access Restrictions for the complete list of elements; the Guidance Note is available at www.iucn.org/esms.

The degree of assessment needs will depend on the complexity of the project and its context as well as on the preceding steps (e.g. whether a SIA has been carried out). It might involve a mix of quantitative and qualitative assessment and planning tools and formal and informal consultations including:

- surveys about the current use of natural resources, prevailing tenure system, livelihood constraints and expectations;
- semi-structured interviews with affected groups;
- focus group discussions, workshop-based methods or participatory land-use mapping;
- consultations with local opinion leaders, key informants and local authorities;
- information exchange and dissemination using appropriate channels and tools such as posters, radio announcements, or communications to local community events;

The description of the planning process should clearly establish how participation of affected groups and their legitimate representatives will be achieved, how decisions will be made and how it will be assured that women and men, indigenous peoples and vulnerable groups, where relevant, are engaged in the development of the action plan - in a culturally appropriate manner.

A critical element of the process framework is to describe how the eligibility criteria will be established that regulate which groups and persons will be eligible for measures to assist in mitigating adverse impacts or otherwise improving livelihood conditions. It is generally advised to aim at being as concrete as possible in the process framework and even seek to already present the criteria or at least elements or key principles. The more can be agreed prior to the start of the project the better.

d. Conflict resolution and grievance

The process framework should also describe how conflicts will be resolved and delineate the processes for addressing grievances raised by affected communities, households or individual regarding the agreed restrictions, criteria for eligibility, mitigation measures and the implementation arrangements.

e. Schedule and milestones

Provide a schedule with expected dates for key milestones (e.g., consultations, consent seeking, and delivery of the agreed action plan).

Annex A: Inventory of natural resources and access restrictions

Table A1 below provides a template for creating an inventory of natural resources. The inventory is a first step for analysing livelihood impacts when a project's conservation objectives require use restrictions for certain natural resources. The table shows resources for illustrative purposes; some may not be relevant for the project (and should hence be removed), others may be added depending on the livelihood context. In the first row the current use of the resource is described and its importance for the livelihood of local communities/groups. The second row indicates the sites where the resources are currently gathered. The template distinguishes three zones (core, buffer and community use zone), but this can be adjusted as needed. The third row asks for specifying current use rights for the each resource. Where relevant disaggregate the analysis of importance, resource use practices and rights between social groups (e.g., indigenous peoples, women, vulnerable groups). The last row describes restrictions planned by the project and the relevant zones. It is important to use a broad interpretation of access restrictions considering not only the actual establishment of restrictions but also project activities that would strengthen enforcement of existing restrictions or changes boundaries of use zones.

Table A1: Inventory of Natural Resources and Access Restrictions - template

Resource			Conservation zone	Buffer zone	Community use zone
Timber	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			
Construction materials	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			
Fuel wood	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			
Grazing livestock	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			
Medicinal plants	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			
Bushmeat / wild game	1	Importance for livelihoods			
	2	Current sites of gathering/harvesting			
	3	Use rights (formal & customary)			
	4	Restrictions triggered by project			