

# ESMS considerations for project design and social baseline study

## 1. Introduction

The purpose of this document is to delineate key ESMS considerations and topics to be explored as part of the social baseline study carried out during early stage of project design. Gathering this information during an early stage of project design will enable project developers to proactively address social risks. Presenting the social baseline and relevant ESMS considerations and topics in the project document (or its draft version) will further allow a well-informed and -grounded ESMS review and screening decision. The document focuses on the social baseline study as the environmental context and risks are generally very well covered during the preparation of IUCN project.

More information about the ESMS is provided in the [ESMS Manual](#) and the four [ESMS Standards](#)<sup>1</sup>. The Manual describes the ESMS Policy Framework, the ESMS review procedures and the ESMS institutional arrangements including the ESMS Grievance Mechanism. The ESMS Standards, published as stand-alone documents, describe the Standard's underlying policies and objectives and specific requirements on how to assess and manage associated social or environmental risks. This guidance note does not preclude the need to consult the ESMS Manual and Standards for any particular provision.

## 2. Social baseline data at the scale of selected sites

To understand potential social impacts of field interventions it is important to gather baseline data at the scale of the respective field intervention site.

### a) Overview of groups and social organization

Describe the villages/local communities located in the project's area of influence in terms of the most significant social and cultural features that differentiate social groups including:

- Main social and demographic features such as ethnicity, forms of social differentiation (caste, status, class, wealth or others), language, population density and demographic trends;
- Describe main economic activities, sources of income and livelihood pattern of different social groups; distinguish, where relevant, between formal and informal activities, subsistence and commercial; describe peoples' dependence on natural resources including practices that involve extraction of resources from areas that have been put under protection (e.g. reserved or protected area) and as such that are no longer allowed;
- Identify vulnerable groups; depending on the social context these could be members of lower castes, landless persons, displaced people, transhumant pastoralist groups, the elderly, persons with disabilities, households headed by elderly or single women or groups being marginalized or excluded from decision making or access to resources.

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<sup>1</sup> These ESMS Manual and Standards are available on the [Union Portal](#) and IUCN website ([www.iucn.org/esms](http://www.iucn.org/esms)).

## **b) Indigenous Peoples**

In case the project is located on land or territory of indigenous people, tribal people or other traditional peoples or in an area to which these groups have a collective attachment, the ESMS Standard is triggered and the Standard's provisions need to be followed in order to ensure meaningful consultations and FPIC. The following data need to be presented in the baseline study (or in the Indigenous People Plan, in accordance to decision in the ESMS Screening Report):

- Explain the key characteristics that qualify the identified groups as indigenous groups including whether they self-identify as such and whether recognized by others or by national legislation<sup>2</sup>;
- Describe and map the location of their settlements; specify whether some of the indigenous groups are living in voluntary isolation;
- Describe their systems of livelihood (food, medicine, artefacts) and customary land and resource management regimes;
- Describe their customary cultural, economic, social, or political institutions social organisation and institutions including identification of rules and channels of communication that should be used for project consultation processes;
- Identify sites and resources of cultural and spiritual significance for these groups (in relation to the project area);

## **c) Gender mainstreaming**

Throughout the baseline analysis gather data and consult women from the targeted local communities and gender experts with knowledge of local needs to understand differences between women and men that are relevant for the project's intervention strategy, including

- different roles and responsibilities of women and men in natural resources use and management in the landscape;
- relative distribution of power between women and men (including influence in collective decision-making and governance of natural resource management);
- access to productive resources (including to forests and agricultural lands) and to developmental opportunities and constraints,
- specific social issues, vulnerabilities and risks faced by women,
- specific and relevant knowledge, skills and experiences of women as users of natural resources and food producer.

Understanding gender differences should not only allow developing responses that are better suited to overcome gender-based inequalities and empower women, but should also help designing an approach for restoration and landscape management that is more effective and sustainable.

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<sup>2</sup> The coverage of indigenous peoples includes: (i) peoples who identify themselves as "indigenous" in strict sense; (ii) tribal peoples whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; and (iii) traditional peoples not necessarily called indigenous or tribal but who share the same characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and whose livelihoods are closely connected to ecosystems and their goods and services.

#### **d) Opportunities and Risks**

Describe development opportunities available to and risks faced by the local communities, households and individuals present in the project site - relevant to the proposed project intervention strategy and disaggregated by gender where relevant and possible - including

- Analyse different groups' development opportunities and capacity to diversify livelihood/ income including access to productive inputs, access to wage opportunities and labour migration, capacity development/ training, links to network such as mutual self-help, access to credit markets;
- Identify major concerns of people, social risks and challenges, conditions and causes of vulnerability;
- Examine intragroup and inter-group relationships and power relations, identify existing or potential emerging conflicts between/ among social groups relevant to the project, in particular of vulnerable groups and indigenous peoples;

### **3. Legal Framework (policies, legislation, regulations) and its implementation**

Describe the legal and regulatory framework for social and environment matters and natural resource governance relevant for the project. This should include laws or frameworks implementing the host country's obligations under international law (e.g. international and regional treaties and conventions ratified by the host county). The following are examples of topics that should be analysed, if relevant for the project:

- Environmental and/or social management and impact assessments including regulations related to environmental licencing as well as stakeholder consultation and access to information,
- Policies related to indigenous peoples matter including whether the government recognizes indigenous peoples and whether respective international treaties and agreements such as ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) have been ratified;
- Policies related to the use and protection of cultural heritage,
- Legal framework on property rights/tenure regimes relevant for the target groups or beneficiaries in the project sites, including regulations related to land acquisition;
- Protected Area legislation

An important focus of the analysis is to identify potential gaps between the national policy, legislation and regulation with the provisions of IUCN's four ESMS Standards and Principles as well as to identify areas where the project needs to seek compliance. Rather than providing a long list of legislation, it is important that the analysis is focussed on pieces of legislation that are relevant for the project, the planned activities, the physical conditions of project area as well as the conditions of the social groups present in the site. With regards to the latter it should also be analysed whether there is any legislation that might discriminate certain groups (i.e., women, indigenous people, vulnerable groups, members of lower castes) or exclude or restrict their rights and whether there are any risks that the project might aggravate or perpetuate discrimination.

Where relevant, opportunities could be highlighted how the project could promote or enhance the rights situation of certain groups.

With regards to the **legal framework for land ownership and tenure** relevant for the target groups/ beneficiaries in the project sites; inquire in particular the following:

- What are the different types of land tenure practiced in the project area?
- What are key implications of the existing tenure framework for project activities?
- What are the implications or restrictions for **women**? Who holds title deed to the land (men only, women only, both)? Are there any cultural restrictions for women to own land or use land /natural resources? What types of land or natural resources do women have access to or control over?
- Does the tenure regime recognize **indigenous peoples'** customary rights to lands? How are policies implemented and enforced in practice, in particular in the project site?

In case where gaps or risks have been identified that are relevant to the project, provide suggestions how the project could be used to promote or enhance the tenure situation, in particular for specific social groups such as indigenous peoples, women or vulnerable groups.

Please also consider the following questions: Are there any land rights legacy issues in the project site where rights-holders have not been sufficiently consulted in past land use decisions, including in decisions about the designation of protected areas? Have involuntary resettlements taken place or even forced evictions? Has any of this resulted in infringement of peoples' rights or in human rights infractions, including physical confrontations with members of local communities during enforcement actions, harassment of members of particular ethnic groups?

#### 4. Negative social impacts potentially caused by project activities

While designing the project, reflect about potential negative social or environmental impacts the proposed activities could have. The ESMS Questionnaire and the issues raised in the ESMS Hand-Out for Project Developers could be used for guiding such reflection. The idea is to identify potential risks early on and to address them proactively through project design. The following list is a summary of typical impact issues described in the Hand-Out:

- Does the project involve **restrictions on access to natural resources** (including limitation of activities at certain times of the year or in selected areas)? While overall such restrictions might be intended to increase the sustainability of the ecosystem with expected long-term benefits for the users, it is critical to ensure that restrictions do not affect the livelihood of vulnerable groups, even if it was only short-term. If restrictions cannot be avoided, provide for measures to mitigate livelihood impacts or to compensate for losses. See the ESMS Standard on Involuntary Resettlement and Access Restrictions for further guidance.
- Is the project located on indigenous people territory? Is there a risk of project activities or practices promoted by the project might affect **indigenous people**, in material or immaterial ways? Could the promoted changes be perceived as affecting their right to self-determination or their cultural identity (e.g. in terms of values and practices)? See the ESMS Standard on Indigenous Peoples for further guidance.
- Is there a risk that project activities might negatively affect **cultural heritage** such as archaeological, cultural, spiritual or symbolic resources (e.g., burial sites, buildings,

monuments or cultural landscapes)? E.g. through infrastructure development or civil works that implies excavations, movement of earth? See the ESMS Standard on Cultural Heritage for further guidance.

- Does the project propose utilizing tangible and/or intangible forms of cultural heritage for developing commercial benefits? It is important to ensure that economic or social benefits are equally shared among the rights-holders of these resources. See the ESMS Standard on Cultural Heritage for further guidance.
- Does the project propose changes in land-use, agricultural or forestry activities? Is there a risks that these changes or practices affect social groups, in particular vulnerable groups, e.g. by leading to **income loss**, even if only temporary?
- Do any of the project activities related to water management potentially trigger **health and safety risks** for communities (e.g. through water-borne diseases such as malaria or by people drowning for sudden increases of water flows)?
- What are implications of promoted changes for **women**? Is there a risks of creating or aggravating inequalities between women and men; is there a risk of increasing women's workload, in particular taking economic trends of labour migration and respective implications for different gender groups into consideration (e.g. men leaving to cities or countries).
- Are there any risk of the project disturbing **social relations within communities** or their cohesion or stirring or exacerbating conflicts among communities, groups or individuals (e.g. by increasing resource competition when promoting economic opportunities, strengthening rights of or providing projects benefits to selected individuals/ groups)? Also consider dynamics of recent or expected migration and issues / needs of displaced people?

## 5. Stakeholder engagement

Meaningful, effective and informed participation of stakeholders in the development and implementation of projects is an essential principle of IUCN's project management practice. In order to ensure that possible social risks of project activities are identified, it is important to share information about the project – and about potential risks – at an early stage with relevant groups and hold consultations to discuss such risks. For the consultations to be meaningful they need to be carried out in a culturally appropriate form respecting socio-cultural conditions of specific target groups (e.g. women and indigenous groups).

To ensure appropriate and meaningful engagement of relevant stakeholder groups it is essential to carefully plan the consultations to be carried out during the design phase based on a systematic stakeholder analysis. It is good practice to also devise strategies for ensuring engagement of relevant stakeholders during the implementation phase.<sup>3</sup>

In order to formalize such stakeholder engagement strategies and ensure transparency and open access, it is recommended to present them in form of two summary tables:

- **Design-phase Stakeholder Consultation:** summarize consultation events held with different stakeholder groups (including vulnerable groups and women) during the design

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<sup>3</sup> For GEF and GCF projects it is mandatory to present a description of the stakeholder engagement undertaken during project design and a stakeholder engagement plan for the implementation phase as integral part of the project document.

phase; information provided should include place and dates of consultations, participants, relevant issues raised, and how the issues were resolved and integrated into the project document.

- **Stakeholder Engagement Plan:** describe how the activities will ensure continuing participation of stakeholder groups throughout the implementation of the project; this might include delineating concrete roles of different stakeholders to be engaged in project implementation.

In case concrete risks have been identified and the project is classified as moderate and high risk project, an ESIA is required and the provisions for stakeholder engagement are more rigorous: first by establishing minimum requirements for disclosing information about the project and the ESIA study and second by specifying the types of public consultation to be held as part of the ESIA process. See table 5 and 6 in the [ESMS Manual](#). This is to ensure that people who might be affected by the project are involved in the assessment of impacts and participate in the design of mitigation measures and in decisions regarding their operationalisation and monitoring.