



TFCA FINANCING FACILITY

Environmental and Social Management System Manual



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ACRONYM LIST

TERM	DEFINITION
COC	Code of Conduct
BMZ	German Federal Ministry for Economic Cooperation and Development
E&S	Environmental and Social
ESAP	Environmental and Social Action Plan
ESARO	Eastern and Southern Africa Regional Office
ESCP	Environmental and Social Commitment Plan
ESDD	Environmental and Social Due Diligence
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
ESS	Environmental and Social Standard
FAQ	Food and Agriculture Organization
FI	Financial Intermediaries
FPIC	Free, Prior and Informed Consent
GN	Guidance Notes
GRM	Grievance Redress Mechanism
HWC	Human-wildlife Conflict
HWC_x	Human-wildlife Co-existence
ICP	International Cooperating Partner
IP	Indigenous Peoples
IUCN	International Union for Conservation of Nature
KfW	KfW Development Bank

TERM	DEFINITION
LE	Law Enforcement
LERA	Law Enforcement Risk Assessment
MoU	Memorandum of Understanding
NGO	Non-governmental Organisation
PA	Protected Area
PAP	Projected Affected Peoples
PF	Process Framework
SADC	Southern African Development Community
SEP	Stakeholder Engagement Plan
SI	Serious Incident
SOP	Standard Operating Procedures
TFCA	Transfrontier Conservation Area
TFCA FF	Transfrontier Conservation Area Financing Facility
TRA	Thematic Risk Area
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGPs	United Nations Guiding Principles on Business and Human Rights
VP	Voluntary Principle
WB	World Bank
WB ESF	World Bank Environmental and Social Framework

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1.

Introduction

1.1 Background

The Southern African Development Community (SADC) Transfrontier Conservation Area (TFCA) Financing Facility (TFCA FF or 'the Facility') is a grant-funding facility established to respond to the emerging needs of TFCAs in the SADC region. The German Government, through the German Federal Ministry for Economic Cooperation and Development (BMZ) implemented by KfW Development Bank (KfW) is an International Cooperating Partner (ICP) supporting the TFCA FF. The TFCA FF is administered by the International Union for Conservation of Nature (IUCN), Eastern and Southern Africa Regional Office (ESARO).

The TFCA FF provides grants to selected projects in SADC TFCAs contributing to measurable outcomes, including:

- Conservation of biodiversity and recovery of flagship species;
- Improved management of newly and/or already established protected areas (PAs) or networks of conservation areas of regional importance; and
- Improved livelihoods for communities living in TFCAs.

Over the course of all funded projects, the TFCA FF commits to ensure that its activities are conducted in a manner that will prevent, minimise, mitigate, or remediate negative environmental and social (E&S) impacts, while striving to enhance benefits for local communities and the environment. Therefore, the TFCA FF developed an Environmental and Social Management System (ESMS) to govern and guide the Facility-funded projects and ensure that E&S risks and impacts are managed in line with international best practices and E&S standards.

1.2 Scope and Objectives

This document represents the ESMS Manual and outlines the TFCA FF's process and procedures for identifying, assessing, managing and monitoring E&S risks and potential impacts of transactions and co-operations with Grantees and local communities as beneficiaries of the TFCA FF interventions, in line with the applicable E&S standards and guidelines (refer to Section 3). The ESMS also aims at helping TFCA FF and its Grantees understand the connection to adverse impacts (i.e., if they cause, contribute, or are linked to) and to determine the types of measures that TFCA FF and its Grantees need to take in order to diligently address these issues.

The ESMS introduces tools, processes, responsibilities, and capacity needed for performing the E&S due diligence (ESDD) and provides a framework including E&S policies, plans and procedures that are applicable for TFCA FF at the organisational and project level (i.e., projects receiving grant-funding from the Facility).

The objectives of the ESMS are to:

- Ensure that all TFCA FF financed activities and programs comply with national laws and regulations of the host countries and are aligned with the applicable international E&S standards and guidelines;
- Establish clear roles and responsibilities to all TFCA FF and Grantee staff involved in implementation of this ESMS;
- Guide on the application of several methods and tools in management of E&S issues that may be triggered before, during and after project implementation;
- Guide identification, assessment, management, mitigation and monitoring of E&S risks (especially significant E&S risks which may result from access restrictions, law enforcement (LE) operations, the occurrence of human-wildlife conflict and infringement of human rights, and risks associated with physical infrastructure development associated with TFCA FF financed activities.

1.3 ESMS Structure

The ESMS has been developed in line with the World Bank (WB) E&S Safeguard Standard 9 (ESS9) on Financial Intermediaries (FIs). The ESS9 requires FIs to establish and maintain an ESMS for purposes of identifying, assessing, managing, and monitoring E&S risk and impacts on an ongoing basis. Elements of the ESS9 constitute the main building blocks of the ESMS, Table 1-1 provides an overview of the ESMS structure in respect of the ESS9 guidance.

Table 1-1 ESMS Structure Overview

WB ESS9 GUIDANCE	TFCA FF's ESMS SECTION	DESCRIPTION
	• Introduction	Introduction to the ESMS manual
(i) Environmental and social policy	• E&S policies	Outlines the relevant applicable environmental & social standards, and human rights policies adopted by TFCA FF internally.
	• Applicable E&S legislation, standards and guidelines	Outlines the relevant applicable legal and administrative requirements on a local and international level, including WB's environmental and social safeguard framework and human rights policies.
(iii) Organizational capacity and competency;	• Roles and responsibilities	Summarizes E&S management organizational roles, finances and responsibilities, and refers to training required for capacity development and successful implementation of the E&S management system

(ii) Clearly defined procedures for the identification, assessment and management of the environmental and social risks and impacts of projects and sub-projects;	<ul style="list-style-type: none"> • Integration of ESMS requirements into grant-funding process 	Provides an overview of the grant funding cycle and the corresponding provisions of the ESMS, i.e. process for E&S risk screening, categorization of E&S risks and ESDD, development of appropriate E&S management tools, monitoring and reporting requirements. etc.
(iv) Monitoring and review of environmental and social risks of sub-projects and the portfolio	<ul style="list-style-type: none"> • Monitoring, reporting and review 	Outlines the monitoring, management review and reporting of E&S risk and impact management -related commitments and aspects on TFCA FF organizational level
(v) External communications mechanism	<ul style="list-style-type: none"> • External communication and disclosure 	Outlines the procedures and commitments of the Facility for external engagement and the Facility's grievance mechanism
	<ul style="list-style-type: none"> • Document Control and record management 	Outlines Facility's data management internal practices.

2. Environmental, Social and Human Rights Policy Statement

The TFCA FF was established to address the acknowledged challenges of TFCAs, encompassing lack of policy harmonization, sustainable financing, technical capacity, data and knowledge availability, support for local livelihoods, marketing as tourism destinations, and vulnerability to climate change.

The Facility has developed an overarching Environmental, Social and Human Rights Policy Statement (refer to Document 2) to ensure that E&S risks and impacts are managed in line with international best practice standards. The Policy Statement governs the ESMS and sets out the TFCA FF's commitment to embedding E&S considerations into the grant-funding process including the design, development, and implementation of the TFCA FF funded projects.

The TFCA FF is committed to applying a human rights-based approach to biodiversity conservation. This means that the Facility's policies, governance practices and management require assessment and management of human rights risk as well as impacts and issues that trigger human rights risks – these could be as a result of the TFCA FF's own activities or those of funded project activities. The TFCA FF is committed to proactively seeking ways to support and promote human rights in the design and implementation of actions related to biodiversity conservation.

At the project level, the Policy Statement will be put into practice through a range of management plans, procedures, methods, approaches, and distinct mitigation measures, as outlined in detail in Section 5.4.1. Compliance with the Policy Statement does not absolve TFCA FF staff, the Grantees and their contractors (including any sub-contractors) and implementing partners from compliance with all relevant national and international legislation.

The policy is reviewed by TFCA FF on an annual basis and updated, if necessary, to ensure it remains relevant. The Policy Statement should be communicated to all the TFCA FF employees, Grantees, and project personnel.

3. Applicable E&S Legislation, Standards and Guidelines

3.1 National Requirements

All project activities funded and supported by the TFCA FF must be compliant with provisions of the legal framework of the host country(ies) where the project activities are being implemented (refer to Annex C). The Grantees are required to achieve and demonstrate compliance particularly with national environmental, social, occupational health and safety and labour laws, and legislation related to LE in the conservation context, as well as other E&S obligations (e.g., construction and operation permits etc.). All applicable local legislation must be identified by the Grantee prior to project commencement. **See Annex C.**

In cases where the national requirement provides for the more stringent safeguarding standard, the Grantee shall conform to the national requirement provided it does not create any inconsistencies with this ESMS. In cases where there is inconsistency between national requirements and the TFCA FF ESMS, the more stringent requirement will prevail.

3.2 International Standards and Guidelines

The following international E&S standards and guidelines are applicable to all projects and activities financed by the TFCA FF. and should, thus, be acted upon by its Grantees respectively:

- Human rights guidelines of the German Federal Ministry for Economic Cooperation and Development (BMZ in its German acronym)³;
- Guidance Note on Grievance Redress Mechanisms;
- World Bank Group Environmental and Social Standard (WBG ESS) and Corresponding Guidance Notes 4 (see further guidance on the relevance of each standard for the conservation projects in Table 3-1 below);
- International Labour Organisation Core Conventions⁵;
- The United Nations Guiding Principles on Business and Human Rights (UNGP, 2011)⁶;
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007)⁷;
- Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving major Civil Works (WB, 2018)⁸;
- Good Practice Note: Assessing and Managing the Risks and Impacts of the Use of Security Personnel, (WB, 2018)⁹;

³Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation. Available at <https://www.bmz.de/en/suche?search=human+rights+guideline>

⁴[Environmental and Social Standards \(ESS\) \(worldbank.org\)](https://www.worldbank.org/en/ESS)

⁵Core Labour Standards of the International Labour Organization. International Labour Organization. Available at: <https://www.ilo.org/global/standards/lang--en/index.htm>

⁶[guidingprinciplesbusinesshr_en.pdf \(ohchr.org\)](https://www.ohchr.org/documents/e/huridocda/huridoca13_en.pdf)

⁷<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

⁸[http://pubdocs.worldbank.org/en/399881538336159607/Good-Practice-Note-Addressing-Gender-Based-Violencev2.pdf](https://pubdocs.worldbank.org/en/399881538336159607/Good-Practice-Note-Addressing-Gender-Based-Violencev2.pdf)

⁹[http://documents.worldbank.org/curated/en/692931540325377520/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Security-Personnel-English.pdf](https://documents.worldbank.org/curated/en/692931540325377520/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Security-Personnel-English.pdf)

- Use of Security Forces: Assessing and Managing Risks and Impacts (IFC, 2017)¹⁰;
- The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN, 1990)¹¹;
- The Voluntary Principles on Security and Human Rights (2010)¹²;
- Addressing Security and Human Rights Challenges in Complex Environments, 3rd edition (DCAF/ICRC, 2016)¹³;
- The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012)¹⁴;

The above standards and guidelines are triggered by KfW's Sustainability Guideline (2022)¹⁵. Furthermore, topic-specific standards and guidelines are referenced in the respective guidance documents i.e., Annexes to this ESMS. Additional E&S standards may be applied (if required) if other international cooperating partners participate in funding the TFCA FF.

3.3 Institutional Standards and Guidelines

In addition to national and international E&S requirements, the TFCA FF funded activities must also adhere to the following standards and requirements established at the institutional level of the Facility¹⁶:

- IUCN ESMS¹⁷, including:
 - The ESMS Manual,
 - The ESMS Manual,
 - The ESMS Standards and Guidance Notes; and
- SADC TFCAs' Development Guidelines and Policies on E&S, including:
 - SADC Regional Indicative Strategic Development Plan,
 - Biodiversity Strategy,
 - Protocol Wildlife Conservation and Law enforcement (1999),
 - TFCA Programme and Development Guidelines,
 - Law Enforcement and Anti-Poaching Strategy, and
 - Gender Strategy.

¹⁰<https://www.ifc.org/wps/wcm/connect/>

¹¹www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

¹²https://docs.wixstatic.com/ugd/f623ce_60604aa96d1c4bdcbb633916da951f25.pdf

¹³https://www.securityhumanrightshub.org/sites/default/files/2020-04/ASHRC_Toolkit_V3.pdf

¹⁴<https://www.fao.org/policy-support/mechanisms/mechanisms-details/en/c/448858/>

¹⁵<https://www.kfw.de/KfW-Group/Service/Download-Center/Konzernthemen/Nachhaltigkeit/Richtlinien/>

¹⁶Some of these documents are already available online, the others are available on the request and could be provided to the Grantee or external consultant on demand.

¹⁷[Environmental and Social Management System | IUCN](#)

3.3.1 Overview WB Environmental and Social Standards

Table 3-1 serves as a comprehensive overview for assessing and addressing environmental and social risks within the context of the Facility's Thematic Risk Areas (TRA). The TRAs aim to address the typical risks and impacts associated with conservation projects funded by the Facility. These TRAs are:

- Law enforcement operations;
- Access restrictions and enforcement of access restrictions;
- Human wildlife conflict/coexistence;
- Construction of infrastructure and other physical interventions.

By focusing on these predetermined risk areas, the TFCA FF ensures a targeted approach to risk assessment and mitigation, allowing for the effective management of anticipated E&S challenges during project implementation (refer to chapter 5 for further information).

It is important to note that all WB Environmental and Social Standards (WB ESS) are generally relevant for all TRAs. However, the organization of the ESMS procedures, based on the TRA structure, allows for a focused due diligence process for activities within each TRA. This approach enables the development of tailored and coherent mitigation plans that specifically address the requirements of activities falling under a particular TRA. For instance, it allows for distinct requirements related to LE activities or the construction of infrastructure to be incorporated. By aligning activities with the appropriate TRA, TFCA FF can ensure targeted risk assessment and the application of appropriate mitigation measures.

Table 3-1: Overview of the World Bank E&S Standards

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
ESS1: Assessment and management of E&S risks and impacts	<ul style="list-style-type: none"> To identify, evaluate and monitor the E&S risks and impacts of projects; To adopt a mitigation hierarchy approach (avoid, mitigate, reduce, offset, compensate); To adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable groups (such as indigenous peoples (IP), women, etc.), and they are not disadvantaged in sharing development benefits and opportunities resulting from projects; To utilize national E&S institutions, systems, laws, regulations and procedures in the assessment, development, and implementation of projects, whenever appropriate; and To promote improved E&S performance, in ways which recognize and enhance the Grantee's capacity (including management implementation capability, physical space and equipment, procedures and planning). 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS2: Labour and working conditions	<ul style="list-style-type: none"> To promote health and safety at work; To promote the fair treatment, non-discrimination, and equal opportunity of project workers, including construction workers, LE personnel and rangers; To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate; To prevent the use of all forms of forced labour and child labour; To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and To provide project workers with accessible means to raise a grievance or complaint. 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS3: Resource efficiency and pollution prevention and management	<ul style="list-style-type: none"> To promote the sustainable use of resources, including energy, water, and raw materials; To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities; To avoid or minimize project-related emissions of short and long-lived climate pollutants; To avoid or minimize generation of hazardous and non-hazardous waste; To minimize and manage the risks and impacts associated with pesticide use; and To provide for additional measures and management plans when there are specific environmental and health concerns within the proximity to protected areas. 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
ESS4: Community health and safety	<ul style="list-style-type: none"> To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle from both routine and non-routine circumstances; To promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure; To avoid or minimize community exposure to project-related traffic and road safety risks, diseases, gender-based violence and harassment and hazardous materials; To have in place effective measures to address emergency events; To assess and manage risks associated with the use of security personnel, including LE personnel and rangers, necessary to protect species (e.g., from illegal poaching) or local communities from wildlife; To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities; To identify impacts on ecosystem services and any adverse impacts this may have on the H&S of impacted communities. This includes any land use changes and/or the loss of natural buffer areas which may result in an increased risk for community health and safety. IP might especially be dependent on ecosystem services, since their livelihoods are predominantly natural resource-based. Furthermore, cultural heritage of IP oftentimes includes natural features, herbal plants etc. Any such changes on ecosystem services should be assessed by developing a "process framework" for involuntary access and use restrictions on natural resources in close cooperation with affected communities. 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS5: Land acquisition, restrictions on land use and involuntary resettlement	<ul style="list-style-type: none"> To demonstrate compliance with the legal requirements of the protected area / conservation area (i.e., permits / licenses to operate within a PA for example); To avoid or minimize access and use restrictions from PAs and involuntary resettlement by exploring project design alternatives; To avoid forced eviction; To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher; 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
	<ul style="list-style-type: none"> To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure; To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected; To guide the development of a "process framework" to design project activities, determine eligibility criteria, reach agreement on access restrictions, identify measures to assist affected communities in improving or restoring their livelihoods, manage conflicts and grievances and arrange for participatory implementation and monitoring; and To foster community-based solutions where restrictions on land use occur due to potential/actual human-wildlife conflict. 	<ul style="list-style-type: none"> Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS6: Community health and safety	<ul style="list-style-type: none"> To protect and conserve biodiversity and habitats¹⁸ (including those associated with PAs and priority areas for biodiversity conservation); To use existing tools and databases available online or in-country to identify PAs and areas of high conservation value/value/importance in terms of biodiversity, to determine whether the project area is located within or near them; To identify all potential impacts (both positive and negative, direct and indirect and cumulative impacts) that may potentially affect habitats and the biodiversity they support (including those associated with PAs and priority conservation areas); To apply the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity including PAs and sites of conservation importance; To develop and implement a Biodiversity Management Plan¹⁹ where significant risks and adverse impacts on biodiversity are identified; 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence

¹⁸Habitat is defined in terms of the WB ESS Guidance Note for ESS6 as "...terrestrial, freshwater, or marine geographical unit or airway that supports assemblages of living organisms and their interactions with the nonliving environment" (World Bank, 2018).

¹⁹A Biodiversity Management Plan (BMP) typically includes key biodiversity objectives, activities to achieve the objectives, an implementation schedule, institutional and gender-inclusive responsibilities, and cost and resourcing estimates (World Bank, 2018).

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
	<ul style="list-style-type: none"> To ensure that activities undertaken are consistent with the area's legal protection status and management objectives (which may typically appear in government recognised management plans or similar documentation), where the project occurs within or has the potential to negatively impact an area that is legally protected, designated for protection or regionally/internationally recognised areas²⁰; To implement additional programs, as appropriate, to promote and/or enhance the conservation aims and effective management of the protected area / conservation area; To consider potential adverse impacts on ecosystem services (depending on their significance) in the assessment of social risks and impacts of the project, such as community health, safety, livelihoods, and cultural values; To promote the sustainable management of living natural resources such that the land or water resources and the ecosystem integrity that underpins them maintains their productive capacity over time; To develop community-based natural resource management strategies; and To support livelihoods of local communities, including IP and traditional communities, and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities. 	<ul style="list-style-type: none"> Construction of infrastructure and other physical interventions
ESS7: Indigenous peoples/Sub-Saharan African historically underserved traditional local communities	<ul style="list-style-type: none"> To ensure that the project process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of indigenous peoples (IP)/ Sub-Saharan African Historically Underserved Traditional Local Communities; To avoid adverse impacts of projects on IP/ Sub-Saharan African Historically Underserved Traditional Local Communities, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts; To promote sustainable development benefits and opportunities for IP/ Sub-Saharan African Historically Underserved Traditional Local Communities in a manner that is accessible, culturally appropriate and inclusive; To acknowledge and protect the collective ancestral ties that IP have to the lands they occupy and natural resources they use which form an important part of their social and cultural integrity; 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions

²⁰In terms of the WB ESS Guidance Note for ESS6 (World Bank, 2018), protected and internationally recognized areas of biodiversity conservation importance include: "... (i) any category of formal protected area (for example, a national park, a marine protected area, a wildlife reserve, and so forth); (ii) other protection under national or local laws or regulations (such as restrictions on forest clearing or wetland conversion, or local parks); (iii) formal or informal protection by local communities or traditional authorities (such as community forests or grazing lands, or sacred natural sites); or (iv) have existing or proposed recognition as a Ramsar Wetland of International Importance, UNESCO Biosphere Reserve, World Heritage Natural Site, or other special international or national status".

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
	<ul style="list-style-type: none"> To provide special disclosure and engagement requirements for projects involving IP and other local communities; To establish criteria that require the Free, Prior and Informed Consent (FPIC) of IP and provide guidance on the process to obtain FPIC; To guide the development of an IP plan, including management strategies and actions to promote equitable access to benefits and to mitigate adverse impacts; and To recognize, respect and protect the land and territories of IP living in voluntary isolation and prevent any unwanted contact with such groups. 	<ul style="list-style-type: none"> Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS8: Cultural Heritage	<ul style="list-style-type: none"> To protect cultural heritage from the adverse impacts of project activities and support its preservation; To address cultural heritage as an integral aspect of sustainable development; To acknowledge that cultural heritage can be tangible and intangible (e.g., natural features, herbal plants etc. of importance for local communities, including IP); To promote meaningful consultation with stakeholders regarding cultural heritage; To establish procedure for management of chance-finds of cultural resources in landscapes; To set out additional requirements for the protection of cultural heritage of IP; Recognize that cultural, ceremonial, and spiritual uses of land are an integral part of IP relationships to their lands and resources, and embedded within their unique knowledge and belief systems, and key to their cultural integrity; and To promote the equitable sharing of benefits from the use of cultural heritage. 	<ul style="list-style-type: none"> LE operations Access restrictions and enforcement of access restrictions Human wildlife conflict/coexistence Construction of infrastructure and other physical interventions
ESS9: Financial intermediaries	<ul style="list-style-type: none"> Applicable to TFCA FF but not applicable to Grantees under the TFCA FF 	

WB ESS	KEY OBJECTIVES	THEMATIC E&S RISK AREAS
ESS10: Stakeholder engagement and information disclosure	<ul style="list-style-type: none"> • Consult with key stakeholders (such as protected area managers and potentially affected parties) regarding planning, design, implementation, monitoring and evaluating of projects/activities; • To establish a systematic approach to stakeholder engagement that will help the Grantee identify stakeholders and build and maintain a constructive relationship with them, in particular PAPs and vulnerable groups; • To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be considered in project design and E&S performance; • To promote and provide means for effective and inclusive engagement with PAPs throughout the project life cycle on issues that could potentially affect them; • To understand underlying conflicts such as human-wildlife conflicts, their different triggers, and layers, and develop early management strategies in close collaboration with affected communities; • To develop community-based mechanisms for the management of access and use restrictions or human wildlife mitigation approaches with the aim of transfer of ownership; • To ensure that appropriate project information on E&S risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format; and • To provide PAPs with accessible and inclusive means to raise issues and grievances, and allow the Grantee to respond to and manage such grievances 	<ul style="list-style-type: none"> • LE operations • Access restrictions and enforcement of access restrictions • Human wildlife conflict/coexistence • Construction of infrastructure and other physical interventions

4. Roles and Responsibilities

4.1 Overview

In this section, the roles and responsibilities of each party involved in implementing the ESMS or meeting the E&S performance objectives set by TFCA FF are outlined. Both the Facility and the Grantees have the responsibility to actively assess and manage any direct or indirect impacts resulting from the project and/or project activities.

Overall responsibility for the ESMS at strategic level lies with the TFCA FF's Project Steering Committee (comprising representatives from SADC Member States), which establishes and maintains an organisational structure that further defines roles, responsibilities, and authority to implement the ESMS for all TFCA FF funded projects in all the stages/phases of the project lifecycle. The ESMS Officer, appointed by TFCA FF, is responsible for overseeing the development, implementation, and monitoring of the Facility's ESMS. The Project Manager supports the ESMS Officer with monitoring Grantees' compliance to the ESMS during the project lifecycle. The ESMS Officer defines appropriateness of risk identification and impact assessments, monitoring compliance, and reporting on E&S issues. IUCN's ESMS Coordinator (at IUCN HQ) supports and supervises the ESMS Officer. The Grantee is required to assign personnel to ensure the project adheres to the Facility's ESMS requirements and applicable standards. External consultants may also be engaged to support the Facility's E&S management.

The Facility acknowledges that the implementation of the TFCA projects require setting up effective partnerships between SADC member states, the Grantee, non-governmental organisations, private sector, and local communities. These partnerships, which are often set up on a landscape/ TFCA level, support member states and the Grantees with the implementation and management of the Facilityfinanced projects and initiatives through the provision of additional resources, capacity, and technical skills. They also often provide opportunities for the inclusion and support of local partners and community-based organisations, which are critical to the longevity and sustainability of initiatives on the ground.

4.2 TFCA FF

The TFCA FF is a regional fund that provides financial support for the development of TFCAs in the SADC region. The TFCA FF is managed by the Eastern and Southern Africa Regional Office (ESARO) of the International Union for Conservation of Nature (IUCN). The Facility is currently being funded only by the German Government through KfW.

The TFCA FF is accountable for setting the standards that the Grantee must implement in the Facilityfinanced projects. The responsibility of the TFCA FF is to ensure that the Grantee can apply the requirements of the TFCA FF ESMS by:

- Considering Grantee E&S capacities during the E&S screening process of the projects;
- Undertaking E&S screening and E&S risk categorization and setting out requirements for assessment and development of safeguard instruments as part of the project design and grantfunding process;

- Integrating E&S management clauses in the contractual documentation with the Grantees;
- Providing guidance to Grantees regarding conducting E&S assessments and the development and implementation of suitable safeguard instruments;
- Integrating E&S criteria in the project monitoring process, tracking E&S performance and the implementation of safeguard instruments by the Grantee during all stages of the project;
- Raise awareness of E&S topics with the Grantees by including them in meetings and trainings by highlighting case studies and lessons learnt.

The ESMS specific roles and responsibilities at TFCA FF are summarized in Table 4-1.

Table 4-1: TFCA FF Roles and Responsibilities related to ESMS

ROLE/TITLE	DUTIES & RESPONSIBILITIES RELATED TO THE ESMS
SADC Project Steering Committee	<ul style="list-style-type: none"> • Represent the TFCA FF to the external stakeholders; • Oversea strategic policy decisions for implementation; • Provide and ensure sufficient resources to implement the Facility's ESMS; • Participate in the annual review and approval of resources for implementing potential improvements to the ESMS; • Responsible for the approval of all projects to receive funds from TFCA FF; • Evaluate the Facility's associated risks (including the E&S risks) with a view to strengthening a given applicant project's design and considering all potential issues; • Evaluate the ESMS annual performance and present the results to the Supervisory Board; • Responsible for coordination of the management of the E&S aspects of TFCA FF.
Project Manager	<ul style="list-style-type: none"> • Understand and implement agreed upon TFCA FF policies and ESMS procedures; • Liaise with the E&S Manager to ensure the correct E&S requirements are included in Grant Agreements; • Responsible for the day-to-day implementation of the E&S commitments of the Facility as well as monitoring the performance of Grantees; Directly supervise the activities of the Facility's ESMS Officer; • Facilitate engagements with Government Ministries, Agencies and NGOs in SADC Member States on ESMS matters.
ESMS Officer	<ul style="list-style-type: none"> • Lead day-to-day implementation of the ESMS and the E&S eligibility screening, evaluation, approval, monitoring, and supervision process; • Closely liaise with the International Cooperation Partners (ICP) to align their requirements in safeguard processes; • Lead the Facility's reporting activities on E&S performance as well as implementation of standards and mitigation processes; • Review all relevant applicant project documentation, and if applicable, the results of the ESDD for the projects; • Facilitate informed review and efficient decision-making about project proposals in the context of E&S categorization and the E&S risk management process;

ROLE/TITLE	DUTIES & RESPONSIBILITIES RELATED TO THE ESMS
	<ul style="list-style-type: none"> • Provide capacity building support to the TFCA FF team and the Grantees. • Respond to all questions and inquiries related to the application of the ESMS, E&S experiences and lessons learned. • Coordinate the implementation of the ESMS for each Grantee after the signing of the Grant Agreement; • Lead the process of clarification of questions from the Grantee; • Serve as the Grievance Officer.
IUCN ESMS Coordinator (HQ Level)	<ul style="list-style-type: none"> • Advise TFCAFF ESMS Officer regarding ESMS implementation; review and approval of E&S risk categorization forms; review of Grantee E&S documentation as appropriate;

4.3 Grantee(s)

The Grantees are key actors in project preparation and then in implementation of their projects. TFCA FF will decide on applications of potential Grantees via the structured approval process that also includes the Facility's ESDD. The organisational setup of the Grantees might vary from project to project (e.g., NGO, group of NGOs, government entities, partnerships between NGO and government). **The following types of Grantee set up and of project management arrangements are recognized; however, the list is not extensive and other structures or variants thereof are possible:**

- Single NGO - typically, NGOs applying for support from the TFCA FF will have a track record and proven skills in the development and implementation of programmes, projects, and initiatives in sectors relevant to TFCA development i.e., conservation, rural development, agriculture, livestock and veterinary services, tourism etc. These NGOs often have formal arrangements with government entities to support the development, implementation, and management of TFCA-related programmes and projects, including the technical support and financial oversight of these initiatives.
- Group of NGOs - NGOs often form partnerships or coalitions to strengthen their ability to implement cross-sectoral and/or transboundary projects. Typically, a lead partner will be nominated who will be responsible for project oversight and financial management.
- Government Entities - national and provincial PAs and conservation management agencies responsible for the implementation and management of the country-components of respective SADC TFCA's.
- Partnerships between NGOs and Government Entities - collaboration between national ministries and NGOs, TFCA implementing agency(ies) such as national and provincial PA and conservation management agencies and NGOs, and landscape-based institutional arrangements set up between state entities and NGOs/ private sector/ local community-based organisations to facilitate the effective management of a particular PA or components of the TFCA.

The Grantees are responsible for understanding and adhering to the TFCA FF E&S requirements included in the Grant Agreements and implementation plans. The Grantee is required to manage E&S risks according to the Facility's ESMS requirements. The Grantee must identify and assign at least one person (e.g., E&S Manager) within the project team who is responsible for overseeing E&S matters. This person must be familiar with the TFCA FF ESMS requirements.

Key responsibilities of the Grantee under this ESMS include:

- Design and execute a project consistent with the requirements described in this ESMS, including monitoring and evaluation of the progress made on any corrective actions included in the project's Environmental and Social Commitment Plan (ESCP) throughout the life of the project;
- Implement E&S management measures and mitigation activities to reduce negative impacts to acceptable levels and enhance positive impacts of the project;
- Implement the E&S safeguards requirements for the project in conformance with the Facility and host nation's legal requirements.
- Continuously monitor the implementation of the ESCP and E&S performance of project related staff, including contractors and implementing partners;
- Ensure that E&S safeguard requirements for all supported activities are forwarded to, and are implemented diligently and completely by contractors and sub-contractors or other implementing partners used for providing workforce, supplies, and services;
- Collaborate with host country governments and third-party organizations to develop required capacity building and community development activities;
- Grant the TFCA FF and its representatives' access to the project site(s) and all relevant documentation, including all safeguard instruments relevant to the project.

4.4 Training and Capacity Building

The TFCA FF is committed to providing appropriate E&S training and capacity building to relevant Facility? staff members to:

- ensure continuous improvements to its institutional capacity and organisational structures,
- to support the effective implementation and management of the ESMS, and
- to ensure personnel are equipped with the necessary skills and expertise to effectively identify, evaluate, and manage E&S risks and opportunities.

The development and delivery of E&S training will be led by the Facility ESMS Officer, with support from the IUCN ESMS Coordinator and external specialists as and when required. Training will include but will not be limited to:

- The Facility's ESMS applicable standards (incl. national and international);
- The Facility's ESMS process, including roles and responsibilities, phases of E&S management processes and their integration into the TFCA FF specific project funding cycle; and
- Generally anticipated E&S risks and impacts of the planned funded projects and/or activities.

The Facility will conduct an annual review of the training requirements and current skills and competencies and define what training is needed to address any remaining gaps identified. The findings will be compiled into an annual E&S Training Plan, including necessary resources (e.g., budget for external service providers, etc.) and timelines. The Facility from its operational budget will secure any necessary funds and resources and will approve the proposed E&S Training Plan.

Furthermore, to ensure effective management of the project, TFCA FF will collaborate with the Grantee to provide relevant and targeted training on E&S risks, impacts, and management to partner, contractors, and Grantee staff as required. Before and during project implementation, any gaps in training or competency at the Grantee level will be identified and addressed as necessary.

5. Intergration of ESMS Requirements into Grant-Funding Process

5.1 Overview

This section outlines how Facility will manage E&S risks throughout the project life cycle and also the due diligence requirements of potential E&S risks associated with each project. This systematic approach ensures that E&S risks and potential impacts are evaluated and addressed. It also provides guidelines for the Facility's decision-making as to whether the Facility will fund a project or a proposed activity. Throughout each phase of the project cycle the Facility actively seeks to address E&S requirements and achieve the best possible E&S performance.

Although it is expected that the overall impacts of TFCA FF funded projects will be positive, potential E&S risks and adverse impacts are not to be neglected. Considering that the proposed projects might vary greatly, their respective E&S risks will also differ. TFCA FF risk identification is guided by the WB Environmental and Social Standards (WB ESSs) and additional international standards as listed in Chapter 3.

Acceptance of activities proposed for TFCA FF financing is informed by rigorous E&S risk assessment through an ESDD process (see below). The TFCA FF risk screening and due diligence process refers to two tiers of E&S risks:

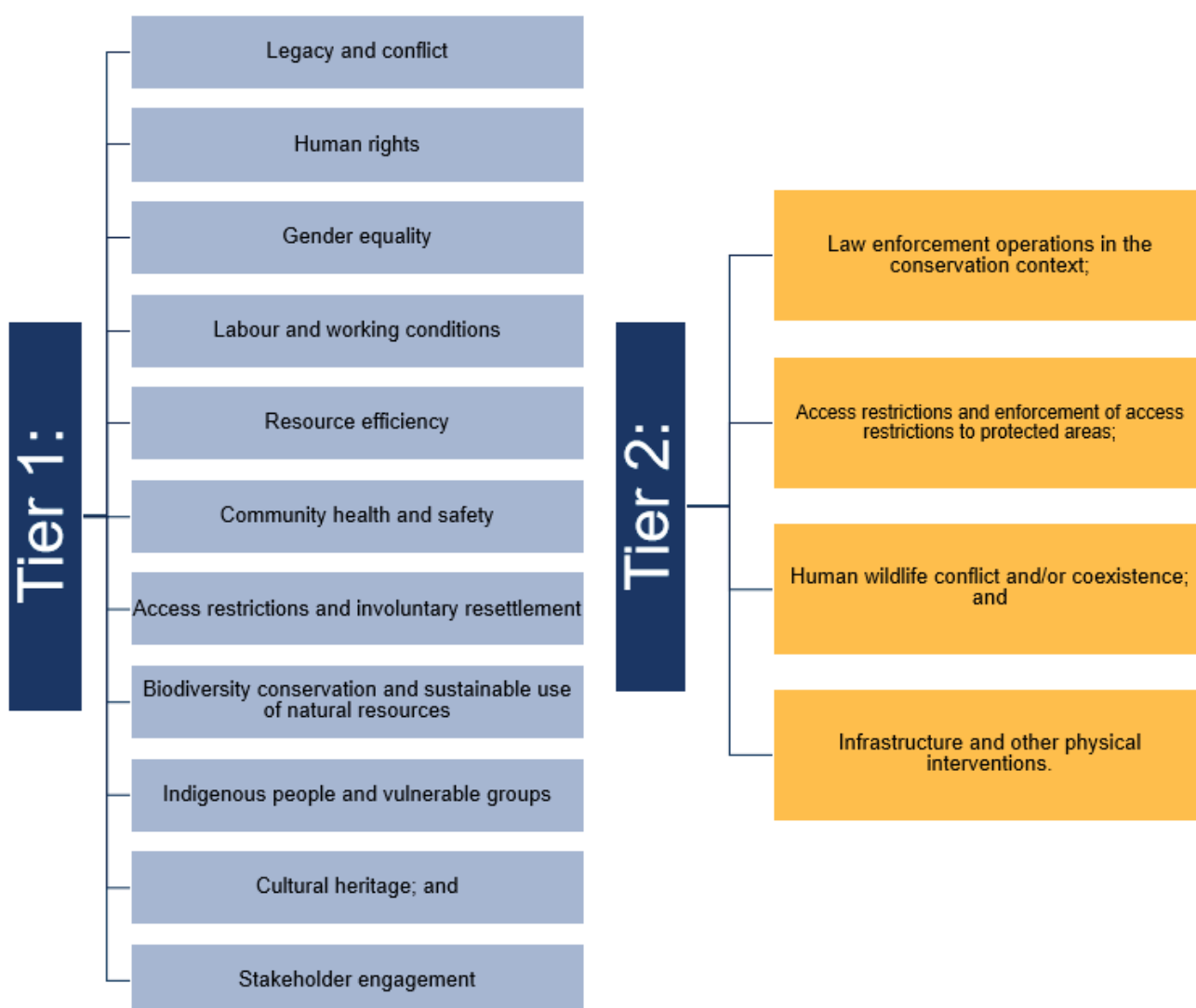
- **Tier 1 of risk identification** comprises key E&S issues that have been identified to be of overall consideration for the Facility's operation and transactions. **These issues include:**
 - Legacy and conflict
 - Human rights
 - Gender equality
 - Labour and working conditions
 - Resource efficiency
 - Community health and safety
 - Access restrictions and involuntary resettlement
 - Biodiversity conservation and sustainable use of natural resources
 - Indigenous people and vulnerable groups
 - Cultural heritage and
 - Stakeholder engagement

- **Tier 2 of risk identification** has been established to assess the typical risks and impacts anticipated in most of the Facility-funded projects. These are expected to be related to the following TRAs, which are considered to be typical for biodiversity conservation projects. **In the TFCAFF ESMS these risk areas are:**

- Law enforcement operations in the conservation context
- Access restrictions and enforcement of access restrictions to protected areas;
- Human wildlife conflict and/or coexistence; and
- Infrastructure and other physical interventions.

The TFCA FF ESMS covers both tiers of E&S risks – the overarching, more general risks including contextual risks (see General ESMS Questionnaire – Annex D) and the specific risks related to the TRAs. Proposed activities have to be assigned to TRAs as appropriate (see TRA Specific ESMS Questionnaire – Annex E).

E&S Screening for Proposed Project and/or Project Activities



The TFCA FF has developed a set of E&S management tools and guidance documents to identify, assess and manage the overarching E&S risks and the specific risks related to the TRAs in each phase of its grant-funding process. Figure 5-1 below summarizes how E&S management is integrated into the TFCA FF's grant-funding process, referring to stages lead by the Facility and the Grantee respectively as well as those supported by external specialists when appropriate.

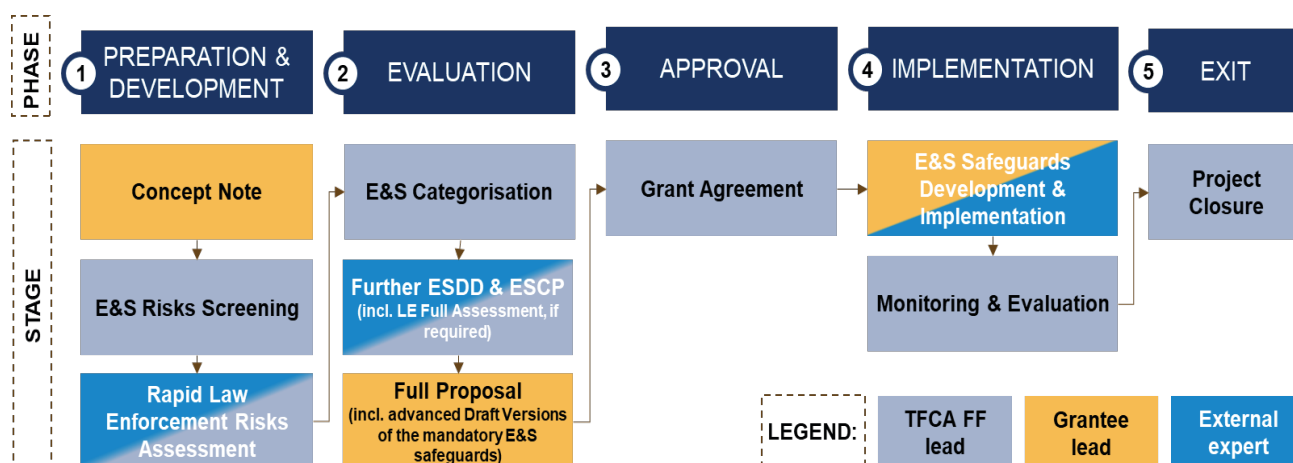


Figure 1 Integration of E&S into Grant-Funding

The sections below provide a detailed description of each stage, the actions to be undertaken, the respective responsibilities as well as E&S tools to be applied.

5.2 Environmental and Social Due Diligence (ESDD) Process

Phases 1 and 2 of the grant-funding process constitute the TFCA FF ESDD Process, where actual identification and analysis of the E&S risks is conducted over the different stages. The ESDD is undertaken to establish the suitability of a potential project/proposed activities against the TFCAFF E&S requirements and principles. The ESDD is conducted as described below.

5.2.1 Phase 1: Preparation and Development

The preparation and development phase is the first step in TFCA FF grant-funding process, where a preliminary E&S risk assessment of a potential project and its Grantee is conducted.

5.2.1.1 Concept Note

The Facility will issue a Call for Concepts specifying the instructions to Applicants (the potential Grantee applying for grant-funding), namely the grant objectives, eligibility criteria for the projects and activities as well as for the Applicants, grant size and considerations for the application process. Furthermore, the instructions will include the reference to Exclusion List (refer to Section 5.2.1.4), applicable standards, the Facility's E&S Policy Statement. The Applicants are responsible for familiarizing themselves with all stated requirements for the TFCA FF and must apply only if they fulfil the stated criteria and agree to comply with the Facility requirements.

The Applicant is required to complete the Concept Note Template²¹ detailing the design and objectives of the project and the activities for which they seek financing. Additionally, the Applicant must fill the E&S

²¹The Template will be shared together with the Call for Concepts

Questionnaire and submit this together with the Concept Note to the Facility. Applicants are required to provide as much background as possible in both documents regarding the proposed project and potential E&S risks and impacts to support further review and assessment by the Facility's evaluation team.

5.2.1.2 ESMS Questionnaires

Applicants are required to fill the General ESMS Questionnaire (refer to Annex D), which is organized around the overarching and contextual E&S risks which may be related to proposed activities for TFCA FF funding (tier 1 risk screening) and around the TFCA FF key TRAs (tier 2 risk screening, TRA Specific ESMS Questionnaire, refer to Annex E). The questions have been developed to determine where proposed activities trigger any one or a combination of overarching E&S risks including human rights risks and of TRAs. The responses provided by the Applicant will support the Facility in determining the requirements for further assessments. Therefore, it is essential that all questions are answered to best knowledge of the Applicant and that supporting documentation is shared with the Facility for review. The E&S Questionnaire contains guidance to help the Applicant navigate the questions.

5.2.1.3 E&S Risk Screening

E&S Risk Screening takes place early in the grant funding cycle. Once submitted, the Concept Note and E&S Questionnaire are reviewed by the Facility to confirm that the proposed project aligns with the Facility's focus areas and E&S requirements (i.e., E&S Policies, Exclusion List, and applicable standards). At this stage, the Facility ESMS Officer will evaluate the proposed projects based on a desktop review of the information provided by the Applicants, external factors (e.g. any other historical background information about the landscape, media review), and further information gathering and discussions with the Applicants. Furthermore, Applicant organizations will be evaluated with regard to their experience, operational and financial strength and other qualifications described in the Call for Concepts.

As a result of the E&S Risk Screening, the ESMS Officer will determine the eligibility of the proposed activities, the TRAs that are triggered for the proposed project, the Applicant's status and management capacity related to the E&S requirements, how any gaps in information should be addressed, the requirements for further ESDD, the preliminarily list of required safeguards and whether the proposed project should progress to the Evaluation phase (refer to section 5.2.2).

5.2.1.4 TFCA FF Exclusion List

E&S Risk Screening includes a check of the proposed activities against the TFCA FF Exclusion List. The Exclusion List (refer to Annex B) outlines activities and project types that will not receive funding from the TFCA FF. If a proposed project includes any of these activities, the Facility will contact the Applicant to agree on removal of the relevant activities to allow for continuation of the preparation and development processes. In case of removal not being possible or acceptable to the Applicant, the Concept Note would be rejected. Should eligibility for certain activities not be clear, the Facility ESMS Officer will seek further clarification from the Applicant and the Facility Management will reserve the right to decide on the Concept considering all the legal requirements, reputational risks and best practices linked to the TFCAFF Exclusion List.

Furthermore, all existing TFCA FF-funded projects will be periodically assessed against the Facility's Exclusion List during monitoring throughout the Implementation phase.

5.2.1.5 Rapid Law Enforcement Risk Assessment

For projects and/or project activities that trigger the TRA of law enforcement, a mandatory rapid law enforcement risk assessment (Rapid LERA) is required to be undertaken during Phase 1 Preparation &

Development. For this assessment the Facility will be supported by external specialists in the form of a desktop analysis, that in most cases complemented by a field visit. The Rapid LERA informs the Facility's risk categorization process and identifies the specific safeguard requirements for the TRA LE which then form part of the contractual commitments (ESCP). The Rapid LERA will also determine whether a Full LERA would be required during the further ESDD process (refer to section 5.2.2.3). The findings of the Rapid LERA will inform the final design of the human rights training for LE personnel, which is mandatory for all TFCA FF funded projects which trigger the TRA LE. This might also trigger other interventions that may be deemed necessary considering the context of the risk area. For the Rapid LERA, it is required that the Applicant shares all relevant documentation with the Facility/the LE specialist and undertakes the necessary arrangements to support the site visit and assessment of the LE specialist. The completion of the Rapid LERA including the corresponding on-site assessments is part of the key pre-requisites to proceed to the next stage of the grant funding process.

Guidance and detailed information regarding the ESMS requirements for the TRA LE can be found in **Annex F**.

5.2.2 Phase 2: Evaluation

During this phase, TFCA FF will conduct an E&S risk categorisation and due diligence activities for the eligible proposed projects that have been approved by the Project Steering Committee to proceed to Full Proposal stage. The due diligence process will result in an ESCP, which will inform the Full Proposal of the potential Grantee and supplement the Grant Agreement between the Grantee and the Facility.

5.2.2.1 E&S Risk Categorisation

Each project has its own unique E&S characteristics, which depend on the local environmental and social context, prevailing legislation, and project activities. The Facility ESMS Officer will assign an E&S risk category to each proposed project based on the information obtained from the Applicant using the E&S Categorisation. Thus, all projects must be classified into one of the following four categories according to the relevance of their potentially adverse E&S impacts and risks: "A" (high risk), "B+" (substantial risk), "B" (moderate risk) or "C" (low risk). The E&S risk category will define the scope of the due diligence process and supervision requirements in the following stages of the project. Table 5 1 provides an overview of the definitions for each E&S category

Table 5 2: TFCA FF Project E&S Categories

E&S CATEGORY	DESCRIPTION
Category A (High)	Projects with activities that have the potential for diverse significant adverse environmental and/or social impacts that are diverse, irreversible, and unprecedented. These impacts may influence a larger spatial extent beyond the project site, may be related to sensitive receptors – human populations or environmentally important areas – may severely affect the health and quality of life of the receptor, and may be of long duration.
Category B+	Projects with activities that have the potential to cause substantial adverse environmental and/or social risks and impacts, but with impacts that are limited to a specific area and are of a lesser magnitude than those of high-risk projects but are more severe than moderate risk projects. Substantial risk projects are likely to include single significantly adverse risk issue, or a range of moderate risk issues.

Category B (Moderate)	Projects with potential environmental and/or social risks and impacts that are less adverse and fewer in number than those of substantial or high-risk projects. Typically, these impacts are site-specific, their extent can be determined with a reasonable degree of certainty, few if any of them are irreversible, and standard, best available mitigation approaches integrated into the project management plans can be used as measures to successfully address these concerns.
Category C (Low)	Projects that are likely to have minimal or no environmental or social impacts, and if the implementation and operation of the program does not require any particular protection, compensation or monitoring measures.

Facility ESMS Officer in consultation with the SADC Steering Committee may still reject a Concept Note during the evaluation stage if the outcomes of the screening and categorization process indicate significant inconsistencies with the TFCA FF E&S requirements, and that pose a risk of damaging the reputation of the Facility and/or its partners if engaged further.

The Facility reserves the right to request the Applicant to re-design specific project activities to reduce risk levels and/or exclude some activities from the Full Proposal. For example, if the Applicant aims to establish a wildlife corridor that would require substantial displacement of local communities for which neither budget nor capacity has been assigned or could be assigned to identify, assess, and manage the risks and impacts associated with these activities, then the Facility ESMS Officer would require such set of project activities to be removed from the Concept Note and not taken into the Full Proposal stage.

During the categorization process, the ESMS Officer may request the Applicant to share additional information or to respond to specific questions or requests for clarification.

The Facility ESMS Officer will complete the E&S Categorisation Form for each application and submit it to the IUCN ESMS Coordinator and to KfW E&S Specialist for review and approval. If the extent of E&S risks are not clear, the precautionary principle will apply and the higher of the potential risk categories will be adopted (i.e., if unsure whether the program will be category B or C, select B).

Upon approval of the E&S Risk Categorisation Form, the Facility ESMS Officer will present their findings to the Project Steering Committee for feedback and approval, by providing a summarizing of the Concept Note and ESMS Questionnaire evaluation as well as the E&S Risk categorization for the proposed project.

For any project classified as category A, the ESMS Officer will request the Grantee to re-design the project and/or project activities in a way that adverse E&S risks would be avoided or if avoidance is not possible, minimized and mitigated to acceptable levels. The re-designed proposal will be reviewed by the ESMS Officer, and the project will go through the categorisation process again. If it is not possible to re-design the project and/or project activity d to avoid the high risks, the Facility, IUCN ESMS Coordinator and KfW ESMS Specialist will decide on a case-by-case base whether a given application for a Category A project would be accepted and which specific safeguard instruments would have to be developed and implemented by the Grantee. All projects selected by the Facility and classified as category B+ and/or B will proceed with the further E&S due diligence process (refer to section 5.2.2.2), all selected category C projects will be reviewed and invited to go ahead and the Facility will directly prepare the ESCP (refer to section 5.2.2.5).

The E&S Risk Categorisation procedure (a TFCA FF internal document, which can be shared upon request) consists of a set of questions that allows for a weighting the responses, which will lead to a classification of the project in a specific E&S risk category. The procedure also provides guidance on the required follow-up actions (i.e. required safeguards measures) for each E&S category as well as the E&S risks identified during the E&S Risk Screening stage (see Section 5.2.1.3).

An E&S Categorization Form for each application (including those that are rejected during the Evaluation phase) will be prepared as part of the Facility's' project E&S documentation (refer to chapter 8) together with the corresponding justification/rationale. The categorization of the project will be kept under review during regular monitoring (i.e., Implementation Phase) and amended as new information becomes available, as appropriate. Where the categorization is revised, then the ESMS Officer' and/or the Project Managers' plan for further due diligence, including ESAP items, etc. should also be reviewed and revised, where appropriate.

5.2.2.2 Further Environmental and Social Due Diligence

The TFCA FF ESMS Officer will identify whether a full ESDD is required to provide the Facility with sufficient detail regarding risks and potential impacts of planned activities where a given project is complex and Category B or B+. The ESDD could be undertaken for one specific risk area or several risk areas and may involve an external specialist's support (if required). The level of effort for the full ESDD will be determined by the anticipated significance of the potential risks and impacts.

ESDDs for category B can be handled internally by the Facility, whereas for category B+ projects, the Facility will decide on a case-by-case basis whether to assign external specialists to undertake an in depth ESDD.

In case a category A project would be approved to proceed to in depth ESDD, an appropriate external E&S Specialist will need to be engaged to complete a full ESDD. Such specialist(s) should be qualified in the particular skills relating to the key identified risks during the E&S categorization and also based on the E&S requirements of the Facility.

The due diligence process must be conducted in accordance with applicable standards, aiming to identify best alternatives, and providing a comprehensive and balanced view of the E&S risks and impacts of the project.

In terms of a category B, B+ or A (mandatory by an external specialist) project, the full ESDD involves:

- In depth review of existing documentation, taking into account additional information sources;
- In depth review of contextual risks and establishment of responsibilities under UNGP (see section 5.2.2.6 below);
- Interviews and consultation with Applicant team and implementing partners to get sufficient clarity regarding existing E&S management capacities and practices and needs to address gaps und develop capacities;
- Site visits to familiarize with the location and potential E&S vulnerabilities associated with the sites for proposed activities, their environment, the local communities, and other stakeholders in those locations;
- Consultation/inquiries with relevant stakeholders with special consideration of the local communities including indigenous and vulnerable populations within the areas where proposed activities will be implemented; and
- Structured identification and assessment of environmental, social and human rights risks and potential impacts for the planned activities; confirmation or adjustment of risk categorization;
- Environmental and Social Action Plan (ESAP).

The Facility will develop the Terms of Reference for each ESDD in line with the requirements of the Applicable Standards jointly with the IUCN ESMS Coordinator and KfW ESMS Specialist who will have to approve the ToR and the ESDD Report.

If the E&S risks and impacts assessed through the ESDD can be addressed with appropriate environmental and social safeguard instruments, the application will be allowed to proceed to the Full Proposal development that integrates the findings of the ESDD and respective actions as defined in the ESAP and further in the ESCP.

5.2.2.3 Full Law Enforcement Risk Assessment

As part of any full ESDD or as an alone standing assessment following the findings of the Rapid LERA, a Full LERA may be required for the project and/or activities that trigger LE. If the Rapid LERA (refer to section 5.2.1.5) reveals a need for the Full LERA, it is mandatory to conduct it.

The assessment would be undertaken by external specialists in the form of a desktop study and a field visit. For information regarding the tasks of a Full LERA see Guidance Note for TRA Law Enforcement (**Annex F**).

5.2.2.4 Environmental and Social Action Plan (ESAP)

For the projects where the further (full) ESDD is undertaken by external specialists, the identified gaps against the applicable standards will be documented in the ESDD Report. The ESDD Report will be supplemented by the Environmental and Social Action Plan (ESAP) that lists the respective actions to close the gaps. The ESDD Report and the ESAP must obtain the Facility's non-objection prior to finalisation- from the IUCN ESMS Coordinator and KfW E&S Specialist. For projects where further (full) ESDD is undertaken by the Facility, the findings will be directly integrated in the Environmental and Social Commitment Plan (ESCP).

5.2.2.5 Environmental and Social Commitment Plan (ESCP)

For all projects each identified gap and/or risk and potential impact will require tailored mitigation measures to ensure that risks and/or impacts are reduced to the lowest possible level. As a result, the ESMS Officer will prepare the ESCP with all actions and safeguards necessary to achieve alignment with the applicable standards, and proposed monitoring and reporting processes to verify alignment as the project progresses. If an external specialist would be engaged for conducting the ESDD, the ESAP will be converted by the ESMS Officer to the ESCP.

The ESCP will be incorporated into the Grant Agreement between the Facility and the Grantees.

5.2.2.6 Establishing Responsibility under UNGP

TFCA FF is committed to apply a human rights-based approach to biodiversity conservation. TFCA FF's ESDD during project Preparation & Development Phase, contractual requirements for Grantees and the Facility's monitoring and supervision through project implementation take into account the provisions of the UN Guiding Principles for Business and Human Rights (UNGP, see Section 3.2).

The Facility might finance programs and activities located in protected areas with co-management arrangements, where Grantees may have limited control over their co-management partners (e.g., national government agencies) or third parties operating in the conservation area (e.g., military forces or private entities). The Facility's ESMS applicable standards must be applied in all contexts, but the way they are applied may differ depending on the Grantee's contribution to or link to E&S impacts.

In accordance with the UNGP, the TFCA FF acknowledges the need to identify risks associated with impacts directly caused by both TFCA FF funded activities and the actions of the Grantee. However, it is crucial to note that during the ESDD process, risks and adverse impacts may be identified that are not directly caused by the Grantee or the proposed project and/or project activities. These risks may arise from other entities operating within the project area, such as military forces conducting LE operations or local administrations carrying out

evictions of encroachers. It is imperative to provide complementary explanations in line with the Memorandum of Understanding (MoU) to ensure a comprehensive understanding for both the Facility and the Grantees in addressing and managing these risks effectively (refer to Section 5.3.1.2 for the reference on the MoU).

The ESDD will reveal if the Grantee is contributing to an adverse impact in the project area which is directly caused by another entity. Then the Grantee is expected to withdraw from the respective activity and to contribute to the remedy in proportion to its contribution. If the Grantee is only linked (not contributing) to an adverse impact occurring in the project area which is directly caused by another entity, it is expected to use leverage to encourage third parties to stop the activity resulting in the impact and provide remedy where possible. Where the Grantees may only be contributing or linked to a certain E&S risk and potential or already occurring adverse impacts, they will be required to document their best efforts through which they have sought to influence others to change their wrongful practices.

Potential adverse impacts occurring in the project areas, the connection of the Grantee to such impacts and the resulting responsibilities will be identified based on the responses to the questions in the ESMS questionnaires, the findings of the Rapid LERA and in the course of the further ESDD.

The risks and associated activities that often bear substantial reputational risks must be assessed and addressed in accordance with WB ESS1, proportionate to their severity and the Grantee's contribution and possible leverage. The assessment and corresponding measures must be included and further defined during the ESDD and ESCP development.

5.2.3 Full Proposal Stage

During this stage, those Applicants invited to proceed should integrate feedback from the E&S Risk Screening (see section 5.2.1.3), results from the ESDD report and all ESCP items into the Full Proposal to address the E&S risks and opportunities identified. The Grantee is required to fully incorporate the ESCP items into the Full Proposal, by describing the respective actions (i.e. development of appropriate safeguard instruments) and allocation of resources and budget to fulfil commitments in the ESCP. The Full Proposal can only be submitted to the TFCA FF for approval when the ESDD and the ESAP have received the Facility's non-objection. Similarly, the Full Proposal can only be considered complete when relevant ESDD and ESCP results are fully integrated.

Upon the submission of the Full Proposal by the Grantee to the Facility, the ESMS Officer will conduct a final review and prepare an E&S Summary of the proposed project for the Project Steering Committee approval. The E&S Summary will include but will not be limited to the following:

- The results of the E&S risk screening, E&S risk categorisation and further ESDD, including risks and impacts to communities and the project concerning the triggered TRAs;
- The proposed ESCP with safeguard instruments and plans required to manage the risks and/ or impacts; and
- Existing capacities and experience of the Applicant to develop and implement the proposed ESCP and conduct the project in a line with the applicable standards.

The Facility reserves a right to re-evaluate the potential Grantee's application at any time during the Preparation or Evaluation phases. If concerns arise – with regard to environmental and/or social risks and/or the overall viability or impact of the project or project activities – the TFCA FF will discuss them with the potential Grantee. If the Facility determines that it is unlikely that a viable proposal will be achieved, it may reject the application. Beside the significant E&S impacts or risks that cannot be mitigated to an acceptable level, a reason not to pursue the granting process would be if the proposed project and/or activity does not or cannot comply with the relevant host country E&S laws and regulations.

Note that TFCA FF requires that the Applicant develops advanced Draft Versions of the mandatory instruments, i.e. the Grievance Mechanism, Stakeholder Mapping and Outline of planned stakeholder engagement activities and serious incident reporting process in the course of the Proposal Stage. In addition, the site visit for the Rapid LERA will have to be organized by the Grantee as applicable. This includes the requirement to share all relevant information with TFCA FF prior to the commencement of the Rapid LERA process. The mandatory human rights training for LE personnel which will take place following the LERA site visit, will also have to be organized by the Applicant.

5.3 Phase 3: Approval

The Approval phase includes the decision on the Full Proposal and setting of E&S clauses for inclusion in the Grant Agreement.

5.3.1 Grant Agreement

The Project Steering Committee gives their final decision regarding the proposed project based on the E&S Summary. If there are any questions raised by the Project Steering Committee during the approval process, the Facility ESMS Officer and/or the IUCN ESMS Coordinator must address them promptly to facilitate the deliberate decision-making process.

Once the proposal is approved by the Project Steering Committee the ESMS Officer will prepare the Grant Agreement with the necessary E&S requirements and clauses (refer to section 5.3.1.1) to properly manage the project's risks and impacts. The Grant Agreement includes the ESCP derived from the ESDD assessment, to ensure E&S issues are addressed appropriately and tracked through implementation. The grant will only be disbursed if the Grantee agrees to the E&S requirements or associated obligations set forth in the E&S clauses in the Grant Agreement and in the ESCP (also part of the Grant Agreement). In cases where E&S risks mitigation requires involvement of a third party (e.g., PA management, national government, partner NGO etc.) the Grantee will be required to sign a MoU with the respective party (refer to Section 5.3.1.2).

The Facility reserves the right to pause or stop the grant disbursement if the Grantee does not implement the ESCP as agreed. The disbursements will only be continued if the Grantee has either resolved the detected ESCP non-compliance or has committed to immediate corrective actions satisfactory to the TFCA FF.

5.3.1.1 E&S Clauses and Provisions

The Facility ESMS Officer will integrate the E&S clauses and provisions into the Grant Agreements with the Grantees. The E&S clauses can be tailored as conditions precedent or subsequent to tranches of the grant disbursement, which will typically be explicit in the ESCP.

5.3.1.2 Memorandum of Understanding

The Facility will also indicate whether a MoU or a comparable format of agreement with third parties will be required in order to use the leverage of the Applicant (see also 5.3.2.4 above) to ensure alignment with the UNGP. An MoU will be required for scenarios where the Applicant would not directly cause the impacts identified for the proposed activities but would contribute or be linked to E&S (incl. human rights) risks and potential negative impacts caused by another party, which are likely to occur in the project area and project context. This could for example apply in settings where LE patrols would not only be undertaken by conservation LE officers (who would be under control of a given Grantee) but joint patrols would be undertaken together with military or police (who would not be under the line of command of the Grantee), see also Annex F.

5.4 Phase 4: Implementation

This section describes the process upon signing the Grant Agreement. As part of the Grant Agreement, Grantees are obligated to adhere to the ESCP requirements and comply with the Facility's ESMS during project and/ project activities implementation. This includes development and implementation of safeguard instruments as required by the ESCP. Additionally, the technical, legal, and E&S performance and compliance of the

project and/or project activities will be closely monitored by TFCA FF during Implementation phase to ensure compliance with E&S requirements and proper management of E&S risks.

5.4.1 E&S Safeguards Development & Implementation

After the Grant Agreement is signed by the Facility and the Grantee, the Implementation phase commences. The Grantees are required to develop the safeguard instruments according to the ESCP and adhere to the E&S conditions and clauses included in the Grant Agreement. Timeframes will depend on the type of safeguard instrument and the agreed upon ESCP deadlines. It is the Grantee's responsibility to ensure that their project team has sufficient expertise to manage E&S risks and adequate resources to implement required mitigation measures.

The Facility ESMS Officer will provide guidance to the Grantee on the necessary tools to improve E&S risk management and comply with applicable standards. The TFCA FF has developed a set of guidance documents as a part of this ESMS with the objective to support the Grantee during project implementation. The following sections provide an overview on safeguard instruments which are either mandatory, to be developed by the Grantee or which would be required as a result of the ESDD. All these tools and guidance are suggested resources for the Grantees but are not mandatory, the Grantee can use a similar tool of their own if this achieves compliance with applicable standards (refer to Chapter 3). Once safeguard instruments have been developed by the Grantee in accordance with the ESCP requirements they have to be submitted to the TFCA FF for review and approval. Once non-objection has been given by the Facility (following no objection of the IUCN ESMS coordinator and KfW E&S Specialist), the provisions of the safeguard instruments must be diligently and completely implemented, monitored and reported.

5.4.1.1 Stakeholder Engagement Plan

The TFCA FF requires that all projects as of Category B, B+ and A funded by the Facility develop, communicate and implement a Stakeholder Engagement Plan (SEP) tailored to the specific project (refer to Annex K). Stakeholders are individuals or groups who are affected, are likely to be affected by the project, may have an interest in the project, and/or are able to influence its outcome (positively or negatively).

The purpose of having a SEP is to ensure a successful and sustainable project, and alignment of the project with international good practice approaches to stakeholder engagement, particularly WB ESS10.

Stakeholder engagement refers to an on-going process of sharing information and knowledge, seeking to understand and respond to the concerns of others, and building relationships based on collaboration and transparency between the project and its stakeholders.

The level of stakeholder engagement differs depending on the likely impact of the project on stakeholders. The SEP (including its annexes) is a public document. It is the Grantee's responsibility to disclose the SEP to all project stakeholders. It is also a 'living document' that must be revised and updated to account for the ongoing stakeholder engagement activities and potential changes throughout the project.

Where stakeholder engagement is the responsibility of the host government, the Grantee will collaborate with the responsible government agency to the extent permitted to achieve outcomes that are consistent with the applicable standards. If the government's process does not meet the applicable standards, the Grantee will conduct a complementary process to supplement it.

In order to prepare the SEP, Applicants are requested to submit an initial stakeholder list as part of the Concept Note (see Annex K).

5.4.1.2 Project-level Grievance Redress Mechanism

Each TFCA FF-funded project, regardless of the E&S risk categorisation, is required to develop and implement a

Grievance Redress Mechanism (GRM). A grievance is any complaint, comment, question, concern, or suggestion about the project. It may relate to impacts, damages or harm caused by the project, non-conformity with the E&S safeguards, concerns about access to the project SEP or to how adequately complaints, incidents, or impacts, have been addressed. The scope, scale, and type of GRM should be proportionate to the nature and scale of potential risks and impacts of the project.

The GRM must be transparent, reliable, gender responsive, culturally appropriate, and accessible at no costs and without retribution while directed at PAPs and vulnerable groups, but it also should be accessible to all project stakeholders and project staff (including contractors, subcontractors, and their workers). The Grantees have the responsibility to properly inform the stakeholders about the mechanism.

The GRM does not intend to substitute any existing procedures (e.g., from PA authorities), but to complement and build on those, while ensuring that the Grantees can identify, register, and respond to grievances appropriately. Further information is provided in the project-level GRM guidance (refer to Annex L).

5.4.1.3 Specific Safeguard Requirements and Guidance Notes

The TFCA FF's four TRAs reflect the areas of highest concern in the SADC TFCA context and address areas where planned project activities might fall short of the E&S requirements in implementation. Guidance notes,

TFCA FF ESMS Documentation

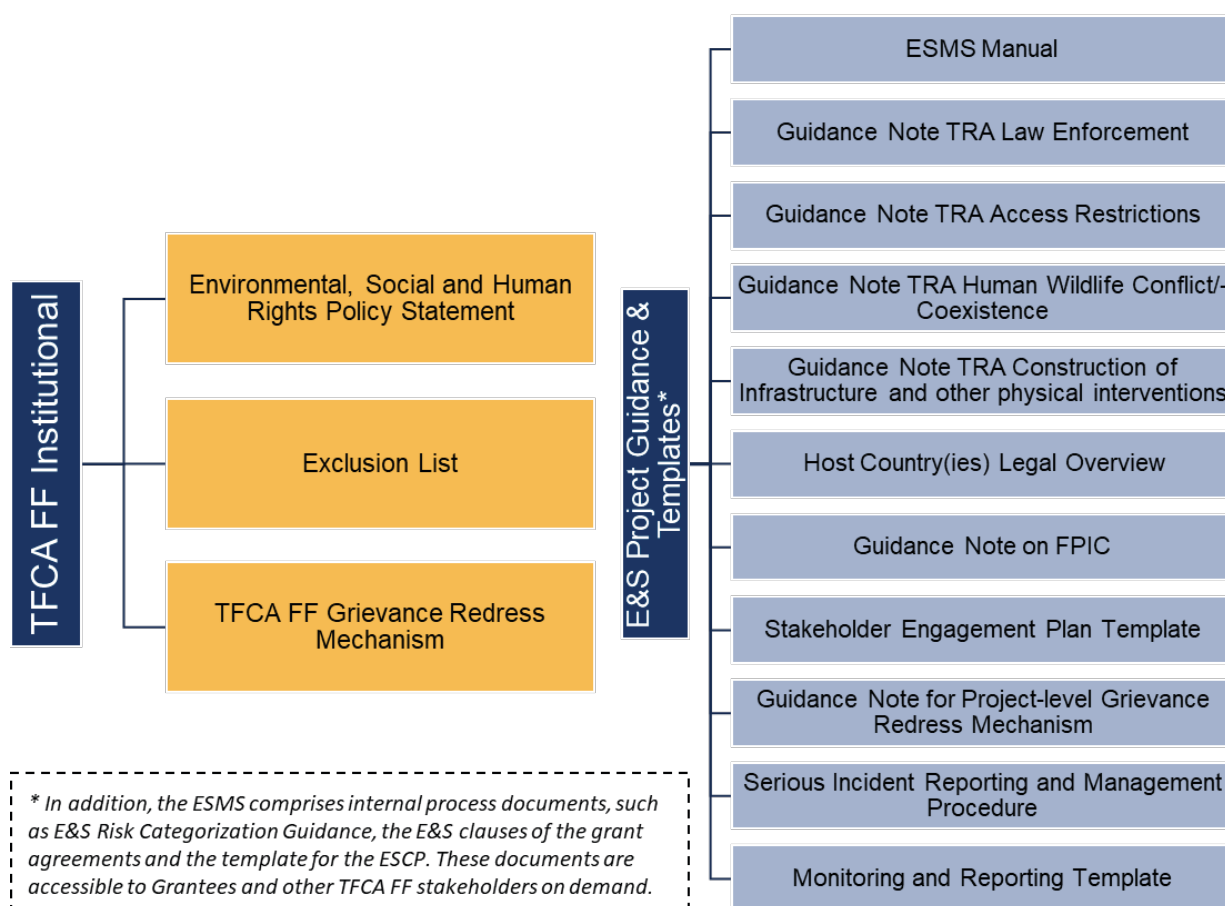


Figure 3 TFCA FF ESMS related Documentation

impacts, have been addressed. The scope, scale, and type of GRM should be proportionate to the nature and scale of potential risks and impacts of the project.

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5.4.1.3 Specific Safeguard Requirements and Guidance Notes

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5.4.1.3.1 GN for TRA Law Enforcement

The Guidance Note for TRA law enforcement (Annex F) focusses on the social and human rights risks which potentially could arise from support to LE activities undertaken by the Grantees through the funding support from the TFCA FF or to which the Grantee would contribute or be linked to. The Guidance Note (GN) explains the Facility's' ESDD process and the specific procedures and requirements which are relevant for the TRA LE e.g., the detailed steps of the Rapid LERA. The GN also explains the different levels of responsibility of the Grantee depending on whether the Grantee's activities would directly cause risks and impacts or whether the Grantee through TFCA FF funded activities would contribute to risks and impacts or linked to risks and impacts caused by other actors in the project areas. Required contents including human rights provisions, of key components of risk management systems, such as Code of Conduct (CoC) and Special Operational Procedures (SOPs) as well as core elements of human rights trainings are outlined, including generic building blocks to develop these tools according to the Facility's expectations.

5.4.1.3.2 GN for Thematic Risk Area Access Restrictions to Protected Areas

The GN Access Restrictions (see Annex G) is conceptualized as a practical guide to TFCA FF, Applicants, and Grantees to identify, assess, and manage impacts to communities associated with access restrictions resulting from TFCA FF-funded activities.

The GN is organized into two parts:

Part I: General Guidance gives an introduction to the range of access restrictions that could result from Facility-funded activities, the role of Process Frameworks (PF) as safeguard instruments for managing access restriction risks and impacts, and the key considerations which must be taken into account by TFCA FF, Applicants, and Grantees throughout the E&S risk assessment process, regardless of a project's specific location, environment, size or other characteristics. This part of the GN also contains guidance for both TFCA FF and Applicants on how to identify and screen potential access restriction impacts and categorize their level of risk, utilizing the TFCA FF ESMS Questionnaire. It also helps Applicants and the Facility ESMS Officer determine the type of PF required, and the degree of responsibility of the FF and Applicants/Grantees for preparing PFs or equivalent social management plans and managing identified access restriction impacts, depending on whether impacts would be directly caused by TFCA FF funded activities or whether the Grantee with its activities would contribute to impacts or be linked to impacts caused by other actors in the project area.

Part 2: Technical Guidance contains technical guidance for the Facility ESMS Officer and Grantees on how to prepare a PF or other social safeguard instrument in line with IUCN and SADC standards and international best practice as per applicable standards (see also chapter 3 of this Manual). The Technical Guidance is informed by concrete experience and examples from conservation projects. Recognizing that projects will oftentimes face resourcing constraints, this Guidance discusses proposed approaches which can be followed where human resources and budgets are limited.

A **Process Framework Template** is included as an annex to the Guidance Note, which Grantees can use to draft a PF. The template is meant to serve as a starting point however must be tailored to specific project circumstances. The template may also serve as a useful framework for TFCA FF ESMS Officer, Grantees, and in-country safeguard teams in undertaking future access restriction monitoring and evaluation / close-out activities.

5.4.1.3.3 GN for Thematic Risk Area Human Wildlife Conflict & Coexistence

The GN for Human-wildlife Conflict (HWC) and Human-wildlife Coexistence (HWCx) outlines possible scenarios in which specific management procedures and instruments to address risks and impacts from HWC would be required by TFCA FF, see Annex H. The GN also outlines strategies for HWCx. It explains how such instruments and procedures could be developed, building on existing processes where possible and on the provisions of the respective national legal framework and the relevant safeguard standards as per ESMS (refer to chapter 3).

5.4.1.3.4 GN for Thematic Risk Area Infrastructure and Other Physical Interventions

The GN (see Annex I) provides mainly a set of templates and formats to support the development of a focussed Environmental Impact Statement, Environmental Brief, Environmental and Social Management Plans or the development of Environmental and Social Code of Practice for projects as of category B, which would not require a full Environmental Impact Assessment. In addition, a generic table of contents is provided for projects which would require a full Environmental Impact Statement.

5.4.1.3.5 GN for Process of Free, Prior and Informed Consent

The GN for Process of FPIC (see Annex J) provides structured guidance to Grantees on identifying and engaging with Indigenous Peoples (IP), specifying the triggering of FPIC in special circumstances and providing step-by-step instructions for the FPIC process, including pre-process preparations and post-FPIC considerations. The Grantee is required to develop the FPIC protocol (if required for the Project) in a line with the provided guidance and applicable standards. The GN and applicable standards require the Grantee to ensure proper consultation of IP by obtaining their free, prior, and informed consent, which involves a diligently documented process of informed consultation, participation, and good faith negotiations.

5.4.2 Grantee's E&S Monitoring and Reporting

The project E&S compliance as well as technical, legal and E&S performance of the Grantee are monitored during the Implementation phase. The purpose of the E&S monitoring and reporting is to track the status of ESCP implementation, and to ensure the project and the Grantee's compliance with the applicable standards and requirements of the Grant Agreement.

The Grantees are responsible for the day-to-day monitoring of the project adherence to the applicable standards and are required to report the E&S performance of the project to the Facility on a regular basis as defined in the Grant Agreement.

The Grantee's failure to provide best efforts to fulfil reporting requirements may be considered breaching the Grant Agreement, which may eventually lead to cancelation of the grant funding or exclusion for future funding.

5.4.2.1 ESCP Implementation and E&S Reporting

The Grantee is required to monitor and provide quarterly reports to the TFCAFF on E&S performance, including ESCP implementation, which may entail the development and implementation of safeguard instruments or the application of SOPs, using the Guidance Note for the different Thematic Risk Areas.

5.4.2.2 Serious Incident Reporting

Furthermore, the Grantee is required to promptly report any serious incident (SI) accident, serious complaint, or other occurrence with respect to the environmental, human rights, social including labour, community, security, or health and safety-related aspects that occur as a direct or indirect result of TFCA FF funded activities or within the area that the project activities take place. An incident will, for instance, be considered serious if it:

- Has, or is likely to have a material adverse effect on people or the environment;
- Has, or is it likely to be categorised as a severe human rights impact;
- Has attracted or is likely to attract substantial adverse attention from third parties;
- May lead to adverse media coverage; or
- Gives, or has the potential to give rise to material legal or financial liabilities and reputational risks.

The Serious Incident (SI) Reporting and Management Procedure (refer to Annex M) provides examples and guidance and sets out the requirements on the reporting and investigation of SI associated with projects that have been funded by the Facility. Each SI must be reported to the Facility by the Grantee latest within two days (i.e., 48 hours) of becoming aware of such incident.

The Grantee is required adequately investigate the cause of the incident, and subsequently recommend and implement measures to prevent its re-occurrence wherever possible. The Grantee is required to inform the Facility of any investigations conducted by the Grantee, and/or contractor or local authorities (as applicable).

5.5 Phase 5: Exit Phase

5.5.1 Project Closure

Once the Implementation phase of the project is completed and/or TFCA FF has decided to exit the project, the Facility ESMS Officer will facilitate to the extent possible a smooth transition of the E&S management. The aim of this transition is to support that safeguard process and environmental and social risk management routines and plans which were developed under TFCA FF funding will be maintained on the long term. If an Exit Plan was agreed during the signing of the Grant Agreement, it must be followed.

Project closure will involve the closure of the ESCP, including conditions as appropriate, and the identification of E&S risks and opportunities to ensure that any risks are adequately managed through mitigation measures post Project Exit and that opportunities are enhanced through sustainable development methods. There will also be a project debrief to discuss lessons learnt and ensure continuity.

6. Monitoring, Reporting and Review

6.1 Monitoring and Reporting

The Facility has established a system to monitor the E&S performance of the Grantee as well as the implementation and effectiveness of project-level safeguard instruments. The Facility ESMS Officer will review quarterly reports from the Grantee in accordance with the Monitoring and Reporting procedure set out in **Annex M**. Site audits and inspections may be undertaken by the Facility, as required, to ensure that effective work practices are being followed by the Grantee.

Simultaneously, the ESMS Officer will prepare annual reports to key stakeholders including KfW on the performance of projects against set E&S requirements, including assessing progress on ESCP implementation, safeguard instrument development and applications based on data collected from the Grantees on a quarterly basis and site visits as appropriate.

6.2 Serious Incident Reporting to ICP

Additionally, TFCA FF is required to report any major social, labour, health and safety, security or environmental incident that impacts its operations or the Facility funded projects and/or project activities to ICP (including KfW) immediately and provide a detailed report within ten workdays. As mentioned under Section 5.4.2.2, Grantees are also required to report any project-level incidents to the TFCA FF. Further follow-up reporting may be warranted on case-by-case basis to keep the ICP (including KfW) abreast of the developments, in particular concerning any potential reputational risks.

6.3 Review and Change Management

The Facility recognises that an essential part of the successful development and implementation of an ESMS is monitoring the effectiveness of system procedures and controls, as well as the level of implementation. Through this, the ESMS can and should be reviewed and continuously improved.

On a bi-annual basis (or as deemed necessary by the Facility), the Facility Senior Management with the support of the ESMS Officer will review the effectiveness of implementation of the ESMS based on the systematic data collection and analysis from all active projects as well as independent reviews.

Considering the results of the ESMS review, the Facility will take the necessary and appropriate steps to ensure that the TFCA FF's E&S policies and procedures are relevant, adequate, applicable, and aligned with international best practice and with any changes regarding the Facility's funding portfolio and associated E&S risks or any other development which may require appropriate change management procedures.

The TFCA FF has established an effective change management procedure that involves identifying, discussing, addressing, and learning from changes. **Change could result from:**

- Actions or expectations of stakeholders;
- Procedure revisions;
- Inputs and suggestions from employees;
- Findings from monitoring of Grantee performance;
- Updates to legal requirements or donor requirements;
- Updates to standards, guidelines or national legislation; and
- Lessons learned from ESMS implementation.

Risks and opportunities associated with identified change will be mitigated and addressed by the Facility prior to continuing with activities. This may involve a revision of a given project's baseline conditions, the associated safeguard instruments, ESMS policy or procedure. The Facility's open approach to change management allows for the ESMS to be adjusted when necessary and include any new requirements, best practices and/or lessons learned (i.e., the ESMS is a "living system").

7. External Communication and Disclosure

7.1 External Communication

The TFCA FF acknowledges that effective external communication and stakeholder engagement facilitates the successful incorporation of E&S at both the TFCA FF and project level and helps drive E&S performance of the Facility. The TFCA FF has established a number of channels to facilitate transparent and effective engagement with its stakeholders, including Grantees and local communities as beneficiaries of the TFCA FF interventions, in alignment with the WB ESS10 on Stakeholder Engagement and Information Disclosure.

Throughout its communication and engagement practices the Facility aims to:

- Build mutually supportive and beneficial relationships based on trust between ICPs, the TFCA FF management, Grantees, communities, and other key stakeholders that may be impacted by the TFCA FF project funded activities;
- Form partnerships to promote constructive interaction amongst all parties, and maximise the benefits arising from the projects;
- Enable learnings, transparency, and accountability amongst and/or between all stakeholders including ICPs, the PAPs and the Grantee;
- Drive continual improvement;
- Enhance the TFCA FF's ability to make sound and informed decisions; and
- Enable the identification of new value-add and impact opportunities.

7.2 TFCA FF Grievance Redress Mechanism

A key component of the TFCA FF approach to external communication and stakeholder engagement is a Grievance Redress Mechanism to identify, evaluate and address any complaints and/or feedback received from external stakeholders.

The TFCA FF GRM (refer to **Annex A**) provides a platform for any individual, group, community, organisation, or project stakeholder affected by the Facility activities and/or funded projects to raise concerns, complaints and/or provide feedback. The GRM describes the Facility's process to be followed when submitting, reviewing, and resolving the grievances or suggestions received from external stakeholders. The Facility's GRM is free, open and accessible to all, and includes specific communication channels and controls to ensure that grievances are resolved in an effective, transparent, and fair manner and as quickly as reasonably practicable. Confidentiality will be respected and TFCA FF will take all reasonable steps to protect parties from retaliation. The statutory rights of the complainant to undertake legal proceedings remain unaffected by participation in this process.

For Facility funded project and/or activities the TFCA FF institutional level GRM, has been put in place to complement the project-level GRMs that are managed by the Grantees.

8. Document Control and Record Management

The Facility recognises that the control of internal and external documents, whether in hard copy or electronic, including this ESMS Manual, and associated procedures and supporting documentation is important to ensure:

- Documents remain legible and are identifiable;
- Documents (other than records), are revised as necessary, and approved by authorized personnel prior to use;
- The current versions of relevant documents are easily retrievable and available for use in hard or electronic copy where needed; and
- Obsolete documents are promptly removed from all points of issue and points of use.

Therefore, the TFCA FF commits to maintain a documentation system, that will be made accessible to all internal and external stakeholders and will contain the most up-to-date versions of each relevant ESMS document.

Furthermore, the Facility will keep records of each project being assessed (e.g., project-specific E&S Categorisation even for the rejected projects) and all relevant project documentation corresponding to the grant-funding process.

DOCUMENT 2: ENVIRONMENTAL, SOCIAL AND HUMAN RIGHTS POLICY STATEMENT

ANNEX A: TFCAFF GRIEVANCE REDRESS MECHANISM

ANNEX B: EXCLUSION LIST

ANNEX C: HOST COUNTRY(IES) LEGAL OVERVIEW

ANNEX D: GENERAL ESMS QUESTIONNAIRE

ANNEX E: TRA SPECIFIC ESMS QUESTIONNAIRE

ANNEX F: GUIDANCE NOTE TRA LAW ENFORCEMENT

ANNEX G: GUIDANCE NOTE TRA ACCESS RESTRICTIONS

ANNEX H: GUIDANCE NOTE TRA HUMAN WILDLIFE CONFLICT/-COEXISTENC

ANNEX I: GUIDANCE NOTE TRA CONSTRUCTION OF INFRASTRUCTURE AND OTHER PHYSICAL INTERVENTIONS

ANNEX J: GUIDANCE NOTE ON FPIC

ANNEX K: STAKEHOLDER ENGAGEMENT PLAN TEMPLATE

ANNEX L: GUIDANCE NOTE FOR PROJECT-LEVEL GRIEVANCE REDRESS MECHANISM

ANNEX M: SERIOUS INCIDENT REPORTING AND MANAGEMENT PROCEDURE

ANNEX N: MONITORING AND REPORTING TEMPLATE

ANNEX O: TFCAFF RISK CATEGORIZATION TOOL (INTERNAL, WILL BE SHARED UPON REQUEST)

ANNEX P: TFCAFF GRANT AGREEMENT: CONTRACTUAL CLAUSES AND ESCP TEMPLATE (INTERNAL, WILL BE SHARED UPON REQUEST)

ANNEX C: HOST COUNTRY(IES) LEGAL OVERVIEW
ANGOLA:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Angolan Constitutional Law, 2010
		Environmental Framework Law No. 5/98
		Presidential Decree No. 117/20 approving the General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure
		Decree No. 1/10 regulating the environmental assessment requirements for public or private activities which may cause significant damage to environment
		Executive Decree No. 87/12 - Regulation on Public Consultation
		Executive Decree No. 92/12 approving the Environmental Impact Assessment administrative procedures
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓

2	Fair and Just Labour and Working Conditions	New General Labor Law No. 7/15
		Collective Bargaining Law No. 20-A/92
		Executive Decree No. 128/04 of 23 November 2004 - Regulation on safety and health in the workplace
		Decree No. 53/05 of 5 August 2005 - Legal regime relating to occupational accidents and diseases
		Presidential Decree No. 31/94 - Health and Safety Conditions at Work System
	<i>Freedom of association, collective bargaining and industrial relations</i>	Law No. 38/20 approving the Penal Code of Angola
		Collective Bargaining Law No. 20-A/92
	<i>Protection against forced labour</i>	Law of Associations No. 14/91
		New General Labor Law No. 7/15
	<i>Protection of children and young persons and elimination of child labour</i>	New General Labor Law No. 7/15
		Joint Executive Decree no. 171/10, which sets out the list of prohibited or conditional work for minors
		Presidential Decree no. 30/17, which includes the list of prohibited or restricted work for minors
		Decree no. 58/82 by which measures for the protection of minors are dictated

	<i>Equality of treatment and opportunity in relation to employment</i>	New General Labor Law No. 7/15
3	Resource Efficiency and Pollution Prevention and Management	Angolan Constitutional Law, 2010
	<i>Efficient and sustainable use of finite resources</i>	Law on Environmental Conservation Areas No. 8/20
		Environmental Framework Law No. 5/98
		Land Law No. 9/04
		Water Law No. 6/02
		Mining Code No. 31/11
	<i>Pollution Prevention and Mitigation</i>	Land Law No. 9/04
		Presidential Decree No. 194/11 approving the Regulation on damages caused to Environment
		Presidential Decree No. 117/20 approving the General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure
		Environmental Framework Law No. 5/98
		Law No. 10/87 establishing fines to be paid for illegal activity
		Presidential Decree No. 141/12 approving the Regulation for the prevention and control of national water pollution
		Presidential Decree No. 190/12 approving the Regulation on Waste Management

		Executive Decree No. 17/13 Regarding Construction and Demolition Waste Management
		Presidential Decree No. 261/11 - Regulation of Water Quality
		Mining Code No. 31/11
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	Angolan Constitutional Law, 2010
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Environmental Framework Law No. 5/98
		Presidential Decree No. 31/94 - Health and Safety Conditions at Work System
		Presidential Decree No. 194/11 approving the Regulation on damages caused to Environment
		Executive Decree No. 128/04 - Regulation on safety and health in the workplace
		Decree No. 53/05 setting the Legal Framework of Work Accidents and Occupational Diseases
		Mining Code, 23 September 2011
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Presidential Decree No. 117/20 approving the General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure
		General Labour Law (5th Amendment) No. 7/15

		Presidential Decree No. 31/94 - Health and Safety Conditions at Work System
		Mining Code, 23 September 2011
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	General Regulation on Land Concession Decree No. 58/07
		Presidential Decree No. 117/20 approving the General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure
		Presidential Decree No. 117/16 - Regulation on Resettlement
		Land Law No. 9/04
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Forest and Wildlife Law No. 6/17
		Presidential Decree No. 171/18 on Forest Regulation
		Environmental Framework Law No. 5/98
		Article 31 of Decree 40:040 (1955) and Article 12 of Legislative Diploma 2873/11/57
		Law on Environmental Conservation Areas No. 8/20
		Presidential Decree No. 141/12 approving the Regulation for the prevention and control of national water pollution

7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Forest and Wildlife Law No. 6/17
		Land Law No. 9/04
		Environmental Framework Law No. 5/98
		Water Law No. 6/02
		Presidential Decree No. 194/11 approving the Regulation on damages caused to Environment.
		Presidential Decree No 117/20 approving the General Regulation for Environmental Impact Assessment and the Environmental Licensing Procedure
8	Protection of Cultural Heritage	Cultural Heritage Law No. 14/05
		Decree N. 80/76 determining the form of conservation and protection of the Angolan People's Historical and Cultural Heritage
		Environmental Framework Law No. 5/98

BOTSWANA:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Environmental Impact Assessment Act, 10 of 2011
		Environmental Assessment Regulations, 2012
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Employment Act, 10 of 2010
		Workers Compensation Act, 23 of 1998
		Trade Disputes Act, 15 of 2004

#	STANDARD	LAW
	<i>Freedom of association, collective bargaining and industrial relations</i>	Trade Disputes Act, 15 of 2004
		Trade Unions and Employers' Organizations Act, 23 of 1983
	<i>Protection against forced labour</i>	Employment Act, 10 of 2010
		Anti-Human Trafficking Act, 32 of 2014
	<i>Protection of children and young persons and elimination of child labour</i>	Employment Act, 10 of 2010
		Children's Act, 8 of 2009
	<i>Equality of treatment and opportunity in relation to employment</i>	Employment Act, 10 of 2010
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	The Water Act, 40 of 1967

#	STANDARD	LAW
		The Tribal Land Act, 1 of 2018
		Forest Act, (Chapter 38:03), 1968
		Mines and Minerals Act, (Chapter 66:01), 1999
		Wildlife Conservation and National Parks Act, 28 of 1992
	<i>Pollution Prevention and Mitigation</i>	Atmospheric Pollution (Prevention) Act, 18 of 1971
		The Water Act, 40 of 1967
		Waterworks Act, (Chapter 34:03), 1962
	<i>Equality of treatment and opportunity in relation to employment</i>	Waste Management Act, (Chapter 65:06), 1998
		Mines and Minerals Act, (Chapter 66:01), 1999
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	

	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Public Health Act, (Chapter 63:01), 1981
		Factories Act, 31 of 1973
		Mines, Quarries, Works and Machinery Act, 20 of 1973
		Mines, Quarries, Works and Machinery Regulations, 1978
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	The State Land Act, 29 of 1966
		The Tribal Land Act, 1 of 2018
		Land Control Act, (Chapter 32:11), 1975
		Acquisition of Property Act, (Chapter 32:10) 1955
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Forest Act, (Chapter 38:03), 1968
		Forest Regulations, 2006
		The Tribal Land Act, 1 of 2018

		Wildlife Conservation and National Parks Act, 28 of 1992
		Wildlife Conservation and Game Reserves Regulations, 2001
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	The Tribal Land Act, 1 of 2018
		The Water Act, 40 of 1967
		Bogosi Act, (Chapter 41:01), 2008
8	Protection of Cultural Heritage	Monuments and Relics Act, (Chapter 59:01) 2001

ESWATINI:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	The Kingdom of Eswatini Constitution Act No.1 of 2005
		Environmental Management Act No. 5 of 2002
		Environmental Audit, Assessment and Review Regulations, 2000
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	The Employment Act, No. 99 of 1980
		Employment (Amendment) Act, No. 11 of 1981
		Employment (Amendment) Act, No. 5 of 1997
		Industrial Relations Act No. 1 of 2000

#	STANDARD	LAW
		Factories, Machinery and Construction Works Act No. 17 of 1972
		Occupational Health and Safety Act No. 9 of 2001
	<i>Freedom of association, collective bargaining and industrial relations</i>	Industrial Relations Act No. 1 of 2000
	<i>Protection against forced labour</i>	The Employment Act, No. 99 of 1980
	<i>Protection of children and young persons and elimination of child labour</i>	The Employment Act, No. 99 of 1980
	<i>Equality of treatment and opportunity in relation to employment</i>	The Employment Act, No. 99 of 1980
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	The Kingdom of Eswatini Constitution Act No.1 of 2005
		Environmental Management Act No. 5 of 2002

#	STANDARD	LAW
		The Natural Resources Act No. 71 of 1951
		The National Trust Commission Act No. 9 of 1972
		Water Act No. 7 of 2003
		The Forests Preservation Act No. 14 of 1910
		Mines and Minerals Act No. 4 of 2011
		Private Forests Act No. 3 of 1951
	<i>Pollution Prevention and Mitigation</i>	The Kingdom of Eswatini Constitution Act No.1 of 2005
		Environmental Management Act No. 5 of 2002
		Mines and Minerals Act No. 4 of 2011
		Waste Regulations, 2000
		Air Pollution Control Regulations, 2010
		Water Pollution Control Regulations, 2010
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	

#	STANDARD	LAW
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Public Health Act No. 5 of 1969
		Disaster Management Act No. 1 of 2006
		Occupational Health and Safety Act No. 9 of 2001
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	The Kingdom of Eswatini Constitution Act No.1 of 2005
		Factories, Machinery and Construction Works Act No. 17 of 1972
		Occupational Health and Safety Act No. 9 of 2001
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	The Kingdom of Eswatini Constitution Act No.1 of 2005
		The National Trust Commission Act No. 9 of 1972
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Environmental Management Act No. 5 of 2002
		The Flora Protection Act No. 10 of 2000

#	STANDARD	LAW
		The Natural Resources Act No. 71 of 1951
		The National Trust Commission Act No. 9 of 1972
		The Forests Preservation Act No. 14 of 1910
		Private Forests Act No. 3 of 1951
		Control of Tree Planting Act No. 7 of 1972
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	The Kingdom of Eswatini Constitution Act No.1 of 2005
8	Protection of Cultural Heritage	The National Trust Commission Act No. 9 of 1972

NOTE: The definition of 'environment' in the Environmental Management Act no. 5 of 2002 recognises the inter-relationships between the biophysical environment and the health and wellbeing of people, but it does not recognise the socio-economic milieu as being an integral part of the environment. EIAs are required to consider 'social components and processes' as part of the affected environment.

MALAWI:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Constitution of the Republic of Malawi, 1994
		Environment Management Act No. 19 of 2017
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Employment Act No. 6 of 2000
		Employment (Amendment) Act No. 27 of 2010
		Labour Relations Act No. 16 of 1996
		Workers' Compensation Act, No. 7 of 2000
		Trade Unions Act No. 32 of 1958

#	STANDARD	LAW
		Occupational Safety, Health and Welfare Act No. 72 of 1997
	<i>Freedom of association, collective bargaining and industrial relations</i>	Labour Relations Act No. 16 of 1996
		Trade Unions Act No. 32 of 1958
	<i>Protection against forced labour</i>	Employment Act No. 6 of 2000
	<i>Protection of children and young persons and elimination of child labour</i>	Employment Act No. 6 of 2000
		Child Care, Protection and Justice Act No. 22 of 2010
	<i>Equality of treatment and opportunity in relation to employment</i>	Employment Act No. 6 of 2000
		Gender Equality Act No. 49 of 2012

#	STANDARD	LAW
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Environment Management Act No. 19 of 2017
		Mines and Minerals Act No. 8 of 2019
		Forestry Act No. 4 of 1997
		Water Resources Act No. 2 of 2013
		National Parks and Wildlife Act No. 11 of 1992
	<i>Pollution Prevention and Mitigation</i>	Environment Management Act No. 19 of 2017
		Mines and Minerals Act No. 8 of 2019
		Water Resources Act No. 2 of 2013
		Water Resources (Water Pollution Control) Regulations, CAP 72:03, 1978
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	

#	STANDARD	LAW
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Public Health Act, CAP 34:01 of 1948
		Occupational Safety, Health and Welfare Act No. 72 of 1997
		HIV and AIDS (Prevention and Management) Act No. 9 of 2018
		Mines and Minerals Act No. 8 of 2019
		Pesticides Act No. 12 of 2000
		Explosives Regulations, 1972
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Constitution of the Republic of Malawi, 1994
		Mining Safety Regulations, 1982
		Occupational Safety, Health and Welfare Act No. 72 of 1997
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Land Act No. 16 of 2016

#	STANDARD	LAW
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Environment Management Act No. 19 of 2017
		Water Resources Act No. 2 of 2013
		Forestry Act No. 4 of 1997
		National Parks and Wildlife Act No. 11 of 1992
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Land Act No. 16 of 2016
		Customary Land Act No. 19 of 2016
8	Protection of Cultural Heritage	Monuments and Relics Act CAP 29.01 of 1990

MOZAMBIQUE:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Constitution of the Republic of Mozambique, 2004
		Environmental Law No. 20/97
		Regulation for Environmental Impact Assessment Process, Decree No. 54/2015
		Regulation for the Environmental Audit Process, Decree No. 25/2011
		Regulation for the Environmental Inspection Process, Decree No. 11/2006
		Guidance for the Public Participation Process of the ESIA Process, Decree No. 130/2006
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Constitution of the Republic of Mozambique, 2004
		New Labour Law No. 23/07

#	STANDARD	LAW
	<i>Freedom of association, collective bargaining and industrial relations</i>	New Labour Law No. 23/07
		New Labour Law No. 23/07
	<i>Protection against forced labour</i>	Law No. 6/2008, which establishes the legal regime applicable to the prevention and combat of human trafficking
	<i>Protection of children and young persons and elimination of child labour</i>	New Labour Law No. 23/07
	<i>Equality of treatment and opportunity in relation to employment</i>	New Labour Law No. 23/07
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Environmental Law No. 20/97
		The Forestry and Wildlife Act No. 10/99
		National Water Law No. 16/91

#	STANDARD	LAW
		Mining Law No. 20/14
		Mining Regulations, Decree No. 26/2004
	<i>Pollution Prevention and Mitigation</i>	Environmental Law No. 20/97
		Regulation for Environmental Quality Standards and Effluent Emissions, Decree No. 18/2004
		Regulations on the Management of Hazardous Waste, Decree No. 83/2014
		Regulations on Waste Management, Decree No. 94/2014
		Mining Law No. 20/14
		Mining Regulations, Decree No. 26/2004
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Constitution of the Republic of Mozambique, 2004

#	STANDARD	LAW
		Law No. 19/2014 protecting workers and job seekers living with HIV/AIDS
		General Regulations on Hygiene and Safety on Industrial Plant, Legislative Diploma No. 48/73 and Decree No. 62/2013
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Decree no. 62/2013 regulating occupational accidents and professional illnesses
		Decree no. 31/1989 governing the creation and operation of workplace health centres
		Decree no. 61/2006 regulating health and safety of mining operations
		Decrees no. 120/1971 and 48/1973 applying occupational hygiene and safety regulations to civil engineering works and industrial establishments
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Land Law No. 19/97
		Land Law Regulations, Decree No. 66/98
		Regulation for the Resettlement Process Resulting from Economic Activities, Decree No. 31/2012
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Environmental Law No. 20/97

#	STANDARD	LAW
		Law on Protection, Conservation and Sustainable Use of Biodiversity, Decree No. 89/2017
		The Forestry and Wildlife Act No. 10/99
		National Water Law No. 16/91
		Law on the National System of Conservation Areas No. 16/2014
		Regulation for Environmental Quality Standards and Effluent Emissions, Decree No. 18/2004
		Regulation for Flora and Fauna Resources Protection, Decree No. 12/2002
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Constitution of the Republic of Mozambique, 2004
		Land Law No. 19/97
		Land Law Regulations, Decree No. 66/98
8	Protection of Cultural Heritage	Constitution of the Republic of Mozambique, 2004
		Law on the Protection of Cultural Heritage No. 10/88
		Regulations on the Protection of Archaeological Heritage, Decree No. 27/94 Property

NAMIBIA:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Constitution of Namibia, 1990
		Environmental Management Act No. 7 of 2007
		Environmental Impact Assessment Regulations, 2012
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Constitution of Namibia, 1990
		The Labour Act No. 11 of 2007
		Employees' Compensation Act No. 30 of 1941

#	STANDARD	LAW
	<i>Freedom of association, collective bargaining and industrial relations</i>	The Labour Act No. 11 of 2007
		New Labour Law No. 23/07
	<i>Protection against forced labour</i>	The Labour Act No. 11 of 2007
	<i>Protection of children and young persons and elimination of child labour</i>	The Labour Act No. 11 of 2007
	<i>Equality of treatment and opportunity in relation to employment</i>	The Labour Act No. 11 of 2007
		Racial Discrimination Prohibition Act No. 26 of 1991
		Employment Services Act No. 8 of 2011
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Environmental Management Act No. 7 of 2007

#	STANDARD	LAW
		Forest Act No. 12 of 2001 (as amended)
		Minerals (Prospecting and Mining) Amendment Act No. 8 of 2008
		Nature Conservation Ordinance No. 4 of 1975 (as amended)
		Water Resources Management Act No. 11 of 2013
	<i>Pollution Prevention and Mitigation</i>	Water Resources Management Act No. 11 of 2013
		Environmental Management Act No. 7 of 2007
		Atmospheric Pollution Prevention Ordinance No. 11 of 1976
		Public and Environmental Health Act, 2015
		Minerals (Prospecting and Mining) Amendment Act No. 8 of 2008
		Soil Conservation Act, No. 76 of 1969
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Public and Environmental Health Act No. 1 of 2015

#	STANDARD	LAW
		Hazardous Substances Ordinance No. 14 of 1974
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Public and Environmental Health Act No. 1 of 2015
		The Labour Act No. 11 of 2007
		Regulations under the Labour Act, 2007, relating to the health and safety of employees at work (1997)
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Communal Land Reform Act No. 5 of 2002
		Agricultural (Commercial) Land Reform Act No. 6 of 1995
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Environmental Management Act No. 7 of 2007
		Nature Conservation Ordinance No. 4 of 1975 (as amended)
		Forest Act No. 12 of 2001

#	STANDARD	LAW
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Constitution of Namibia, 1990
		Agricultural (Commercial) Land Reform Act No. 6 of 1995
		Communal Land Reform Act No. 5 of 2002
		Nature Conservation Ordinance No. 4 of 1975 (as amended)
8	Protection of Cultural Heritage	National Heritage Act No. 27 of 2004
		National Monuments Act No. 28 of 1969

NOTE: Requirement for monitoring and reporting not expressly legislated but implied through the requirement for an Environmental Management Plan.

SOUTH AFRICA:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	National Environmental Management Act, 1998
		Environmental Impact Assessment Regulations, 2014
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Constitution of the Republic of South Africa, 1996
		Labour Relations Act, 1995
		Regulations under the Labour Relations Act, 1995
		Basic Conditions of Employment Act, 1997
		Occupational Health and Safety Act, 1993

#	STANDARD	LAW
		Regulations under the Occupational Health and Safety Act, 1993
		Compensation for Occupational Injuries and Diseases Act, 1993
	<i>Freedom of association, collective bargaining and industrial relations</i>	Labour Relations Act, 1995
	<i>Protection against forced labour</i>	Labour Relations Act, 1995
		Basic Conditions of Employment Act, 1997
	<i>Protection of children and young persons and elimination of child labour</i>	Labour Relations Act, 1995
		Basic Conditions of Employment Act, 1997
	<i>Equality of treatment and opportunity in relation to employment</i>	Labour Relations Act, 1995
		Employment Equity Act, 1998

#	STANDARD	LAW
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Constitution of the Republic of South Africa, 1996
		National Environmental Management Act, 1998
		Mineral and Petroleum Resources Development Act, 2002
		National Water Act, 1998
		National Environmental Management: Biodiversity Act, 2004
		National Forests Act, 1998
	<i>Pollution Prevention and Mitigation</i>	National Environmental Management Act, 1998
		National Water Act, 1998
		National Environmental Management: Waste Act, 2008
		National Environmental Management: Air Quality Act, 2004
		Hazardous Substances Act, 1973
		Mineral and Petroleum Resources Development Act, 2002

#	STANDARD	LAW
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Constitution of the Republic of South Africa, 1996
		Occupational Health and Safety Act, 1993
		Regulations in terms of Occupational Health and Safety Act, 1993 including: Asbestos Regulations; Construction Regulations; Driven Machinery Regulations; Environmental Regulations for Work Places; Electrical Installation Regulations; Explosives Regulations; Facilities Regulations; General Machinery Regulations; Hazardous Chemical Substances Regulations; Lead Regulations; and Major Hazardous Installation Regulations
		Hazardous Substances Act, 1973
		National Health Act, 2003
5	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Mine Health and Safety Act, 1996
		Occupational Health and Safety Act, 1993
6	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Constitution of the Republic of South Africa, 1996
		National Environmental Management: Protected Areas Act, 2004

#	STANDARD	LAW
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Constitution of the Republic of South Africa, 1996
		National Environmental Management Act, 1998
		National Water Act, 1998
		National Environmental Management: Biodiversity Act, 2004
		National Environmental Management: Integrated Coastal Management Act, 2008
		National Forests Act, 1998
8	Protection and Representation of the Rights and Interests of Indigenous Peoples	Constitution of the Republic of South Africa, 1996
		National Environmental Management Act, 1998
		National Environmental Management: Biodiversity Act, 2004
	Protection of Cultural Heritage	Constitution of the Republic of South Africa, 1996
		National Environmental Management Act, 1998

ZAMBIA:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Constitution of Zambia (Amendment) Act, 2016
		Environmental Management Act No. 12 of 2011
		Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, 1997
		The Environmental Management (Licensing) Regulations, 2013
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Constitution of Zambia (Amendment) Act, 2016
		Workers Compensation Act No. 10 of 1999
		The Employment Code Act No. 3 of 2019
		The Industrial and Labour Relations Act No. 27 of 1993

#	STANDARD	LAW
		Occupational Health and Safety Act No. 36 of 2010
	<i>Freedom of association, collective bargaining and industrial relations</i>	The Industrial and Labour Relations Act No. 27 of 1993
	<i>Protection against forced labour</i>	The Employment Code Act No. 3 of 2019
		Penal Code, 1931
	<i>Protection of children and young persons and elimination of child labour</i>	The Employment Code Act No. 3 of 2019
	<i>Equality of treatment and opportunity in relation to employment</i>	The Employment Code Act No. 3 of 2019
		Gender Equity and Equality Act No. 22 of 2015

#	STANDARD	LAW
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Environmental Management Act No. 12 of 2011
		Water Resources Management Act No. 21 of 2011
		Forests Act No. 4 of 2015
		Mines and Minerals Development Act 11 of 2015
	<i>Pollution Prevention and Mitigation</i>	Environmental Management Act No. 12 of 2011
		Mines and Minerals Development Act No. 11 of 2015
		Solid Waste Regulation and Management Act No. 20 of 2018
		Water Resources Management Act No. 21 of 2011
		The Environmental Management (Licensing) Regulations, 2013
		Water Pollution Control (Effluent and Wastewater) Regulations, 1993

#	STANDARD	LAW
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Public Health Act, No. 22 of 1995
		Environmental Management Act No. 12 of 2011
		Occupational Health and Safety Act No. 36 of 2010
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Factories Act No. 2 of 1996
		Mines and Minerals Development Act No. 11 of 2015
		Occupational Health and Safety Act No. 36 of 2010
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	The Lands Act No. 29 of 1995

#	STANDARD	LAW
6	Protection of Cultural Heritage	Zambia Wildlife Act No. 14 of 2015
		Environmental Management Act No. 12 of 2011
		Water Resources Management Act, No. 21 of 2011
		Forests Act, No. 4 of 2015
		The Environmental Management (Licensing) Regulations, 2013
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Environmental Management Act No. 12 of 2011
		The Lands Act No. 29 of 1995
8	Protection of Cultural Heritage	Constitution of Zambia (Amendment) Act, 2016
		National Heritage Conservation Commission Act No. 23 of 1989
		The Lands Act No. 29 of 1995
		Registration and Development of Villages Act No. 30 of 1971

NOTE: Definition of 'environment' in the Environmental Management Act no. 12 of 2011 does not expressly include social aspects. But EIAs are required to assess 'socio-economic impacts of projects'.

ZIMBABWE:

#	STANDARD	LAW
1	Assessment and Management of Environmental and Social Risks and Impacts	Constitution of Zimbabwe, 2013
		Environmental Management Act, 2002 [Chapter 20:27]
		Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, SI No. 7 of 2007
	<i>System for assessment of environmental and social risks and impacts</i>	✓
	<i>System for stakeholder engagement</i>	✓
	<i>Requirement for Environmental and Social Management Plan</i>	✓
	<i>Requirement for Monitoring and Reporting on environmental and social performance</i>	✓
2	Fair and Just Labour and Working Conditions	Constitution of Zimbabwe, 2013
		Labour Act, 1985 [Chapter 28:01]
		Industrial Conciliation Act, 1960 [Chapter 267]
	<i>Freedom of association, collective bargaining and industrial relations</i>	Labour Act, 1985 [Chapter 28:01]

#	STANDARD	LAW
	<i>Protection against forced labour</i>	Tripartite Negotiating Forum Act, 2019
		Labour Act, 1985 [Chapter 28:01]
	<i>Protection of children and young persons and elimination of child labour</i>	Labour Act, 1985 [Chapter 28:01]
		Labour Relations (Employment of Children and Young Persons) Regulations, 1997 S.I. No. 72 of 1997
	<i>Equality of treatment and opportunity in relation to employment</i>	Labour Act, 1985 [Chapter 28:01]
3	Resource Efficiency and Pollution Prevention and Management	
	<i>Efficient and sustainable use of finite resources</i>	Environmental Management Act, 2002 [Chapter 20:27]
		Communal Land and Forest Produce Act, 1988 [Chapter 19:04]

#	STANDARD	LAW
		Forest Act, 1949 [Chapter 19:05]
		Parks and Wildlife Conservation Act, 1975 [Chapter 20:14]
		Water Act, 2003 [Chapter 20:24]
		The Mines and Minerals Act, 1961 [Chapter 21:05]
	<i>Pollution Prevention and Mitigation</i>	Environmental Management Act, 2002 [Chapter 20:27]
		Water Act, 2003 [Chapter 20:24]
		The Mines and Minerals Act, 1961 [Chapter 21:05]
		Environment Management Act (Atmospheric Pollution Control) Regulations, SI 72 of 2009
		Effluent and Solid Waste Disposal Regulations SI 6, 2007
		Environment Management Act (Hazardous Waste Management) Regulations SI 10, 2007
		Hazardous Substances, Pesticides and Toxic Substances Regulations, SI 268 of 2018

#	STANDARD	LAW
4	Health, Safety and Security of Project-Affected Communities in relation to Project Activities and Infrastructure	
	<i>Obligation to avoid and minimise risks and impacts on project-affected communities, including community exposure to traffic and road risks, diseases and hazardous materials and emergency events</i>	Constitution of Zimbabwe, 2013
		Environmental Management Act, 2002 [Chapter 20:27]
		Public Health Act, 1924 [revised 2018: Chapter 15:09]
		Factories and Works Act, 1959 [Chapter 14:08]
		Environment Management Act (Atmospheric Pollution Control) Regulations, SI 72 of 2009
		Effluent and Solid Waste Disposal Regulations SI 6, 2007
		Environment Management Act (Hazardous Waste Management) Regulations SI 10, 2007
		Hazardous Substances, Pesticides and Toxic Substances Regulations, SI 268 of 2018
		Mining (Health and Sanitation) Regulations under the Mines and Minerals Act, 1961
	<i>Ensure safeguarding of personnel and property in a manner that reduces risks to project-affected individuals and communities</i>	Environmental Management Act, 2002 [Chapter 20:27]

#	STANDARD	LAW
5	Fair and Just Processes in Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Land Commission Act, 2017 [Chapter 20:29]
		Protected Place and Areas Act, 1959 [Chapter 11:12]
6	Biodiversity Conservation and Sustainable Use and Management of Living Natural Resources	Environmental Management Act, 2002 [Chapter 20:27]
		Communal Land and Forest Produce Act, 1988 [Chapter 19:04]
		Forest Act, 1949 [Chapter 19:05]
		Parks and Wildlife Conservation Act, 1975 [Chapter 20:14]
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Indigenisation and Economic Empowerment Act, 2007
8	Protection of Cultural Heritage	National Museums and Monuments Act, 1972 [Chapter 25:11]
		Registration and Development of Villages Act No. 30 of 1971

#	STANDARD	LAW
6	Protection of Cultural Heritage	Zambia Wildlife Act No. 14 of 2015
		Environmental Management Act No. 12 of 2011
		Water Resources Management Act, No. 21 of 2011
		Forests Act, No. 4 of 2015
		The Environmental Management (Licensing) Regulations, 2013
7	Protection and Representation of the Rights and Interests of Indigenous Peoples	Environmental Management Act No. 12 of 2011
		The Lands Act No. 29 of 1995
8	Protection of Cultural Heritage	Constitution of Zambia (Amendment) Act, 2016
		National Heritage Conservation Commission Act No. 23 of 1989
		The Lands Act No. 29 of 1995
		Registration and Development of Villages Act No. 30 of 1971

NOTE: Definition of 'environment' in the Environmental Management Act no. 12 of 2011 does not expressly include social aspects. But EIAs are required to assess 'socio-economic impacts of projects'.