

## Action Plan to Mitigate Impacts from Access Restrictions

### 1. When is an Action Plan to Mitigate Impacts from Access Restrictions needed?

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

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

### 2. What are the purpose and the overarching objective of the action plan?

The purpose of developing the action plan is to engage affected groups who have legal (including customary) rights to the resources in the identification or confirmation of potential impacts from access restrictions, in assessing options for avoiding restrictions and, if avoidance is not possible, in the identification of mitigation measures for reducing these impacts and for compensating for any residual impacts. By jointly developing the action plan with IUCN (or the entity who is in charge of designing the project), project-affected people are also involved in decision making regarding operationalising mitigation measures and monitoring their implementation. The action plan can be a stand-alone plan or integrated in an existing or to be developed natural resource planning tool (e.g. Natural Resources Management Plan or Protected Area Management Plan etc.).

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

### 3. How is the action plan developed?

The action plan must be developed through a consultative process with all affected communities or groups as well as with other relevant stakeholders (e.g., park rangers, district officers, protected area management). The Environmental and Social Management System (ESMS) principle on Free Prior and Informed Consent requires a rigorous process

for achieving consent with all communities, groups or individuals that are affected by the restrictions to natural resources, areas and/or social services. This principle requires that:

- consent should not to be imposed, but achieved through free, prior and informed consultation and fair negotiations with legitimate representatives of project-affected people;
- agreement is reached before proceeding to implementation with sufficient time allowed to respect people's availability and ability to understand the facts, issues and process;
- full information is disclosed about project activities and potential impacts on people's rights and livelihood;
- affected groups are asked to consent to a project or a particular activity and have the right to give their consent, withhold it or offer it conditionally.

The legitimacy of representatives should be verified in order to ensure they are indeed true advocates of the views of affected communities or groups. This can be done by talking directly to a sample of project-affected people to ground-truth the views of the designated representatives.

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

The consultation strategy should be compatible with the cultural preferences of the affected persons, and prepared in consultation with them. The manner, timing and level of consultation should be agreed with the communities. In some cases, the project may propose the creation of a committee composed of representatives from various stakeholder groups, including government, NGOs, host communities, and vulnerable populations. Community will designate their representatives and agree on the rules, roles and functions of the committees.

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

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

#### **4. What should the action plan entail?**

The action plan should include the five components described below.

**a. Description of the project:** describe the overall project and the specific components or activities that may involve access restrictions

**b. Describe the nature and scope of access restrictions:**

Relevant types of access restrictions (natural resources, physical access or access to social services) and/or required changes in the use and management regimes of natural resources.

To systematise the analysis and to ensure that no significant resources or groups are left out, an inventory should be developed describing (i) the main types of natural resources, their current use and importance for the livelihoods of the people/groups identified above, (ii) their current use rights and (iii) the planned restrictions and changes in use and management regimes. Table A1 in Annex A provides a format for such an inventory.

**c. Identify people that would be affected by the restrictions**

- Differentiate, where applicable, between women and men, indigenous peoples and vulnerable groups, such as marginalized groups, persons with disabilities, children, ethnic minorities or landless, elderly or displaced persons.
- Specify their locations (preferably on maps)

**d. Analysis of social, cultural and economic impacts from access restrictions**

- Assess all impacts and losses that may be caused by access restrictions put in place by the project. This assessment should include:
  - material impacts caused by restricting access to and/or use of natural resources, by restricting physical access to areas of occupation or use or by imposed changes in use and management regimes of natural resources;
  - non-material impacts related to social, recreational, spiritual, cultural, knowledge and educational values of the land and resources to be restricted;
  - impacts related to reduced access to social services such as education or health services by prohibiting or limiting physical access to places where those services occur.
- Because impacts often vary among groups and require different mitigation measures, where applicable, differentiate between affected groups including indigenous peoples, vulnerable groups and women or men.
- Base the impact assessment on the inventory of natural resources and access restrictions developed under component a.

**e. Avoidance and mitigation**

- The first priority is to change project design and assess all viable alternatives to avoid the need for access restrictions. This might involve giving preference to alternative project approaches and/or adjusting the boundaries of a protected area.
- Where restrictions cannot be avoided, identify, together with legitimate representatives of affected groups, a fair and adequate strategy for compensation and provision of benefits for livelihood restoration or enhancement; this strategy must assure that affected people are provided with at minimum the same level and quality of livelihoods and security that they had before.

- Compensation measures need to be based on a valuation of expected losses, be socio-economically and culturally suitable and consider a range of options for in-kind, non-monetary and monetary compensation, as appropriate. For affected households whose livelihoods are land- or subsistence-based, priority should be given to land-based compensation approaches (e.g., offering alternative land or access to resources of at least equal value).
- If appropriate, devise special measures for specific social (sub-) groups, in particular for women or vulnerable groups, to assure that the project does not create or aggravate inequalities between men and women or between groups within the communities.

#### **f. Requirements and implementation arrangements**

- Describe the procedures and mechanisms for providing mitigation measures, including roles, responsibilities and arrangements for coordinating the process.
- Define the criteria for eligibility/ entitlement to the mitigation measures including for those who receive compensation. The criteria must take legal (including customary) rights into account and the identified impacts of restrictions and be transparent and fair in order to avoid any potential perception of discrimination or unjustified preferential treatment. If compensation occurs on a collective basis, it needs to be demonstrated how the benefits will be distributed to all eligible members.
- Confirm the technical and operational feasibility and cultural adequacy of mitigation measures. This may include describing conditions considered as prerequisites for the delivery of mitigation measures such as
  - institutional arrangements;
  - provisions for training, capacity-building and institutional strengthening; and
  - provisions for technical assistance and transfer of technology.
- List required resources for providing compensation and benefits for livelihood restorations or enhancement measures.
- Schedule the implementation of mitigation measures and describe how it links with the project's work plan, where relevant. When devising the schedule it is important to assure that access is not restricted before mitigation measures are decided and implementation arrangements are made so that mitigation or compensation measures are promptly in place and effective in alleviating impacts on the affected communities.
- Describe the plan for stakeholder participation in monitoring the implementation of the mitigation measures.
- Explain how stakeholders can access the ESMS' grievance mechanism and what local mechanism will be put in place for resolving disputes relating to resource use restrictions and complaints from individuals, groups or communities that may be dissatisfied with the eligibility criteria, the measures selected, or implementation.
- Describe arrangements for sustainability and implementation beyond the project time frame.

#### **g. Participatory planning process**

- Describe the participatory process used for engaging groups in the development of the action plan and list all groups and individuals involved in the process; include names of the selected representatives and describe their legitimacy to represent the respective groups.
- Indicate how consultation and participation of women, indigenous peoples and/or vulnerable groups were assured.
- Document the consultation process in reports and photographic or video evidence (as culturally appropriate).
- Provide evidence to confirm that consent of affected groups was obtained with full adherence to the FPIC principles.

The main elements of the action plan (e.g., mitigation measures, schedule) are transferred at a later stage into the project's Environmental and Social Management Plan (ESMP).<sup>1</sup>

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<sup>1</sup> For more details on the ESMP see ESMS Guidance Note on Developing and Monitoring an ESMP, available at [www.iucn.org/esms](http://www.iucn.org/esms)

## Annex A: Inventory of natural resources and access restrictions

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

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

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