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United Nations Development Programme

SOCIAL AND ENVIRONMENTAL STANDARDS

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UNDP partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. On the ground in more than 170 countries and territories, we offer global perspective and local insight to help empower lives and build resilient nations.

UNDP's Social and Environmental Standards (SES) were approved by UNDP's Organizational Performance Group in June 2014 and are effective starting January 1, 2015. The SES will undergo a review and update in 2016. Comments and questions can be sent to info.ses@undp.org.



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Acronyms

CPAP	Country Programme Action Plan
DIM	Direct Implementation Modality
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free Prior and Informed Consent
GHG	Greenhouse Gas
GMO	Genetically Modified Organism
GRM	Grievance Redress Mechanism
HRBA	Human Rights-based Approach to Development Programming
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
IPP	Indigenous Peoples Plan
LAP	Livelihood Action Plan
LMO	Living Modified Organism
NGO	Nongovernmental Organization
NIM	National Implementation Modality
OAI	Office of Audit and Investigations
POPP	Programme and Operations Policies and Procedures
RAP	Resettlement Action Plan
SECU	Social and Environmental Compliance Unit
SEA	Strategic Environmental Assessment
SES	Social and Environmental Standards
SESA	Strategic Environmental and Social Assessment
SESP	Social and Environmental Screening Procedure
SRM	Stakeholder Response Mechanism

UNFCCC	United Nations Framework Convention on Climate Change
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WHO	World Health Organization



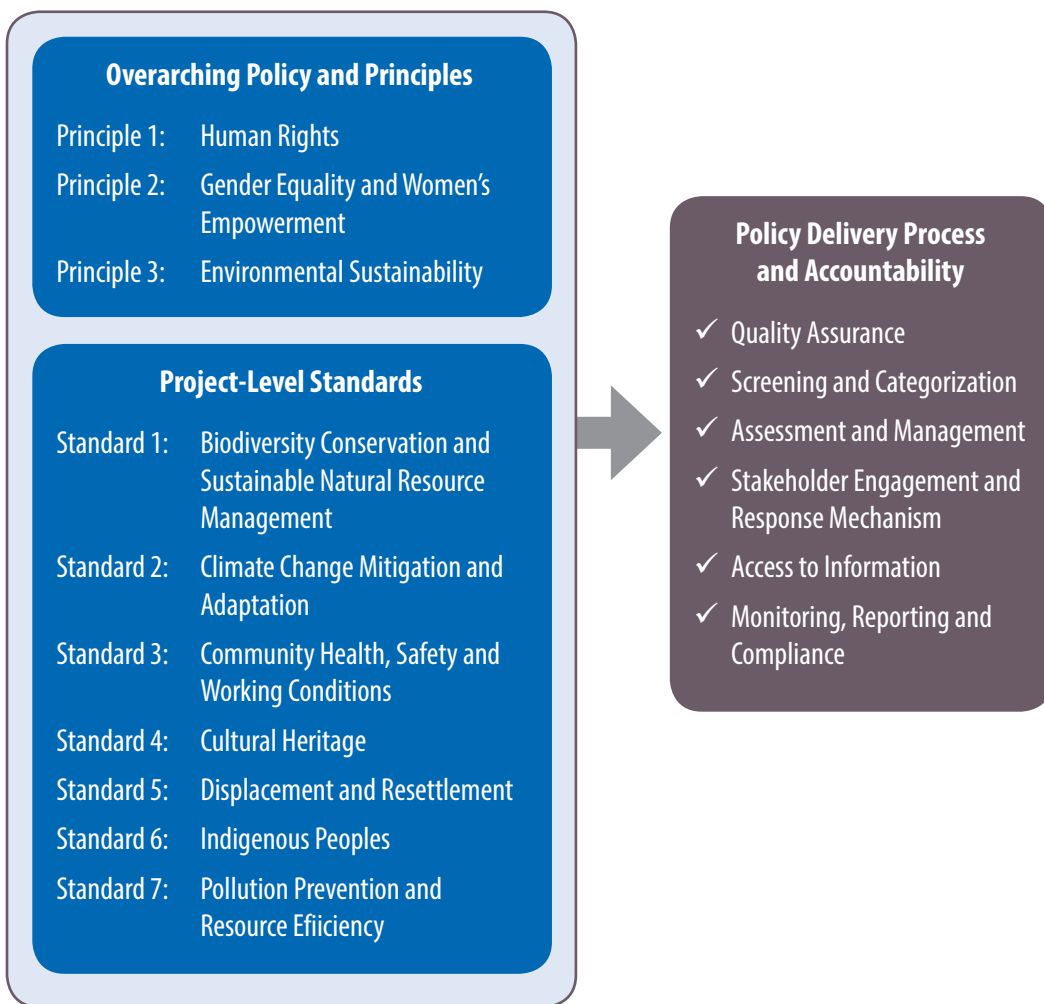
Introduction

1. Social and environmental sustainability are cornerstones of human development and poverty reduction. UNDP's Strategic Plan¹ and policy framework articulate the organization's strategic commitment to promoting sustainable development in all of its development cooperation activities.
2. UNDP's Social and Environmental Standards (SES) underpin UNDP's commitment to mainstream social and environmental sustainability in its Programmes and Projects to support sustainable development. The SES strengthen UNDP's efforts to attain socially and environmentally beneficial development outcomes and present an integrated framework for achieving a consistent level of quality in UNDP's programming.
3. The SES require that all UNDP Programmes and Projects enhance positive social and environmental opportunities and benefits as well as ensure that adverse social and environmental risks and impacts are avoided, minimized, mitigated and managed. The SES do not define the substantive development outcomes and results orientation of UNDP's programming, as this is elaborated in UNDP's Strategic Plan and in relevant Programme and Project documents.
4. Through application of the SES, UNDP enhances the consistency, transparency and accountability of its decision-making and actions, improves performance, and strengthens achievement of positive development outcomes. The SES assist UNDP staff and Implementing Partners to manage social and environmental risks and impacts of UNDP Programmes and Projects.
5. The SES are UNDP policy and apply to UNDP Programmes and Projects – including global, regional, national or locally implemented Projects – recognizing that applicable requirements vary with the level of the Programme's and/or Project's potential social and environmental risks.

¹ Changing with the World: UNDP Strategic Plan, 2014-2017: at http://www.undp.org/content/undp/en/home/librarypage/corporate/Changing_with_the_World_UNDP_Strategic_Plan_2014_17.html

6. UNDP’s Social and Environmental Standards are comprised of several elements: the Overarching Policy and Principles, Project-Level Standards, and the Policy Delivery Process. An overview of key elements of the SES is presented below.

Figure 1: Key Elements of UNDP’s Social and Environmental Standards (SES)





Overarching Policy and Principles

1. Social and environmental sustainability are fundamental to the achievement of development outcomes and shall be systematically mainstreamed into UNDP's Programme and Project Management Cycles. Opportunities to strengthen social and environmental sustainability shall be identified at the earliest stage of Programme and Project design, realized through implementation and tracked through monitoring and evaluation. Social and environmental due diligence shall be undertaken for all Programmes and Projects.²
2. UNDP Programmes and Projects adhere to the objectives and requirements of the Social and Environmental Standards. The SES objectives are to: (i) strengthen the social and environmental outcomes of Programmes and Projects; (ii) avoid adverse impacts to people and the environment; (iii) minimize, mitigate, and manage adverse impacts where avoidance is not possible; (iv) strengthen UNDP and partner capacities for managing social and environmental risks; and (v) ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.
3. UNDP will not support activities that do not comply with national law and obligations under international law, whichever is the higher standard (hereinafter "Applicable Law"). UNDP seeks to support governments to adhere to their human rights obligations and empower individuals and groups, particularly the most marginalized, to realize their rights and to ensure that they fully participate throughout UNDP's programming cycle.
4. UNDP applies the United Nations Development Group (UNDG) Country Programming Principles to the development and implementation of Country, Regional, and

² The term 'social and environmental' should be understood to include the breadth of issues in the standards including the cross-cutting principles of human rights, gender equality, and environmental sustainability.

Global Programmes.³ These include the following principles: (i) human rights-based approach to development programming; (ii) gender equality; and (iii) environmental sustainability. The SES reinforce application of these principles at the Programme and Project levels. UNDP screens and reviews its activities to identify opportunities to advance these principles and to identify potential risks that may require measures to avoid, minimize, and/or mitigate potential impacts.

5. UNDP will ensure that compliance review and stakeholder response (or grievance) mechanisms are in place so that individuals and communities potentially affected by UNDP Programmes and Projects have access to effective mechanisms and procedures for raising concerns about the social and environmental performance of the UNDP Programme and/or Project. UNDP will ensure that its Implementing Partners and its own Programme and Project managers provide clear and constructive responses to potential grievances, correct non-compliance where it has occurred, and share the results of grievance processes.
6. UNDP will address social and environmental opportunities and risks in an integrated manner, recognizing the interrelatedness of social and environmental issues. UNDP will screen and review proposed activities for potential social and environmental risks and will ensure that potential adverse impacts are assessed and avoided, or where avoidance is not possible, minimized, mitigated, and managed.

Scope of Application

7. UNDP will ensure that the objectives and requirements of the SES are considered throughout UNDP's Programme and Project Management Cycle. UNDP will ensure that potential social and environmental risks and impacts as well as opportunities are systematically identified and addressed in all UNDP Programmes⁴ and Projects.⁵

3 The UN Country Programming Principles include three normative principles (human rights-based approach, gender equality, and environmental sustainability) and two enabling principles (capacity development and results-based management). The three normative principles are reinforcing and offer ways to connect international norms and standards and agreed development goals to the development process. The human rights-based approach and gender equality share a basis in the norms and standards of international human rights treaties and instruments. For operational support, see UNDG Guidance Note on Application of the Programming Principles to the UNDAF (January 2010), at http://www.undg.org/content/programming_reference_guide_%28undaf%29/un_country_programming_principles.

4 A "UNDP Programme" is a cooperation framework for effectively achieving development results through a set of Projects. Programmes outline priorities and outcomes that UNDP seeks to achieve together with other development partners. UNDP's Programme management cycle in the POPP is specific to the management of: Country Programmes, Regional Programmes, and Global Programmes.

5 A "UNDP Project" is a time-bound set of planned activities with defined resources which may be defined in a Project Document or other relevant formats, such as a UN Joint Programme document or Country Programme Action Plan (CPAP) together with Annual Work Plan. Where Projects are undertaken as part of a Joint UN Programme, the UNDP Project is the portion of the Joint Programme for which UNDP is in charge. Most UNDP Projects are programmatic in nature but are managed as Projects per UNDP's Project Management Cycle.

8. UNDP will ensure adherence to the SES for Project activities implemented using funds channeled through UNDP's accounts,⁶ regardless of Implementation Modality. In cases where implementation of the SES is found not to be adequate, UNDP will undertake appropriate measures to address shortcomings.
9. Most UNDP Programmes and Projects involve partners that contribute in-kind resources or parallel funding and apply their own policies and procedures to achieve common objectives. Therefore, while UNDP does not ensure compliance with the SES beyond those activities funded through UNDP's accounts, UNDP reviews the entire Programme or Project for consistency with the requirements of the SES. All partners are bound to their respective commitments made within the partnership agreement (e.g. Country Programme Action Plan, Annual Work Plan, Project Document, Joint Programme Document, Letter of Agreement).
10. When the Implementing Partner⁷ is a government institution (National Implementation Modality or "NIM"), UN entity, inter-governmental organization, or nongovernmental organization (NGO), it is responsible and accountable to UNDP for overall management of the Project. UNDP remains ultimately accountable to its Executive Board and respective cost-sharing donor(s) for the sound use of financial resources channeled through UNDP accounts and must ensure the quality of its support. Implementation of the SES is therefore integral to UNDP's quality assurance responsibilities.
11. The SES are applied together with and complement other relevant UNDP policies and procedures, including UNDP's Fast Track policies and procedures,⁸ procurement policies and procedures,⁹ and private sector partnerships policy.¹⁰

6 Excluding pass-through funds where UNDP serves only as the Administrative Agent.

7 The "Implementing Partner" is the entity responsible and accountable for the overall management of a UNDP-supported Project. It is the entity to which the Administrator has entrusted the implementation of UNDP assistance specified in a signed Project Document along with the assumption of full responsibility and accountability to UNDP for the effective use of UNDP resources and the delivery of expected outputs. The Implementing Partner enters into an agreement with UNDP to manage the Project and achieve the results defined in the signed Project Documents. The accountability of an Implementing Partner is: to report, fairly and accurately, on Project progress against agreed work plans in accordance with the reporting schedule and required formats; and to maintain documentation and evidence that describes the proper and prudent use of Project resources in conformity to the signed Project Document and in accordance with applicable regulations and procedures (e.g. SES). Possible Implementing Partners include government institutions (National Implementation Modality), eligible UN agencies, inter-governmental organizations (IGOs), eligible civil society organizations (CSOs), and UNDP (Direct Implementation Modality).

8 UNDP Fast Track operations, designed to more effectively respond to crisis and emergency situations, follow a set of Fast Track policies and procedures, available at <https://info.undp.org/global/popp/ft/Pages/Fast-Track.aspx>.

9 See procurement provisions of UNDP's Programme and Operations Policies and Procedures (POPP), including provisions regarding sustainable procurement, available at <https://info.undp.org/global/popp/cap/Pages/Sustainable-Procurement.aspx>.

10 UNDP's Policy on Due Diligence and Partnerships with the Private Sector (forthcoming) stipulates due diligence requirements regarding such partnerships. Projects that may result from such partnerships would be subject to UNDP's screening procedure and may trigger SES requirements.

Principle 1: Human Rights

12. UNDP recognizes the centrality of human rights to sustainable development, poverty alleviation and ensuring fair distribution of development opportunities and benefits and is committed to supporting “universal respect for, and observance of, human rights and fundamental freedoms for all.”¹¹
13. UNDP adheres to the United Nations Development Group (UNDG) Statement of Common Understanding of the Human Rights-Based Approach to Development Cooperation and Programming (UN Common Understanding)¹² which outlines that development programmes and policies should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other human rights instruments. UNDP’s Strategic Plan 2014-2017 also recognizes the human rights-based approach as a key engagement principle in pursuing development outcomes.¹³
14. In furthering the realization of rights, UNDP shall both refrain from providing support for activities that may contribute to violations of a State’s human rights obligations and the core international human rights treaties,¹⁴ and seek to support the protection and fulfillment of human rights.
15. In its Programmes and Projects, UNDP will uphold the principles of accountability and the rule of law, participation and inclusion, and equality and non-discrimination, noting that prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. UNDP will also ensure the meaningful, effective and informed participation of stakeholders in the formulation, implementation, monitoring and evaluation of Programmes and Projects.
16. UNDP seeks to support State efforts to meet their human rights obligations as requested, however, UNDP does not have a monitoring role with respect to human rights. In the context of UNDP Programmes and Projects, UNDP’s due diligence obligations require UNDP to monitor compliance with its policies.

11 Charter of the United Nations, Article 1, para. 3.

12 More information on the UN Common Understanding is available at [http://www.undg.org/content/programming_reference_guide_\(undaf\)/un_country_programming_principles/human_rights-based_approach_to_development_programming_\(hrba\)](http://www.undg.org/content/programming_reference_guide_(undaf)/un_country_programming_principles/human_rights-based_approach_to_development_programming_(hrba)).

13 Changing with the World: UNDP’s Strategic Plan 2014-2017, p. 16.

14 These include the following: International Convention on the Elimination of All Forms of Racial Discrimination (1969), International Covenant on Civil and Political Rights (1976), International Covenant on Economic, Social and Cultural Rights (1976), Convention on the Elimination of All Forms of Discrimination against Women (1981), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), Convention on the Rights of the Child (1990), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003), International Convention for the Protection of All Persons from Enforced Disappearance (2010), Convention on the Rights of Persons with Disabilities (2008).

Principle 2: Gender Equality and Women's Empowerment

17. The promotion of gender equality and the empowerment of women are central to the mandate of UNDP and intrinsic to its human rights-based approach to development programming. This effort includes advocating for women's and girls' human rights, combating discriminatory practices, and challenging the roles and stereotypes that create inequalities and exclusion.
18. UNDP Programmes and Projects will be gender-responsive in their design and implementation. UNDP will seek to identify and integrate the different needs, constraints, contributions and priorities of women, men, girls and boys into its programming.¹⁵
19. UNDP Programmes and Projects will promote gender equality and the empowerment of women. UNDP will seek to reduce gender inequalities in access to and control over resources and the benefits of development. Programmes and Projects will ensure that both women and men are able to participate meaningfully and equitably, have equitable access to Programme and Project resources, and receive comparable social and economic benefits.¹⁶
20. UNDP will ensure that its Programmes and Projects do not discriminate against women or girls or reinforce gender-based discrimination and/or inequalities.

Principle 3: Environmental Sustainability

21. Sustainable management, protection, conservation, maintenance and rehabilitation of natural habitats and their associated biodiversity and ecosystem functions are fundamental to UNDP's efforts to develop and implement sustainable development pathways. UNDP seeks to address poverty and inequality while maintaining and enhancing natural capital.
22. UNDP will ensure that environmental sustainability is systematically mainstreamed into its Programmes and Projects. In designing development cooperation activities, UNDP will seek to support Programme Countries and Implementing Partners to address the environmental dimensions (both opportunities and constraints) of major development issues and to strengthen environmental management and protection.

15 References in SES to "women and men" or similar is understood to include "girls and boys" and other groups discriminated against based on their gender identities, such as transgenders or transsexuals.

16 See UNDP Gender Equality Strategy 2014-2017: The Future We Want: Rights and Empowerment, available at <http://www.undp.org/content/dam/undp/library/corporate/Executive%20Board/2014/first-regular-session/English/dp2014-4.doc>.

23. UNDP uses and promotes a precautionary approach¹⁷ to natural resource conservation and reviews its development cooperation activities to ensure they do not cause negative environmental effects. UNDP requires the application of relevant social and environmental standards to avoid adverse environmental impacts, or where avoidance is not possible, to minimize, mitigate, and as a last resort, offset and compensate for potential residual adverse impacts.
24. UNDP will assist Programme Countries and Implementing Partners to integrate low-emission, climate-resilient objectives into national and sectoral development plans and will ensure that supported Programmes and Projects enhance climate resiliency and avoid unwarranted increases in greenhouse gas (GHG) emissions, instead enhancing efficiency and reducing GHG intensity.



17 See Principle 15 of the Rio Declaration on Environment and Development, (1992) noting that the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent serious threats of environmental degradation, available at <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>.



Project-Level Standards

1. At the Project level, UNDP Standards 1-7 further support implementation of UNDP's commitments to promote respect for human rights, gender equality, and environmental sustainability. The Standards set out specific requirements relating to different social and environmental issues.
2. UNDP's Project-level Standards relate to the following areas:
 - Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management**
 - Standard 2: Climate Change Mitigation and Adaptation**
 - Standard 3: Community Health, Safety and Working Conditions**
 - Standard 4: Cultural Heritage**
 - Standard 5: Displacement and Resettlement**
 - Standard 6: Indigenous Peoples**
 - Standard 7: Pollution Prevention and Resource Efficiency**
3. Application of the Standards is determined during UNDP's social and environmental screening and categorization process. Where it is determined that a Project may present certain risks and/or impacts, requirements of the relevant Standard(s) are triggered.

Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management

Introduction

1. Conserving biodiversity,¹⁸ maintaining ecosystem services,¹⁹ and sustainably managing natural resources are fundamental to sustainable development. UNDP seeks to maintain and enhance the goods and services provided by biodiversity and ecosystems in order to secure livelihoods, food, water and health, enhance resilience, conserve threatened species and their habitats, and increase carbon storage and sequestration.
2. UNDP is committed to integrating biodiversity and ecosystem management into development planning and production sector activities, strengthening protected areas systems, and managing and rehabilitating ecosystems for adaptation to and mitigation of climate change. UNDP seeks to strengthen effective governance and decision-making systems affecting biodiversity and ecosystems, including strengthening the rights of affected populations including women,²⁰ indigenous peoples and local communities to sustainable use of resources.
3. This Standard reflects the objectives of the Convention on Biological Diversity, including the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the use of genetic resources.²¹ UNDP promotes an ecosystem approach to biodiversity conservation and sustainable management of natural resources.²²

18 The Convention on Biological Diversity (CBD) defines biological diversity (i.e. biodiversity) as “the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species, and of ecosystems.” CBD, Article 2, available at <http://www.cbd.int/>.

19 Ecosystem services are the benefits that people derive from ecosystems. Ecosystem services are organized into four types: (i) provisioning services, which are the goods people obtain from ecosystems (i.e., food, freshwater, timber, fibers, medicinal plants); (ii) regulating services, which are the benefits people obtain from the regulation of ecosystem processes (e.g. surface water purification, carbon storage and sequestration, climate regulation protection from natural hazards); (iii) cultural services, which are the nonmaterial benefits people obtain from ecosystems (e.g. sacred sites, areas of importance for recreation and aesthetic enjoyment); and (iv) supporting services, which are the natural processes that maintain the other services (e.g. soil formation, nutrient cycling, primary production).

20 Women often face socio-cultural barriers to equitable access to resources and decision-making processes on resource use. With strong reliance on natural resource livelihoods, women are often on the front lines of risks posed by degradation of, and restricted access to, ecosystems and ecosystem services.

21 UNDP supports implementation of national commitments under the CBD, including CBD’s Strategic Plan for Biodiversity 2011-2020 and the “Aichi Targets” at <http://www.cbd.int/sp/>. UNDP’s Biodiversity and Ecosystems Global Framework 2012-2020 outlines UNDP’s priorities and programs to conserve biodiversity and maintain ecosystem services, available at http://www.undp.org/content/undp/en/home/librarypage/environment-energy/ecosystems_and_biodiversity/biodiversity-and-ecosystems-global-framework-2012-to-2020.html.

22 The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. See Ecosystem Approach, Convention of Biological Diversity, available at <https://www.cbd.int/ecosystem/>.

Objectives

- To conserve biodiversity
- To maintain and enhance the benefits of ecosystem services
- To promote sustainable management of living natural resources

Scope of Application

4. The applicability of this Standard is established during the social and environmental screening and categorization process. Requirements of this Standard apply to Projects that (i) are located in modified, natural, and critical habitats; and/or (ii) potentially impact or are dependent on the ecosystem services of modified, natural, or critical habitats; and/or (iii) include production of living natural resources (e.g. agriculture, animal husbandry, fisheries, forestry).

Requirements

5. Precautionary approach: UNDP will ensure that a precautionary approach is applied to the use, development, and management of natural habitats, the ecosystem services of such habitats, and living natural resources.
6. **Assessment:** As an integral part of the social and environmental assessment process, UNDP will ensure that direct and indirect impacts on natural resources, biodiversity and ecosystem services in the Project's area of influence are identified and addressed. The assessment process will consider, *inter alia* (i) risks of habitat and species loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution, and (ii) differing values (e.g. social, cultural, economic) attached to biodiversity and ecosystem services by potentially affected communities. Potential cumulative and induced impacts will be assessed. Project-related impacts across potentially affected landscapes or seascapes should be considered.
7. **Use of experts:** For Projects that may adversely affect natural habitats, UNDP will ensure that qualified professionals assist in conducting assessments and in the design and implementation of mitigation and monitoring plans.
8. **Siting preference:** As far as possible, UNDP Projects that may have adverse impacts shall be sited in areas of low value for biodiversity and ecosystem services, and of low sensitivity to the anticipated impacts. In particular, whenever feasible, such Projects shall be sited on lands where natural habitats have already been converted to other land uses. However, UNDP will seek to avoid siting Projects on lands that were converted in anticipation of the Project.

9. **Modified habitats:** In areas of modified habitat,²³ UNDP will ensure that measures are adopted to minimize further unwarranted conversion or degradation of the habitat and resident species populations and will identify opportunities to enhance the habitat as part of the Project.
10. **Natural habitats:** Where avoidance of adverse impacts on natural habitats is not possible,²⁴ UNDP shall proceed only if (i) viable alternatives are not available, (ii) the overall benefits from the Project substantially outweigh the environmental costs, and (iii) if appropriate conservation and mitigation measures are in place, including those required to maintain ecological services.
11. **Mitigation hierarchy:** Risk reduction measures will follow a mitigation hierarchy that favours avoidance of potential adverse impacts over minimization, mitigation where adverse residual impacts remain, and, as a last resort, application of offset and compensation measures.²⁵ Mitigation measures will be designed to achieve at least no net loss of biodiversity,²⁶ where possible.²⁷ However, it must be recognized that no net loss is not possible in all cases, e.g. where endemic species have highly restricted distributions. In such instances, UNDP will explore alternative designs to avoid the adverse impacts on biodiversity.
12. **Use of offsets:** Biodiversity offsets²⁸ may be considered only after appropriate avoidance, minimization, and restoration measures have been applied. A biodiversity offset must be designed and implemented to achieve measureable conservation outcomes (demonstrated in situ and on an appropriate geographic scale) that can reasonably be expected to result in no net loss and preferably a net gain²⁹ of biodiversity. In the case of critical habitats, biodiversity offsets are to be considered only in exceptional circumstances,

23 Modified habitats are areas that may contain a large proportion of plant and/or animal species of non-native origin, and/or areas where human activity has substantially modified an area's primary ecological functions and species composition. Modified habitats may include areas managed for agriculture, forest plantations, reclaimed coastal zones, reclaimed wetlands, and regenerated forests and grasslands.

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

25 UNDP recognizes that compensation and offsets may eventually be incorporated as elements of a mitigation strategy; however, avoidance and minimization measures must first be fully considered.

26 "No net loss" is defined as the point at which Project-related impacts on biodiversity are balanced by measures taken to avoid and minimize the Project's impacts, to undertake on-site restoration and finally to offset significant residual impacts, if any, on an appropriate geographic scale.

27 Mitigation measures may include a combination of actions, such as Project redesign, use of financial guarantees, post-Project restoration, set-asides, and, as a last resort, offsets. Set-asides are land areas within the Project area excluded from development and are targeted for the implementation of conservation enhancement measures. Set-asides will likely contain significant biodiversity values and/or provide ecosystem services of significance.

28 Biodiversity offsets are measureable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from Project development and persisting after appropriate avoidance, minimization and restoration measures have been taken.

29 Net gains are additional conservation outcomes that can be achieved for the biodiversity values for which the critical habitat was designated.

and in such circumstances a net gain is required. The design of a biodiversity offset must adhere to the “like-for-like or better” principle³⁰ and must be carried out with best available information and current best practices. External experts with knowledge in offset design and implementation must be involved.³¹

13. **Critical habitats:** UNDP seeks to ensure that Project activities have no adverse impacts on critical habitats.³² No Project activity will be implemented in areas of critical habitats, unless all of the following are demonstrated: (i) there are no measurable adverse impacts on the criteria or biodiversity values for which the critical habitat was designated, and on the ecological processes supporting those biodiversity values (determined on an ecologically-relevant scale); (ii) there is no reduction of any recognized Endangered, Vulnerable or Critically Endangered species,³³ (iii) any lesser impacts are mitigated, and (iv) a robust, appropriately designed, and long-term Biodiversity Action Plan is in place to achieve net gains of those biodiversity values for which the critical habitat was designated. Existing protected area management plans shall be reviewed to ensure alignment with this requirement.

14. **Protected areas:** In circumstances where some Project activities are located within a legally protected area³⁴ or an internationally recognized area,³⁵ UNDP will ensure that, in addition to the requirements specified in paragraph 13 of this Standard, the following requirements will also apply: (i) act in a manner consistent with any existing protected area management plans; (ii) consult protected area sponsors and managers, local communities, and other key stakeholders on the proposed activities; (iii) implement additional programmes, as appropriate, to promote and enhance the conservation aims and effective management of the area. Where restrictions of access to protected areas may have potential adverse impacts on

30 The principle of “like-for-like or better” indicates that biodiversity offsets must be designed to conserve the same biodiversity values that are being impacted by the Project.

31 For additional guidance on biodiversity offsets, see the Business and Biodiversity Offset Programme Standard on Biodiversity Offsets (2012), available at <http://bbop.forest-trends.org/pages/guidelines>.

32 Critical habitats are a subset of both modified and natural habitats that require special attention. Critical habitats are areas with high biodiversity value, including any of the following features: (i) habitat of significant importance to Critically Endangered and/or Endangered species; (ii) habitat of significant importance to endemic and/or restricted-range species; (iii) habitat supporting globally significant concentrations of migratory species and/or congregatory species; (iv) highly threatened and/or unique ecosystems; and/or (v) areas associated with key evolutionary processes. Critical habitats include those areas that are (i) legally protected, (ii) officially proposed for protection, (iii) identified by authoritative sources for their high conservation value (such as areas that meet criteria of the World Conservation Union classification, the Ramsar List of Wetlands of International Importance, and the United Nations Scientific and Cultural Organization’s world heritage sites), or (iv) recognized as protected by traditional local communities.

33 As listed on the International Union for the Conservation of Nature (IUCN) Red List of Threatened Species.

34 This Standard recognizes legally protected areas that meet the IUCN definition: “A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.” Areas proposed by governments for such designation are included. UNDP may also consider ‘legitimate protected areas’ that are not legally established but are recognized as protected by local communities.

35 Including UNESCO Natural World Heritage Sites and UNESCO Man and Biosphere Reserves, and wetlands designated under the Convention on Wetlands of International Importance (the Ramsar Convention).

livelihoods of local communities, the requirements of Standard 5: Displacement and Resettlement will apply.

15. **Invasive alien species:** UNDP requires that under no circumstances will alien species known to be invasive be introduced into new environments and that no new alien species (i.e. species not currently established in the country or region of the Project) will be intentionally introduced unless it is subjected to a risk assessment to determine the potential for invasive behavior and carried out in accordance with the existing regulatory framework, if such a framework exists. Prior assessment of the possibility of accidental or unintended introduction of invasive alien species will be undertaken, and appropriate mitigation measures adopted.
16. **Biosafety:** For Projects that may involve the transfer, handling and use of genetically modified organisms/living modified organisms (GMOs/LMOs) that result from modern biotechnology and that may have adverse effects on biological diversity, UNDP will ensure that a risk assessment is carried out in accordance with Annex III of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. UNDP will ensure that Projects involving GMOs/LMOs include measures to manage any risks identified in the risk assessment.
17. **Forests:** Project activities will:
 - a. be consistent with the conservation of natural forests and biological diversity, ensuring that they are not used for the conversion of natural forests;
 - b. incentivize the protection and conservation of natural forests and their ecosystem services, and enhance other social and environmental benefits;
 - c. enhance the sustainable management of forests, including the application of independent, credible certification for commercial, industrial-scale timber harvesting;
 - d. maintain or enhance biodiversity and ecosystem functionality in areas where forest restoration is undertaken; and/or
 - e. ensure that plantations are environmentally appropriate, socially beneficial and economically viable, and utilize native species wherever feasible.

UNDP will give preference to small-scale community-level management approaches where they best reduce poverty in a sustainable manner.

18. **Water resources:** For Projects that affect water resources, UNDP promotes an integrated water resources management approach that seeks the coordinated development and management of water, land and related resources in order to maximize the economic and social welfare in an equitable manner and without compromising the sustainability of ecosystems. UNDP seeks to ensure that Projects avoid significantly altering flow regimes in ways that prevent water resources from fulfilling their functions for upstream and downstream ecosystems and their

services to local communities.³⁶ Social and environmental risk assessments should address, among other issues, potential effects and impacts related to climate variability, water pollution, sedimentation, water-related disasters, drinking water supply, energy production, agriculture, and fisheries. Environmental flow analysis and management should be carried out to the extent feasible in the context of river basin planning.³⁷

19. **Sustainable management of living natural resources:** Living natural resources³⁸ will be managed in a sustainable manner. Sustainable resource management is the management of the use, development, and protection of resources in a way, or at a rate, that enables people and communities, including indigenous peoples, to provide for their social, economic, and cultural well-being while also sustaining the potential for those resources to meet the needs of future generations. This includes safeguarding biodiversity and the life-supporting capacity of air, water, and soil ecosystems. Sustainable management also ensures that people who are dependent on these resources are properly consulted, women and men have opportunities to equally participate in development, and benefits are shared equitably.
20. UNDP will ensure sustainable resource management through the application of appropriate, industry-specific best management practices, and where codified, through application of one or more relevant credible standards as demonstrated by an independent verification or certification system.³⁹
21. For Projects that involve the production, harvesting, and/or management of living natural resources by small-scale landholders and/or local communities, UNDP will support adoption of appropriate and culturally sensitive sustainable resource management practices.

36 Potential adverse impacts on natural and critical habitats and ecosystem services will be addressed per the requirements of this Standard.

37 Notification to Riparians on International Waterways: When a UNDP Project could negatively affect the quality or quantity of water in an international waterway, UNDP or its partner will notify all riparian states in writing, at least 90 days prior to a decision on whether or not to proceed with the Project, so that the riparians have the opportunity to raise objections or concerns or to request additional information. In situations where there is an international body that coordinates management of the waterway, such as a river basin commission, formal presentation of the proposed Project at a meeting of that body will meet this notification requirement. Otherwise, notification should be directly to the appropriate ministry or agency of each riparian state. Documentation of the riparian notifications and any responses received should be included when the Project is presented to management for approval.

38 "Living natural resources" are defined as being the plants and animals cultivated for human or animal consumption and use, whether in the wild or in a cultivated situation. It includes all types of forestry, biofuels, agriculture, including both annual and perennial crops and animal husbandry, including livestock; and both wild and capture fisheries including all types of marine and freshwater organisms, both vertebrate and invertebrate.

39 A credible certification system would be one which is independent, cost-effective, based on objective and measurable performance standards and developed through consultation with relevant stakeholders such as local people and communities, indigenous peoples, and civil society organizations representing consumer, producer and conservation interests. Such a system has fair, transparent, and independent decision-making procedures that avoid conflict of interest.

22. For Projects that involve the utilization of genetic resources, UNDP will ensure that the collection of such resources is conducted sustainably and that benefits derived from their utilization are shared in a fair and equitable manner. UNDP will ensure such Projects are consistent with the Convention on Biological Diversity and the Nagoya Protocol.⁴⁰ Where genetic resources are collected from traditional or customary lands of indigenous peoples, the provisions of Standard 6: Indigenous Peoples apply, including the requirement of free, prior and informed consent (FPIC).



40 Convention on Biological Diversity can be found at <http://www.cbd.int/>. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity can be found at <http://www.cbd.int/abs/>.

Standard 2: Climate Change Mitigation and Adaptation

Introduction

1. Climate change is a fundamental threat to sustainable development and the fight against poverty. It has the potential to stall and even reverse human development through its impacts on key development sectors and activities, including agriculture and food production, water, ecosystems and other natural resources, disaster risk management and health. Climate change may exacerbate extreme weather events, increasing the risk of high-impact disasters. Communities that are already subjected to impacts from climate change may experience an acceleration and/or intensification of impacts due to Project activities that do not integrate and anticipate climate change risks.
2. UNDP supports countries to integrate low-emission, climate-resilient objectives into national and sectoral development plans, identify priority mitigation and adaptation⁴¹ measures, implement measures to reduce vulnerability and increase adaptive capacity and resilience.
3. UNDP will ensure that its Projects are sensitive to climate change risks and do not contribute to increased vulnerability to climate change.⁴² UNDP mobilizes resources to support Programme countries to finance their national adaptation costs.
4. UNDP strengthens the participation of women in decision-making processes on climate adaptation, mitigation and disaster risk reduction. UNDP supports countries to ensure that disaster risk reduction, climate mitigation and adaptation programmes specifically support women to strengthen their resilience, in part by securing rights and tenure to land, housing and other assets.

Objectives

- To ensure that UNDP Projects are sensitive to climate change risks in order to achieve sustainable development outcomes
- To reduce Project-related greenhouse gas (GHG) emissions and intensity

Scope of Application

5. The applicability of this Standard is established during the social and environmental screening and categorization process. Requirements of this Standard apply to all

41 Adaptation is an adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

42 At times referred to as maladaptation, defined as “business-as-usual development which, by overlooking climate change impacts, inadvertently increases exposure and/or vulnerability to climate change. Maladaptation could also include actions undertaken to adapt to climate impacts that do not succeed in reducing vulnerability but increase it instead.” OECD, Integrating Climate Change Adaptation into Development Co-operation: Policy Guidance 2009, available at <http://www.oecd.org/dac/43652123.pdf>.

Projects that (i) may produce significant GHG emissions; (ii) have development outcomes that may be threatened by climate change; or (iii) may contribute to increased exposure and/or vulnerability to climate change.

Requirements

6. **Climate change risk assessment:** As an integral part of the social and environmental assessment process, UNDP will ensure that proposed activities are screened and assessed for climate change-related risks and impacts of and to Projects. UNDP will ensure that the status and adequacy of relevant climatic information is identified. If significant potential risks are identified, further scoping and assessment of vulnerability, potential impacts, and avoidance and mitigation measures, including consideration of alternatives to reduce potential risks, will be required. The climate change risk assessment will examine:
 - a. Potential Project-related increases in emissions that may exacerbate climate change, such as GHG emissions and black carbon emissions.⁴³
 - b. The viability or longer-term sustainability of Project outcomes due to potential climate change. This will involve the identification of components that are sensitive or vulnerable to emerging or anticipated manifestations of climate change.
 - c. Risks that a Project may increase exposure to climate change. Project components must be assessed for potential unintended or unforeseen increases in vulnerability to climate change.
 - d. Potential social, gender, and age risks, based on the differentiated impacts of climate change.
 - e. Opportunities for (i) facilitating adaptation via synergies with existing or planned activities, (ii) combining mitigation (e.g. reduction in GHG emissions) and adaptation measures, and (iii) exploiting potentially beneficial changes in climatic or environmental conditions to deliver developmental benefits.

⁴³ Black carbon (BC) is a primary aerosol emitted directly at the source from incomplete combustion processes such as fossil fuel and biomass burning.

7. **Greenhouse gases (GHGs):**⁴⁴ UNDP will seek to ensure that alternatives are considered and that technically and financially feasible and cost-effective options⁴⁵ to reduce Project-related GHG emissions and intensity are adopted, in a manner appropriate to the nature and scale of the Project's operations and impacts. Alternative options may include, but are not limited to, alternative Project locations, adoption of renewable or low-carbon energy sources, and sustainable agricultural, forestry, and livestock management practices.
8. For Projects that are expected to produce significant quantities of greenhouse gases,⁴⁶ UNDP will ensure that emissions are tracked and reported in accordance with provisions of the UNFCCC.⁴⁷



44 GHGs include carbon dioxide (CO₂); methane (CH₄); nitrous oxide (N₂O); hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); and sulfur hexafluoride (SF₆), as well as hydrochlorofluorocarbons (HCFCs). See UNFCCC, available at https://unfccc.int/national_reports/annex_i_ghg_inventories/reporting_requirements/items/2759.php.

45 Technical feasibility means the proposed measures and actions can be implemented with commercially viable skills, equipment and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity and operational reliability. Financial feasibility means the ability to apply sufficient financial resources to install the measures and maintain them in operation in the long term. Cost-effectiveness is determined according to the capital and operational costs and also the financial benefits of the measure, considered over its lifespan.

46 The significance threshold to be considered for these requirements is generally more than 25,000 tonnes of CO₂-equivalent per year for the aggregate emissions of direct and indirect sources. The quantification of emissions should consider all significant sources of GHG emissions, including non-energy related sources such as methane and nitrous oxide, among others.

47 Estimation methodologies are provided by the Intergovernmental Panel on Climate Change, various international organizations, and relevant national agencies. Sectors most likely to emit significant quantities of GHGs include energy, transport, cement production, iron and steel manufacturing, aluminum smelting, petrochemical industries, petroleum refining, fertilizer manufacturing, agriculture, forestry and waste management.

Standard 3: Community Health, Safety and Working Conditions

Introduction

1. The Community Health and Safety Standard recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. This Standard addresses the need to avoid or minimize the risks and impacts to community health and safety that may arise from project-related activities, with particular attention given to marginalized groups.
2. Labour is one of a country's most important assets in the pursuit of poverty reduction. Respect of workers' rights and the provision of safe working conditions are keystones for developing a strong and productive workforce.

Objectives

- To anticipate and avoid adverse impacts on the health and safety of affected communities during the Project life cycle from both routine and non-routine circumstances
- To respect and promote workers' rights, to promote the right to decent work, fair treatment, non-discrimination, and equal opportunity for workers, and to avoid the use of forced labour and child labour (as defined by the ILO)
- To provide workers with safe and healthy working conditions and to prevent accidents, injuries, and disease

Scope of Application

3. The applicability of this Standard is established during the social and environmental screening and categorization process. Requirements of this Standard apply to Projects that may pose significant risks to human health and safety and to Projects that seek to strengthen employment and livelihoods. Standards to avoid or minimize impacts on human health and the environment due to pollution are included in Standard 7: Pollution Prevention and Resource Efficiency.

Requirements

4. **Community health and safety:** Community health and safety refers to protecting local communities from hazards caused and/or exacerbated by Project activities (including flooding, landslides, contamination or other natural or human-made hazards), disease, and the accidental collapse or failure of Project structural elements such as dams. Project-related activities may directly, indirectly or cumulatively change community exposure to hazards. A significant concern with major development projects is the spread of communicable diseases from the workforce to the surrounding communities.
5. UNDP will ensure that Projects evaluate the risks to, and potential impacts on, the safety of affected communities during the design, construction, operation, and

decommissioning of Projects and establish preventive measures and plans to address them in a manner commensurate with the identified risks and impacts. These measures⁴⁸ will favour the prevention or avoidance of risks and impacts over their minimization and reduction. Consideration will be given to potential exposure to both accidental and natural hazards, especially where the structural elements of the Project are accessible to members of the affected community or where their failure could result in injury to the community. UNDP will ensure that Projects avoid or minimize the exacerbation of impacts caused by natural or man-made hazards, such as landslides or floods that could result from land use changes due to Project activities. UNDP will ensure that Projects are gender-sensitive and consider how women's and children's health and safety could be particularly at risk.

6. **Infrastructure safety:** Structural elements will be designed and constructed by competent professionals and certified or approved by competent authorities or professionals. For Projects with structural elements or components whose failure or malfunction may threaten the safety of communities, UNDP will ensure that: (i) plans for Project supervision, operation, and maintenance are developed and monitored; (ii) independent expertise on the verification of design, construction, and operational procedures is used; and (iii) periodic safety inspections are carried out.⁴⁹
7. **Emergency preparedness:** UNDP will ensure that the Implementing Partner, in collaboration with appropriate and relevant authorities and third parties, will be prepared to respond to accidental and emergency situations in a manner appropriate to prevent and mitigate any harm to people and/or the environment. This preparation, reflected in planning documents, will include the identification of areas where accidents and emergency situations may occur, communities and individuals that may be impacted, response procedures, provision of equipment and resources, designation of responsibilities, communication, and periodic training to ensure effective response. The emergency preparedness and response activities will be periodically reviewed and revised, as necessary to reflect changing conditions. UNDP will consider the differential impacts of emergency situations on women and men, the elderly, children, disabled people, and potentially marginalized groups, and strengthen the participation of women in decision-making processes on emergency preparedness and response strategies. Appropriate information about emergency preparedness and response activities, resources, and responsibilities will be disclosed to affected communities.

48 Preventive and control measures shall be consistent with good international practice, such as the World Bank Group Environmental, Health and Safety Guidelines (EHS Guidelines), available at <http://www.ifc.org/ehsguidelines>.

49 In the event that UNDP provides support for large or complex dams, UNDP will ensure that best practice policies and/or guidelines are followed, such as those of the World Commission on Dams report "Dams and Development: A New Framework for Decision-Making," and the World Bank Operational Policy 4.37 Safety of Dams. Large dams are defined as those of 15 meters or more in height. Complex dams are those of a height between 10 and 15 meters that present special design complexities, including an unusually large flood-handling requirement, location in a zone of high seismicity, foundations that are complex and difficult to prepare, or retention of toxic materials. For small dams, UNDP will ensure that appropriate guidelines are followed, such as FAO's "Manual on Small Earth Dams," available at <http://www.fao.org/docrep/012/i1531e/i1531e00.pdf>.

8. **Community exposure to disease:** UNDP will ensure that Projects avoid or minimize the potential for community exposure to water-borne, water-based, water-related, and vector-borne diseases, and communicable diseases (e.g. HIV, TB and malaria) that could result from Project activities, taking into consideration the differentiated exposure to and higher sensitivity of marginalized groups, including communities living in voluntary isolation. UNDP will ensure that Projects avoid or minimize transmission of communicable diseases that may be associated with the influx of temporary or permanent Project labour.
9. **Work standards:** UNDP respects and promotes the right to decent work.⁵⁰ For Projects that aim to strengthen employment and livelihoods, UNDP will ensure compliance with national labour and occupational health and safety laws, with obligations under international law, and consistency with the principles and standards embodied in the International Labor Organization (ILO) fundamental conventions, including freedom of association, elimination of discrimination in employment and occupation, elimination of forced or compulsory labour, and elimination of the worst forms of child labour.⁵¹
10. **Occupational health and safety:** Occupational health and safety refers to protecting workers from accident, injury or illness associated with exposure to hazards encountered in the workplace. Hazards can arise from materials (including chemical, physical and biological substances and agents), environmental or working conditions (e.g. oxygen-deficient environments, excessive temperatures, improper ventilation, poor lighting, faulty electrical systems), or work processes (including tools, machinery and equipment). UNDP will ensure that workers⁵² are provided with a safe and healthy working environment, taking into account risks inherent to the particular sector (including gender bias) and specific classes of hazards in the work areas. Where relevant, UNDP will ensure steps are taken to prevent accidents, injury, and disease arising from, associated with, or occurring during the course of work and will ensure the application of preventive and protective measures consistent with international good practice, as reflected in internationally-recognized standards such as the World Bank Group's *Environmental, Health, and Safety Guidelines*.⁵³

50 See UN Development Group "Right to Decent Work," available at <http://www.undg.org/docs/12056/HR%20Standard%20-%20Right%20to%20decent%20work%20EN.doc>. The Right to Decent Work is supported by the Universal Declaration of Human Rights, the ILO's Decent Work Agenda, and many internationally recognised conventions. Programming in support of the Right to Decent Work aims to ensure that everyone – without discrimination – has sufficient access and equal opportunity to work that provides adequate compensation, just and favourable conditions, equal and adequate remuneration for work of equal value, and the rights to organize and bargain collectively. See more at: <http://hrbaportal.org/archives/topics/decent-work>.

51 ILO Conventions Nos. 29 and 105 (forced and bonded labour), 87 (freedom of association), 98 (right to collective bargaining), 100 and 111 (discrimination), 138 (minimum age), 182 (worst forms of child labour). Guidance materials will elaborate key provisions for implementing requirements related to work standards.

52 Including nonemployee workers engaged by contractors or other intermediaries to work on Project sites or perform work directly related to the Project's core functions.

53 World Bank Group, "Environmental, Health, and Safety Guidelines", available at <http://www.ifc.org/ehsguidelines>. Risk prevention and reduction measures should include identification and minimization of potential hazards, use of appropriate equipment, training of workers, documentation and reporting of accidents and incidents, and emergency preparedness and response measures.

11. **Security-related issues:** Where UNDP Projects involve engagement of security personnel to protect facilities and personal property, security arrangements should be provided in a manner that does not violate human rights or jeopardize the community's safety and security. UNDP will ensure that potential risks posed by security arrangements to those within and outside the Project area are assessed, that those providing security are appropriately vetted and trained, and that security arrangements are appropriately monitored and reported.⁵⁴



54 UNDP applies the “Human rights due diligence policy on United Nations support to non-United Nations security forces” by which UN agencies ensure that any support that they may provide to non-United Nations forces is consistent with the purposes and principles of the Charter of the United Nations and with their responsibilities to respect, promote and encourage respect for international humanitarian, human rights and refugee law. See <http://www.ohchr.org/EN/NewYork/Pages/Resources.aspx>. For additional guidance, see also the Voluntary Principles on Security and Human Rights, available at <http://www.voluntaryprinciples.org/>.

Standard 4: Cultural Heritage

Introduction

1. UNDP recognizes the importance of Cultural Heritage for current and future generations and seeks to ensure that Cultural Heritage is protected in the course of development activities. UNDP seeks to ensure equal participation, access and contribution of women and men in protecting and sharing the benefits of Cultural Heritage.

Objectives

- To protect and manage Cultural Heritage
- To conserve Cultural Heritage and avoid its alteration, damage or removal
- To promote the equitable sharing of benefits from the use of Cultural Heritage

Scope of Application

2. The applicability of this Standard is established during the social and environmental screening and categorization process. The Standard applies to Projects that may adversely impact Cultural Heritage, including Projects that meet any of the following criteria: (i) located in, or in the vicinity of, a Cultural Heritage site;⁵⁵ (ii) involving significant excavations, demolitions, movement of earth, flooding, or other environmental changes; (iii) proposes to utilize tangible or intangible forms of Cultural Heritage for commercial or other purposes.
3. The requirements of this Standard apply to Cultural Heritage regardless of whether or not it has been legally protected or previously disturbed.
4. For Projects that may impact the Cultural Heritage of indigenous peoples, the requirements of Standard 6: Indigenous Peoples apply. This Standard shall be interpreted in a manner to be consistent with the Standard 6.
5. Cultural Heritage refers to (i) tangible forms of cultural heritage, such as tangible moveable or immovable objects, property sites, structures, or groups of structures, having archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious values; (ii) unique natural features or tangible objects that embody cultural values, such as sacred groves, rocks, lakes, and waterfalls; and (iii) certain instances of intangible forms of culture, defined as the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.⁵⁶

55 Examples may include UNESCO World Heritage Sites, legally protected areas, including areas proposed for such designation, and areas recognized by national governments. However Cultural Heritage sites may be unknown and not visible.

56 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), available at <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006>.

Requirements

6. **Avoidance:** Avoid significant adverse impacts to Cultural Heritage through alternative Project siting and design. The impacts on Cultural Heritage resulting from Project activities, including mitigating measures, may not contravene the country's national legislation, or its obligations under relevant international treaties and agreements.⁵⁷
7. **Mitigation:** Where potential adverse impacts are unavoidable, appropriate mitigation measures will be identified and incorporated as an integral part of the social and environmental assessment process. Where potential adverse impacts may be significant, a Cultural Heritage Management Plan should be developed as part of the Environmental and Social Management Plan (ESMP).
8. **Use of experts:** For Projects with potential adverse impacts, qualified and experienced independent experts will assess the Project's potential impacts on Cultural Heritage using, among other methodologies, field-based surveys and involving meaningful, effective, and informed stakeholder consultations as part of social and environmental assessment process.
9. **Use of Cultural Heritage:** Where a Project proposes to utilize Cultural Heritage, including the knowledge, innovations, or practices of local communities, affected communities will be informed of their rights under Applicable Law, the scope and nature of the proposed development, and the potential consequences of such development. The Project will not proceed without meaningful, effective participation of affected communities and unless (i) good faith negotiations with affected communities result in a documented outcome, and (ii) the Project provides for fair and equitable sharing of benefits from any commercialization of such knowledge, innovation, or practice, consistent with the affected community's customs and traditions. For Projects that propose to utilize Cultural Heritage of indigenous peoples, the requirements of Standard 6: Indigenous Peoples apply.
10. **Chance find procedures:** When the social and environmental assessment process determines that Cultural Heritage is expected to be found in the Project area, chance find procedures will be included in the ESMP. Chance finds will not be disturbed until an assessment by a competent specialist is made and actions consistent with these requirements are identified.
11. **Conditions for removal:** The Project will not remove any Cultural Heritage unless the following conditions are met: (i) no alternatives are available; (ii) the overall benefits of the Project substantially outweigh the anticipated Cultural Heritage loss from removal; and (iii) any removal employs best available techniques and is conducted in accordance with relevant provisions of national and/or local laws, regulations, and protected area management plans and national obligations under international laws.

⁵⁷ Including the Convention concerning Protection of the World Cultural and Natural Heritage, 1972 (UNESCO World Heritage Convention), available at <http://whc.unesco.org/en/conventiontext/>.



Standard 5: Displacement and Resettlement

Introduction

1. UNDP will seek to avoid physical and economic displacement in its Projects. In exceptional circumstances and where avoidance is not possible, displacement may occur only with full justification, appropriate forms of legal protection and compensation, and according to the following requirements.
2. Activities that involve physical and economic displacement, including through land acquisition or restrictions on land use or access to resources, pose impoverishment risks. Potential impacts may include loss of livelihoods, homelessness, food insecurity, and other adverse impacts. These impacts may lead to social unrest and political instability.

Objectives

- To recognize and respect the prohibition on forced evictions
- To anticipate and avoid, or, when avoidance is not possible, minimize adverse social and economic impacts from land or resource acquisition or restrictions on land or resource use
- To enhance or at least restore the livelihoods of all displaced persons and to improve the standards of living of the displaced poor and other displaced groups and to support efforts to progressively realize the rights to adequate housing and adequate standards of living for displaced populations

Scope of Application

3. The applicability of this Standard is established during the social and environmental screening and categorization process. It applies to all UNDP activities that may involve physical displacement (i.e., relocation or loss of shelter), whether full or partial and permanent or temporary, or economic and occupational displacement (i.e., loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of Project-related land or resource acquisition or restrictions on land use or access to resources (including through Project externalities such as pollution and impacts to biodiversity or ecosystem services) that people depend on for physical, economic, social, cultural, or spiritual well-being.
4. This Standard also applies to displacement activities occurring for associated facilities (i.e., components that are not funded as part of the Project but whose viability and existence depend on the Project), displacement activities significantly related to the Project, and displacement activities that have occurred in anticipation of a UNDP Project.⁵⁸

58 As part of UNDP's commitment to ensure that potential cumulative impacts of multiple projects in a given area or landscape are identified and addressed, UNDP may require that impacts of displacement activities being planned or carried out contemporaneously with the Project are also addressed.

5. For displacement and resettlement activities that may impact indigenous peoples, Standard 6: Indigenous Peoples shall also apply. This Standard shall be interpreted in a manner to be consistent with Standard 6.

Requirements

6. **Prohibit forced evictions, allowing evictions in exceptional circumstances only:** Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protection.⁵⁹ Lawful evictions are those meeting all of the following criteria: (i) authorized by national law; (ii) carried out in accordance with international human rights law (ii) undertaken solely for the purpose of promoting the general welfare; (iv) reasonable and proportional;⁶⁰ and (v) follow due process standards and are regulated so as to ensure full and fair compensation and rehabilitation. The protection provided by these requirements applies to all affected persons and groups, irrespective of whether they hold title to home and property under domestic law.
7. **Avoid and mitigate physical and economic displacement:** UNDP Projects will seek to avoid physical and economic displacement, and mitigate displacement impacts and inherent risks when displacement cannot be avoided. To this end, Projects that may involve displacement will include the following measures and others identified as necessary. While not responsible for implementation of these measures, UNDP will verify and document that these measures have been addressed:

59 Evictions include all forms of displacement. Forced evictions are clearly prohibited by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, which were prepared by the UN Special Rapporteur on Adequate Housing in 2007, and acknowledged by the Human Rights Council in 2007, available at <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>. Note, additionally, the UN Human Rights Commission description of forced eviction as a gross violation of human rights, <http://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkitIssues.aspx>. See also General Comment No. 7 by the UN Committee on Economic Social and Cultural Rights, interpreting the definition of the 'right to an adequate standard of living' and 'right to adequate housing' in the ICESCR.

60 Whether an activity is considered 'reasonable and proportional' involves a transparent and participatory process to consider three factors: suitability, necessity, and the absence of disproportionate impact. 'Suitability' requires that a measure affecting a protected interest be causally linked to the purpose being pursued. 'Necessity' requires that the proposed measure be indispensable to achieving the objective pursued. 'Absence of disproportionate impact' requires that the disadvantages to which a contested measure gives rise do not exceed its advantages, regardless of the existence of a less restrictive measure. See Nicolas de Sadeleer, *Environmental Principles: From Political Slogans to Legal Rules*, (2002), pp. 292-301 (citing as example, Case C-151/98, *Pharos SA v Comm'n*, 1999 E.C.R. I-08157).

61 In regards to potential displacement in the context of protected areas, proposed activities should be reasonably likely to achieve biodiversity-protection and other related objectives (suitability); should not impose more restrictive measures than available alternatives (necessary), and should be such that advantages of establishing the protected area must outweigh the disadvantages resulting from impact to the rights and interests of local communities (absence of disproportionate impact).

- a. As part of the social and environmental assessment, identification of Project options (including 'no action' and '*in situ*' options), their potential impacts, and avoidance measures. Assessment will include a survey of potentially affected individuals and communities and an evaluation of their relationship and rights to lands and resources used and occupied.
 - b. Public dissemination in accessible form and language of a written justification for the displacement activity and at least 90 days notice to affected persons prior to the date of displacement.
 - c. Access to effective remedies and to timely and affordable expertise, including legal counsel, to provide an understanding of rights and options.
 - d. Effective and informed consultations with affected populations and good faith efforts to secure negotiated settlements, even when expropriation options are available.
 - e. A Resettlement Action Plan or Livelihood Restoration Plan (see paragraphs 9 and 10 of this Standard) to be publicly disclosed at least 90 days prior to displacement activities.
 - f. Ex-post evaluation of livelihood levels to examine if objectives of this Standard were met.
8. **Develop plans for displacement:** When physical displacement or economic displacement is unavoidable, UNDP will integrate into the Project documentation a Resettlement Action Plan or Livelihood Action Plan that has been developed transparently with the individuals and communities to be displaced, and meets the objectives of this Standard. All plans will achieve the following aims and incorporate the relevant specific elements listed in paragraphs 9 and 10 of this standard: (i) identify the persons who will be displaced by the Project, determine who will be eligible for compensation and assistance, and discourage ineligible persons from claiming benefits; (ii) identify how the needs and priorities of potentially affected individuals and communities will be met; (iii) ensure that fair and just compensation is provided, prior to displacement, for any losses of personal, real or other property or goods, including rights or interests in property recognized by Applicable Law;⁶² (iv) establish an adequate budget and timeframe for displacement activities; (v) establish the entitlements of all categories of affected persons (including host communities); (vi) ensure that support is provided for communities to return to pre-displacement locations or status when possible; (vii) provide particular attention to the needs of the poor and marginalized and avoid discriminatory activities, including against vulnerable and marginalized groups and individuals; (viii) provide to displaced individuals and communities secure access to necessary services,

⁶² Including 'full replacement value' when compensation is in cash and not in the form of land and common property resources.

shelter, food, water, energy, and sanitation; and (ix) clarify tenure rights and provide secure tenure consistent with Applicable Law; (x) allow for independent monitoring of displacement and resettlement activities; and (xi) support, as appropriate, efforts to progressively realize rights.

9. **Resettlement Action Plan:** Prior to physical displacement, a Resettlement Action Plan is required that includes the following elements:⁶³
- a. Resettlement option chosen by displaced persons, including compensation at full replacement cost for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. Where appropriate, benefits and compensation may be collective in nature.⁶⁴
 - b. Compensation for the loss, salvage and transport of affected properties of all those displaced, irrespective of whether they hold title, including the original dwelling (unless adequate replacement housing is chosen as an alternative to cash compensation) and lost or damaged land.
 - c. Where land is taken from those with rights to it under Applicable Law, replacement land commensurate in quality, size and value or better. In these circumstances, cash compensation does not replace real compensation in the form of land and common property resources.
 - d. Where the dwellings or land provide a source of livelihood for the displaced inhabitants, loss assessment to account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income. Where relocation affects commercial structures, affected business owners are compensated for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery, or other equipment.
 - e. Where livelihoods or income levels are adversely affected, adequate opportunities to improve means of income-earning capacity, production levels, and standards of living are provided, and confirmed by independent review considering assessment baseline data. Where these livelihoods are natural resource-based, measures will either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility.
 - f. Transitional support is provided as necessary, based on a reasonable estimate of the time required to restore income-earning capacity, production levels, and standards of living.

63 See UNDP's Social and Environmental Screening Procedure for more information on the required elements of a Resettlement Action Plan and a Livelihood Action Plan.

64 Compensation is typically provided by the host country.

- g. Women and men are co-beneficiaries of all compensation packages, and single women and widows are provided their own compensation.
- h. Relocation assistance is provided.
- i. All transactions to acquire land rights, provide compensation and relocate are documented.

10. **Livelihood Action Plan:** Prior to economic displacement (including situations in which access to resources is restricted but no physical relocation is necessary), a Livelihood Action Plan is required that ensures the following:

- a. Displaced individuals and communities are compensated for loss of assets or loss of access to assets at full replacement cost. Additional considerations include the following:
 - In cases where land acquisition or restrictions on land use affect commercial structures, affected business owners will be compensated for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery, or other equipment.
 - In cases affecting persons with legitimate tenure rights, whether those rights are formal or informal,⁶⁵ replacement property (e.g. agricultural or commercial sites) of equal or greater value will be provided.
 - Economically displaced persons who are without legally recognizable claims to land will be compensated for lost assets other than land (e.g. crops, irrigation infrastructure, other improvements made to the land), at full replacement cost.⁶⁶
- b. In addition to compensation for lost assets, if any, economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living. An independent review, considering baseline data, will confirm that capacity, production levels and standards of living have been improved or restored. Additional considerations include the following:
 - For persons whose livelihoods are land-based,⁶⁷ replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost should be offered as a matter of priority.

65 UNDP's approach to land tenure is based on FAO's "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security" (2012), available at <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

66 Compensation or assistance is not required for those who encroach on the Project area, including protected areas, after the cut-off date for eligibility, provided the cut-off date has been clearly established and made public.

67 Similar considerations should apply for affected persons or groups whose livelihoods are water-based, such as fishing communities.

- For persons whose livelihoods are natural resource-based and where Project-related restrictions on access apply, measures will be undertaken to either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where appropriate, benefits and compensation associated with natural resource usage may be collective in nature.
 - In Projects involving involuntary restrictions of access to legally designated parks and protected areas, the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, will be determined with the participation of potentially displaced persons. Measures to assist the displaced people to improve their livelihoods, or at least restore them, while maintaining the sustainability of the park or protected area, will be identified. Where the parks or protected areas in question involve the lands, resources and territories of indigenous peoples, paragraph 5 also applies.
 - If circumstances make it difficult for the Project to provide land or resources as described above, and if evidence exists of mutual agreement with affected people for alternative measures, alternative income earning opportunities may be provided, such as credit facilities, training, or employment opportunities.
- c. Transitional support is provided to displaced persons and communities as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.
11. Addressing prior displacement: When displacement has occurred in anticipation of a UNDP Project, requirements of this Standard will apply. When an unoccupied site from which prior residents were displaced is provided for a Project, but not in anticipation of a Project, UNDP shall determine if requirements of this Standard were met and, if not, if corrective action is feasible. If corrective action is feasible and would improve the standard of living of the displaced persons, UNDP will ensure that corrective measures are pursued prior to, or if not feasible, then during implementation of the Project.

Standard 6: Indigenous Peoples

Introduction

1. Indigenous peoples, as distinct people, are equal to all other peoples. Indigenous individuals and indigenous peoples or communities are entitled to enjoy and exercise their human rights without discrimination. Indigenous peoples possess collective human rights which are indispensable for their existence, well-being and development as peoples. The special relationship that indigenous peoples have with their lands, resources, and territories is integral to their physical, spiritual and cultural survival.
2. The promotion and protection of the rights of indigenous peoples, especially concerning their lands, territories, traditional livelihoods, cultures and resources, are necessary to achieve UNDP's goals of advancing human rights, respecting indigenous peoples identities and improving their well-being.

Objectives

- To recognize and foster full respect for indigenous peoples' human rights as recognized under Applicable Law, including but not limited to their rights to self-determination, their lands, resources and territories, traditional livelihoods and cultures
- To support countries in their promotion and protection of indigenous peoples' rights, through implementation of domestic laws, policies, and Project activities consistent with the State's human rights obligations
- To ensure that UNDP Projects that may impact indigenous peoples are designed in a spirit of partnership with them, with their full and effective participation, with the objective of securing their free, prior, and informed consent (FPIC) where their rights, lands, resources, territories, traditional livelihoods may be affected
- To promote greater control and management by indigenous peoples over developments affecting them, including their lands, resources and territories, ensuring alignment of Projects with indigenous peoples' distinct vision and self-identified development priorities
- To avoid adverse impacts on the rights of indigenous peoples, their lands, resources and territories, to mitigate and remedy residual impacts, and to ensure provision of just and equitable benefits and opportunities for indigenous peoples in a culturally appropriate manner

Scope of Application

3. The applicability of this Standard is established during the social and environmental screening and categorization process. This Standard applies to all Projects which may affect the human rights, lands, natural resources, territories, and traditional

livelihoods of indigenous peoples regardless of (i) whether the Project is located within or outside of the lands and territories inhabited by the indigenous peoples in question, (ii) whether or not title is possessed by the affected indigenous peoples over the lands and territories in question, or (iii) whether the indigenous peoples are recognized as indigenous peoples by the country in question.

Requirements

4. **Respect for domestic and international law:** UNDP will not participate in a Project that violates the human rights of indigenous peoples as affirmed by Applicable Law and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).⁶⁸ UNDP will ensure that social and environmental assessments for Projects involving indigenous peoples include an assessment of their substantive rights, as affirmed in Applicable Law.
5. **Identification of indigenous peoples:** There is no one universally accepted definition of indigenous peoples. For purposes of this Standard, “indigenous peoples” refers to distinct collectives, regardless of the local, national and regional terms applied to them,⁶⁹ who satisfy any of the more commonly accepted definitions of indigenous peoples.⁷⁰ These definitions include, among other factors, consideration of whether the collective: has pursued its own concept and way of human development in a given socio-economic, political and historical context; has tried to maintain its distinct group identity, languages, traditional beliefs, customs, laws and institutions, worldviews and ways of life; has exercised control and management of the lands, natural resources, and territories that it has historically used and occupied, with which it has a special connection, and upon which its physical and cultural survival as indigenous peoples typically depends; self-identifies as indigenous peoples; and whether its existence pre-dates those that colonized the lands within which it was originally found or of which it was then dispossessed. When considering the factors above, no single one shall be dispositive.
6. **Land, resources and territory:** UNDP Projects will recognize that indigenous peoples have collective rights to own, use, and develop and control the lands, resources and territories that they have traditionally owned, occupied or otherwise used or acquired, including lands and territories for which they do not yet possess

68 This requirement is consistent with UNDP’s obligations as per Article 42 of UNDRIP, which provides that the “United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.” See UN Declaration on the Rights of Indigenous Peoples, available at <http://undeadspd.org/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx>.

69 For example, “tribal people”, “first peoples”, “scheduled tribes”, “pastoralist”, “hill people.”

70 Including but not limited to those provided for in the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169), the Study on the Problem of Discrimination against Indigenous Populations (the “Martínez Cobo Study”), and the Working Paper on the Concept of “Indigenous People” prepared by the Working Group on Indigenous Populations.

title. If the Project involves activities that are contingent on establishing legally recognized rights to lands, resources, or territories that indigenous peoples have traditionally owned, occupied or otherwise used or acquired, an action plan will outline the steps and timetable for achieving legal recognition of such ownership, occupation, or usage (see paragraph 14 below).⁷¹ In such cases, UNDP, with the consent of the relevant authority or Implementing Partner, will support such activities aimed at delimiting, demarcating and titling such lands, resources, and territories with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

7. **Legal personality:**⁷² UNDP recognizes that indigenous peoples' right to legal personality is critical to the protection, respect and fulfillment of their human rights. If a UNDP Project involves activities that are contingent on the recognition of such legal personality, and such legal personality is not provided for in national laws consistent with the norms, values and customary laws of the peoples concerned, the action plan (see paragraph 14 below) will outline the steps and timetables for securing such recognition. In such cases, UNDP, with the consent of the relevant agency or Implementing Partner, will support such activities aimed at achieving such recognition.
8. **Involuntary resettlement:** No Project supported by UNDP will result in the forcible removal of indigenous peoples from their lands and territories. No relocation of indigenous peoples will take place without the free, prior and informed consent (FPIC) of the indigenous peoples concerned and only after agreement on just and fair compensation and, where possible, with the option of return. Without prejudice to this requirement, for further guidance see the Standard 5: Displacement and Resettlement.
9. **Full, effective and meaningful participation:** At the earliest stage of Project conceptualization and design, and iteratively throughout implementation and closure, mechanisms will be identified and implemented to guarantee the meaningful, effective and informed participation of indigenous peoples on all matters. Culturally appropriate consultation will be carried out with the objective of achieving agreement and FPIC will be ensured on any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the indigenous peoples concerned. Project activities that may adversely affect the

71 Legal recognition as discussed in paragraphs 6 and 7 is not a pre-requisite to the approval or implementation of all Project activities. However, the term "contingent" in these two paragraphs is to be understood to mean where in the absence of such recognition and as a result of implementation of Project activities there is a likelihood of adverse impacts to the rights, lands, resources and territories of indigenous peoples.

72 Legal personality of an indigenous people is not to be confused with the identification of indigenous peoples in paragraph 5. Legal personality refers to whether an individual or an entity that is legally formed and recognized under Applicable Law has the rights to sue, be sued and to contract. The lack of legal personality of indigenous peoples may prevent them from entering into binding agreements or holding title to lands. A group may be recognized by a State as an indigenous people, but still lack formal recognition of its 'legal personality' under the laws of that State.

existence, value, use or enjoyment of indigenous lands, resources or territories shall not be conducted unless agreement has been achieved through the FPIC process.^{73 74}

10. **Prior social and environmental impact study:** All Projects that may impact the rights, lands, resources and territories of indigenous peoples require prior review and/or assessment of potential impacts and benefits.⁷⁵ Projects with potentially significant adverse impacts require a full social and environmental assessment conducted by an independent and capable entity. Reviews and assessments will be conducted transparently and with the full, effective and meaningful participation of the indigenous peoples concerned.^{76 77}
11. **Appropriate benefits:** UNDP will ensure that arrangements, evidenced in a documented outcome, are concluded with indigenous peoples for the equitable sharing of benefits to be derived by the Project in a manner that is culturally appropriate and inclusive and that does not impede land rights or equal access to basic services including health services, clean water, energy, education, safe and decent working conditions, and housing.
12. **Support rights implementation:** UNDP Projects will at all times be conducted in a manner consistent with UNDP's commitment to support countries to implement their duties and obligations under domestic and international law regarding the rights of indigenous peoples, including relevant treaty obligations. Without prejudice to paragraphs 6 and 7 above, whenever possible, and at the request of the relevant government, Projects will include activities that support legal reform of domestic laws to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples, and these steps and timetable will be included in the Indigenous Peoples Plan.

73 UNDP will seek to provide technical and financial support to the indigenous peoples concerned in order to increase the awareness of their rights and strengthen their participation in accordance with their own norms, values and customs and through representatives designated by them.

74 To guide in the implementation of this requirement, UNDP will encourage Implementing Partners and relevant authorities to refer to the *United Nations Development Group Guidelines on Indigenous Peoples and the UN-REDD Guidelines on Free, Prior and Informed Consent* (available at http://www.un-redd.org/launch_of_FPIC_Guidelines/tabid/105976/Default.aspx), each as subsequently modified or replaced. See also the background document "Key Elements of Free, Prior and Informed Consent," available at <http://tinyurl.com/p4pmtpa>.

75 For Projects without adverse impacts on rights, lands, resources and territories of indigenous peoples but which still affect indigenous peoples, UNDP will ensure that such Projects are reviewed to identify any potential other impacts. Reviews may take the form of a limited social and environmental impact assessment, social assessment, or mitigation and management plan.

76 UNDP will encourage the use of the *Akwé: Kon Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities*, CBD, available at <http://www.cbd.int/doc/publications/akwe-brochure-en.pdf>.

77 Where the American Convention on Human Rights is applicable, such study will be conducted by an independent and capable entity as per the Inter-American Court of Human Rights. This requirement is consistent with the decision of the Inter-American Court of Human Rights interpreting the American Convention. See *Saramaka People v. Suriname*. Preliminary Objections, Merits, Reparations and Costs. Judgment of 28 November 2007, Series C No. 172, at para. 129, available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf.

13. Special considerations:

- a. *Gender*: While respecting the norms, values and customs of the indigenous peoples and communities concerned, UNDP will ensure that Projects which may affect or involve indigenous peoples will pay particular attention to the rights and special needs of women and girls, will not discriminate against women and girls and will ensure that women and girls have equal opportunities to participate and benefit.
- b. *Vulnerable and marginalized indigenous peoples*: Particular attention will be paid to the rights and special needs of indigenous elders, youth, children, persons with disabilities, including consideration of special measures to improve their participation in decision-making and their general well-being.
- c. *Uncontacted and voluntarily isolated indigenous peoples*: Where Projects may directly or indirectly impact uncontacted or voluntarily isolated indigenous peoples, their lands, resources, territories or their way of life, this Standard requires that such Projects respect and protect the right of these peoples to remain in isolation and to live freely in that condition according to their culture. Such Projects will include the appropriate necessary measures to (i) safeguard the collective and individual physical, territorial, and cultural integrity of these peoples, (ii) recognize, respect and protect their lands and territories, environment, health and culture, and (iii) prohibit and therefore avoid contact with them as a direct or indirect consequence of the Project. Where relevant, UNDP will support countries to regularize the lands and territories of these peoples and establish buffer zones, to limit access to such territories, and to develop monitoring and emergency response measures, making avoidance of contact a priority.
- d. *Cultural Heritage*: UNDP will respect, protect, conserve and not take or appropriate the cultural, intellectual, religious and spiritual property of indigenous peoples without their free, prior and informed consent. Without prejudice to this requirement, Standard 4: Cultural Heritage will apply where Cultural Heritage of indigenous peoples may be affected by a Project.

14. **Indigenous Peoples Plan**: If it is determined that the proposed Project may affect the rights, lands, resources or territories of indigenous peoples, an “Indigenous Peoples Plan” (IPP) will be elaborated and included in the Project documentation. This plan will be developed in accordance with the effective and meaningful participation of indigenous peoples and in accordance with the *UNDP Indigenous Peoples Plan Guidelines* (“IPP Guideline”) (pending). The IPP will be integrated into the design and implementation of the Project, have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on indigenous peoples and their lands, resources and territories. In most UNDP Projects, the IPP would be carried out as part of Project implementation. However, in no case shall Project activities that may adversely affect indigenous peoples, including the existence, value, use or enjoyment of their lands, resources or territories take place before the action plan is carried out.

15. **Monitoring:** With the meaningful collaboration and contributions of indigenous peoples, methods will be developed and implemented for verifying and reporting that the Project has been designed and implemented in a manner consistent with this Standard. Transparent participatory monitoring arrangements will be put in place wherein indigenous peoples will jointly monitor Project implementation with the Implementing Partner.



Standard 7: Pollution Prevention and Resource Efficiency

Introduction

1. The Pollution Prevention and Resource Efficiency Standard recognizes that increased industrial activity, urbanization, and intensive agricultural development often generate increased levels of pollution⁷⁸ to air, water, and land, and consume finite resources in a manner that may threaten people and the environment at the local, regional, and global level. Pollution prevention and resource efficiency are core elements of a sustainable development agenda and UNDP Projects must meet good international practice in this regard.
2. This Standard outlines a project-level approach to pollution prevention and resource efficiency. Reduction of greenhouse gas emissions that contribute to climate change is addressed in Standard 2: Climate Change Mitigation and Adaptation.

Objectives

- To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from Project activities
- To promote more sustainable use of resources, including energy, land and water

Scope of Application

3. The applicability of this Standard is established during the social and environmental screening and categorization process. Requirements of this Standard apply to Projects that (i) aim to improve existing waste management practices; (ii) generate or cause generation of solid, liquid or gaseous waste; (iii) use, cause use of, or manage the use, storage or disposal of hazardous materials and chemicals, including pesticides; and (iv) that significantly consume or cause consumption of water, energy, or other resources.

Requirements

4. **Pollution prevention:** UNDP will ensure that Projects avoid the release of pollutants, and when avoidance is not feasible, minimize and/or control the intensity and mass flow of their release. This applies to the release of pollutants to air, water, and land due to routine, non-routine, and accidental circumstances.⁷⁹

⁷⁸ For the purposes of this Standard, the term “pollution” refers to both hazardous and nonhazardous pollutants in the solid, liquid, or gaseous phases, and includes other components such as pests, pathogens, thermal discharge to water, GHG emissions, nuisance odors, noise, vibration, radiation, electromagnetic energy, and the creation of potential visual impacts including light.

⁷⁹ Including those covered under the Convention on Long-range Transboundary Air Pollution, available at http://www.unece.org/env/lrtap/lrtap_h1.html.

UNDP will ensure that pollution prevention and control technologies and practices consistent with international good practice⁸⁰ are applied during the Project life cycle. The technologies and practices applied will be tailored to the hazards and risks associated with the nature of the Project.

5. Upon request, UNDP will support countries to strengthen management and systems for improved pollution prevention, waste reduction, and chemicals management.⁸¹
6. **Ambient considerations:** To address adverse impacts on existing ambient conditions (such as air, surface water, groundwater, and soils), a number of factors will be considered, including the finite assimilative capacity of the environment,⁸² existing and planned land use, existing ambient conditions, the Project's proximity to ecologically sensitive or protected areas, the potential for cumulative impacts with uncertain and irreversible consequences, and strategies for avoiding and minimizing the release of pollutants.
7. **Wastes:** UNDP will ensure that Projects avoid the generation of hazardous and non-hazardous waste materials. Where waste generation cannot be avoided, Projects will reduce the generation of waste, and recover and reuse waste in a manner that is safe for human health and the environment. Where waste cannot be recovered or reused, it will be treated, destroyed, or disposed of in an environmentally sound manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material. If the generated waste is considered hazardous,⁸³ reasonable alternatives for its environmentally sound disposal will be adopted while adhering to the limitations applicable to its transboundary movement.⁸⁴ When hazardous waste disposal is conducted by third parties, UNDP will ensure the use of contractors that are reputable and legitimate enterprises licensed by the relevant government regulatory agencies and that chain of custody documentation to the final destination is obtained.

80 As reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines, available at <http://www.ifc.org/ehsguidelines>. These standards contain performance levels and measures that will normally be acceptable and applicable to Projects. When national regulations differ from these levels and measures, the Implementing Partner will achieve whichever are more stringent. If less stringent levels or measures are appropriate in view of specific Project circumstances, the Implementing Partner will provide full and detailed justification for any proposed alternatives, provided that such alternatives are consistent with the requirements of UNDPs SES.

81 For example, assistance with applying the UNDP's Guide for Integrating the Sound Management of Chemicals into Development Planning, available at http://www.undp.org/content/undp/en/home/librarypage/environment-energy/chemicals_management/Guide_for_integrating_SMC_into_development_planning/.

82 Assimilative capacity of the environment refers to the capacity of the environment for absorbing an incremental load of pollutants while remaining below a threshold of unacceptable risk to human health and the environment.

83 As defined by international conventions or local legislation. Where local legislation and international conventions may diverge, the higher standard will apply.

84 Transboundary movement of hazardous materials should be consistent with national, regional and international law, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, available at www.basel.int, and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, available at www.imo.org. For further guidance, the Strategic Approach to International Chemicals Management (SAICM) is a policy framework to foster the sound management of chemicals, available at <http://www.saicm.org/>.

8. **Hazardous materials:** UNDP Projects will avoid or, when avoidance is not feasible, minimize and control release of hazardous materials resulting from their production, transportation, handling, storage and use. Where avoidance is not possible, the health risks, including potential differentiated effects on men, women and children, of the potential use of hazardous materials will be addressed in the social and environmental assessment. UNDP Projects will consider the use of less hazardous substitutes for such chemicals and materials and will avoid the manufacture, trade, and use of chemicals and hazardous materials subject to international bans or phase-outs due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer.⁸⁵
9. **Pesticide use and management:** For Projects involving pest management activities, the social and environmental assessment will ascertain that any pest and/or vector management activities related to the Project are based on integrated pest management approaches and aim to reduce reliance on synthetic chemical pesticides. The integrated pest/vector management programme will entail coordinated use of pest and environmental information along with available pest/vector control methods, including cultural practices, biological, genetic and, as a last resort, chemical means to prevent unacceptable levels of pest damage. When pest management activities include the use of pesticides, pesticides that are low in human toxicity, known to be effective against the target species, and have minimal effects on non-target species and the environment will be selected. The health and environmental risks associated with pest management should be minimized with support, as needed, to institutional capacity development, to help regulate and monitor the distribution and use of pesticides and enhance the application of integrated pest management.
10. UNDP will ensure that the Project will not use products that fall in Classes Ia (extremely hazardous) and Ib (highly hazardous) of the World Health Organization Recommended Classification of Pesticides by Hazard.⁸⁶ WHO Class II (moderately hazardous) pesticides will not be used if the relevant agency or Implementing Partner lacks restrictions on distribution and use of these chemicals or facilities to handle, store, apply and dispose of these products properly, or if they are likely to be accessible to personnel without proper training and equipment. Pesticides will be handled, stored, applied and disposed of in accordance with international good practice such as the FAO International Code of Conduct on the Distribution and Use of Pesticides.⁸⁷

85 Consistent with the objectives of the Stockholm Convention on Persistent Organic Pollutants, available at <http://chm.pops.int/default.aspx>, and the Montreal Protocol on Substances that Deplete the Ozone Layer, available at http://ozone.unep.org/new_site/en/montreal_protocol.php. Similar considerations will apply to certain World Health Organization (WHO) classes of pesticides.

86 The WHO Recommended Classification of Pesticides by Hazard, available at http://www.who.int/ipcs/publications/pesticides_hazard/en/.

87 FAO International Code of Conduct on the Distribution and Use of Pesticides, available at <http://www.fao.org/docrep/005/y4544e/y4544e00.htm>.

11. **Resource efficiency:** UNDP will ensure Project implementation of technically and financially feasible and cost-effective measures⁸⁸ for improving efficiency in the consumption of land/soils, energy, water, and other resources and material inputs.⁸⁹ Such measures will integrate the principles of cleaner production into product design and production processes with the objective of conserving raw materials, energy, and water. Where benchmarking data are available for resource intensive Projects, a comparison to establish the relative level of efficiency will be undertaken.
12. For Projects with high water demand (generally greater than 5,000 m³/day), in addition to applying the resource efficiency requirements of this Standard, UNDP will ensure that measures are adopted that avoid or reduce water usage so that the Project's water consumption does not have significant adverse impacts on others or to sensitive ecosystems.



88 Technical feasibility means the proposed measures and actions can be implemented with commercially viable skills, equipment and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity and operational reliability. Financial feasibility means the ability to apply sufficient financial resources to install the measures and maintain them in operation in the long term. Cost-effectiveness is determined according to the capital and operational costs and also the financial benefits of the measure, considered over its lifespan.

89 Projects that may generate significant GHG emissions will also apply Standard 2: Climate Change Mitigation and Adaptation.



Policy Delivery Process and Accountability

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

Programme Level

1. UNDP will screen Programmes early in their development. Programme screening, which is aligned with the SES Overarching Policy and Principles, assists with the identification of potential social and environmental risks and opportunities. Programme documents will incorporate appropriate management and budgetary resources to address any identified social and environmental risks, including for potential application of requirements of the SES to Projects identified in the Country, Regional and/or Global Programme. For Programmes that include a set of activities which pose potentially significant adverse social and environmental risks, a Strategic Social and Environmental Assessment (SESA)⁹⁰ may need to be integrated into the Programme.
2. At each stage of the Programme Management Cycle, application of the SES will be reviewed as part of UNDP's quality assurance process.

Project Level

Quality Assurance

3. The SES are included as one of seven quality criteria within the Quality Assurance Framework for UNDP Projects. Therefore, compliance with the SES are reviewed by UNDP throughout the Project cycle as part of the required periodic Quality Assessments.

⁹⁰ SESA or Strategic Environmental Assessment (SEA) refers to a range of analytical and participatory approaches that aim to integrate social and environmental considerations into policies, plans and programmes and evaluate the interlinkages with economic and social considerations. For guidance see the OECD DAC guidelines "Applying Strategic Environmental Assessment" (2006), available at <http://www.oecd.org/environment/environment-development/37353858.pdf>.

Screening and Categorization

4. UNDP will carry out Project screening and categorization at the earliest stage of Project preparation when sufficient information is available for this purpose. Screening is undertaken (i) to identify and reflect the significance of potential impacts or risks that Project activities might present, and (ii) to identify opportunities to enhance benefits and to support stakeholders. Categorization is undertaken to reflect the level of review and resources required for addressing such impacts and risks. All proposed Projects will be screened to identify potential application of requirements of the SES Overarching Policy and Principles (i.e. human rights, gender equality, environmental sustainability) and relevant Project-level Standards.
5. UNDP utilizes its Social and Environmental Screening Procedure (SESP) to identify potential social and environmental risks and opportunities associated with the proposed Project. UNDP's SESP applies a Project-level categorization system to reflect the significance of potential social and environmental risks and impacts and to determine the appropriate type and level of social and environmental assessment. Each proposed Project is scrutinized as to its type, location, scale, sensitivity and the magnitude of its potential social and environmental impacts. UNDP screens all Project activities, including planning support, policy advice, and capacity-building (often referred to as "upstream" activities), as well as site-specific, physical interventions ("downstream" activities) and procurement. Based on the screening, UNDP categorizes Projects according to the degree of potential social and environmental risks and impacts. In some cases, applicability of specific requirements will need to be determined through additional scoping, assessment, or management review. The screening process results in one of the following three categories for the proposed Project:
 - **Low Risk:** Projects that include activities with minimal or no risks of adverse social or environmental impacts. Further assessment of potential adverse social and environmental risks and impacts is not required.
 - **Moderate Risk:** Projects that include activities with potential adverse social and environmental risks and impacts, that are limited in scale, can be identified with a reasonable degree of certainty, and can be addressed through application of standard best practice, mitigation measures and stakeholder engagement during Project implementation. Moderate Risk Projects may require limited social and environmental assessment and review to determine how the potential impacts identified in the screening will be avoided or when avoidance is not possible, minimized, mitigated and managed. Further assessment may determine that a full social and environmental assessment is required in order to ensure that the SES requirements are addressed, and that the Project should be re-categorized as High Risk. Moderate Risk activities include "upstream" activities that may present benefits and/or risks that are predominantly indirect, long-term or difficult to identify, including potential future downstream implementation activities where moderate risks are likely but undefined. UNDP adopts a social and environmental mainstreaming approach for such "upstream"

activities, employing a potential range of methodologies and/or tools, depending on the potential issues, risks and/or impacts.⁹¹

- **High Risk:** Projects that include activities with potential significant and/or irreversible adverse social and environmental risks and impacts, or which raise significant concerns among potentially affected communities and individuals as expressed during the stakeholder engagement process. High Risk activities may involve significant impacts on physical, biological, socioeconomic, or cultural resources. Such impacts may involve a range of human rights, gender, and/or environmental sustainability issues (i.e., the Overarching Policy and Principles) and Project-level Standards.⁹² Potential significant adverse risks or impacts of “upstream” activities shall be analyzed and addressed, utilizing a potential range of tools, including Strategic Environmental and Social Assessment (SESA). A full environmental and social impact assessment (ESIA), including development of applicable social and environmental management plans, is required for “downstream” activities with potentially significant adverse impacts.⁹³ Such assessments are required, for example, for Projects that (i) may adversely impact critical habitats, (ii) involve significant displacement and/or resettlement,⁹⁴ (iii) produce significant quantities of greenhouse gases, or (iv) may adversely impact the rights, lands, resources and territories of the indigenous peoples, and (v) other circumstances that reflect potentially significant adverse impacts. Projects will adhere to recommendations of the SESA/ESIA. High Risk Projects require enhanced internal and external support.⁹⁵

6. Projects that undergo substantive revision after the initial screening and categorization will be re-screened and potentially re-categorized.

Assessment and Management

7. UNDP will ensure that potential social and environmental risks, impacts and opportunities of supported activities are systematically identified and assessed in an integrated manner. The type and scale of assessment and the agreed management measures should be proportionate to the level of social and environmental risk.

91 Tools and methodologies are outlined in UNDP’s Social and Environmental Screening Procedure (SESP) and supporting guidance materials.

92 UNDP’s Social and Environmental Screening Procedure contains an indicative list of potential “High Risk” Projects.

93 For example, an Environmental and Social Management Plan (ESMP) or an Environmental and Social Management Framework (ESMF). An ESMF is a document that establishes a mechanism to determine and assess future potential social and environmental impacts of a Project or Programme when uncertainty remains on the Project component or exact location.

94 Significant displacement and/or resettlement refers here to its potential scale. UNDP typically requires a full ESIA for all Projects involving displacement or/resettlement; however where potential displacement and/or resettlement may be minimal, UNDP may determine that its requirements could be met without a full ESIA.

95 For High Risk Projects UNDP requires that the SESA/ESIA address UNDP’s assessment requirements. For High Risk Projects for which assessments have been commissioned or completed prior to UNDP’s support, UNDP reviews the assessment (and/or its terms of reference) and works with Implementing Partners to ensure that it fulfills UNDP’s requirements.

8. UNDP supports countries through a wide range of services, including policy advisory services and capacity building. UNDP applies a social and environmental mainstreaming approach to these types of services. UNDP will seek entry points for strengthening capacities for integrated approaches to development policies and planning that consider social and environmental risks and opportunities.⁹⁶
9. Projects with potentially significant adverse risks and impacts, including potential impacts which may undermine the realization of human rights, require review and/or assessment of potential social and environmental impacts, identification of measures to avoid and minimize adverse impacts and to improve social and environmental performance. Risk reduction measures follow a mitigation hierarchy that favours avoidance of potential adverse impacts over minimization, and where adverse residual impacts remain, mitigation and, as a last resort, the application of offset and compensation.
10. Strategic Environmental and Social Assessment (SESA) and/or Environmental and Social Impact Assessments (ESIA) are required for High Risk Projects, and may also be utilized to address potential impacts of Moderate Risk Projects. The UNDP Project Manager will ensure that the SESA/ESIA adequately includes and/or reflects the following measures:⁹⁷
 - Address impacts on physical, biological, socioeconomic, and cultural resources, including direct, indirect, cumulative, and induced impacts in the Project's area of influence, including associated facilities.⁹⁸ Address potential transboundary concerns. Utilize strategic, sectoral or regional environmental assessment where appropriate.
 - Assess adequacy of the applicable legal and institutional framework, including obligations under Applicable Law and confirm that the Project would not be supported if it contravenes international obligations.
 - Assess feasible investment, technical, and siting alternatives, including the "no action" alternative, as well as potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and the institutional, training and monitoring requirements associated with them.

96 UNDP applies a range of tools to support social and environmental mainstreaming, these approaches and tools are outlined in UNDP's Social and Environmental Sustainability of Programming Toolkit (forthcoming).

97 See UNDP's Social and Environmental Screening Procedure for guidance (please note, UNDP's current screening procedure will be revised and updated to align with SES).

98 A Project's area of influence encompasses (i) the primary Project site(s) and related facilities (e.g., access roads, pipelines, canals, disposal areas), (ii) associated facilities that are not funded as part of the project but whose viability and existence depend on the Project (e.g., transmission line to connect UNDP-supported hydropower facility), (iii) areas and communities potentially affected by cumulative impacts from the Project or from other relevant past, present and reasonably foreseeable developments in the geographic area (e.g., reduction of water flow in a watershed due to multiple withdrawals), and (iv) areas and communities potentially affected by induced impacts from unplanned but predictable developments or activities caused by the Project, which may occur later or at a different location (e.g. facilitation of settlements, illegal logging, agricultural activities by new roads in intact forest areas).

- Enhance positive impacts and avoid, minimize, and/or mitigate adverse impacts through social and environmental planning and management. Develop an Environmental and Social Management Plan (ESMP) that includes the proposed measures for mitigation, monitoring, institutional capacity development and training (if required), an implementation schedule, and cost estimates. When uncertainty remains regarding specific Project components or exact locations (e.g. for “upstream” activities), develop an Environmental and Social Management Framework (ESMF) in place of an ESMP.⁹⁹
- Use independent expertise in the preparation of social and environmental impact assessments, where appropriate.¹⁰⁰ Use independent advisory panels during preparation and implementation of Projects that are highly risky or contentious or that involve serious and multi-dimensional social and/or environmental concerns.
- Examine whether particular individuals and groups may be differentially or disproportionately affected by the Project’s potential adverse impacts because of their disadvantaged or marginalized status, due to such factors as race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. Where such individuals or groups are identified, recommend targeted and differentiated measures to ensure that the adverse impacts do not fall disproportionately on them.
- Ensure that the SESA/ESIA is undertaken as early as possible, noting that in some cases, a SESA/ESIA will be undertaken as a component of the Project. In no case shall Project activities that may cause adverse impacts be carried out until completion of the SESA/ESIA.
- Ensure that the SESA/ESIA process and development of ESMF/ESMP involves early, iterative and meaningful stakeholder engagement and participation, predicated on timely disclosure of relevant information.¹⁰¹

11. UNDP’s mandatory Social and Environmental Screening Procedure (SESP) provides detailed requirements and guidance on screening and assessment.

99 UNDP’s Social and Environmental Screening Procedure contains an outline of the contents of an ESMP and guidance on preparing an ESMF (current screening procedure and guidance to be updated to include these components).

100 UNDP will generally require that independent experts not directly affiliated with the Implementing Partner or UNDP conduct ESIA’s for Projects with potentially significant adverse impacts. UNDP will ensure that conflicts of interest are avoided.

101 Draft social and environmental assessments, including any draft management plans, are to be disclosed before Project appraisal formally begins.

Stakeholder Engagement and Response Mechanisms

12. UNDP is committed to ensuring meaningful, effective and informed participation of stakeholders in the formulation and implementation of UNDP Programmes and Projects. Stakeholder engagement is an ongoing process that may involve, to varying degrees, the following elements: stakeholder analysis and planning, disclosure and dissemination of information, consultation and meaningful participation, dispute resolution and grievance redress, ongoing reporting to affected communities and stakeholders, and inclusion of stakeholders in monitoring and evaluation. Stakeholder analysis and engagement will be conducted in a gender-responsive, culturally sensitive, non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate.¹⁰² Measures will be undertaken to ensure that effective stakeholder engagement occurs where conditions for inclusive participation are unfavourable.
13. Meaningful, effective and informed stakeholder engagement and participation will be undertaken that will seek to build and maintain over time a constructive relationship with stakeholders, with the purpose of avoiding or mitigating any potential risks in a timely manner. The scale and frequency of the engagement will reflect the nature of the activity, the magnitude of potential risks and adverse impacts, and concerns raised by affected communities.
14. Meaningful, effective and informed consultation processes in UNDP Programmes and Projects seek to identify priorities of stakeholders and will provide them with opportunities to express their views at all points in the Programme and/or Project decision-making process on matters that affect them and allows the Programme and/or Project teams to consider and respond to them. Topics the stakeholders will be able to express their views on will include, but are not limited to: Programme and/or Project goals and strategies; social and environmental risks and impacts; proposed mitigation measures; sharing of development benefits and opportunities; and implementation issues. Meaningful, effective and informed consultation processes will possess the following characteristics:
 - Free of external manipulation, interference, coercion, and intimidation.
 - Gender and age-inclusive and responsive.
 - Culturally appropriate and tailored to the language preferences and decision-making processes of each identified stakeholder group, including disadvantaged or marginalized groups.

¹⁰² Vulnerability may be compounded due to discrimination on prohibited grounds including race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority.

- Based on prior and timely disclosure of accessible, understandable, relevant and adequate information, including draft documents and plans.
 - Initiated early in the Programme and/or Project design process, continued iteratively throughout the Programme and Project life cycle, and adjusted as risks and impacts arise.
 - Addresses social and environmental risks and adverse impacts, and the proposed measures and actions to address these.
 - Seeks to empower stakeholders, particularly marginalized groups, and enable the incorporation of all relevant views of affected people and other stakeholders into decision-making processes, such as Project goals and design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
 - Documented and reported in accessible form to participants, in particular the measures taken to avoid or minimize risks to and adverse impacts on the Project stakeholders.
 - Consistent with the States' duties and obligations under international law.
15. Stakeholder engagement plans will be developed for all Programmes and Projects, scaled to reflect the nature of the activity and its potential impacts (e.g. from relatively simple measures for Programmes/or Projects with few if any social and environmental risks to comprehensive plans for High Risk activities with potentially significant adverse risks and impacts).
 16. For Projects that may affect the rights and interests, lands, resources, territories and traditional livelihoods of indigenous peoples, free, prior and informed consent (FPIC) will be ensured (see also Standard 6: Indigenous Peoples).
 17. UNDP will ensure that stakeholders who may be adversely affected by a UNDP Project can communicate their concerns about the social and environmental performance of the Project through various entry points, scaled appropriately to the nature of the activity and its potential risks and impacts. Potentially affected stakeholders will be informed about available entry points for submitting their concerns as part of the stakeholder engagement process.
 18. When necessary, UNDP will ensure that an effective Project-level grievance mechanism is available. The mandate and functions of a project-level grievance mechanism could be executed by the Project Board¹⁰³ or through an Implementing Partner's existing grievance mechanisms or procedures for addressing stakeholder concerns. Where needed, UNDP

103 Noting that UNDP's Programme and Operations Policies and Procedures (POPP) states that the Project Board "... arbitrates on any conflicts within the [P]roject or negotiates a solution to any problems between the [P]rojects and external bodies." Project Boards can play this role in both National Implementation and Direct Implementation contexts.

and Implementing Partners will strengthen the Implementing Partners' capacities to address Project-related grievances.

19. In addition, UNDP's Stakeholder Response Mechanism will be available to Project stakeholders as a supplemental means of redress for concerns that have not been resolved through standard Project management procedures.¹⁰⁴
20. Project-level grievance mechanisms and UNDP's Stakeholder Response Mechanism will address concerns promptly through dialogue and engagement, using an understandable and transparent process that is culturally appropriate, rights-compatible, and readily accessible to all stakeholders at no cost and without retribution. They will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. These grievance mechanisms and Stakeholder Response Mechanism will not impede access to judicial or administrative remedies as may be relevant or applicable.

Access to Information

21. Consistent with UNDP's Information Disclosure Policy,¹⁰⁵ UNDP is committed to ensuring that relevant information about UNDP Programmes and Projects will be disclosed to help affected communities and other stakeholders understand the opportunities, risks and impacts of the proposed activities. UNDP will ensure that information on a Programmes and/or Project's purpose, nature and scale, and duration, and its risks and potential impacts, is made available in a timely manner, in an accessible place, and in a form and language understandable to affected persons and other stakeholders, including the general public, so they can provide meaningful input into Programme and/or Project design and implementation. Such disclosure will occur early in the Programme and/or Project development process and on an ongoing basis. Among other disclosures specified by UNDP's policies and procedures, UNDP will ensure that:
 - Stakeholder engagement plans are disclosed early in Project development and summary reports of stakeholder consultations are disclosed in an accessible manner.
 - Social and environmental screening reports are disclosed with Programme and Project documentation.

104 See UNDP's Stakeholder Response Mechanism: Overview and Guidance, available at <http://tinyurl.com/kygt5ne>.

105 See UNDP Information Disclosure Policy, available at http://www.undp.org/content/undp/en/home/operations/transparency/information_disclosurepolicy.html.

- Draft social and environmental assessments, including any draft management plans,¹⁰⁶ are disclosed before Project appraisal formally begins.
- Final social and environmental assessments and associated management plans are disclosed upon completion.
- Any required social and environmental monitoring reports are disclosed upon completion.

Monitoring, Reporting and Compliance

22. UNDP will monitor and evaluate its overall performance against the objectives and requirements of the Social and Environmental Standards. Monitoring will be integrated with UNDP's Quality Assurance reporting system.
23. The extent of monitoring activities will be commensurate with the Programme's or Project's risks and impacts. UNDP requires that (i) the progress of implementation of mitigation/management plans required by the SES is monitored, (ii) complaints/grievances are tracked and monitored; (iii) follow-up on any identified corrective actions is tracked; and (iv) any required monitoring reports on SES implementation are finalized and disclosed.
24. Monitoring and reporting should include data disaggregated by categories of potential beneficiary and/or affected groups, and include specific gender indicators.
25. Ongoing reporting to affected communities and individuals: For Projects with potentially significant risks and impacts, UNDP will ensure that periodic reports are provided to the affected communities that describe progress with implementation of Project management and action plans and on issues that the consultation process or grievance mechanism has identified as a concern. Any material changes or additions to the mitigation measures or actions plans will be communicated to affected communities. Reports will be provided at a frequency proportionate to the concerns of affected communities but not less than annually.¹⁰⁷
26. Monitoring activities should involve direct participation of affected stakeholders, where possible, and in particular for Projects with potentially significant adverse risks and impacts.

106 Draft and final management plans may include Environmental and Social Management Plans, Indigenous Peoples Plans, Resettlement Action Plans, Biodiversity Action Plans, Community Health and Safety Plans, Emergency Response and Preparedness Plans, Hazardous Materials Management Plans, Gender Mainstreaming Plans, Cultural Heritage Plans.

107 Without prejudice to any information sharing requirements under the Project-level Standards, including the free, prior, and informed consent requirement of Standard 6: Indigenous Peoples.

27. Monitoring activities should:

- Serve the purpose of learning for future improvement and be flexible and adaptable.
- Balance quantitative and qualitative assessment.
- Use participatory tools that include target group narratives, especially women's narratives which are crucial.
- Track and assess reversals and capture negative impacts of a Project.
- Assess contribution to change instead of attribution-based frameworks.
- Be tailored to timeframes to ensure realistic measurement and reporting.
- Be supplemented by a review by an independent third party whenever possible.

28. Compliance review: UNDP's compliance review process is intended to investigate alleged or potential violations of UNDP's social and environmental commitments, including the SES, in the context of specific UNDP Programmes or Projects. Individuals or communities potentially affected by UNDP Programmes or Projects may submit complaints to the Social and Environmental Compliance Unit (SECU), an independent review body located in UNDP's Office of Audit and Investigations (OAI). SECU evaluates whether UNDP has complied with its obligations, whether any non-compliance has caused harm to the complainant, and how UNDP can correct the non-compliance. UNDP's Administrator will make the final determination of measures necessary to correct non-compliance.¹⁰⁸

108 See Standard Operating Procedures for the Social and Environmental Compliance Unit (SECU/OAI), available at: <http://www.undp.org/content/dam/undp/library/corporate/Social-and-Environmental-Policies-and-Procedures/SECU%20Final%20approved%20Investigation%20Guidelines%20and%20SOPs.pdf>



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One United Nations Plaza
New York, NY, 10017 USA

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