

WWF Nepal - Terai Arc Landscape Program Environmental and Social Management/Risk Mitigation Plan

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Contents

Acknowledgement

Section 1 – Background and Context

Section 2 – Community Health, Safety, and Security Plan

Section 3 – Access Restriction and Resettlement Plan

Section 4 – Indigenous Peoples Planning Framework

Section 5 – Grievance Mechanism

Section 6 – Monitoring and Evaluation

Annexes

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1. Background and Context

WWF's Environmental and Social Safeguards Framework (ESSF), provides an institutional mechanism to manage the environmental and social risks of WWF's work, helps deliver better conservation outcomes, and enhances the social well-being of local communities in the places where WWF operates. The safeguards framework is designed to address a broad range of environmental and social risks, mindful of the different challenges and needs in different parts of the world. It systematizes good governance practices to achieve human rights, transparency, nondiscrimination, public participation, and accountability, among other goals.

WWF has conducted the ESSF risk screening process for the Terai Arc Landscape (TAL) program, managed by WWF-Nepal. Three issue areas corresponding to the substantive ESSF standards were identified through this process and are addressed in this plan with the aim of mitigating potential risks: 1) community health and safety 2) Indigenous Peoples, and 3) restrictions to access to resources. This plan serves to guide WWF Nepal in its program design and will be applied to project implementation, monitoring, and evaluation for all activities supported by WWF across the landscape.

TAL is one of the most biologically richest landscapes of Nepal containing dense forests, grasslands, wetlands, riverine floodplains, farmlands, and settlements in the southern plain of Nepal bordering northern India (Figure 1). This is also a rich habitat for wildlife with megafauna (elephants, tiger, and rhinos), other mammals, birds, and reptiles. There are five national parks, one conservation area, seven ecological corridors, three major river systems, the unique Chure hills and flatlands in the south. Forests (54%) and agriculture (35%) are the major land uses, followed by shrublands and water bodies.

The region is home to 7.5 million people with rich socio-cultural diversity (45 ethnic groups and 10 Indigenous People's groups)¹. The average per capita income of the region is Nepalese Rupees (NRs) 51879, with 20% of the population falling below poverty. However, there is a huge variation in people living below poverty and human development index across districts especially among different socio-economic groups. The majority of the population relies on agriculture, though in last few decades there has been a sharp rise in outmigration and remittances, off-farm activities, and the service sector. The region is undergoing rapid socio-economic and environmental changes characterized by increasing urbanization, infrastructure development, outmigration, and declining agriculture.

¹ MoFSC. 2015. TAL Strategy and Action Plan 2015-2025. Ministry of Forests and Soil Conservation, Government of Nepal.

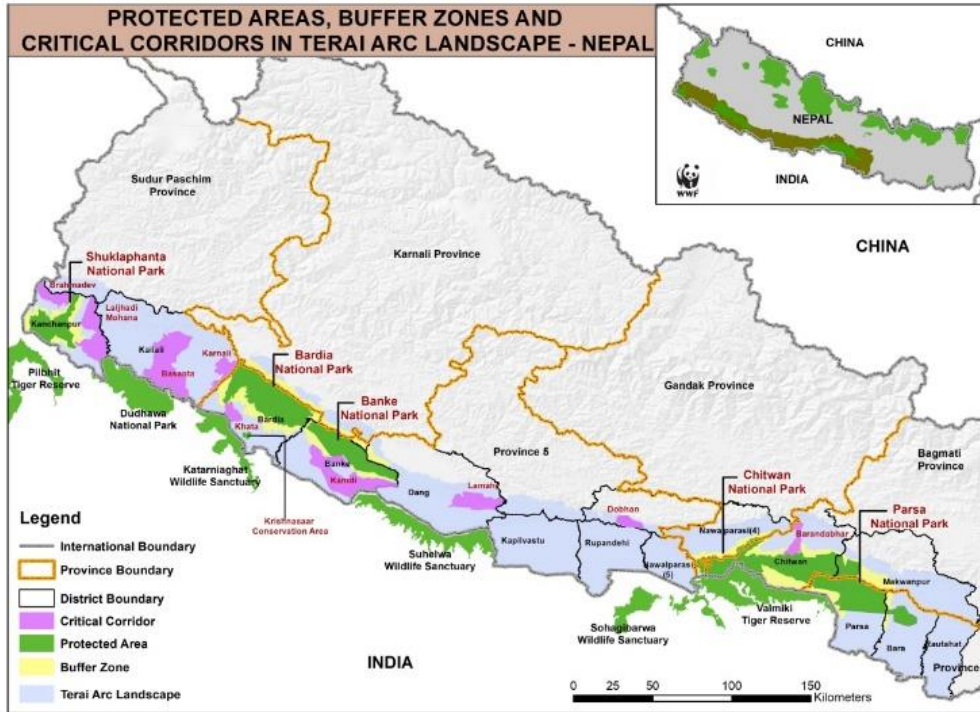


Figure 1: Map of Nepal highlighting the TAL landscape (Source: GoN 2015)

TAL is a priority program led by the Government of Nepal currently operating under a ten-year strategic plan for 2015-2025. The TAL strategic plans are aligned with the government’s national priorities, policies, and plans. The TAL strategy focuses on three core themes - Species and Ecosystem Conservation, Forest and other land use, and Socio-economic wellbeing. These are supported by eight cross cutting themes - Institutional Coordination and Collaboration; Policy and Governance; Local capacity building; Gender Equality and Social Inclusion; Infrastructure Development; Climate Change, Research, Documentation and Dissemination; Awareness and Education; and Sustainable Financing.

WWF-Nepal has been working in close partnership with the Government of Nepal since the inception of the TAL program, providing technical and financial support for the design and ongoing strengthening of the landscape strategy as well as for supporting program implementation on the ground. A major focus for WWF-Nepal lies in strengthening government capacities nationally and locally, as well as supporting sound community stewardship over the land and resources to secure nature while optimizing community development benefits on a holistic and sustainable scale.

The TAL program is governed by a Program Steering Committee chaired by the Secretary at the Ministry of Forest and Environment. This committee reviews and approves the broader policy related issues which guide program design and implementation. A Program Executive Committee co-chaired by the Director Generals (DGs) of Department of Forests and Soil Conservation (DoFSC) and Department of National Park and Wildlife Conservation (DNPWC) along with representatives of the Ministry and WWF, designs, plans, and reviews the execution of the program. Underneath these governance bodies, the Program Coordination Committee, State Coordination Committee, and project level mechanisms facilitate the implementation of the program on-the-ground. Also at site level are PA coordination mechanisms chaired by the Chief Conservation Officers of the respective PAs. Implementation partners include Forest User Groups, Buffer Zone User Committees and User's Network, and other NGOs.

WWF Nepal approaches in delivering TAL Program activities include:

- Supporting CBOs/NGOs in implementing community-based conservation focusing on community forestry and buffer zone management, and empowering local communities through sustainable livelihoods, economic, and moral incentives.
- Supporting government agencies (MoFE, DoFSC, DNPWC) in designing and strengthening forest management and conservation related policy and legal frameworks and strengthening their on-the-ground capacity and effectiveness for protected area and forest management.
- Supporting law enforcement agencies at national level to deter poaching and illegal wildlife trade of endangered species.
- Supporting research and monitoring of environmental and socio-economic status/change and monitoring TAL activities.

2. Community Health, Safety, and Security Plan

WWF Nepal's Terai Arc landscape conservation strategies and programmatic work includes supporting forest guards, community-based anti-poaching activities, and law enforcement agencies to strengthen their capacity on wildlife management and wildlife crime control. WWF Nepal credits its support for law enforcement activities as a major factor contributing to Nepal's record of success in curbing poaching of rhinos and tigers, and as central to its relationships with key government partners. All enforcement actions by different agencies are carried out under the Forest Act and National Parks and Wildlife Conservation Act. The Department of Forests and Soil Conservation (DoFSC) and the Department of National Parks and Wildlife Conservation (DNPWC) lead the enforcement actions under these acts. WWF program support goes directly to National Parks and Division Forest Offices, which in turn manages that support (including the Department of National Parks and Wildlife Conservation channeling a part of it to the Nepal Army assigned to protected areas duty). WWF supports work on the ground in National Parks as well as work in community managed buffer zones and managed by community led forest user groups.

WWF also supports work at national level via an MOU with the Crime Investigation Bureau (CIB) of the Nepal Police whose mandate is to deter poaching and illegal wildlife trade of endangered species.

Law enforcement support provided by WWF to National Parks and community managed buffer zones, has included: strengthening the capacity of law enforcement personnel and agencies through trainings, workshops, and meetings (covering biodiversity conservation, wildlife safety, legal provisions, human rights-based approach, investigation and prosecution), support for study tours, equipment and accessories for patrolling, mobility and operational support, improvement of outpost facilities, informant mobilization, wildlife crime database, technology use in wildlife crime control, and small multipurpose infrastructure improvement (outposts for research and patrolling).

The main risks identified through the ESSF screening and mitigation planning process in relation to these activities are:

I) The risk that equipment or material support provided by WWF will be abused by law enforcement personnel for undesirable or unethical purposes, potentially including harm or human rights abuses to local people. Major factors contributing to this risk include:

- Low awareness of conservation rules and norms by the local communities and by law enforcement personnel.
- Inadequate codes of conduct and insufficient training of law enforcement personnel on human rights and engagement with local communities.
- Vulnerable people tend to access forest resources illegally out of compulsion or need, despite awareness of the law.
- The increased market value of some forest resources including wildlife has induced poachers and even local people to be involved in illegal activities despite the known risks.
- Women engage in collection of forest resources and therefore are more exposed.
- Most of the encounters between law enforcement personnel and local people occur in remote or secluded areas, which provides spaces for abuse of power.

II) The risk of reprisal or damage to community relationships if confidential information provided by local informants is not handled correctly by Park authorities. PAs deploy and mobilize paid local informants to provide information on illegal activities, particularly on wildlife crime, poachers, and their activities. Local informants are unarmed local civilians. If their identities are leaked and revealed to the poachers, these informants are at high risk of being attacked. Moreover, neighboring people may also see informants in a negative light.

III) The risk of harm (Human wildlife conflict) to humans or property due to increasing wildlife populations, particularly those of large animals and predators.

The following detailed table presents the areas of potential risks, impacts, and affected groups associated with WWF's support for Conservation Law Enforcement activities as analyzed through the WWF Environmental and Social Safeguards Framework (ESSF), identifies existing mitigation measures, and specifies the targeted mitigation measures, outputs, and implementation plan WWF will put in place going forward. The mitigation actions presented fall under four main categories:

- 1) Putting in place a code of conduct to ensure safe, proper, and effective on-the-ground actions of law enforcement personnel that are consistent with international norms.
- 2) Training law enforcement personnel to build their capacity, bolster their safety, and strengthen their commitments and understanding of human rights.
- 3) Improve community outreach and engagement to create better, safer, and more effective interactions with and between communities and law enforcement.
- 4) Ensuring that when sensitive information is gathered it is done securely and avoids the possibility of retaliation.
- 5) Measures for addressing human wildlife conflict.

The plan is completely aligned with WWF's Principles for Law Enforcement and Rangers, which recognize the paramount importance that WWF ensures both the safety of communities and rangers in its support of law enforcement work. The principles focus on the rangers and law enforcement personnel as well as the operational oversight and regulatory framework in which they operate. WWF seeks to ensure that the competent authorities for management of conservation areas have the requisite systems in place to implement the rule of law and respect human rights; the mandate to take appropriate measures to meet WWF's standards; and the ability to ensure that rangers receive the necessary training and evaluation to uphold human rights.

Multi-Level Approach (Local to Policy Action) to Address Wildlife Crime



Definitions

Law Enforcement Agency	Law enforcement agency refers to any government agency that is in charge or involved in law enforcement. This may include the Protected Area agency, police, and other enforcement agencies.
WWF supported sites	WWF supported sites refer to any conservation area managed by the Protected Area agency or Forest Division that is receiving any direct or indirect (via third party) financial or technical support from WWF Nepal.
Global Code of Conduct	The global Code of Conduct has been developed by the Universal Ranger Support Alliance and aims to provide a common definition for a ranger and develop working templates for ranger values and codes of conduct.
Information gathering	The collection of sensitive law enforcement data by an authorised agency or individuals, not the generic information gathered by the WWF field teams (e.g., market survey, online survey).

Community Based Anti-Poaching Unit	Community led volunteer groups that raise awareness, cooperate with Law Enforcement Agencies, and help to manage Human Wildlife Conflict within their communities.
Wildlife Crime Control Bureau	The Wildlife Crime Control Bureau (WCCB) is headed by the Director General of the Department of National Parks and Wildlife Conservation and facilitates national inter-agency co-operation on addressing wildlife crime.
Informant Fund Mobilisation Working Procedure	The Informant Expense Mobilization Procedure, 2072, Government of Nepal, Ministry of Forests and Environment, adopted in 2015, is the official government guideline that sets out procedures to ensure the safety, security, and confidentiality of informants.
Rapid Response Teams	Community-based teams of first line responders in cases of Human Wildlife Conflict.
CBAPU Constitution	A procedural document approved by individual Buffer Zone Users Committees or Community Forest Users Group that addresses the formation and functioning of Community Based Anti-Poaching Units.

Community Health, Safety and Security Table 1: Risk Scenarios

Potential Risks	Risk Scenarios	Potential Impacts	Affected groups
<p>Risk 1: Law enforcement interactions with communities related to surveillance and monitoring.</p> <p><i>Misconduct by Law Enforcement Agency personnel in delivering their duties may result in harassment, abuse, and Human Rights violations of IPLCs.</i></p> <p><i>Surveillance techniques used by the LEA personnel may also violate rights (privacy, access etc.) of IPLC living in and around the Protected Areas and Forest Divisions.</i></p>	Unsuitable surveillance and monitoring mechanisms.	May restrict IPLCs in accessing their rightful legal resources.	<p>Indigenous and Local Communities living in and around the Protected Areas and Forest Divisions.</p> <p>Law Enforcement institutions and individuals.</p>
	Inappropriate use of force.	May result in human rights violations, sexual abuse, and erode trust between LEA and IPLCs.	
	Lack of accountability, transparency, and comprehensive code of conduct in LE.	Creates grounds for misconduct.	
	Lack of support from IPLCs.	May impact the success (e.g., effectiveness, vandalism of monitoring and surveillance equipment) of monitoring and surveillance mechanisms installed by the LEA.	
	Unauthorized and unlawful sharing and distribution of private data obtained from surveillance and monitoring.	May threaten the life of information providers and the person/persons acting on the surveillance.	
<p>Risk 2: Unsafe encounters with wildlife and poachers by LEA personnel.</p> <p><i>Law Enforcement Agency personnel may get injured by wildlife or by armed poaching groups in the line of duty.</i></p>	Lack of adequate capacity and poor working conditions may undermine the morale of LEA personnel, safety, efficiency and ultimately their performance and professionalism.	<p>Reputational risk to WWF that may undermine wider conservation outcomes and credibility of the institution.</p> <p>May have impact on conservation outcomes of WWF as well as the LEA.</p>	Law Enforcement personnel and their families (Army personnel, park staff, Forest division staff, armed guards).
<p>Risk 3: Mistreatment by LEA personnel of people suspected of illegal activities.</p> <p><i>Misconduct by Law Enforcement Agency personnel in upholding the rights of</i></p>	Misconduct from Law Enforcement Personnel during the delivery of their duties.	Can result in human rights violations and erode trust between authorities and IPLCs and generate negative sentiments towards wildlife conservation efforts.	<p>Indigenous and Local Communities living in and around the Protected Areas and Forest Divisions may face abuses from LEA personnel.</p> <p>Apprehended suspects that may or may</p>

<p><i>suspects during apprehension and interrogation.</i></p>			<p>not come from the IPLCs.</p>
<p>Risk 4: Monitoring and patrolling of wildlife and poachers by Community Based Anti-Poaching Units (CBAPU).</p> <p><i>CBAPU members may get injured by wildlife or by armed poaching groups.</i></p> <p><i>The exposed identity of CBAPU members may pose threat to their life.</i></p> <p><i>Death/Injury from conflicts between CBAPU and Poachers during tense encounters in the field.</i></p> <p><i>Highly risky encounters in remote areas in the absence of LEA personnel.</i></p>	<p>Opaque mechanism on selection (selection, training, remuneration if any etc.) of CBAPU members.</p>	<p>May create friction between community members and animosity against the organization (WWF, LEA) that is engaging CBAPU members.</p>	<p>Indigenous and Local Communities living in and around the Protected Areas and Forest Divisions.</p> <p>CBAPU members and Rapid Response Team members.</p>
	<p>Lack of clarity on the role and scope of CBAPU.</p>	<p>CBAPU may come into conflict with LE agencies when they impinge on Law enforcement activities, inadvertently.</p> <p>CBAPU may undermine the authority of law enforcement agencies resulting in conflicts and consequently unfair targeting of CBAPU members by LEA.</p> <p>May create confusion and grounds for friction between CBAPU members and local authorities.</p> <p>May lead to abuse and social discrimination of the CBAPU members by wider community members.</p>	
	<p>Lack of capacity (first aid, tactical patrolling, human wildlife conflict and necessary first aid equipment) among the CBAPU members.</p>	<p>May put them in life-threatening situations and affect conservation outcomes.</p>	
<p>Risk 5: WWF's support to LEA on information gathering.</p> <p><i>Exposure of the information sources may lead to personal injury, life risk,</i></p>	<p>Exposure of information source.</p>	<p>Future and current interventions with regard to curbing wildlife crime may be undermined (e.g. recruitment of new information source, retaining of existing information source) due to the lack of trust</p>	<p>IPLCs or any other person who is providing information on wildlife crime to LEA personnel.</p> <p>Law Enforcement Agency and its</p>

<p><i>restrictions on employment opportunities, restrictions on access to support schemes or lead to the loss or damage of personal property.</i></p>		<p>between information source and LEA personnel.</p> <p>May threaten the life of the source but may also result in social discrimination.</p>	<p>personnel that are managing or acting on the information.</p>
	<p>Lack of transparency, accountability, and oversight.</p>	<p>May pose risk of corruption, abuse of power and embezzlement.</p>	
<p>Risk 6: Human wildlife conflict.</p> <p><i>Harm to humans or property resulting from increasing wildlife populations, particularly those of large animals and predators.</i></p>	<p>Increased wildlife populations elevate the potential for human wildlife conflict to occur.</p>	<p>May have impacts on food security, income, and livelihoods of local people.</p> <p>May create a situation of trauma for people living close to the forest.</p> <p>May create negative attitude towards wildlife resulting in retaliatory killing.</p>	<p>Indigenous people and local community (IPLCs) members.</p> <p>Visitors.</p> <p>Park, forest, and army staff.</p>

Community Health, Safety, and Security Table 2: Targeted Mitigation Measures to Avert Potential Risks

Potential Risks	Relevant WWF Principle(s) for Law Enforcement and Rangers	WWF's response	Means of Verification	Frequency	Responsible party	Additional partners
Risk 1: Law enforcement interactions with communities in relation to surveillance and monitoring.	-Act within the Law -Support welfare -Maintain impartiality -Build Capacity	Conduct a study on the impact of current surveillance and monitoring system on IPLCs including legal provisions for implementation.	Study completed in collaboration with relevant partners and appropriate changes implemented by December 2021.	Initial training in all aspects identified to be conducted across all WWF supported sites by December 2021 and to be repeated every two years for all new appointees. Annual refresher training to be conducted for all in-service staff across WWF supported sites.	Wildlife Trade Monitoring Lead of WWF Nepal with the support of ESSF and other relevant staff.	Nepal Army Department of National and Wildlife Conservation Department of Forest and Soil Conservation Buffer Zone Committees Community Forest Users Groups
		Appropriate amendment must be made in the surveillance and monitoring mechanism without compromising the safety of LEA personnel and the integrity of the biodiversity they are protecting.	Report on the amendments implemented. Get prior consent from appropriate community individuals or institutions before installing any technology in community managed areas.			
		Implementation of Principles regarding WWF's support to law enforcement and rangers through adoption of global standards including global Code of Conduct developed by the Universal Ranger Support Alliance Global (URSA) ² . These standards will be part of the WWF grant agreement.	Clear monitoring and evaluation mechanism mentioned in the grant agreement with frequency of evaluation.			

		Establish a joint platform/mechanism (DNPWC, WWF, Buffer-zone committee) to monitor the implementation of principles and Code of Conduct.	Scoping study completed on the establishment of a mechanism to facilitate the interaction between CBAPUs and LEA [by June 2021]. Platform agreed, established, and institutionalized [by December 2021].	Annual audit on the effectiveness of the platform.	Landscape Lead with the support of other relevant staff.	
		Implement URSA Code of Conduct at sites as well as institutional level through training and endorsement from appropriate agency.	Number of DNPWC staff who have received training on the Code of Conduct in WWF supported sites. Number of Nepal Army personnel posted in the WWF supported sites trained/oriented on the Code of Conduct. ³			
		WWF does not provide any support for the use of arms and ammunition. Suspension of support in the case of any human rights violation by either party (IPLCs and LEA).	Stipulated in grant agreements. Formal documentation of suspension.		Country Representative	

² Employment and welfare standards, Equity and Equality standards in the ranger workforce, Competency Standards.

³ Formal endorsement of the Code of Conduct for the Nepal Army may not be possible as the army has its own code of conduct. If not, an orientation program may be feasible and can be implemented through the Nepal Army Human Rights/code of conduct focal points and the Nepal army conservation school.

<p>Risk 2: Unsafe encounters with wildlife and poachers by LEA personnel.</p>	<p>-Support welfare -Build Capacity</p>	<p>Provide training on first aid, tactical patrolling, human wildlife conflict and appropriate technology equipment to all Law Enforcement Agency personnel in all WWF supported sites to ensure no casualties occur due to the lack of basic lifesaving skills.</p>	<p>Number of Law Enforcement Agency personnel trained on first aid, tactical patrolling, human wildlife conflict and number of Law Enforcement Agency personnel with access to appropriate equipment.</p>	<p>Initial training in all aspects identified to be conducted across all WWF supported sites by December 2021 and to be repeated every two years for all new appointees.</p> <p>Annual refresher training to be conducted for all in-service staff across WWF supported sites.</p>	<p>Wildlife Trade Monitoring Lead of WWF Nepal with the support of other relevant staff.</p>	<p>National Human Rights Commission</p> <p>Forum for Protection of Consumer's Right, Nepal (FPCR-N)</p> <p>Nepal Army Conservation School</p> <p>Local Government Agencies</p> <p>Other Rural development partners</p>
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Risk 3: Mistreatment by LEA personnel of people suspected of illegal activities.	-Act within the Law -Maintain impartiality -Build Capacity	Build mechanism that allows monitoring of strict adherence to Global Ranger Code of Conduct at sites as well as institutional level through endorsement and training from competent authorities.	Endorsement of Global Code of Conduct (CoC) developed by Universal Ranger Support Alliance (URSA) by competent authorities. Number of DNPWC staff who have received training on CoC in WWF supported sites. Number of Nepal Army personnel posted in the WWF supported sites trained/oriented on the CoC. ⁴	Initial training in all aspects identified to be conducted across all WWF supported sites by December 2021 and to be repeated every two years for all new appointees. Annual refresher training to be conducted for all in-service staff across WWF supported sites.	Wildlife trade monitoring lead of WWF Nepal with the support of other relevant staff. ESSF Specialist and TAL Manager with the support of other relevant staff. ESSF Specialist	National Human Rights Commission Forum for Protection of Consumer's Right, Nepal (FPCR-N) Nepal Army Conservation School Local Government Agencies Other Rural development partners
		Impart training on Human Rights to all LEA personnel in WWF supported sites that includes sensitization on Human Rights and Human Rights dimensions of enforcement.	Human Rights training curriculum designed, agreed, and endorsed by DNPWC and National Human Rights Commission. Number of Law Enforcement Agency personnel trained on human rights.			
		Build capacity of WWF staff on policies and procedures of WWF	Number of WWF field staff trained on Human Rights, ESSF, Ranger Principles, CoC			

⁴ Formal endorsement of the Code of Conduct for the Nepal Army may not be possible as the army has its own code of conduct. If not, an orientation program may be feasible and can be implemented through the Nepal Army Human Rights/code of conduct focal points and the Nepal army conservation school.

		on social safeguards and conservation law enforcement.	and other relevant WWF policies.		with the support of other relevant staff.	
Risk 4: Monitoring and patrolling of wildlife and poachers by Community Based Anti-Poaching Units (CBAPU).	-Act within the Law -Support welfare -Maintain impartiality -Build Capacity	Support buffer zone communities in reviewing the CBAPU constitution to ensure a fair selection process (objective, consistent, and non-discriminatory) for CBAPU members.	Review of CBAPU constitution completed and shared with the wider community in the landscape [by December 2021].	Number of CBAPU members trained.	TAL Manager with the support of ESSF Specialist, WWF Nepal and other relevant staff.	Buffer Zone User Community Community Forest User Group
		Conduct outreach among the wider community in and around the priority Protected Areas and Forest Divisions to ensure that role and scope of CBAPU is well understood.	Number of outreach program conducted and numbers of community members attending the program.	Outreach program. conducted for community members every two years.	Local CSOs Local Authorities	
		Provide training to CBAPU members on the scope of their work and their role in management and protection of buffer zones and forest outside buffer zones within the legal framework of Nepal.	Number of CBAPU members trained on their role and scope.	Annual review of the effectiveness of the mechanism that supports the interaction between CBAPUs and LEA.	National Human Rights Commission of Nepal	
					TAL Manager with the support from Wildlife trade monitoring lead with the support of other relevant staff.	

		Provide training to CBAPU members on the critical modules, as identified in the joint SOPs, for delivery of their duties. Amend SOPs if / as necessary.	Number of CBAPU members trained on skills crucial to deliver their duties.		TAL Manager with the support of other relevant staff.	
		Where required provide necessary equipment ⁵ and ID cards to CBAPU members so that they can deliver their role effectively. Develop clear channels of communications and safety protocols.	Number of CBAPU teams equipped with necessary equipment.		Equipment TAL manager.	
		Establish a platform/mechanism through which communities and LEA personnel can share their challenges and monitor progress.	Scoping study completed on the establishment of mechanism to facilitate the interaction between CBAPUs and LEA [by June 2021]. Platform agreed and established [by December 2021].		Wildlife Trade Monitoring lead	
		Operational Guidelines and SOPs developed for the safety and discharge of their responsibilities with proper consent and legal context of their role.	Number of Buffer Zone User Committee and Community Forest User Committee oriented on the operational guidelines and SOPs.			

⁵ Only equipment that does not violate WWF's exclusion on weapons and munitions.

<p>Risk 5: WWF’s support to LEA on information gathering.^{6 7}</p>	<ul style="list-style-type: none"> -Act within the Law -Build Capacity - Maintain impartiality -Spend accountably 	<p>WWF will support the revision of the Informant Fund Mobilization Working Procedure to ensure that it address all the needs identified in the Guidance for WWF’s support on wildlife crime information gathering aspects and is aligned with following WWF policies:</p> <ul style="list-style-type: none"> a) Environment and Social Safeguard Framework. b) Principles Regarding WWF’s Support for Enforcement and Rangers (Standard on Community Health, Safety and Security). c) WWF Fraud and Corruption Policy. d) WWF Indigenous peoples and conservation principles. 	<p>Review of Informant Fund Mobilization Working Procedure completed by December 2021⁸.</p>	<p>Initial training on the Informant Fund Mobilization Working Procedure and other relevant WWF policies to be conducted for relevant DNPWC staff at national and site level by December 2021 and to be repeated every year. Quarterly meeting conducted with DNPWC to discuss challenges and ways to address those challenges in implementation of the Informant Fund Mobilization Working Procedure. Annual audits to be conducted</p>	<p>Wildlife Trade Monitoring Lead to support DNPWC and work with the ESSF Specialist and other relevant staff.</p>	<p>Wildlife Crime Control Bureau</p> <p>Department of National Park and Wildlife Conservation</p> <p>Department of Forest and Soil Conservation</p>

⁶ It is recommended that WWF should not engage in information gathering directly or through a third party due to the high risk to WWF staff, third-party staff, and to IPLCs that may be the source of information. However, if under rare circumstances a WWF office believes it is necessary to engage, or continue to engage, it must be authorized by the country director/CEO as per the national legislation of the country and only after sufficient due diligence and training, and with expert support. A register should be maintained of the WWF offices who are using these categories.

⁷ Information gathering and management of information is a sensitive subject and must be handled by the relevant government authorities. Therefore, WWF’s long terms vision is to phase out any support provided towards the information gathering. WWF will work on a five-year phase out plan/exit strategy jointly with the government authorities.

⁸ Any changes in the Informant Mobilization Working Procedure will require ministerial approval and will take time.

		Implementation of Informant Fund Mobilization Working Procedure along with other WWF policies will be part of the grant agreement with DNPWC.	Informant Fund Mobilization Working Procedure along with other WWF policies are added to existing grant agreements and any new grant agreements.	for all support provided to LEA addressing information gathering.	Protected Areas and Divisional Forest offices.		
		Create awareness, inform, and share the Informant Fund Mobilization Working Procedure with relevant DNPWC staff at national and site level.	Number of DNPWC staff trained on the Informant Fund Mobilization Working Procedure and other relevant policies (as mentioned in WWF response).				Wildlife trade monitoring lead with the support of other relevant staff.
		WWF will monitor the implementation of Informant Fund Mobilization Working Procedure as part of monitoring process mentioned in the grant agreement.	Quarterly monitoring reports on the implementation of SOPs.				
Risk 6: Human wildlife conflict (HWC).	N.A.	Design and implement preventive measures (e.g., predator proof corral, fences, trenches). Design and implement curative measures (national and local relief funds and scholarships for the children of the HWC victims) to support communities to mitigate and cope with such conflicts. Support other measures such as providing school bus transport to children to ensure their safety	Km. of preventative barriers and number installed, constructed, and improved. Number of people using services; number of relief fund established and available funding. Safety facilities/package provided to communities.	Annual (based on severity of cases, local need and situation and resource availability). Periodic as per situation.	TAL Manager with the support of Wildlife lead and other relevant staff.	Protected Areas, Divisional Forest offices, Buffer Zone User Committees, Community Forest Coordination Committees, Provincial/local Governments	

		<p>while going to school through prime wildlife habitat.</p> <p>Support and train community-based Rapid Response Teams as first line responders in cases of human/wildlife conflict.</p> <p>Conducts periodic monitoring.</p> <p>of the effectiveness of such measures.</p>	<p>Number of RRT trained and mobilized.</p> <p>Number of monitoring visits and reports.</p>	<p>Annual</p> <p>Annual</p>		
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3. Access Restriction and Resettlement Plan

The TAL landscape is densely populated by smallholders, diverse groups of Indigenous People, and landless peasants⁹, heavily reliant on land, forests, and water resources for their livelihoods. WWF-Nepal supports project activities carried out through an inclusive and consultative forest management framework managed by the communities with resource use decisions made by the community itself through its community forest management framework. While the framework itself is likely an effective mechanism to prevent true restriction of access, it is essential that WWF provides for effective review and monitoring to ensure there is no means for restriction of access that negatively impacts the communities and vulnerable parts of the community.

WWF support to protect and sustainably manage CFs in BZs and in corridor forest involves support in preparing operational plans, leadership/capacity building, fencing, plantation of forest, fodder, and fruit trees. These activities are intended to promote sustainable resource use and can reduce risks related to potential access restrictions by helping to meet local communities' forest product needs. Support for alternative energy installation such as biogas promotion has also helped in reducing reliance on forest biomass, reduced workloads, and in reducing other health hazards for women. WWF also provides support to local communities in stall feeding, controlled grazing, introducing improved breeds, and cattle shed improvements. These activities improve efficient use of forest biomass, thereby mitigating the impact of reduced access to resources, and improve productivity of livestock management while increasing farmer income.

Diverse strategies are adopted to improve livelihoods and economic wellbeing of local communities. Supporting small agricultural and forest-based enterprises with skills, technologies, seed funds, low interest loans, marketing linkages are integral parts of project activities. Enterprises include homestay, cash crop, animal husbandry, poultry, non-timber forest products such as medicinal and aromatic plants, fish farming, plumbing, electricians, and bicycle repairing. Many people especially smallholders, members of marginalized groups and Indigenous People, and landless peasants have benefitted from such schemes. These activities contribute to mitigating risks associated with potential impacts of access restrictions and to inclusion of Indigenous and vulnerable groups in project benefits.

⁹ Landless peasants are those individuals or groups without registered land, but who practice farming in particular area.

The potential risks identified associated with access restrictions and resettlement are mainly 'indirect' rather than direct outcomes of WWF's interventions and fall under the following categories:

- **Non-Inclusive Governance Structures:** In some cases, landless peasants, Indigenous Groups, and other vulnerable people could be impacted by decisions taken by Community Forest User Groups and Buffer Zone Management Groups to restrict access if these groups are not represented within the Community Forest governance structure and thus are unable to participate in decisions that could affect them negatively.
- **Access to Project Benefits:** WWF support in protection and management of buffer zones is informed largely by conservation objectives and engagement with Protected Areas staff and Buffer Zone User Committees (BZUC). The choice of specific priorities and locations for WWF support in buffer zones could be improved by expanding the use of participatory resource mapping and analyzing forest-people relations in the BZ to ensure that program activities and benefits are being targeted to the most vulnerable communities wherever possible including Indigenous Peoples and the landless.
- **Reduced Access to Resources:** Establishment and management of PAs, buffer zones (BZs) and corridor forests can result in reduced access of diverse types of forest products including fuelwood, fodder, grass, timber, wild vegetables and fruits, ropes, pater, and medicinal herbs. Government regulatory provisions prohibit access to such resources within PA core zones and may restrict harvesting in BZs and corridors. Similarly, community forestry operational plans may limit access. Marginalized groups such as the landless and especially those who live in proximity to PAs and rely solely on forest products may be affected. Access restrictions could, in certain cases, be linked to the provision of fencing material to temporarily restrict grazing or collection of grass and fuelwood in order to rehabilitate forest and pasture areas. Such decisions, while made by the Community Forest User Groups themselves, may restrict access to some groups. WWF's financial and technical support for land use planning by the relevant authorities in these areas can contribute to perpetuating potential access restrictions even though WWF does not have decision-making authority over the implementation of any such restrictions.

In addition to the risks described above, two other important issues came up during consultations with local communities. These issues are outside the scope of this mitigation plan because they are not environmental and social impacts created by WWF projects or activities, but rather are risks that are present in the landscape context in which we operate. We mention them here because being informed and aware of them is important to guide WWF's actions in the future.

- **Subsistence Fishing and Gold Panning:** Majhi, Bote, Musahar and Sonaha ethnic minority groups rely on artisanal fishing in Narayani, Karnali and other rivers, and the Sonahas have a unique practice of small-scale panning of gold dust as a traditional means of subsistence livelihoods. Though these practices are deemed legal and have been permitted in some areas, they can be restricted by the Government based on various reasons such as timing, type of fishing net, licensing conditions, and areas with poaching incidents.
- **Eviction of landless people:** All citizens are constitutionally and legally protected against forced resettlement. However, several PAs have targeted programs to control encroachment. A recent case of eviction of Chepang (Indigenous Peoples of the hill tracts) from their settlement in Chitwan illustrates this point. The context of settlement of the TAL landscape, coupled with the history of protected areas creation, presents the situation that numerous landless people in the landscape are in a state of uncertainty of involuntary resettlement. Landless people are constrained from occupying public land or obtaining other social benefits in the landscape in a variety of ways. For example, landless people cannot vote or stand in elections in BZ institutions, are not compensated if the lands they utilized fall inside PA territory due to a change in river course, or if their properties/crops are damaged by wildlife. Involuntary resettlement is an excluded activity for WWF, meaning that WWF can never engage in or support activities leading to involuntary resettlement. WWF interventions do not directly or indirectly support government control activities. Therefore, involuntary resettlement is taken as a precautionary issue and one in which WWF will attempt to exercise its influence with government agencies and buffer zone organizations to promote fair and equitable treatment as well as comprehensive solutions in addressing such challenges for the landless.

Access Restriction Table 1: Risk Scenarios

Potential Risks	Risk Scenarios	Potential Impacts	Affected groups
Non-Inclusive Governance Structures Limit Access to Participation and Decision-making	Zoning or other resource management decisions taken by Community forest and Buffer zone management and user groups could result in resource access restrictions on groups that lack the ability to participate.	Disempowerment and potential worsening of poverty conditions of affected groups.	Landless peasants, Indigenous Groups, women, and other marginalized groups.
Lack of Access to Project Benefits including Livelihoods Benefits by Marginalized Groups	Poor information of diverse vulnerable groups, elite capture in local schemes, limited access to information and decision making (weak presence of women, Dalits and vulnerable groups in local institutions (BZUC, CF, CFCC), lack of effective monitoring of such schemes.	Disempowerment and potential worsening of poverty conditions of affected groups.	Landless peasants and highly vulnerable group (Sonaha, Musahar, Bote, Dalits, and women).
Reduced Access to Natural Resources, Especially for Marginalized Groups	Marginalized groups may face conditions of restricted access to natural resources of various types for traditional and livelihoods rights (forest and non-timber forest products, thatch, grazing and fodder), including in Protected Areas, BZCF and CF.	<p>Lack of sufficient fuelwood for cooking and/or rituals and festivals, investment of limited earnings in purchasing fuel, may drive illegal activities. Income and nutrition of women and groups is compromised. Encounters with wildlife or law enforcement personal could result in potential abuse and harassment.</p> <p>Declines in livestock (buffalo, cattle, goats). Forces purchase of feed from the market. May drive illegal collection of fodder/grass resulting in encounters with wildlife or law enforcement personal. Poor roofing may affect health. Increased costs for housing.</p>	<p>Women, landless/ poor, and marginalized groups who cannot afford alternative fuel. Groups with fuelwood sales as a source of livelihoods. Specifically, women from Tharu, Bote, Majhi, Musahar, and Mallaha groups who rely heavily on collection of non-timer forest products.</p> <p>Women, poor and marginalized groups, particularly land poor/landless peasants practicing grazing. Tharus and highly vulnerable groups (Sonaha, Musahar, Bote, Dalits) especially those who cannot afford alternatives to thatch roofing.</p>

Access Restriction Table 2: Targeted Mitigation Measures to Avert Potential Risks

Potential Risks	WWF's Response	Means of Verification	Frequency	Responsible party	Additional partners
Non-Inclusive Governance Structures limit Access to Participation and Decision-making	<p>Analyze and identify <u>policy gaps regarding inclusion of marginalized communities and groups</u> from buffer zone management institutions and community-based forest institutions. Strengthen policy advocacy with relevant institutions to promote and ensure needed governance change.</p> <p>Implement capacity building programs in buffer zones and community based-forest institutions to <u>increase participation of marginalized communities</u> and other vulnerable groups in buffer zone and community-based forest institutions.</p> <p>--Strengthen project design accordingly. --Establish M&E to assess progress.</p>	<p>Policy Gap analysis report.</p> <p>Number of meetings conducted with relevant stakeholders (Government, CBO, CSO).</p> <p>Number of members from marginalized community trained.</p>	<p>By December 2021 and once every 5 years.</p> <p>Annual</p> <p>Annual</p>	<p>Policy and Governance lead with the support of other relevant staff.</p> <p>TAL project Manager with the support of other relevant staff.</p>	<p>PAs, DNPWC, DFO, BZMC, CFCC, CFUF</p> <p>Provincial and local Governments</p>
Lack of Access to Project Benefits including Livelihoods Benefits by Marginalized Groups	<p>Map the diverse marginalized groups and their interaction with project resources.</p> <p>Facilitate preparation of operational plans with enhanced inclusion and benefit sharing related provisions.</p> <p>Promote participation of women and marginalized groups in the local institutions (BZUC, BZMC, BZUG, CFCC) and support women leadership in local institutions especially in BZMC and BZUCs.</p>	<p>Mapping report.</p> <p>Revised plans, such as Forest operational plans.</p> <p>Number of women and individuals from marginalized HH/ group in the executive committees of CBOs and CSOs.</p>	<p>December 2021 and once every five years.</p> <p>Annual as per the operational plan provisions.</p> <p>Monitor the composition of executive committees as</p>	<p>Landscape Lead with the support of other relevant staff.</p> <p>TAL Manager with the support of other relevant staff.</p> <p>TAL Manager</p>	<p>PA, DFO, BZMC, CFCC, CFUG</p>

	Bottom-up planning targeting the poor and marginalized, ranking system for project interventions.	Number of planning meetings conducted and meeting minutes.	new members are brought on. Annual	with the support of other relevant staff.	
Reduced Access to Natural Resources, Especially for Marginalized Groups	<p>Map the diverse marginalized groups and their usage and dependence on resources that may be restricted.</p> <p>Facilitate preparation of operational plans with strong consideration of impacts on marginalized groups.</p> <p>Promote participation of women and vulnerable groups in the local institutions (BZUC, BZMC, BZUG, CFCC) and support women leadership in local institutions especially in BZMC and BZUCs.</p> <p>Bottom-up planning targeting the poor and vulnerable, ranking system for project interventions.</p>	<p>Mapping report.</p> <p>Revised plans such as forest operational plan.</p> <p>Number of women and individuals from marginalized HH/group participating the executive committees (CBOs, CSOs).</p> <p>Number of meetings conducted and meeting minutes.</p>	<p>December 2021 and once every five years.</p> <p>June 2021 and periodically based on the operational plan provisions.</p> <p>Periodically as per the operational plan provision.</p> <p>Annually</p>	<p>Landscape lead with the support of other relevant staff.</p> <p>TAL manager with the support of other relevant staff.</p>	<p>PA, DFO, BZMC, BZUC, CFCC, CFUG</p>

4. Indigenous Peoples Planning Framework

Ten groups of Indigenous People out of a total of 59 legally designated as indigenous nationalities in Nepal- referred as *Adivasi Janajati* - reside in the TAL. Some of these groups have migrated from the hill regions at different points in time and others are indigenous to this area of the lowlands. Among them are some of the highly marginalized and vulnerable groups who may be more susceptible to be impacted, whether directly or indirectly, by WWF supported work in the landscape. These groups are the Sonaha, Musahar, Bote, Darai, and Kuma. Tharus are the dominant Indigenous People of the lowland Terai.

There are several challenges faced by Indigenous People in the TAL landscape that are addressed in the context of this plan. The NPWC Act 1973 (revised in 2019) allows for traditional practices of resource use by indigenous peoples, however, the lower-level regulatory framework and institutional practices employed on the ground may work to

limit, discourage, or deny the access needed to follow traditional practices (as discussed above under access restriction). Equally important, the spiritual and cultural practices and the identity of Indigenous Peoples are not adequately recognized. Finally, consultation and engagement of Indigenous People in government planning processes or in community forestry and buffer zone management governance processes is generally lacking despite their rights to engage in such processes.

Diligent efforts around sensitivity and respect for these communities is essential in WWF's work. Per the above description on Access Restrictions, WWF will take additional steps to document how consultation and consent from these communities is integrated into the existing community forest management framework processes and requirements. These include:

- Greater focus on identification of Indigenous Peoples and the most vulnerable groups through stakeholder analysis and consultation to support evidence-based planning and management leading to more equitable benefit sharing and more sustainable conservation outcomes.
- More systematic outreach and communication across the landscape especially with Indigenous People and marginalized groups.
- Broaden the scope of engagement with Indigenous Peoples to better account for their unique historical connection to the place and landscape, interactions with the natural environment, cultural practices, traditional knowledge, wisdom, skills, practices, and innovation of relevance to biodiversity and natural resources management.
- Where access restrictions may affect Indigenous Peoples due to WWF's activities, WWF will ensure the Free, Prior and Informed consent of those Indigenous Peoples.

Indigenous Peoples Table 1: Risk Scenarios

Potential Risks	Risk Scenarios	Potential Impacts	Affected groups
Barriers to Access to Religious or Spiritual Places	Lack of trust (between warden and communities) on potential illegal activities.	Religious practice or culture is compromised, cultural deterioration, community breakdown.	Indigenous Peoples and local communities who practice rituals inside forest.
Disruption of Cultural and Livelihoods Practices	Lack of trust (between warden and communities) on potential illegal activities. BZCF rules does not adequately spell out the provisions.	Harm to livelihoods (for example, relating to collection and use of <i>Pateyr</i> for baskets and carpet making).	Women groups belonging to Tharus.
Insufficient Consultation and Engagement with Indigenous Peoples	Decisions on access restrictions in Indigenous Peoples may occur without their consent. Lack of representation in community-based institutions and consequent lack of participation in WWF supported activities.	Harm to Indigenous Peoples' livelihoods. The unique/specific needs, concerns and voices of Indigenous Peoples being ignored.	Indigenous Peoples groups identified in the TAL area.

Indigenous Peoples Table 2: Targeted Mitigation Measures to Avert Potential Risks

Potential Risks	WWF's Response	Means of Verification	Frequency	Responsible party	Additional partners
Access to Religious/spiritual Places	<p>Mapping of indigenous settlements, and their cultural practice in relation to nature.</p> <p>Support Indigenous People's Organizations in their institutional development to advance their culture, identity, and voice.</p>	<p>Mapping report.</p> <p>Number of Indigenous Peoples organisations and communities supported.</p>	<p>December 2021</p> <p>Annually</p>	<p>Landscape lead with the support of other relevant staff.</p> <p>TAL manager with the support of other relevant staff.</p>	<p>PA, DFO, BZUC, IPLC institutions.</p>
Cultural and Livelihoods Disruption	<p>Mapping of Indigenous Peoples and their access to resources.</p> <p>Conduct study and documentation on settlements of Indigenous Peoples (targeting women), their unique cultural practice and knowledge on natural resources management.</p>	<p>Mapping report.</p> <p>Study report.</p>	<p>December 2021</p> <p>December 2021</p>	<p>Landscape lead with the support of other relevant staff.</p>	<p>PA, DFO, BZMC, IPLC institutions.</p>
Insufficient Consultation and Engagement with Indigenous Peoples	<p>Ensure the Free Prior and Informed Consent of Indigenous Peoples for activities that may result in negative impacts to them.</p> <p>Conduct study on settlements of IPs and their unique cultural links with natural resources.</p> <p>Facilitate deliberative practices (use of local languages, give space to express views, document concerns and follow up on decisions).</p>	<p>Meeting minutes.</p> <p>Study report.</p> <p>Meeting minutes, public hearings, and</p>	<p>Annually</p> <p>December 2021</p> <p>Annually</p>	<p>TAL managers with support from the ESSF specialist.</p> <p>Landscape lead with support from the ESSF Specialist.</p>	<p>PA, DFO, IPLC institutions, BZUC, BZMC, CFCC, CFUG</p>

	<p>Support Indigenous People’s Organizations in their institutional development to advance their culture, identity, and voice.</p> <p>Facilitate mainstreaming conservation agenda within Indigenous Peoples policies and programs.</p> <p>Promote self-monitoring/participatory (among specific groups of Indigenous Peoples).</p> <p>Support regulated access and provisions including in Operational Plans.</p> <p>Engage Indigenous People of local institutions during planning, implementation, and monitoring of field activities.</p> <p>Empower and equip Indigenous Peoples Organizations.</p>	<p>public auditing reports.</p> <p>Number of Indigenous Peoples organisations supported.</p> <p>Number of coordination meeting conducted.</p> <p>Number of operational plans implemented, revised with access provisions.</p> <p>Number of Indigenous Peoples organisations supported</p>	<p>Annually</p>	<p>TAL manager with support from the ESSF Specialist.</p> <p>Policy and Governance lead</p> <p>TAL Manager with the support of other relevant staff.</p> <p>TAL Manager with support from the ESSF specialist and other relevant staff.</p>	<p>PA, DFO, IPLC institutions, BZUC, BZMC, CFCC, CFUG</p>
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Free, Prior, and Informed Consent

WWF Nepal may find instances where the impact of their activities can create an access restriction for communities. All such efforts should be done in consultation and in keeping with the implementation arrangements in the Terai Arc Landscape, with the approval of community governance structures. However, when activities may restrict access for communities that include Indigenous Peoples, there is a higher standard to meet Free, Prior, and Informed Consent. While WWF Nepal should and does support FPIC processes carried out by the government, this requirement relates specifically to WWF Nepal activities that may directly result in negative impacts, particularly access restriction. When such cases may arise, WWF Nepal needs to seek FPIC for those activities. This section lays out the framework that will guide WWF in such instances.

Definitions of FPIC

Free	<p>Decision-making needs to be ‘free’, meaning that this is an independent process, where consent is given or withheld voluntarily, free from coercion, intimidation, or manipulation (external or internal), pre-conditions, bribery, or rewards. The FPIC process, including the timeline and decision-making structure, must be determined and self-directed by those whose consent is being sought. Specifically, and in addition:</p> <ul style="list-style-type: none"> • Rights-holders have been informed of their right to say ‘no’, to co-design the intervention, negotiate conditions, withhold, modify, and withdraw consent. • Meetings and decisions take place at locations and times and in languages and formats determined by the rights-holders. • Information is offered transparently and objectively as requested by rights-holders. • Participation of all community members is encouraged regardless of gender, age or standing. • Project proponents have clearly communicated their commitment not to proceed with the project without the consent of the community.
Prior	<p>The process of seeking consent needs to be done <i>prior</i> to the stage when our actions impact the rights-holders, their lands, territories, or resources. In the first instance this translates to ensuring that FPIC is sought 'in advance' of implementation. This means before the final design of an intervention is approved for implementation and before any changes are made to it (e.g., project expansion, addition of new activities, etc.) even if consent had been granted to the original design. Ideally, FPIC should be initiated early in the design phase and involve rights-holders in a co-creation process. If that is not possible, the FPIC process needs to be completed during project inception, before implementation of the proposed activities.</p> <p>Secondly, ‘prior’ also means ensuring that rights-holders have sufficient time in advance to undertake their own decision-making process for deciding to either refuse the intervention, or if they are willing to consider it, to influence its design and the conditions prior to its implementation. Starting the FPIC process well in advance is necessary to give rights-holders the opportunity to form their opinion and make their decision before the proposed intervention can be implemented. It is the rights-holders who determine how much time in advance they need to receive, digest, and analyze the information that has been disclosed about the intervention. FPIC activities can be an extra burden for community members who have daily tasks to attend to, so allocating sufficient time in advance is important for enabling representation and meaningful participation across groups.</p>
Informed	<p>For rights-holders to be able to identify likely impacts of the proposed intervention, to provide solutions to these impacts, and to decide on giving (or withholding) their consent, they will need to have full access to information about the intervention. In other words, the decision-making needs to be ‘informed’. The rights-holders must also be able to understand the information and have the freedom and resources to seek additional information or advice from other sources. Rights-holders should be fully informed about their rights (including the right to give or withhold consent; see also Box 14) and be directly involved in the assessment of the impacts of the intervention on those rights (see section 3.3 Stage 3). The provided information needs to be:</p>

	<ul style="list-style-type: none"> • Clear, consistent, accurate, transparent, and accessible even to the most remote communities and the different sectors within them (such as women, youth, the elderly, the illiterate, and persons with disabilities). • Delivered in the local language and in a culturally appropriate format. • Delivered by appropriate personnel in appropriate locations and with sufficient time to be understood and verified. • Objective and complete, including information on the project’s possible economic, social, cultural and environmental impacts, its potential risks and benefits, the consequences of giving or withholding consent, and the technical and practical details about the project. • Sufficient to answer any questions the communities might have about the intervention.
Consent	<p>‘Consent’ refers to a collective decision by the rights-holders reached through their customary decision-making processes. It must be sought and either granted or withheld through the political-administrative dynamics of each community or people. Rights-holders must be able to participate through their own freely chosen representatives, while ensuring the participation of all segments within communities.</p> <p>Consent is not a “yes” to a predetermined proposal or a one-off exercise to get the “buy-in” of communities. It is an expression of rights and may be given or withheld for distinct stages or phases of the intervention. The result of an FPIC process may be “yes” or “no” or “yes with conditions”. The latter may include the option to reconsider if there are changes to the proposed intervention or if new relevant information emerges. Rights-holders also have the right to withdraw from the negotiations or modify their consent at any point.</p> <p>It may be necessary to substantially adjust the project design to accommodate rights-holders’ views and the outcomes of the FPIC process - this requires responsiveness and flexibility from WWF, our project partners and donors. We must prepare our donors and partner organizations - especially those in government - to embrace FPIC as an integral part of project design, and to incorporate FPIC outcomes as an indispensable part of implementation.</p>

When is Free, Prior, and Informed Consent necessary?

WWF-Nepal needs to consider its actions create an access restriction for Indigenous Peoples. While activities may inform decisions that are made about access restriction, the fundamental questions are: does the support that WWF-Nepal provides determine when and where access restriction will occur, and/or, does the access restriction only take place as a result of WWF’s intervention? If one or both conditions are met, then WWF needs to ensure FPIC for the activities that create the access restriction.

However, WWF Nepal operates in the context of Community Forest governance and Buffer Zone User Groups. WWF Nepal’s programmatic work always starts with a rigorous and thorough stakeholder consultation process. Further, there is an implicit level of community consent by implementing work through these governance mechanisms. The important risk to review and analyze is whether this metric of consent is equivalent to the consent of indigenous peoples. Situations where community consent exists but Indigenous Peoples consent does not can arise through three circumstances:

- *Decision-making bodies are not inclusive:* Are indigenous communities adequately and appropriately represented in decision-making bodies and can they be considered part of the broader consent these structures offer?

- *Indigenous minority dissents*: Can decisions be reached in a manner where some parties, in this case indigenous communities, are in dissent from the collective decision?
- *Consent is not free, prior, or informed*: Consent is given in a manner where the decision is not free, indigenous communities are not truly informed, nor is consent sought in an appropriate timeframe.

When WWF Nepal is enabling an access restriction to be put in place and one or more of the above conditions are present, then WWF Nepal should establish FPIC for its activities. As a reference point, WWF Nepal should consider documentation that fulfils the requirements of the table below.

FPIC Planning Framework

FPIC Criteria	Metrics	Means of Verification	Responsible Party	Additional Partners
Free	Understand the local conditions and context that can inhibit free decision making by indigenous peoples.	Show documentation and data to establish that these conditions did not constrain decision making.	ESSF specialist with the support of other relevant staff.	Identify other partners who may be necessary for ensuring FPIC, including local partners and/or outside support partners.
Prior	Establish a reasonable timeframe to ensure Indigenous People are given sufficient time to reach consent, if given.	Have a means of documenting that FPIC was sought in advance by WWF.		
Informed	Determine what conditions are necessary to ensure that Indigenous Peoples have the ability to understand and reach a decision, including language, sufficient information, and format of materials.	Have a means of documenting that the information provided meets these conditions.		

Consent	Have a clear definition of consent that is locally appropriate and respectful of Indigenous Peoples governance structures.	Have a means of documenting that the decision was made by the determined Indigenous Peoples representation and/or governance.		

5. Grievance Mechanism

WWF Nepal has an active grievance mechanism posted on its website (available both in English and Nepali)¹⁰. Project offices and key implementing institutions in the TAL Program have installed complaint boxes locally to facilitate complaints relating to WWF’s work and the work of its partners in the communities.

6. Monitoring and Evaluation

Monitoring the implementation and effectiveness of the mitigation plan closely aligns with WWF Nepal’s existing program management structure, operating procedures, and process for monitoring TAL program activities. Major parts of monitoring measures are built into project activities and therefore do not require separate monitoring. Building on the existing monitoring plan and practices may substantially reduce the costs of monitoring the risk mitigation plan and increase its efficiency. However, in keeping with the needs identified to broaden stakeholder engagement and promote greater inclusion of groups of stakeholders not well represented in WWF’s projects, WWF Nepal will design and implement a multi-stakeholder mechanism to enhance existing program-based monitoring and contribute to the effective implementation of mitigation measures.

WWF will endeavor to conduct this type of monitoring at the level of three sub-landscapes: i) Parsa- Chitwan; ii) Banke-Bardia, iii) Shuklaphanta. The WWF landscape lead will form a monitoring mechanism involving local actors (local governments, networks of IPLC, and women among others), and TAL implementing agencies. An annual process of meetings for sharing and learning, review of TAL activities in the sub-landscape, and reflection workshops will be developed to increase inclusivity and improve understanding of the views and perspectives of these stakeholders.

A Nepali version of this mitigation plan will be published online and shared with diverse stakeholders. WWF is committed to incorporating the measures included in the mitigation plan into the ongoing management of its existing program and into the design of new projects. The mitigation plan is a living document and will be updated as needed to reflect information gained from monitoring and evaluation activities, stakeholder consultations, and in response to changing conditions and dynamics occurring in the landscape.

¹⁰ https://www.wwfnepal.org/about_wwf/project_complaint_guideline/

Annex 1 – Stakeholders Consulted

Inputs into the development of this plan were gathered through structured stakeholder interviews and consultations with key interested actors in the TAL landscape. A diverse cross-section of IPLCs were identified through mapping exercises for participation in the consultations, including indigenous people, highly vulnerable and other marginalized groups. Groups engaged in the development of this plan included WWF TAL Program staff, members of the TAL Project Coordination Committee, Park Wardens and staff, District level Forest Department offices, Local Government officials, Buffer Zone User Groups and Committees, Community Forest User Groups Coordination Committee, Bote Indigenous Peoples Representatives, Associations (National Federation of Indigenous Nationalities, Federation of Community Forest User Groups, Himalayan Grassroots Women's Natural Resource Management Association), Dalit Network, and Civil Society Organizations. The consultations provided needed information in elaborating and explaining the risks, assessing the effectiveness of existing mitigation measures, and generating new insights.

Annex 2 – Acronyms

BZ	Buffer Zone
BZCF	Buffer Zone Community Forest
BZMC	Buffer Zone Management Committee
BZUC	Buffer Zone User Committee
BZUG	Buffer Zone User Group
CBAPU	Community-based Anti-Poaching Unit
CIB	Central Investigation Bureau
CBO	Community-based Organization
CF	Community Forest
CFCC	Community Forest Coordination Committee
CFUG	Community Forestry User Group
CFOP	Community Forest Operational Plan
CoC	Code of Conduct
DFO	Divisional Forest Office
DG	Director General
DNPWC	Department of National Park and Wildlife Conservation
DoFSC	Department of Forest and Soil Conservation
ESMP	Environmental and Social Management Plan
ESSF	Environmental and Social Safeguards Framework
FPCR-N	Forum for Protection of Consumer's Rights, Nepal
FPIC	Free Prior and Informed Consent
HWC	Human Wildlife Conflict
IP	Indigenous People
IPLC	Indigenous People and Local Communities

NGO	Non-Governmental Organization
NHRC	National Human Rights Commission, Nepal
NTFPs	Non-timber Forest Products
OP	Operational Plan
PA	Protected Area
RRT	Rapid Response Team
SoP	Standard operating Procedures
TAL	Terai Arc Landscape
URSA	Universal Rangers Support Alliance
WCCC	Wildlife Crime Coordination Committee
WCCB	Wildlife Crime Control Bureau
WWF	World Wildlife Fund