

## **Environment & Social Framework for IPF Operations**

### **Good Practice Note**

## **Managing the Risks of Projects Involving Protected and Conserved Areas**

### **Annex VI**

The following annex is part of the GPN on Managing the Risks of Projects Involving Protected and Conserved Areas. For ease of use, it will be uploaded as a separate file and will have links provided to it in the full text of the GPN, which will also be available online at the following URL:

<https://thedocs.worldbank.org/en/doc/345f6737b55b565433d838862b5d56f9-0290012026/original/pca-gpn-with-annexes-i-iii.pdf>

# Annex VI. Indicative Terms of Reference for Institutional Assessment of PCA Rules Enforcement Entity Involved in Protected Area Management

The following annex is part of the Good Practice Note on Managing the Risks of Projects Involving Protected and Conserved Areas, which is accessible at the following URL:

<https://thedocs.worldbank.org/en/doc/345f6737b55b565433d838862b5d56f9-0290012026/original/pca-gpn-with-annexes-i-iii.pdf>

1. As explained in **Annex III**, what kind of due diligence to conduct into entities that enforce PCA rules depends on the project. **Part 1** of this Annex presents indicative terms of reference (ToRs) for a Borrower–led institutional assessment for projects supporting Protected and Conserved Area (PCA) rules enforcement agencies or for projects for which PCA rules enforcement is an associated facility or direct, indirect, or cumulative impact. **Part 2** of this Annex presents guidance for Bank–led due diligence for projects that focus on PCA management but do not include support for PCA rules enforcement agencies. In accordance with the proportionality principle, the Bank sets the scope and depth of the Borrower assessment and Bank due diligence based on this Annex, in a manner commensurate with the risks and context of the project and entity under review.

## Part 1: Borrower–Led Institutional Assessment

### A. Objectives

2. The objective is to assess the current capacity of the agency/ies<sup>1</sup> to manage its/their responsibilities effectively and safely regarding enforcement of national legislation relating to environmental protection as well as PCA rules. The assessment will prioritize the following functions:

- Community relations, safety, and outreach;
- PCA rules enforcement and the rules that govern the agency’s enforcement mandate;
- Oversight arrangements;
- Incident management; and
- Collaboration with other agencies in enforcing the rules of the PCA.

3. The goal is to understand the role of the agency/entity, how it fits with other related agencies, how it is governed, including applicable policies, laws, and procedures, and how it is managed, including its staffing capacity, and training, conduct and equipment regimes. The assessment is particularly intended to assess the safety of the agency/entity’s operations and thus will pay particular attention to any codes of conduct (CoCs), Standard Operating Procedures (SOPs) or other intra- or inter-agency agreements related to enforcement of PCA rules or any other enforceable restrictions. The assessment is also intended to evaluate whether the rules and practices of the agency/institution and governing legal framework are in line with good international practice, whether any additional capacity strengthening is required, and whether changes to the legal framework or policy are needed.

4. As needed to complement its capacity in requiring and reviewing the Borrower–led assessment, the Bank should hire consultants with expertise in CoCs relating to PCA rules enforcement and training arrangements, with specific experience in PCA management, preferably in the project area.

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<sup>1</sup> “Agency” will be used in the singular throughout this Annex, although more than one agency may be involved and the entity under review may be a nongovernmental entity, a private sector organization, or a community-run organization.

## B. Background

5. Describe project and agencies involved. Include specific description of how the rules of the PCA are (or will be) enforced and by whom—law enforcement, paramilitary<sup>2</sup> or other government-run armed forces, nongovernmental organization (NGO), community group, etc.—including what access is (or will be) restricted and for which communities. Describe the legal framework that sets out how these agencies regulate the enforcement of PCA rules (including chains of command, use of force, de-escalation strategies, accountability, sanctions, communications, personnel vetting, training, and incident reporting). Describe the resources being protected and the current uses of those resources and access arrangements, including any uses that are currently or will become illicit or increasingly restricted during the life of the project. Describe potential future uses of those resources, including illegal or restricted ones. Describe the main risks of conflict or livelihood restrictions expected during the life of the project, including risks to local or neighboring communities, risks to PCA personnel, and others.

## C. Methodology

*Determine which agency/institutions and cooperating agencies will be assessed*

6. **Annex III** contains guidance on which enforcement entities need to be assessed, including which cooperating entities. For example, a project implementing entity may conduct joint patrols with the police, the army or other public or private nature protection agencies. The assessment will determine whether these agencies need to be assessed and if so to what extent. If a project-supported agency does not itself have a security mandate but relies on another agency for law or rules enforcement (e.g., refers any infractions to a law enforcement agency), the ToRs for this assessment should specify which of these secondary agencies also need to be reviewed for consistency with Bank policies and good international practice or for reputational risk management in accordance with **Annex I** of the GPN.

7. Once that is determined, determine which functions will be included in the assessment and which will be excluded. Even when an institutional assessment is needed, it could exclude functions such as wildlife research and tourism promotion, but include functions such as:

- PCA rules enforcement;
- Accountability;
- Outreach to communities;
- Wildlife management;
- Recruitment and training, employment conditions;
- Process for allocating staff to a particular location;
- Discipline; and
- Incident management.

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<sup>2</sup> In some countries, government armed forces that have a quasi-military structure are known as “paramilitary.” This is the sense in which the term is used in this GPN. In other countries, paramilitary refers to nongovernmental armed actors, some of which operate unlawfully. In developing ToRs for this assessment, the term used should be the most suitable for the circumstances.

*Description of international standards and good practice for each of the functions to be assessed (see Table VI.1)*

8. There are a variety of relevant international standards and sources of good practice that inform different aspects of PCA enforcement activities. Good practice tends to be defined by different documents for different roles of the agency. These cover topics such as workforce conditions, conduct of PCA rules enforcement staff, and competencies and training:

- Workforce conditions – Minimum conditions of work and employment have been established for rangers (in line with international labor standards) as well as guidance on how to safeguard the rights and wellbeing of rangers. These can be used to benchmark the adequacy of current working conditions and identify needed improvements to promote the safety of frontline rangers and the communities in which they operate;
- Conduct – Various international minimum standards exist for PCA rules enforcement and security personnel, including international standards for human rights and policing, the appropriate use of force and firearms, and global CoCs for law enforcement and rangers that can be adapted to local contexts. These offer useful resources to assess the adequacy of institutional policies, legal instruments, and operational procedures for law enforcement, and identify critical gaps that need resolving; and
- Competencies – Global competencies for PCA practitioners and rangers provide a standardized way to assess the comprehensiveness of institutional training and learning programs for PCA rules enforcement. There are also recognized best practice benchmarks for PCA rules enforcement training and operations that can be used to guide the design of any additional training courses needed or inform adjustments to the implementation of PCA rules enforcement activities.

9. Each institutional assessment will determine which standard it will use to assess the agency in question. **Table VI.1** gives examples of current good practices or international standards related to PCA rules enforcement for the Bank’s consideration. Other more general resources for PCA management, governance and community engagement are listed in **Table VI.2**. While these may offer useful guidance on PCA management good practices, they do not need to be considered in the institutional assessment.

Table VI.1: Examples of International Standards and Good Practice Related to Enforcement				
Topic	Organization	Document	Overview	Indicative Application Example
<b>Conditions: fair terms of employment, right to decent work, safe workplace and equipment, equality, and equity</b>				
<b>Ranger employment and working conditions</b>	International Ranger Federation, Universal Ranger Support Alliance	<a href="#">The Protected and Conserved Area Rangers Convention</a>	A draft International Labor Standard setting out the minimum generic conditions of work and employment that should apply to rangers.	Reference material for institutional assessment.
<b>Ranger rights and wellbeing</b>	Universal Ranger Support Alliance	<a href="#">Safeguarding the Rights and Wellbeing of Rangers: Parts I (Principles) and II (Guidance and Tools)</a>	Principles, guidance, and tools to help safeguard the rights and wellbeing of rangers.	Reference material for institutional assessment.

<b>Table VI.1: Examples of International Standards and Good Practice Related to Enforcement</b>				
<b>Topic</b>	<b>Organization</b>	<b>Document</b>	<b>Overview</b>	<b>Indicative Application Example</b>
<b>Conduct: responsibility, accountability, leadership, human rights</b>				
<b>Human rights</b>	United Nations (UN)	<a href="#">International Human Rights Standards for Law Enforcement</a>	International minimum standards for adherence to human rights by law enforcement officers.	Reference material for institutional assessment and appropriate mitigation measures.
<b>Human rights</b>	Voluntary Principles Initiative	<a href="#">Voluntary Principles on Security and Human Rights</a>	The minimum standards for industrial and organizational human rights and equity.	Reference material for institutional assessment. Can also help design appropriate mitigation measures.
<b>Working with security personnel</b>	World Bank Group	<a href="#">Good Practice Note on Assessing and Managing the Risks and Impacts of the Use of Security Personnel</a>	Guidelines for Bank-funded projects in managing the security risks associated with using security personnel while protecting human rights and minimizing harm.	Reference material for institutional assessment.
<b>Policing</b>	UN	<a href="#">Code of Conduct for Law Enforcement Officials</a>	International minimum standard for CoC for law enforcement officers.	Reference material for institutional assessment.
<b>Use of force</b>	UN	<a href="#">Basic Principles on the Use of Force and Firearms by Law Enforcement Officials</a>	International minimum standard for use of force and governance of firearms.	Reference material for institutional assessment.
<b>Ranger code of conduct</b>	International Ranger Federation	<a href="#">Ranger Code of Conduct – Guidelines for Adoption</a>	A global guiding framework and principles for adaptation and adoption as CoC by governments and ranger groups.	Reference material for institutional assessment. Can also help design appropriate mitigation measures.
<b>Competencies: knowledge, skills, attitude, training, and learning</b>				
<b>Protected area practitioner competencies</b>	International Union for Conservation of Nature (IUCN)	<a href="#">Global Register of Competencies for Protected Area Practitioners</a>	Directory of skills, knowledge and personal qualities required by managers, staff, and stewards of protected and other conserved areas.	Reference material for institutional assessment.
<b>Ranger competencies</b>	International Ranger Federation	<a href="#">Global Ranger Competencies</a>	A list of 23 general competencies for rangers, internationally recognized as the base for a professional ranger force.	Reference material for institutional assessment.

**Table VI.1: Examples of International Standards and Good Practice Related to Enforcement**

<b>Topic</b>	<b>Organization</b>	<b>Document</b>	<b>Overview</b>	<b>Indicative Application Example</b>
<b><i>Ranger training and curriculum</i></b>	International Ranger Federation	<a href="#">Anti-poaching In and Around Protected Areas: Training Guidelines for Field Rangers</a>	A best practice benchmark on the scope, details, and standard of training that syllabuses should cover in order to effectively equip field rangers whose mandate is to directly control wildlife poaching and to enable them to perform their jobs as proficiently and safely as possible.	Used as part of assessment of the relevant institutions and to guide the design of training courses to be included in the project.
<b><i>Protected area rules enforcement</i></b>	IUCN	<a href="#">Wildlife Law Enforcement in Sub-Saharan African Protected Areas</a>	A review of best practices by practitioners and experts in conservation rules enforcement.	Use as a benchmark for institutional assessment.

**Table VI.2: Examples of International Resources for Protected Area Management, Governance and Community Engagement**

Topic	Organization	Document	Overview	Indicative Application Example
<b>Protected area management standards</b>	IUCN	<a href="#">IUCN Green List of Protected and Conserved Areas: Standard, Version 1.1</a>	Benchmark for successful conservation outcomes and PCA management.	Use as benchmark for codes of conduct, PCA management plans or strategies, and mitigation measures.
<b>Ranger and community relationships</b>	IUCN	<a href="#">Building Trust Between Rangers and Communities</a>	Principles and good practices to strengthen the relationship between rangers and Indigenous Peoples and local communities.	Use as reference for Livelihood Restoration Plan (LRP)/Process Framework (PF) and Stakeholder Engagement Plan (SEP). If there are major gaps between this document and rangers associated with the project, consider adding additional community outreach activities to the project.
<b>Cultural and spiritual values</b>	IUCN	<a href="#">Cultural and Spiritual Significance of Nature: Guidance for Protected and Conserved Area Governance and Management</a>	Guidelines on integrating cultural and spiritual values and significance of nature in governance and management of PCAs.	Check whether these issues are appropriately reflected in LRP/PF, CoCs and PCA management plans or strategies.
<b>Protected area governance</b>	IUCN	<a href="#">Governance of Protected Areas: From Understanding to Action</a>	Practical guidance on assessing and improving governance for PCAs.	Benchmark for PCA management plans, governance models, and mitigation measures.
<b>Territories and areas conserved by Indigenous Peoples and local communities (ICCAs)</b>	IUCN	<a href="#">Recognizing Territories and Areas Conserved by Indigenous Peoples and Local Communities (ICCAs) Overlapped by Protected Areas</a>	Approaches and good practices to recognize and respect ICCAs that overlay PCAs.	Use as reference for Indigenous Peoples Plan (IPP).
<b>Gender equality</b>	Universal Ranger Support Alliance	<a href="#">Towards Gender Equality in the Ranger Workforce</a>	Challenges, opportunities, and good practices towards gender equality in ranger workforces.	Check whether these issues are appropriately reflected in PCA management plans, staffing and governance models.

*Method of classifying recommendations*

10. The findings of the assessment are to be presented as specific recommendations classified by importance. One example of such classification is to use these categories: Essential, Important, Desirable, and Optional ones (known as the EIDO method):

- **Essential:** These are the minimum or indispensable requirements without which the project or task cannot be completed. They are non-negotiable and critical for success;

- **Important:** These are highly valuable to the success of the project but not strictly mandatory. Their absence could hinder efficiency or quality, but they do not prevent the task from being accomplished;
- **Desirable:** These are additional qualifications or features that enhance the process or outcome, but their presence is not critical to completing the project or managing its risks. They can improve effectiveness or appeal but are not strictly necessary; and
- **Optional:** These are nice-to-have elements that add value but have no direct bearing on the core functionality or success. They can be sacrificed or included depending on available resources.

#### *Description of research for undertaking the assessment*

11. Determine which documents are to be reviewed. These would normally include PCA management plans, CoCs, SOPs, memoranda of understanding, training manuals, patrolling and operational protocols, special procedures, descriptions of equipment and technology used (e.g., drones, remote surveillance, remote tracking of rangers), recruitment materials, grievance and incident management and others.

12. The assessment should draw upon any completed assessments of capacities, systems, and gaps as relevant, including International Consortium on Combating Wildlife Crime (ICWC) Analytic Toolkit reports, ICWC Indicator Framework reports, and any assessments against the IUCN Green List Global Standard of Protected and Conserved Areas or protected area management effectiveness tracking tools (e.g., the Management Effectiveness Tracking Tool used by the Global Environment Facility).

13. Determine what interviews and field work are to be conducted: this includes local communities and local experts, IPs/SSAHUTLCs if relevant. Particular attention should be given to including groups who may not be present in the area on a continuous basis.

14. Ensure that the assessment includes a backwards-looking search for documents and articles in the media that may indicate preexisting tensions between the agency and local communities.

#### ***D. Scope of Report***

##### *Description and assessment of key areas of agency functions*

15. The report should include the following:

- Description of mandate, mission, and organizational structure of agency;
- Description of cooperation with other rules enforcement agencies (e.g., police, army, forest service, etc.);
- Analysis of the agency’s human rights record. This can include methods of arrests, relations with community members, efforts at outreach, allegations of abuse, number of past attacks on rangers and ranger deaths, any history of criminal convictions of rangers;
- Assessment of process for recruiting, training, and assigning staff to specific duty stations, including the benefits of local knowledge and risks of divided loyalties if the recruited personnel originate from the community they are patrolling, and provision of refresher training and on relocation to another duty station;
- Adequacy of equipment for aiding PCA rules enforcement personnel in the conduct of their duties;
- Use of monitoring systems (e.g., Earth Ranger, GPS tracking, etc.), use of vehicles, boats, drones, and automated monitoring systems;
- Processes governing community engagement;

- Staff/personnel to manage community engagement and their experience/expertise;
- Description of any record of conflict;
- Description and assessment of any grievance mechanism;
- Review of any CoCs governing the agency relevant to international standards; consider topics such as:
  - Use of force, including consistency with relevant human rights standards;
  - Patrol strategies, techniques, and SOPs;
  - Processes for coordinating with other security agencies to implement field operations;
  - Incident management systems, including emergency response and contingency protocols, incident investigation, medical response, tracking and logging of incidents, and communications;
  - Staff discipline, internal investigations, sanctions;
  - Accountability, including anti-retaliation measures and grievance management;
  - Storage, issuance, transportation, and use of firearms and ammunition;
- Review of legislative, regulatory, and other legal instruments which regulate how the agencies engage together when they carry out PCA rules enforcement activities. This can include an assessment of:
  - Command and control structures;
  - Vetting of personnel involved in PCA rules enforcement;
  - Use of force protocols;
  - De-escalation strategies;
  - Communication;
  - Personnel management, to include reporting on any use of force incidents, including allegations of abuse;
  - Incident reporting and management.

16. In each section, capture “information gaps” and “recommended actions,” including in the Environmental and Social Commitment Plan (ESCP), with each recommendation assigned an EIDO classification, as noted above.

*Recommended areas for improvement*

17. This section should be divided between issues that must be resolved before the start of the project (however defined) and issues that can be resolved and possibly financed during project implementation.

18. Estimate the cost and timeframe for implementation of each recommendation.

**E. Deliverables and Timing**

19. This section should set out expected deliverables, keeping in mind that some draft or final assessments may be necessary before the start of project activities, and possibly before appraisal, to guide Bank decision-making and stakeholder consultations.

### F. *Qualifications for Firm or Expert Consultant*

20. The firm or expert consultant should have the following qualifications or experience:
- Practical experience with conservation or resource management activities in the region;
  - Formal experience with paramilitary or other security forces, or formal experience with wildlife and PCA rules enforcement;
  - Formal experience working with assessment, capacity building, or training of paramilitaries or agencies like those being assessed, or knowledge of best practices, benchmark standards, and training protocols for PCA management and site-based anti-poaching and PCA rules enforcement;
  - Experience developing and/or implementing SOPs, protocols or CoCs for site-based rules enforcement or security forces;
  - Ability to work in local official languages.

## Part 2: World Bank–Led Reputational Risk Due Diligence<sup>3</sup>

### A. *Objectives*

21. When the project finances PCA management activities but not rules enforcement functions, the Bank conducts more limited due diligence with the objective of assessing and managing the risks to communities that could result in reputational risks related to the presence of PCA rules enforcement entities in the project area.

### B. *Scope of Due Diligence*

22. This due diligence should encompass as much of the content from Part 1 as the Bank considers relevant and achievable given the structure and context of the project. At a minimum, the due diligence should include the following:

23. ***Gain a clear picture of the enforcement protocols for the area concerned.*** This involves understanding the following:

- Who are the different organizations involved in ensuring that the required protections are enforced? Which groups patrol the PCA: police, rangers, coast guard, any other government agencies, community or private patrols? The assessment should outline how each agency/group might be involved in patrolling, reporting, and monitoring offenses and what each one would do if they found someone breaking the rules. How do the agencies engage together when they carry out PCA rules enforcement activities? For example, would an unarmed community ranger report an infraction to the police or to the army? What would that agency do in such a case? The assessment should follow the enforcement chain for the PCA.
- What are the risks at each stage and with each involved agency? Which groups have weapons or the authority to conduct seizures and arrests?
- How closely is each agency connected to the project?
- What CoCs apply to each agency involved? Are there major deviations from the good international practice outlined in **Table VI.1** above? How might these present risks to local communities that

<sup>3</sup> This is in addition to any risk assessments required under the Policy on Fragility, Conflict, and Violence (FCV Policy) and/or the 2012 Criminal Justice Note.

could result in reputational risks for the project and the Bank? The assessment should note if it was not possible to review CoCs.

24. **Review the history of relations among local communities, other resource users, and enforcement agencies.** This review can search media, social media, NGO reports, and interviews with local communities. The assessment should note the presence or absence of any conflicts or legacy issues.

25. **Outline areas of risk.** Is the terrain dangerous (including wildlife)? What is the level of threat to the natural resources in the PCA? Are any parties armed? What kind of weapons might be involved? Where could community members, enforcement personnel or wildlife get into danger? What kind of danger? What risk mitigation measures are needed and available? What kind of safety or treatment is available (e.g., first aid kits, local clinics, medevac). How will the process outlined in the environmental and social documents—such as the SEP, LRP, PF—help the project reduce those risks? What other risk mitigation measures are in place?

26. **Ensure clear monitoring systems are in place, agreed with the Borrower, and specified in project documents.** Which incidents should be reported to the Bank and in what timeframe after the incident? What actions are to be taken if there is such an incident? How robust is the Grievance Mechanism (GM)? What other monitoring mechanisms already exist or will be established by the project?

27. **Outline what responses are available under the project in the event that any of the identified risks materialize.** What has been agreed with the Borrower that the Borrower will do under the project in the event of any serious event? This could include contractual remedies of the Bank if the incident reflects a breach of a Borrower obligation under the project, or an additional event of suspension in the financing agreement.