

# THE HUMAN RIGHTS SCREENING TOOL



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## Abbreviations

<a href="#"><u>CCB</u></a>	Carbon Community Biodiversity Standards
Communities	Inclusive of all Indigenous Peoples and Local Communities
FPIC	Free, Prior, and Informed Consent
<a href="#"><u>Guide</u></a>	TNC’s Human Rights Guide
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
HRRA	Human Rights Risk Analysis
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IPLCs	Indigenous Peoples and Local Communities
<a href="#"><u>NCS</u></a>	Natural Climate Solutions
UDHR	Universal Declaration of Human Rights
<a href="#"><u>UNDRIP</u></a>	UN Declaration on the Rights of Indigenous Peoples
<a href="#"><u>UNGPs</u></a>	UN Guiding Principles on Business & Human Rights
<a href="#"><u>VCA</u></a>	TNC’s Voice, Choice, and Action Framework 2.0
<a href="#"><u>VCS</u></a>	Verified Carbon Standard

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## SECTION 1. Introduction

### EXECUTIVE SUMMARY

Natural climate solutions are defined as being nature-based, sustainable, climate additional, measurable, and equitable. NCS projects are equitable if, at a minimum, they respect human rights and Indigenous self-determination. In practice, this requires conducting **human rights due diligence (HRDD)**. HRDD is a multi-layered process of policy development, impact assessment, community engagement, risk mitigation, monitoring, and remedy mechanisms for unavoided harm, that should be embedded into project design and operations. A preliminary screening to identify and prioritize issues is a key part of getting started.

The Human Rights Screening Tool was designed by NCS specialists at The Nature Conservancy, working with human rights consultants at [Forum Nobis](#), and is being piloted with field teams who are working directly with local communities. It offers a specific, actionable process through which teams can identify potential human rights risks and prioritize them, consistent with HRDD principles, for attention, community engagement, and action.

This is the beta version of what is anticipated to be an open-source Tool hosted by naturebase and Nature4Climate for the community of conservation organizations, project developers, and communities working to advance NCS action. Users are invited to explore the Tool and consider ways it might be improved. After an initial period, interested users will be invited to contribute to an assessment process and become co-contributors to further development. In the meantime, please feel free to share your feedback with us using this [form](#).

Please note: This Human Rights Screening Tool is a self-assessment process to help teams identify human-rights-based project risks and prioritize risks for further attention and action in collaboration with communities to fulfill the larger responsibility of human rights due diligence. This Tool does not and is not intended to provide any specific advice on human rights issues or particular locations. This Tool is not intended as a human rights violation reporting instrument. **It is the responsibility of the user to report violations to the appropriate organizational, national, or international authorities.**

This Tool is not intended to process personal information and users are advised to avoid entering such information into this Tool. Your privacy is important to us. Any and all information you enter in this Human Rights Screening Tool is for your personal use only and will not be accessible to other individual users. All data that you chose to insert into the self-assessment tool is owned by you and will not be actioned on or used by Nature4Climate or TNC for any purpose other than providing reports to you. **Please note: user-entered data will be deleted in June 2024 for the release of version 2 of this tool.** Users should download their reports prior to June 2024 to save their work. If users would like to have their account and the data therein deleted before that time, please contact us at [help@naturebase.org](mailto:help@naturebase.org).

Successful and lasting conservation should prioritize the human rights, collective rights, authority and capacity of all Indigenous Peoples and Local Communities, termed Communities in this tool, to manage and protect their lands and natural resources.

- To learn about the foundations of this approach, see the [Voice, Choice, and Action Framework](#).
- For methodology and best practices in implementation, see the [Human Rights Guide](#).

This **Human Rights Screening Tool** is a screening process to help conservation project teams:

1. **identify** human-rights-based project risks
2. **prioritize** risks for further attention and action in collaboration with Communities
3. **fulfill** the larger responsibility of human rights due diligence.

The work of this Tool occurs in three phases:

### 1. Research

- Engage and conduct preliminary research
  - See Human Rights Guide, Module 1
- Complete Project and Community Background

### 2. Screening

- Perform the [Contextual Risk Screen](#)
  - Identify whether risks are present: “yes,” “no,” or “more research”
  - Produce a [Research List](#) of issues needing further investigation
- Perform the [Project Risk Screen](#)
  - Make Project Risk Determinations based on risks and issues identified in the previous screen.
  - Generate the [Escalate List](#), [Prioritize List](#), and [Watch List](#)

### 3. Follow-up

- Investigate **Research List** issues identified in Phase 2 above
  - Perform another Contextual Risk Screen after this research is finished.
- For issues on the **Escalate List**, seek supervisory or higher-level review. For severe risks, seek review beyond the project team.
- For issues on the **Prioritize List**, conduct analysis and engagement
  - Keep focus on these issues as you develop and implement projects.
  - Look for opportunities to integrate this work into ongoing processes
- For issues on the **Watch List**, continue to monitor.
  - Review this list annually at minimum, or more frequently as projects demand.
  - Review during project implementation.
  - Review Other Tools for any equity and well-being concerns.
- Note: Don’t begin new projects or expand current projects until the above review is finished.

To help teams **identify** potential issues and **prioritize** them for action, this Tool walks teams through key issues reflected by 82 indicators and provides specific guidance to help make Project Risk Determinations, prioritize, and decide next steps.

Screening for project risk occurs in two steps, ensuring a comprehensive analysis.

The **Contextual Risk Screen** assesses human rights risk in the project's geographic and social environment, which might or might not be linked to the project.

The **Project Risk Screen** looks at identified contextual risks more concretely at present and future risks to the project, using the structured Project Risk Determination process.

Responses to these screening assessments are scored and divided into four lists:

1. The **Research List** shows issues and indicators where further information is needed which might be sourced from independent research, engaging with Communities, or both. This must be completed before the Screens on those issues can proceed.
2. The **Escalate List** reflects potentially severe human-rights risks, and requires supervisory or a third-party perspective.
3. The **Prioritize List** reflects risks that should conduct a deeper analysis and engage with rightsholders during project development.

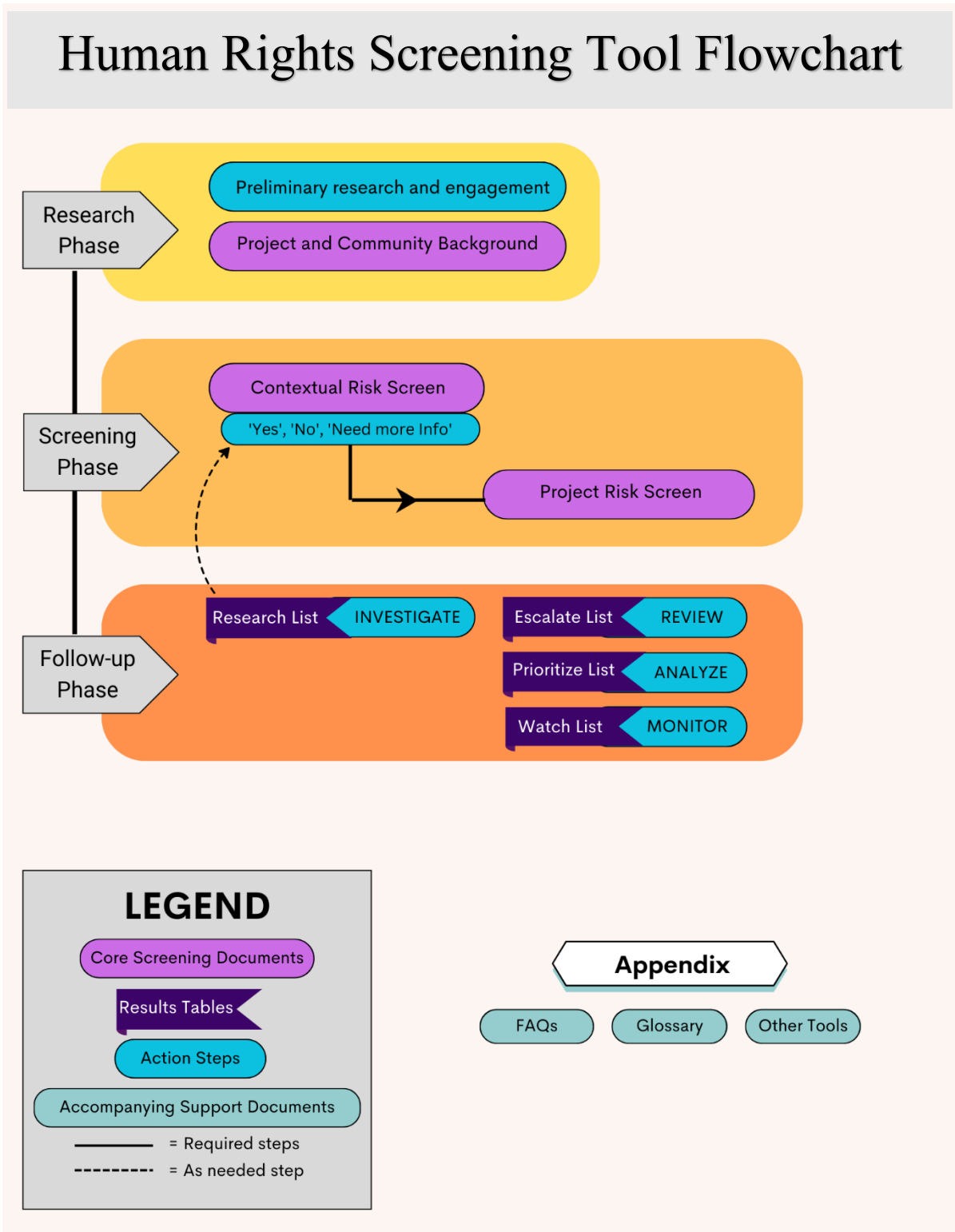
The **Watch List** reflects less applicable project risks, which should be reviewed yearly at a minimum. The Watch List also includes broader equity and well-being considerations, which might be best addressed with other tools.

This Tool is designed for field teams, who are expected to rely on their local knowledge and experience to complete the assessment. The Tool does not require participation with Communities throughout, as such an onus could be burdensome for many Communities and raise representation issues.

However, post-screening action steps, such as the development of more in-depth human rights risk analyses or rightsholder engagements, will require participation with Communities. At later stages, it might make sense to ask Communities to validate screening determinations.



Human Rights Screening Tool Flowchart



## INTRODUCTION

### Human Rights and Conservation

Successful and lasting conservation should prioritize the human rights, collective rights, authority, and capacity of Indigenous Peoples and Local Communities (IPLCs) to manage and protect their lands and natural resources.

- For more details about this approach, see the [Voice, Choice, and Action Framework<sup>\(1\)</sup>](#).
- For best practices in implementing it, see the [Human Rights Guide<sup>\(2\)</sup>](#).<sup>1</sup>

The term IPLCs comprises all communities and individuals who maintain profound economic and cultural connections to the land where they live.

IPLCs are *leaders* who have agency over understanding and protecting their own rights, not *beneficiaries* whose rights are protected by others.

The concept of human rights — rights inherent to all humans — resonates across many cultures and traditions. And while international human rights laws, as established by treaties and in courts, are important and often legally binding, the concept of human rights cannot be fully understood through one single perspective.

Human rights work therefore respects the principles of non-discrimination, accountability, transparency, participation, and the right to self-determination. Conservation programs should work with IPLC rightsholders to understand their perspectives on the most effective, culturally meaningful ways to uphold human rights.

Businesses and organizations can't outsource their responsibility to respect human rights by merely complying with the terms of national law. While businesses and organizations must of course comply with the law, its responsibility goes over and above that, and requires that conduct complies with international human rights norms.

This can be called human rights due diligence. Businesses and organizations are required to investigate, assess, and respond to their own impacts and the impact of all partners and associates. The scope of impacts includes any to which organizations contribute or are directly linked. And while this doesn't mean the organizations are *legally* responsible for or have complete control over the whole range, it does mean that they are bound to use their leverage to mitigate adverse human rights impacts wherever it can.

This duty of care is embedded in many organizations' relationships and institutional structures and practices. The underlying goals and principles of the conservation and human rights agendas must merge, as described, for example, in The Nature Conservancy's VCA Framework<sup>(1)</sup>, Human Rights Guide<sup>(2)</sup>, and other guidance.

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<sup>1</sup> The [Conservation Initiative on Human Rights<sup>\(3\)</sup>](#) and its members work with peer organizations to develop joint perspectives and approaches to the same set of challenges.

## Human Rights and Natural Climate Solutions

The relationship between human rights and conservation is reciprocal. Human rights can only thrive on a livable planet.

[Natural Climate Solutions](#)<sup>(4)</sup> — a global effort to implement actions that protect, better manage, or restore grasslands, croplands, forests, and wetlands to reduce greenhouse gas emissions and store carbon.

This work is a critical step to avoid climate catastrophe.

Because NCS is rooted in ecosystem stewardship and not, for example, industrial emissions reduction, it can serve as a platform for IPLCs to pursue their own self-determined climate agendas. Also, NCS seeks to create income opportunities for IPLCs from successful community mitigation projects paid for by global beneficiaries of the mitigation.

It's important to know that NCS and other global conservation efforts have occasionally been criticized by Indigenous rights advocates for a history of displacements based on the [fortress conservation](#)<sup>(5)</sup> mindset. Critics ask whether that mindset still underlies conservation practice today, and the perception that NCS is part of the problem rather than part of the solution [may be growing](#)<sup>(6)</sup>.

NCS is in the public domain. A few scientists and practitioners collaborated to define the concept early on, but no single entity can say definitively what NCS is or is not, nor govern the use of the NCS label. The ability to protect the NCS brand is therefore limited, and the NCS label is sometimes applied to projects of questionable integrity.

Practitioners can help mitigate this issue by defining and demanding integrity as a part of their practice. The development and promotion of this Tool can demonstrate commitment to the understanding that NCS exists to respect human rights and actively promote Indigenous self-determination, human well-being, and equity.

This is no small matter.

Having a responsibility to protect human rights means that the concept of respect is deeply embedded in an organization's relationships, structures, and practices.

The full range of rights impacts — encompassing not only severe abuses, but also socio-economic rights, labor rights, cultural rights, the right to self-determination, the right to participation and benefits, and inter-generational duties — must be considered.

This Tool is meant to address the full scope and complexity of this responsibility.

## Tool Design Considerations

This is a screening tool to help teams *identify*, *prioritize*, and *analyze* information about the human rights impacts of NCS and conservation projects.

The Screening Tool returns a series of issue lists (**Research, Escalate, Prioritize, and Watch**) with recommended actions for each.

Prioritization is an essential element of human rights due diligence. It requires making judgment calls and hard decisions. The Project Risk Determination Framework lists factors for teams to consider in making these decisions.

While the Tool requires and relies primarily on teams' local knowledge at the screening stage, it highlights when more information is needed from Communities, and requires Community engagement at the action phase.

The Tool adheres to three sets of competing ambitions:

- **Essential, but not overbearing.**  
There are benefits to a consistent, globally applicable approach. Yet teams in the field have the nuanced understanding necessary to craft culturally meaningful and sustainable solutions, and this expertise can't be subordinated.
- **Rigorous, but not incomprehensible.**  
A rigorous and professional standard of human rights analysis is a worthy goal. Yet it cannot obscure comprehension or the ability of the teams doing the work to practically apply the advice and guidance of the analysis.
- **Inclusive, but not exhaustive.**  
The human rights analysis organization NomoGaia says that the 40 core human rights interact in complex ways, meaning that there are "a plethora of theoretically possible, small ways that a [project's] operations can impact them." Yet when analysis becomes overwhelming, it becomes paralyzing. Thorough canvassing of this complexity is important, and analytical boundaries and models for determining priorities are likewise essential.

## Tool Workshopping Process

In April 2022, TNC field teams working separately in Indonesia, Kenya, Mexico, Australia, Angola, Mongolia, the United States, Guatemala, and Brazil participated in a workshop process that included an introduction, a fact-gathering exercise, a tool application exercise, and a follow-up interview.

In September 2022, one team conducted a full-day application of the Screening Tool, which enabled them to fully immerse in the practical realities of using the Tool. This helped our team identify new issues and calibrate guidance on how to prioritize issues.

Guidance from all the above work shaped the current iteration of the Tool.

The Tool will continue to adapt to the new lessons of experience as future teams use it.

## The Tool, the Guide, the VCA

The Tool's aims are twofold:

1. To help teams realize the goals of the [VCA](#)<sup>(1)</sup>, which describes the kinds of relationships that conservation organizations aim to have with IPLCs — affirming their right to self-determination;
2. To help teams follow [the principles of the Guide](#)<sup>(2)</sup>, which describes how to achieve those relationships through Free, Prior, and Informed Consent.

The VCA and the Guide focus on principles and process more than on particular human rights because human rights cannot be limited to a single perspective.

Understanding the human rights issues presented by a project in the context of established international human rights law is an important step — especially for work convened by multinational organizations. Many organizations are members of the Conservation Initiative on Human Rights, a consortium of international organizations that seek to improve conservation practices by promoting human rights in policies and practices.

- For more on respect for human rights:
  - [VCA Foundational Element 1 - Equitable Benefits, Impacts, and Inclusion](#)<sup>(7)</sup>.
- For more on how to achieve detailed human rights analysis:
  - [The FPIC process](#)<sup>(8)</sup>
  - [Implementation](#)<sup>(9)</sup>
  - [Monitoring, Evaluation, and Adaptation](#)<sup>(10)</sup>.

A template of human rights indicators can be found in the Guide, but there is no human rights screening process. This Tool aims to fill that gap.

The below chart shows connections between the Tool, the VCA, and the Guide.

(See also the Other Tools document.)

### What “Communities” Means in Screening Contexts

The term IPLC is understood to include all “peoples and communities who possess a profound relationship with their natural landscapes, which they depend on for cultural, spiritual, economic and physical well-being.” See [Guide, Module 1](#)<sup>(11)</sup>.

An even broader view of IPLCs — called “Communities” in this Tool — is appropriate for preliminary screening.

This Tool stops short of guiding teams toward reaching policy outcomes or resolving competing claims. The work of the Tool is to identify issues and prioritize them in lists. Thus, a broad and inclusive approach is needed.

In practice, this means that teams should avoid trying to assess the relative profundity of a community’s connection to its lands, because these questions typically raise complications and potential missteps.

The use of “Communities” errs on the side of greatest inclusion. Any community that purports to have a relationship to the landscape may be included — fishers, farmers, others — and a more closely delineated definition may occur in later processes.

A few indicators require careful attention to the question of whether given Communities are recognized by international law as Indigenous Peoples.

The UNDRIP does not provide a fixed definition of “Indigenous Peoples,” recognizing that such definitions have historically been used to exclude Indigenous Peoples from recognition, rights, and benefits.

Respect for community self-definition and self-determination leads to better relationships and more sustainable conservation outcomes alike.

For more, see [\*Who Are Indigenous Peoples?\*<sup>\(12\)</sup>](#), UN Permanent Forum on Indigenous Issues.

## Communities and the Screening Process

How should teams bring Communities into the screening process?

It is a difficult question with a nuanced answer.

Firstly, Communities themselves are the most important and accurate source of information about their own interests. It’s essential to bring them into any risk assessment process prior to making any major decisions about implementation or mitigation.

But timing is important.

In many cases, it is unfair to impose the burden of screening work on Communities. It is the business or organization’s responsibility to ensure its work does not cause human rights impacts. It is not the Communities’ responsibility to help a business or organization assess itself, and there should be no expectation of this labor, and certainly not without fair compensation.

The screening processes of this Tool are a preliminary exercise in identifying issues, prioritizing them, and organizing teams’ thinking. It is an introduction pointing toward ways to begin a collaborative process with Communities.

The Tool is not a one-stop shop for completing human rights due diligence or process for community engagement.

Conservation teams have two equally important responsibilities:

1. Conduct their own screening process to determine any human rights impacts they might have;
2. Follow up and validate its impressions with Communities during later engagement.

Teams should rely on their local knowledge and experience. And they should also know — and be candid about — the limits of their knowledge. The Tool will help by recommending areas for further research before decisions are made.

Only *after* the screening process is complete should teams begin to develop concrete plans and problem-solve.

During the Research Phase detailed in the next section, teams should gain familiarity with the region's Communities and relevant issues. After that, the screening process can begin.

It's recommended to do the work of planning and problem-solving in concert with Communities. At this phase, teams should validate the determinations of the screening process as well.

See also FAQ: [Why are teams doing this analysis themselves instead of hiring an expert?](#)

While teams are responsible for preliminary screening, this does not invalidate the importance of early engagement with communities to ensure respect for human rights and self-determination.

As the [Guide](#) describes, no concept development should begin before Communities are engaged. Careful planning and practicing restraint will help teams adhere to this mandate.

Early engagement with Communities is fundamental in international human rights law. It is required by courts.

Given historical power imbalances, Communities may be reluctant to raise issues or insert their perspectives if it feels like major decisions have already been decided.

If Communities are made to feel they have been brought in to rubber-stamp something that's already been decided, the relationship suffers, along with the outcome.

Furthermore, Communities almost always hold critical details about which strategies or approaches will work.

To the extent that a business or organization and Communities have different goals, a shared set of goals should be established. Businesses and organizations should not attempt to force Communities' goals into a project not designed to meet their needs.

## SECTION 2. Overview

### Learning & Early Discussions

In preparing to use this Tool, teams should feel empowered to conduct research and engage with key Communities. Module 1 of the Human Rights Guide<sup>(11)</sup> might help guide you to identify Communities, assess your capacity for engaging, and focus on how to engage respectfully. Human rights often are and should be adapted to local understandings and values. Outsiders must bring humility and deference to the process of applying their understanding of “international human rights” to other peoples’ circumstances.

### Project and Community Background

Teams should complete a stakeholder mapping or interested parties assessment to identify rightsholders and uncover all the potential impacts that affect them. They should also identify subgroups within Communities who might need special human rights considerations. Additionally in this phase, the Tool generates the following project-specific terms:

- Project Site
- Project Area
- Project Region

The real utility of the research phase is to help teams familiarize themselves with the geographies, Communities, and other contexts present in a project. There are many other context-setting tools available for this work, so teams should decide for themselves which one suits best.

### Screening Phase

#### Human Rights Risk

Conservation work creates impacts. These impacts can be good or controversial, or indeed hard to characterize. Running a livelihoods program carries the risk of unfavorable results, impacting gender equity, or impacting a Community’s right to self-determination.

It’s important to be aware of this possibility in order to avoid unfavorable outcomes. Human-rights based conservation seeks to respect and advance human rights, and as such, we see risks as inevitable and embrace the process of identifying risk and responding well to it. This Tool helps identify and prioritize those risks.

The scope of human rights and our responsibility to respect and caretake them is vast, so understanding how actions and impacts are linked well help teams understand their



organization’s obligations. This Tool was designed to identify and prioritize human rights risks — it answers to broad ranges of impacts, including not only severe human rights abuses but also socioeconomic rights, labor rights, and complex collective rights like the right to self-determination.

Following a comprehensive human rights due diligence process (HRDD) is essential. The responsibility of HRDD is to first identify and assess risk, and secondly to co-create, implement, and review mitigation strategies. This Tool applies these concepts by way of the Project Risk Determination Framework, available as tool tip throughout the project screening phase.

## **Contextual Risk and Project Risk**

The screening phase comprises two distinct parts:

1. Contextual Risk Screen: Assessment of the overall environment
2. Project Risk Screen: Focusing on the specific project and its likely impacts

The overall environmental assessment is performed with the framework of the Contextual Risk Screen. It can be easy to overlook human rights risks, especially when supporters are optimistically focused on benefits and upsides as opposed to unexpected turns of events.

Importantly, because the Contextual Risk Screen casts such a broad lens, it presumes that any risks that are uncovered will be linked to the project in question, unless the team specifically determines that a risk is not applicable, unlikely, or already has a mitigation strategy in place.

This first phase of the screening process moves quickly, as its indicators identify rights issues broadly and asks whether Communities working in the area are aware of them.

Teams can answer “yes,” “no,” or “need for more research,” the latter of which puts the indicator on a Research List for teams to document and organize issues for investigation.

A more in-depth analysis is performed with the Project Risk Screen, which zooms in on indicators identified in the Contextual screening process. At this level, teams will be given indicator-specific guidance and cross-references to other indicators and tools, moving on to a more structured assessment in the Project Risk Determination, where each indicator will be placed into one of three categories:

- Escalate List
- Prioritize List
- Watch List

## **Judgment and Prioritization**

Human rights screening is a complex process, requiring existing knowledge, experience, and keen attunement. It can be difficult to make judgment calls or know how to prioritize, but it’s a necessary part of the process, because after all, if everything is a priority, nothing is a priority.

This Tool, with its planned and prescriptive structure, aims to cut down on the cognitive load required to do this prioritization effectively. It will organize teams' thinking so they can usefully engage with Communities, but it is not a one-stop shop. Rather, the Tool itself expressly guides teams to revisit and validate determinations with the Communities.

During some of our early workshopping of this Tool, teams felt uncomfortable making risk determinations, particularly if they felt they would be on the hook for missing something.

This is understandable.

It's important to remember that, if no due diligence process like this is followed, the team is essentially making a "no risk" determination about *everything*. Therefore, it's better to follow a process, however imperfect or incomplete it might feel.

With that in mind, team members should be made to feel comfortable engaging with the Tool and properly incentivized to identify risks, even if their identification might delay project deadlines.

In our workshopping sessions, team members became more comfortable with making these judgments as they familiarized themselves with the Tool. And the discussions that ensued from engaging with the Tool were found to be educational and clarifying.

### Key Tool: The Project Risk Determination

This risk analysis framework, then, is meant to help teams determine whether an identified risk can be considered limited or manageable to the point that it is a normal part of work in the environment.

That's not to say these risks are ignored, but they are placed on the Watch List, where they receive a different level of attention.

A useful acronym to remember the elements of a so-called "normal" risk is NAURMAL:

**NA** — **N**ot **A**pplicable to the project

**U** — **U**nlikely to occur

**RM** — **R**eliable **M**itigation strategies exist and are

**A** — **A**vailable

**L** — **L**imited scope of risk

Having learned from our past workshopping process, we hope this Tool will help teams to feel more comfortable making the complex risk analysis decisions required at this phase of engagement.

The Project Risk Determination is meant to give teams a high-level impression of where a given risk falls on the continuum of project risk. Teams then use that, along with indicator-specific guidance, to place risks on the Escalate, Priority, or Watch Lists.

### Key Tool: Minimum Core Risk Determination

Minimum Core Risk Determinations apply most often to socioeconomic rights: food, water, housing, education, medical care, and so on, as delineated further in this [helpful fact sheet](#)<sup>(13)</sup>. These rights are understood somewhat differently than civil and political rights. Rather than setting concrete standards, these rights are seen as imposing obligations on states to “progressively realize” the right over time. That said, socioeconomic rights have a “minimum core,” the violation of which is a violation of human rights law like any other. The factors that indicate a minimum core violation include

- A. **Unlawful discrimination** in respecting, protecting, or fulfilling the right
- B. **Retrogressive** action measures that worsen baseline conditions
- C. Failing to pursue **available mitigation** strategies that would alleviate insecurity
- D. The existence of **persistent severe inadequacies**, particularly those that affect children.

These factors are described in more detail in the Minimum Core Risk Determination Framework, which is available as a tool tip in the project screening phase. When directed in the Project Risk Screen, teams should apply factors (A)-(D) above and determine if a project risks violating Communities’ minimum core enjoyment of a right.

### The Research List

While performing the Contextual Risk Screen, teams may find some indicators that require more information to mark as a contextual risk. These are to be pursued with desk research in tandem with preliminary Community engagement as outlined in Module 1 of the Human Rights Guide<sup>(11)</sup>.

### The Escalate List

In cases where risks are considered severe, “grave,” or “gross”<sup>2</sup> violations in international human rights law, and irrespective of whether they are more or less likely to occur, organizations have a

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<sup>2</sup> These include the risk of involvement in “widespread or systematic” killings; genocide or forced population transfer (“ethnic cleansing”); torture; rape for political or military purpose; sex trafficking; disappearances; widespread or systematic violations of civil and political rights, especially arbitrary detention; violations driven by organized crime, terrorism, or paramilitarism; attacks on human rights and environmental defenders; dispossession of Indigenous Peoples; slavery and human trafficking; and the worst forms of child labor. See, e.g., [the Council of Europe's Guidelines on Eradicating Impunity for Serious Human Rights Violations \(2011\)](#)<sup>(14)</sup> (noting broadly that “serious” violations are those for which

stronger obligation to avoid these risks. Mitigation strategies might be deemed unreliable in the face of these risks, as they might be accompanied by a breakdown in governance or other types of protections. Such risks are placed on the **Escalate List**.

Risks marked on the Escalate List will require a more thorough level of review and expertise than is available in a typical project team. Some organizations may have that review and expertise in-house, other organizations may need to seek external expertise. A risk on the Escalate List might still be a viable project, but it should be put on hold until it has been vetted by reviewers outside the project team.

If a project is already in motion, the action of putting it on hold might itself trigger adverse human rights impacts. In those circumstances, do suspend significant changes or expansions until the risk is reviewed.

The additional layer of review is still being piloted and is described below. If an Escalate List risk has already been examined by regional, national, or global leadership outside the project team, the Tool recommends a refresh.

### **The Prioritize List**

Some risks, on the other hand, need to be prioritized for prompt attention by project teams and incorporated into the project design and implementation processes.

There is a natural tendency to over-include priorities to avoid making a mistake, but as stated above, if everything is a priority, nothing is a priority. This Tool will help with these priority decisions with specific guidance and key risk analysis frameworks.

When a risk carries a high level of project risk that does not fall under the Escalate category, it will be placed on the Prioritize List for prompt attention by the project team. All other risks, assessed by the Project Risk Determination template, will be placed on the Watch List. Leaving these off the Prioritize List frees up time and resources to address the most urgent issues.

The recommended follow up for issues on the prioritize list is described below and includes engagement and collaboration with Communities and rightsholders and potentially a human rights expert.

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States “have an obligation . . . to enact criminal law provisions”). See generally [Definition of Gross and Large-scale Violations of Human Rights as an International Crime, U.N. Doc. E/CN.4/Sub.2/1993/10 \(June 8, 1993\)<sup>\(15\)</sup>](#).

## **The Watch List**

The Watch List is a holding space for contextual risks that aren't top priorities, whether because of timing, because of situations that are uncertain and evolving. Remember that not everything can be a top priority. These risks should be revisited and reassessed regularly — no less than once a year.

The Watch List is also helpful to revisit at the implementation phase, or when designing Community engagement processes.

Some items on the Watch List might be better addressed with alternative tools. The range of human rights considered by this Tool is broad — food, water, housing, medical care, education, standards of living, collective rights, inter-generational rights. The correct approach to the social challenges underlying each of these rights is still under debate, and approaches that are comprehensive and correct in one context might not work in other contexts. A global toolkit is useful, but it is not a global substitute purporting to work in every situation. Other approaches that are more flexible or locally adapted should be considered and assessed.

Cross referencing to Other Tools enables teams to off-ramp some risks into different solution frameworks. These risks are still included on the Watch List so that teams can easily review progress and maintain a single point of reference for risks. Risks on the Watch List can occasionally be reviewed using the Minimum Core Risk Determination Framework to ensure that no unlawful discrimination occurs that would violate the minimum core of the right in question.

## **Results Tables**

Summary information is pulled from the screening process and codified into the Escalate, Prioritize, and Watch Lists. These results tables are designed to help organize action and recommendations for teams to pursue.

There is potential for items on these lists to overlap. Project teams are expected to use their discretion to set priorities and schedule analyses and check-ins at various stages of project design and implementation. This should ensure transparency and accountability, while also prioritizing the expertise of local management from Communities.

## **Follow-up Phase**

### **Escalate List Follow-up: Seek Additional Review**

Because issues on the Escalate List often reflect governance or social breakdown, they are unpredictable, difficult to mitigate, and carry a high degree of human rights and organizational

risk. Therefore, decisions cannot be made with the project team alone; organizational leadership and outside experts should be consulted.

There is, as yet, no specific review process to follow for Escalate List risks. Future options could include use of existing review committees, a new specialized review committee, or selected staff who have knowledge of the risks in question. Higher-level reviewers in an organization should be able to:

- Exercise independent judgment
- Offer expertise in human rights and/or the challenges of the particular project environment
- Oversee discretionary budget with authority to direct additional research or engage outside experts
- Assess organizational risk to their organization, their organization's partners, and the NCS community of practice globally

If such review is not available in an organization, the organization may need to seek outside expertise to appropriately guide next steps.

For beta users of the Tool, we recommend users to send their Escalate List results to a higher-level reviewer in their organization. This person should have an appropriate level of authority and responsibility in their organization to advise on Escalate risks. Ideally, reviewers should have support from a specialized legal advisor who will assist reviewers in determining next steps and escalating the issue to existing review mechanisms if there is an urgent need to do so.

If Escalate List risks have previously been examined by higher-level leadership, as in the case of ongoing projects, the review need not start over from scratch. A general guideline is for leadership to refresh its formal review of these risks every two years by way of a written analysis that reconsiders mitigation strategies in light of new developments.

Additionally, teams can use the summary information on key risk assessment criteria to conduct less formal reviews on a more regular basis, sharing it with colleagues on other teams and units.

### **Prioritize List Follow-up: Engage with Rightsholders or Other Due Diligence**

Following the screening, teams should address risks on the Prioritize List by engaging with rightsholders and other interested parties. A forthcoming component of this Tool (tentatively called the Rightsholder Engagement Tool) will help teams facilitate the sometimes complex and difficult conversations about:

1. What the relevant human rights issues are,
2. What the corresponding actions and obligations are (*e.g., for the government, for their organization, for others*), and
3. What can and should be done to avoid or mitigate the risk or human rights violations.

Both the Screening Tool and the forthcoming Rightsholder Engagement Tool are components of the larger process of Human Rights Due Diligence.

HRDD is an increasingly important and rapidly evolving international standard, with new expectations emerging from national laws and institutional best practice. It is typically understood to include not just identifying and assessing risks, but also a process of engaging rightsholders on risks and implementing prevention and mitigation actions. The Screening Tool helps teams fulfill the identification and assessment part of the process. Rightsholder engagement helps teams fulfill the engagement component and lays a foundation for collaborative creation of mitigation strategies. This is a particularly necessary step given that the screening is primarily based on the teams' own knowledge and perspective.

Teams can also review the Human Rights Guide, Module 4<sup>(9)</sup> for more comprehensive guidance on how the dialogue should proceed in order to reach consensus.

### **Watch List Follow-up: Engage, Monitor, and Periodic Review**

Entries on the Watch List fall into one of two categories:

- a) Risks from the Contextual Screen that were deemed to be low Project Risks
- b) Equity and well-being considerations that may be better addressed using other approaches

Project Risks deemed low-risk in the Project Risk Screen still are present in the operating environment. Thus, they might exert continued pressure on the project, and further links to the project could be revealed as it grows, succeeds, fails, and/or gains public awareness. Therefore, teams should review these risks annually.

Likewise, equity and well-being considerations should be reviewed once a year, along with the status or latest updates of any other tools or frameworks that have been used to explore or approach the issue.

The Watch List should be considered a background resource for Community engagement and project implementation. Every item on the list is worth discussing with Communities and decision-making partners as implementation decisions approach.

Community input should be sought to help teams understand on-the-ground relevance of the risks identified through the screening process and inform decisions. Where Communities raise different points of view, teams should:

- Always listen for allegations about issues that were previously determined not to be contextual risks, and add them to one of the lists.
- Consider removing any risks from the Watch List that Communities say are not salient.
- Elevate items to the Prioritize List if risk seems heightened or perceived mitigation strategies aren't reliable or available.
- Use the Project Risk Screen to assess any new risks that are identified from community discussions, and apply the Project Risk Determination to add risks to the Escalate List (if a Minimum Core Violation exists), Prioritize List, or Watch List as applicable.

## SECTION 3. Project and Community Background

### Project and Community Background

*Have you mapped out potentially interested parties? if yes, reference and include your results with use of this tool. If not please use this tool and one of the tools suggested below.*

The first step before using the Human Rights Screening Tool is for teams to gain a clear view of the interested parties to understand which Indigenous Peoples and Local Communities will potentially be affected by a project.

Identifying rightsholders and Communities is a complex process, and analysis must be wide-reaching to capture all potential impacts. But be mindful that the tendency to bring in every possible indirectly linked entity can make analysis sprawling, paralyzing, and ultimately lacking in utility. It's important, therefore, to lay groundwork on structure and scope.

Investigating deeply, to honor the complexity of the process, while also keeping the time commitment realistic to honor teams' capacity, are the dual mandates of this Tool. If you have already completed a stakeholder or interested parties assessment, please upload it here. If you haven't please review existing tools and upload your results once you complete the exercise.

### Existing Stakeholder and Interested Parties Assessment

Many science-backed tools exist for stakeholder mapping, as listed below, but this should include identifying impacted communities and rightsholders. A sampling of those that The Nature Conservancy has developed or relies upon include:

- [Conservation by Design 2.0](#)<sup>(18)</sup> situation and stakeholder analysis.
- [Rightsholder and Stakeholder Mapping Template](#)<sup>(19)</sup>
- [Community Leaders and Institutions Diagnostic](#)<sup>(20)</sup>
- [Collective Action and Social Cohesion Diagnostic](#)<sup>(21)</sup>
- [Module 1 of the Human Rights Guide](#)<sup>(11)</sup>

Teams should consider applying whichever tool best meets their needs.

### Identifying Gender Equity Issues and Vulnerable Groups

Understanding the existence and relationship of Communities is an important component of human rights mapping, but equally important is understanding the existence and needs of vulnerable groups within Communities, including but not limited to:

- Women
- Youth



- Older persons
- Persons with disabilities
- Racial and ethnic minorities
- LGBTQI2S+ persons
- Refugees
- Migrants
- Human rights defenders
- People suffering poverty
- People living with HIV/AIDS or other chronic health conditions

This topic is canvassed further in [Step 2 of the Human Rights Guide, Module 1: Learning and Early Discussions](#)<sup>(11)</sup>.

Some of the challenges this presents are beyond the scope of this Screening Tool. But it's important to be aware of these differences and issues to identify potential human rights impacts. To develop understanding, it might be helpful to review the following:

- The Nature Conservancy's [Guidance for Integrating Gender Equity in Conservation](#)<sup>(22)</sup>
- Flora & Fauna International's [Participatory Approaches Tool](#)<sup>(23)</sup>

A best practice might be engaging these tools before running the Human Rights Screening Tool. The Screening Tool can also be used in a parallel and iterative fashion alongside other tools, as it might identify issues that pose risks to these discreet sub-groups.

## Questionnaires

Use the prompts below to fill out the Project and Community Background.

### Geographic Scope

Briefly describe the geographic scope of the project based on the guidance for project site, project area, and project region.

**Project Site** refers to any specific site that has already been identified for inclusion in the project scope and where project implementation activities will occur.

**Project Area** refers to the Project Site plus nearby geographies. Within the scope of this area, groups know or know of each other, and communicate about issues. Given the right circumstances (e.g., funding, community interest), there could be potential for expansion of the project across this area without significantly changing project objectives or approach.

**Project Region or Ecoregion** automatically includes both Project Area and Site, plus other regional communities that face similar issues, or political or environmental dynamics.

**Project Category:** check all that apply

- Climate adaptation
- Carbon credits
- Renewable energy
- Climate mitigation
- Protection/Conservation
- Improved Management
- Restoration
- Improved place-based livelihoods
- Community-led
- Improved participation in decision-making
- Improved security of rights over lands, water, or resources
- Freshwater
- Food systems (agriculture, fisheries, aquaculture)
- Policy focus
- Research
- Piloting
- Implementing
- Scaling

Briefly summarize:

- 1. Project history**
  - Is it a new project, or an extension of existing work?
  - What are the project’s goals?
  - Why is this project happening now?

**2. Baseline geographic scope**

- Where is the project site?
- If one has not yet been selected, describe its anticipated scope and name some options under consideration.

**3. Activities**

- What activities will attend this project, at a minimum?
- What other activities might be included as a stretch goal?

**4. Partners**

- Who else is involved in this project? (Include NGOs, community organizations, and entities from the government and private sectors.)

**Carbon Credit Project Controversies**

*Is your project currently, or are there plans for the project to become a carbon credit project? If yes, please answer these questions and coordinate with your carbon project manager or carbon markets team.*

*\*\* Note: Not all conservation projects will or should be developed as carbon credit projects, but the controversies below may still apply.*

1. **Indigenous rights.** Have any of the Communities identified in a stakeholder or interested parties assessment experienced adverse impacts, such as relocation, linked to carbon mitigation projects?

2. **Land competition.** Have any Communities identified in a stakeholder or interested parties mapping been party to dramatic increases in land value or external interest in land due to carbon mitigation projects?

3. **Access/use limitations.** Have any Communities identified in a stakeholder or interested parties mapping been subject to restricted access or use from governments or private owners due to carbon mitigation projects?

4. **Monoculture/inappropriate reforestation/afforestation.** Have any Communities identified in a stakeholder or interested parties mapping experienced reforestation by way of monoculture plantations or having non-native species introduced that are not ecologically appropriate?

5. **Climate justice/equity.** Have any Communities identified in a stakeholder or interested parties mapping experienced claims of unjust distribution of burdens and benefits of carbon mitigation/adaptation activities?

6. **Carbon price fairness and transparency.** Have any Communities identified in a stakeholder or interested parties mapping been involved in projects that produce carbon credits for sale at price subject to claims of inequity or per agreements that were challenged as not fairly negotiated?

7. **Carbon market integrity.** Have any Communities identified in a stakeholder or interested parties mapping been involved in projects that produce carbon credits subject to carbon market integrity concerns, including lack of additionality, double-counting, or lack of permanence?

8. **Monitoring and compliance.** Have any Communities identified in a stakeholder or interested parties mapping been the subject of complaints about carbon project outcome monitoring or compliance enforcement in ways that generate Community backlash or diminish a Community's right to self-determination?

9. **Greenwashing.** Are the project’s carbon mitigation benefits poised to be used by a funder or credit purchaser whose environmental, human rights, or carbon mitigation practices have been criticized?

10. **Food or water insecurity.** Have any Communities identified in a stakeholder or interested parties mapping experienced impacts to food or clean water availability or security linked to carbon mitigation projects?

11. **Livelihoods.** Have any Communities identified in a stakeholder or interested parties mapping been involved in pressures to abandon traditional livelihoods that are linked to carbon mitigation projects and have been criticized as unwanted or undermining community self-determination?

12. **Other human rights concerns.** Have any Communities identified in a stakeholder or interested parties mapping been involved in high-profile human rights impacts linked to carbon mitigation projects?

Impacts might include:

- a. Increased levels of alleged violence, intimidation, harassment. Consult databases and reporting from human rights defender organizations including the [Business & Human Rights Resource Centre](#)<sup>(24)</sup> and [Front Line Defenders](#)<sup>(25)</sup>.
- b. Claims of undermined Indigenous self-determination or inadequate community participation or FPIC.
- c. Increased inequities or adverse impacts targeting women or vulnerable groups.
- d. Negative impacts to culturally important sites or the exploitation of traditional ecological knowledge.
- e. Deteriorations in income, employment levels, workplace conditions, or labor rights protections.
- f. Deteriorated conditions of housing, education, or medical care.

13. **Localized political opposition.** Will carbon mitigation/adaptation projects be subject to political opposition (including due to any of the aforementioned controversies) such that the project might generate controversy or media attention?

## SECTION 4. Contextual Risk Screen

The focus of the Contextual Risk Screen is to determine what risks exist in the geophysical and social working environment, regardless of links to the project, as described in the Introduction. If a contextual risk exists, it presents a potential impact unless assessed otherwise during the Project Risk Determination.

### Indicator Tables

The indicators below cover political and social factors, Community views and the existence of *allegations* of risk. Keep in mind:

- When we say “risk,” we mean “a possibility that rights could be adversely impacted.” Risk can come from intentional violation, unintentional consequences, or contextual factors without any experience of problems.
- This screening focuses on allegations and concerns as well as facts.
- At this phase, we are only focused on identification of risk. We don’t weigh the evidence or seek to determine connection to our project (yet).
- To help with prioritization, the indicators capture whether a risk is a salient issue, meaning an issue Communities are aware of and concerned about. A single occurrence of a violation will sometimes make it a salient issue, but other times not. Use your best judgment and remember that these determinations should also be validated with Communities later in the process.
- If a question is framed to include alternatives (“or”), a yes answer to either one means that indicator should be marked a contextual risk.
- If a risk is presented only in part, it still should be marked as a contextual risk.
- The indicators will ask you to consider different geographies based on the question: Project Area, Project Region, and Project Country.
- If a government body or other party denies a risk or allegation, it must still be reported as a risk.
- If a proposed project could introduce an indicated risk that isn’t currently present, it should be marked as a contextual risk.
- If the team doesn’t feel comfortable making a judgment call, it can be marked “Needs more research.” [The Rights Tracker](#)<sup>(26)</sup> can be a helpful tool to start preliminary research.
- Be sure to include any notes that a future reviewer might find helpful to understand the decision on the indicator. You might also briefly describe the Specific Risk that triggered the indicator, especially if it is discrete or narrower than the description.

*SCENARIO: A team felt gender equity in the Community was strong with the exception of one government benefit that was only available because they occupied roles in a traditional arrangement. The team marked ‘yes’ on Indicator 3.1 — Gender and Identity Based Violence, and described the issue.*

## Table 1 - Violence, Intimidation, Harassment

Every human has the right to be free from violence, intimidation, and harassment. NCS projects that threaten illegitimate economic interests like poaching, or that trigger change on resource competition or social or political equilibrium, can increase risk in this category.

If a risk in this category is severe, it might warrant inclusion on the Escalate List so that it may be reviewed by project-independent experts.

Further reading: the [Universal Declaration of Human Rights<sup>\(27\)</sup>](#), the [International Covenant on Civil and Political Rights<sup>\(28\)</sup>](#)

### 1. Violence, Intimidation, Harassment

<p>1.1 Killings</p> <p><b>Project Region:</b> Are there reports of politically motivated killings? Consider conduct by any <b>organized authority</b>, including government, political, paramilitary factions, rival ethnic groups, and criminal activity-linked business interests.</p> <p><i>NOTE: For violence other than killings, please use other Table 1 indicators.</i></p>	
<p><u>Contextual Risk:</u></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>1.2 Rape or torture</p> <p><b>Project Region:</b> Have there been <b>multiple</b> allegations of rape or torture linked to an <b>organized authority</b>?</p>	
<p><u>Contextual Risk:</u></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>1.3 Sex trafficking or other organized sexual exploitation</p> <p><b>Project Region:</b> Are there <b>multiple</b> allegations of Communities being used as a source or destination for sex trafficking victims, child pornography, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or involvement of an <b>organized authority</b>?</p>	



<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.4 Enforced or involuntary disappearances  <b>Project Region:</b> Are there <b>multiple</b> allegations of disappearances linked to an <b>organized authority</b>?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.5 Other violence, intimidation, harassment  <b>Project Area:</b> Do Communities (consider women specifically) face <b>frequent</b> violence, intimidation, or harassment from rival Communities or outsiders?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.6 Widespread or systematic violations of civil and political rights  <b>Project Region:</b> Are there <b>pervasive</b> allegations of violations of civil and political rights by an <b>organized authority</b>? This might include rights of speech and religion, right to vote, right to public assembly, right to free movement within a country, right to a fair trial, or others.</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.7 Organized crime  <b>Project Region:</b> Are there <b>pervasive</b> allegations of organized crime (<i>e.g. narcotraffic, human trafficking, illegal arms, poaching, cattle rustling</i>) associated with frequent violence or corruption?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.8 Attacks on human rights and environmental defenders  <u>Project Region:</u> Have there been <b>multiple</b> allegations of attacks on human rights and environmental defenders? Consider physical attacks and harassment as well as bad-faith legal action or political retaliation.</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.9 Intra-community levels of violence, intimidation, harassment  <u>Project Area:</u> Are there <b>pervasive</b> allegations that sub-groups within Communities (consider women and <b>Vulnerable Identities</b>) face violence, intimidation, or harassment by others in the Community? This indicator can be marked in addition to Table 3 (Gender) indicators.</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.10 Project-based security or police function  Will the project involve a security, policing, or enforcement function (<i>e.g., enforcement of grazing allocations</i>)?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>1.11 Project staff and contractors  Are there <b>any</b> of the following allegations about current or anticipated project staff, contractors, or partners?</p> <ul style="list-style-type: none"> <li>• sexual violence or harassment;</li> <li>• politically motivated violence, intimidation, or harassment;</li> <li>• links to organized crime, terrorism, or paramilitarism;</li> <li>• links to corruption or money-laundering;</li> </ul>

<ul style="list-style-type: none"> <li>unlawful discrimination while working on the project, or a precursor or related project in the last five years?</li> </ul>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>

**Table 2 – Land Tenure, Use, and Access**

Land rights issues are often salient in this work. IPLCs have complex and evolving rights under national and international law. For more, review UNDRIP articles 3, 18, 25, 26, 29, and 32. Teams should consider these rights to apply to all Communities who identify as Indigenous.

**2. Land Tenure, Use, and Access**

<p>2.1 Dispossession/forced relocation of Indigenous Peoples or other Communities  Project Country: Are there <b>any</b> allegations of dispossession or forced relocation of Indigenous Peoples or other Communities in the last 30 years?</p>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.2 Land grabs and insecure or contested land status  <b>Project Region:</b> Are there <b>multiple</b> allegations of land grabs or <b>pervasive</b> concerns about powerful outsiders using underhanded means to take control of land from communities?  <i>If Carbon Credit Project Controversies Nos. 1-4 were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.3 Insecure land tenure or customary title  <b>Project Region:</b> Do Communities (consider women specifically) occupy or use project land or neighboring land without holding secure legal title? Or if Communities hold customary title to the land, is the effectiveness of the title uncertain? <i>If Carbon Credit Project Controversies Nos. 2-3 were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.4 Uncertain or contested land claims</p> <p><b>Project Region:</b> Is chain of title to land considered to be uncertain or inaccurate, especially in relation to legacies of colonialism or regime change? If the project involves a land transaction, are there any claims or controversies related to the acquisition?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.5 Significant government pressure for control</p> <p><b>Project Region:</b> Are there <b>pervasive</b> concerns that the government will seek to relocate Communities or change the status of land use and management? <i>If <b>Carbon Credit Project Controversies Nos. 1-3</b> were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.6 Significant outsider/third-party pressure for control</p> <p><b>Project Area:</b> Have any outsiders/third-parties expressed interest in relocating Communities or changing use/status/management of area land? <i>If <b>Carbon Credit Project Controversies Nos. 2-3</b> were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.7 Resource pressure</p> <p><b>Project Area:</b> Does the land contain (or is it thought to contain) extractable resources (oil, gas, minerals, timber, monoculture forestry) or carbon market potential? <i>If <b>Carbon Credit Project Controversies Nos. 2 or 4</b> were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.8 Land access/use</p> <p><b>Project Region:</b> Are there frequent allegations by Communities (consider women specifically) of unfair or unjust inability to access or use land and resources? <i>If Carbon Credit Project Controversy No. 3 was noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>2.9 Management/decision-making</p> <p><b>Project Region:</b> Are there frequent allegations by Communities (consider women specifically) of unfair or unjust management of land? <i>If Carbon Credit Project Controversies Nos. 5 or 11 were noted in the research phase, marking a Contextual Risk here may be appropriate.</i></p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>

**Table 3 – Gender Equity and Vulnerable Identities**

The right to equal enjoyment of all civil and political rights by all genders and gender expressions is protected specifically in the [Convention on the Elimination of Discrimination against Women \(CEDAW\)<sup>\(29\)</sup>](#), [UNDRIP<sup>\(30\)</sup>](#) arts. 21-22, and many other sources of law. Community-based conservation work can affect gender equity, and several conservation organizations have made gender-responsive and transformative policies a top priority. Refer to [Guidance for Integrating Gender Equity in Conservation<sup>\(22\)</sup>](#) to learn more.

Other **Vulnerable Identities** also often facing increased risk of human rights violations include youth, elders, racial and ethnic minorities, persons with disabilities, migrants, displaced persons (including refugees), and persons facing invidious social discrimination (low social status). There is an extensive social science and institutional literature on identifying and responding to the different needs that may be presented by these groups. The Project and Community Background contains guidance to address these identities.

### 3. Gender Equity and Vulnerable Groups

<p>3.1 Gender and identity-based violence  <b>Project Area:</b> Are there <b>frequent</b> allegations or concerns about gender-based violence or harassment of women or other <b>Vulnerable Identities</b>?</p>	
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>3.2 Gender equity in management and decision-making  <b>Project Area:</b> Are there <b>frequent</b> allegations about insufficient participation by women or other <b>Vulnerable Identities</b> in decision-making? Note that there is a contextual risk of gender inequity in most community-based projects and across most organization’s work generally.</p>	
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>3.3 Management/decision-making - culture  <b>Project Area:</b> Do Community members defend low participation rates by women or other <b>Vulnerable Identities</b> as reflective of or inherent in gender roles?</p>	
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>3.4 Political participation by women  <b>Project Region:</b> Are women <b>frequently</b> elected to public offices or Community-based authority structures? If not, mark as a contextual risk.</p>	
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="padding-left: 100px;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>3.5 Women’s access to institutions/support  <b>Project Area:</b> Are there <b>pervasive</b> allegations that women lack practical access to institutional support available to men?</p>	

Consider the following sources of support:

- Legal: access to courts, ability to hold property independently of men, ability register and/or operate a business
- Civil society: ability to apply for grants and community development funding
- Commercial: access to banking or credit services

3.6 Division of labor

**Project Region:** Are there **pervasive** allegations that gender-based divisions of labor are unfair or inequitable?

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

3.7 Profit/benefit sharing and wage discrimination

**Project Region:** Are there **pervasive** allegations that women or other **Vulnerable Identities** do not receive a fair share of profits or benefits, or that they suffer from wage discrimination or a pay gap?

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

3.8 Maternity

**Project Region:** Are there **multiple** allegations that women face consequences linked to childcare or pregnancy?

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

3.9 Discrimination generally

**Project Region:** Are there **pervasive** allegations that women or other **Vulnerable Identities** suffer **unlawful discrimination** in any other political, social, or economic affairs?

<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
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#### Table 4 – Cultural Rights

For Indigenous Peoples, cultural rights focus on their survival and flourishing as a self-determined people, not merely as citizens of their host state or subjects of outsider concern. Relevant UNDRIP rights: articles 4, 11, 24, 25, and 31<sup>(30)</sup>. Businesses and organizations should respect and strive to protect these rights to the maximum extent possible for all Indigenous Communities. For more on this topic, see [Module 2 of the Human Rights Guide](#)<sup>(8)</sup>.

#### 4. Cultural Rights

<p>4.1 Cultural genocide or oppression</p> <p><b>Project Region:</b> Are there <b>multiple</b> allegations of any of the following?</p> <ul style="list-style-type: none"> <li>• suppressing a group’s access to its own language, history, or culture;</li> <li>• repression of a group’s cultural, religious, or spiritual practices;</li> <li>• prohibiting political participation based on race, ethnicity, or religion;</li> <li>• destruction of sacred sites or monuments; <ul style="list-style-type: none"> <li>• removal of a targeted group’s children from homes, interference with adoption procedures, or targeted prohibitions of marriage?</li> </ul> </li> </ul>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>4.2 Voluntary isolation</p> <p><b>Project Region:</b> Are <b>any</b> Indigenous Communities living in full isolation from outsiders? If so, mark Yes even if the project is not expected to interact with these Communities.</p>
<p><u>Contextual Risk:</u>            YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>4.3 Culturally important sites and cultural property</p>



<p><b>Project Area:</b> According to Communities (consider women specifically), are there <b>any</b> sacred or ceremonial places, including burial sites, or does the area contain cultural property such as archeological material or artifacts? Include places that are used only episodically or seasonally.</p>	
<p><u>Contextual Risk:</u>            YES   <input type="checkbox"/>            NO   <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH   <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>4.4 Organic cultural property and traditional ecological knowledge</p> <p><b>Project Area:</b> According to Communities (consider women specifically), are there <b>any</b> plants, seeds, animals, minerals, or genetic resources that Communities consider cultural property or part of their traditional ecological knowledge or traditional medicine?</p>	
<p><u>Contextual Risk:</u>            YES   <input type="checkbox"/>            NO   <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH   <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>4.5 Use of images</p> <p><b>Project Region:</b> Are images of Communities, or their places, designs, artwork, or performing arts, <b>frequently</b> used by outsiders, especially in marketing or fundraising efforts?</p>	
<p><u>Contextual Risk:</u>            YES   <input type="checkbox"/>            NO   <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH   <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>4.6 Forced assimilation and threats to culture</p> <p><b>Project Area:</b> According to Communities, has their culture been forcibly assimilated, destroyed, or threatened, or otherwise in need of protection from outside influences?</p>	
<p><u>Contextual Risk:</u>            YES   <input type="checkbox"/>            NO   <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH   <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	

## Table 5 – Benefit Sharing

The Inter-American Court of Human Rights, in its groundbreaking [2007 case \*Saramaka\*](#)<sup>(31)</sup>, framed benefit-sharing as a critical safeguard that states [must integrate into decision-making affecting Indigenous territories](#) (paras. 129-130)<sup>(32)</sup>. And the African Court of Human Rights recently ordered Kenya to reach a benefit-sharing agreement in its reparations judgment in [the \*Ogiek case\*](#)<sup>(33)</sup>. Clear, fair, and equitable benefit-sharing is a critical frontline tool for addressing the calls for justice in the global climate and conservation movements.

### 5. Benefit Sharing

<p>5.1 Existing Community experience</p> <p><b>Project Region:</b> According to Communities (consider women specifically), are there <b>pervasive</b> allegations that they have been excluded from enjoying activities involving their lands, resources, or culture?</p>	
<p><u>Contextual Risk:</u></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>5.2 Lack of Community capacity</p> <p><b>Project Area:</b> Do Communities say that they lack experience negotiating for, administering, and managing benefits from collective land use activities?</p>	
<p><u>Contextual Risk:</u></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>5.3 Corruption/diversion</p> <p><b>Project Region:</b> Are there <b>frequent</b> allegations of corruption or diversion of benefits? Do <b>any</b> of these allegations involve your organization or a project partner?</p>	
<p><u>Contextual Risk:</u></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
<p>5.4 Transparency by outsiders</p> <p><b>Project Region:</b> Are there <b>pervasive</b> allegations that past projects have hidden or downplayed decision-making processes about how benefits are generated or shared?</p>	

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.5 Form and calculation of benefits</p> <p><b>Project Region:</b> According to Communities (consider women specifically), are there <b>pervasive</b> complaints about the use of one form of benefit over another, or are there concerns about how benefit values are calculated?</p> <p><u>NOTE:</u> Concerns about the value of community efforts and carbon credit pricing are relevant here.</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.6 Division of benefits within Communities</p> <p><b>Project Area:</b> Are there <b>frequent</b> conflicts within Communities about benefit distribution, particularly between men and women?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.7 Division of benefits between Communities</p> <p><b>Project Region:</b> Are there conflicts between Communities about benefit distribution, particularly between men and women?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.8 Division of benefits between project partners</p> <p><b>Project Region:</b> Are there <b>frequent</b> complaints about unfair distribution of benefits between Communities and other parties?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.9 New commercial partners or influences</p> <p>Project Region: For projects involving <b>any</b> for-profit partners, in the past 10 years have there been <b>multiple</b> complaints about adverse impacts stemming from the introduction of new commercial entities?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.10 Risk of debt or adverse financial outcomes</p> <p>Is there <b>any</b> possibility that the project could introduce pressures, incentives, or mechanisms for Community members to incur individual or collective debt, or could adverse outcomes result in loss of individual or community savings?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.11 Intergenerational equity</p> <p>Is there <b>any</b> possibility that Community commitments made during the project cause impacts that are (a) permanent and (b) of such an extent that they could limit future generations' ability to exercise <b>self-determination</b>, including the possibility that the present generation would use all of a resource that would otherwise be inherited by future generations?</p> <p><u>NOTE:</u> Consider particularly the monetization of carbon credits for future sequestration.</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>5.12 Climate justice</p> <p>Project Region: Do Communities (consider women specifically) <b>frequently</b> say that they face uncompensated climate impacts, or <b>pervasively</b> being denied climate mitigation funding?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
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### Table 6 – Socioeconomic Rights

Rights to food, water, housing, access to medical care, education, refer to a minimum standard of living, formalized in the Universal Declaration of Human Rights and the International Covenant on Economic and Social Rights. The established legal position is that they are obligations of progressive realization on top of “minimum core” rights, as discussed in the [Minimum Core Risk Determination](#).

### 6. Socioeconomic Rights

<p>6.1 Food insecurity  <b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations of food scarcity or hunger, or do increases in food prices lead to foregoing other basic expenses like education or medical expenses?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.2 Water insecurity  <b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations of trouble accessing clean water for personal use, or do increases in water prices lead to foregoing other basic expenses like education or medical expenses?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.3 Water quality  <b>Project Area:</b> According to Communities (consider women specifically), is water quality threatened by contamination or overuse?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.4 Housing insecurity  <b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations of homelessness, seizure, eviction, or destruction of property, or are there standard of living impacts stemming from overcrowding or unaffordable housing?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.5 Medical care  <b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations that access to healthcare is lacking such that people suffer unnecessarily from treatable illnesses?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.6 Education insecurity  <b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations that educational options are lacking such that children do not complete secondary schooling, or are literacy rates lower than average?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.7 Income insecurity  <b>Project Region:</b> According to Communities (consider women specifically), do people live at or below the poverty line, or are their incomes insufficient to cover basic expenses?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.8 Access to services and utilities  <u>Project Region:</u> According to Communities (consider women specifically), are there <b>multiple</b> allegations that they lack access to social services and programs, utilities, or basic infrastructure such as roads?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.9 Development planning  <u>Project Region:</u> According to Communities (consider women specifically), are there <b>multiple</b> allegations that they lack power or consultation in development priorities and decision-making, or have FPIC rights been ignored?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.10 Healthy environment—toxics and dangerous activities  <u>Project Area:</u> Has there ever been discharge or dumping of toxic waste or materials on or surrounding the project land, or are dangerous government/military activities taking place there?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.11 Healthy environment—disparate impact/environmental justice  <u>Project Area:</u> According to Communities (consider women and <b>Vulnerable Identities</b> specifically) are there <b>multiple</b> allegations that they have faced adverse impacts of environmental management decisions at disproportionately high rates compared to the general population?  <i>Examples include locating marginalized communities in flood zones or high toxicity areas; failure to address health risks specifically dangerous to children such as exposure to lead paint, and similar.</i></p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>6.12 Healthy environment—ecosystem services</p> <p><b>Project Area:</b> According to Communities (consider women specifically), are there <b>multiple</b> allegations that they experience threats from degradation of ecosystem services such as natural flood buffers, storm protection, landslide control, surface water purification, and food sources?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>

### Table 7 – Labor Rights and Livelihoods

The International Labour Organization helps enforce dozens of legally-binding labor-related treaties, the core principles of which are outlined in the [Declaration on Fundamental Principles and Rights at Work<sup>\(34\)</sup>](#).

The five key principles are:

1. freedom of association/collective bargaining
2. freedom from forced labor
3. freedom from child labor
4. ending employment discrimination
5. ensuring safe and healthy working conditions

The mandate to respect and support livelihoods is VCA 2.0 Pillar and a Key Advance in CbD 2.0. See [Other Tools](#).

### 7. Labor Rights and Livelihoods

<p>7.1 Slavery/trafficking/forced labor</p> <p><b>Project Region:</b> Are there <b>any</b> allegations of slavery or <b>forced labor</b>?</p> <p><u>NOTE:</u> If there is use of prison labor in the Project Region, consult with a human rights advisor.</p>
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<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.2 Child labor</p> <p><b>Project Area:</b> Are there <b>multiple</b> allegations that Community children (consider girls specifically) work outside the family for compensation, or do children within the family (<i>i.e., for family enterprises</i>) work for more than 15 hours per week or such that it interferes with education, or does the work involve occupational hazards?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.3 Labor conditions (association)</p> <p><b>Project Region:</b> Are there <b>pervasive</b> allegations of violence or repression against labor unions, or have Community workers (consider women specifically) been unable to unionize?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.4 Labor conditions (traditional livelihoods)</p> <p><b>Project Region:</b> Are there <b>multiple</b> allegations that traditional livelihoods for Community members (consider women’s livelihoods specifically) involve exposure to health and safety hazards, work-related injury, or death?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.5 Labor conditions (employment)</p> <p><b>Project Region:</b> Are there <b>frequent</b> allegations that workplaces for Community members (consider women specifically) involve exposure to health and safety hazards, working below the minimum wage or working more than 40 hours per week without overtime compensation?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.6 Unemployment  <b>Project Area:</b> Do Communities (consider women specifically) experience persistent underemployment?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.7 Discrimination and harassment at work  <b>Project Area:</b> According to Community members (consider women specifically), are there frequent allegations that they experience unlawful discrimination or sexual harassment in their workplaces?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>7.8 Interference with traditional livelihoods  <b>Project Region:</b> According to Communities (consider women specifically), are there frequent allegations that their ability to sustain their family enterprises or traditional livelihoods is compromised due to social, environmental, or economic changes beyond regular market competition?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>

**Table 8 – Self-Determination, Participation, and FPIC**

The UN Declaration on the Rights of Indigenous Peoples<sup>(30)</sup> recognizes the fundamental right of Indigenous Peoples to self-determination, given particular notice in articles 3, 4, 18, 19, 23, and 32. Self-determination provides a baseline framework for a range of other rights, and national and international courts are increasingly requiring clear demonstration of FPIC as a hard law

requirement, without which projects may not proceed. These rights apply to all Indigenous Communities.

## 8. Self-Determination, Participation, and FPIC

<p><u>NOTE</u>: that this category of indicators refers to the specific project rather than the overall context</p>	
8.1 Free participation	<p>Would declining to participate in the project expose Communities (consider women specifically) to negative social or political consequences?</p> <p><u>NOTE</u>: Do not include outcomes that are merely less favorable than the project's ideal outcomes (<i>e.g. loss of biodiversity that the project hopes to address</i>).</p>
<p><u>Contextual Risk</u>:        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
8.2 Community and gender-balanced leadership and management	<p>Does the project lack appropriate Community leadership, or within Community leadership, does the team lack gender balance?</p>
<p><u>Contextual Risk</u>:        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
8.3 Project initiation and design	<p>Did the project originate somewhere <i>other than</i> discussions with or requests from Communities, or were scoping decisions made before consulting with Communities?</p>
<p><u>Contextual Risk</u>:        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>                                     MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>	
8.4 Community governance structures	<p>Has Community engagement been conducted outside of official Community governance structures or institutions?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.5 Community knowledge and experience Are Communities in the <a href="#">Project Site/Area</a> identified in the research phase concerned that they lack basic knowledge and experience on the project’s core underlying issues or methods, or on decision-making processes with outsiders?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.6 Community negotiating power Are Communities in the <a href="#">Project Site/Area</a> from the research phase concerned that they lack power to negotiate for outcomes they prefer?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.7 Organizational knowledge and experience Does your organization and/or partners lack experience working with Communities in the <a href="#">Project Region</a>, or doing projects in similar contexts?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p>   MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.8 Community capacity—language, location, time, resources Are there barriers to Community participation (consider women specifically) based on language, accessibility of participation location, travel distance, childcare, or social pressures/cultural obligations?</p>

<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.9 Organizational capacity—language, location, time, resources Does your organization have a plan describing how it will deploy resources as needed to work with the Community that includes attention to Community needs in terms of place, time, timeframe, and language?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.10 Inclusion—full range of parties Have any Communities raised any objection to working with any other project parties, have potentially excluded groups voiced concerns, or is the project team concerned about lack of participation?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.11 Inclusion—vulnerable groups Have Communities raised any objection to working with women or <a href="#">Vulnerable Identities</a>? Have any potentially excluded groups voiced concerns, or is the project team concerned about lack of participation?</p>
<p><u>Contextual Risk:</u>        YES <input type="checkbox"/>        NO <input type="checkbox"/></p> <p style="text-align: center;">MORE RESEARCH <input type="checkbox"/></p> <p>Notes / Specific Risk:</p>
<p>8.12 Availability of critical information Do project teams and parties lack access to information or experience regarding the project environment and social and economic contexts such that planning and forecasting are compromised?</p>
<p>8.13 Access to information Are there barriers to making project information and activities available and accessible to all Community members (consider women specifically) in the <a href="#">Project Site</a>?</p>

NOTE: The types of barriers that might present themselves include information format, language, time and place, and confidentiality agreements with other parties.

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

#### 8.14 Confidentiality of Community information

Are there barriers to providing Communities (consider women specifically) in the [Project Site](#) procedures by which they can mark project-related information confidential, or are there barriers to protecting confidentiality even if the project is discontinued?

NOTE: The types of barriers that might present themselves include information format, language, time and place, and confidentiality agreements with other parties.

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

#### 8.15 Right to withhold consent

Are there barriers to Communities' awareness that under FPIC, they have a right to withhold consent, temporarily or permanently, and that consent with your organization's preferred course of conduct may not be coerced or obtained through manipulation or surreptitious means?

NOTE: The types of barriers that might present themselves include information format, language, time and place, and confidentiality agreements with other parties.

Contextual Risk: YES  NO

MORE RESEARCH

Notes / Specific Risk:

### Context Risk Table

This table lists potential contextual risks, along with any specific/narrow risk information if appropriate. Teams need not restate the indicator risks since they will be referenced directly in the Project Risk Screen.

Indicators that present the same or overlapping issues may be lumped together, for example:

<b>Indicator Number and Title</b>	<b>Notes on specific contextual risk</b>
1.4 Enforced or involuntary disappearances 1.8 Attacks on human rights and environmental defenders	

**Contextual Risks for further consideration in the Project Risk Screen**

## SECTION 5. Project Risk Screen

### Project Risk Screen

*There is no need to answer these perfectly. Brainstorm and use your best judgment to share your ideas below.*

In the project risk screen, we narrow our focus from the surrounding context onto our specific project. Only indicators identified in the Contextual Risk Screen are carried over here.

Historically, teams have asked for more guidance about the best approach to making a project risk determination. Any project could be subject to a spectrum of links to risk, as they could (or could be seen to) exacerbate, perpetuate, inadvertently support, tolerate, or fail to use available leverage to address Community members' (or other stakeholders') concerns. Teams should always examine the entire spectrum of links to risk from direct causation to tolerating, though we will use the shorthand "exacerbate or tolerate" to encompass the entire spectrum of possible harms. Further guidance exists in the form of the Project Risk Determination, which will be available throughout as a tool helper. The determination directs teams to look at specific factors of the risk (whether it is **Not Applicable** or **Unlikely**, whether there is **Reliable Mitigation Already in place** or genuinely **Available**, or whether the risk is otherwise **Limited**) and provides specific guidance on each. Using this tool, teams are also asked to make a judgment call on whether a project risk is high or low.

The screen instructs the team how risk should be scored based on the level of the risk indicated. Risks are marked into three categories:

**E — Escalate List**, for serious risks that must be assessed by experts at the country, regional or global level.

**P — Prioritize List**, for serious risks that can be addressed at the project team level.

**W — Watch List**, for lower risks that need to be monitored and reviewed yearly, or for better-understood **Equity and Well-Being** considerations.

### Application and Results

As in the Contextual Risk Screen, teams should not see themselves as weighing the evidence or requiring extensive documentation. Even a single specific allegation may be enough to justify listing it for further analysis, depending on the circumstances.

The Project Risk Screen requires the project team to describe:

1. The risk
2. All engagement with Communities about the risk to date



3. Specific reasons, if any, why the contextual risk might *not* present a project risk.

Without these reasons, it's assumed that the contextual risk will affect the project and thus, should be considered a project risk.

## Indicator Tables

### [ Instructions and an example ]

#### 3.2 Gender equity in management and decision-making

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate, perpetuate, inadvertently support, or fail to use available leverage to address the concerns. The relationships between a project and potential human rights impacts encompass a spectrum of linkages from direct causation, exacerbating, to tolerating human rights impacts. Teams are responsible for examining the full range of the spectrum, and future actions will be prioritized by the human rights screening tool framework.
- Cross-references:
  - See specific risks at Indicator 3.2
  - Be aware that project structures designed to address these concerns could be resisted, subverted, or captured by male-dominated structures.
  - Consult the organization or business's guidance on gender equity to obtain a clear view of gender equity goals for the project.
  - Consider other approaches available as reflected in [Other Tools](#).
- For escalation beyond the project team, tick Escalate. For high risk to be handled by the project team, tick Prioritize. For low risk to be watched or monitored, tick Watch.

**Specific Risks:** Describe the indicated risk as it applies to this project.

Our work with women in post-catch activity would likely increase their opportunity and income. All village fishing (including post-catch work done by women) is managed through cooperatives, and fishers (who are all male) are allowed to participate in cooperative decision-making. Challenging this structure might prevent cooperatives from participating with us, and it might bring unintended negative impacts on women in the Community.

**Research/engagement:** Briefly describe research and Community engagement on this risk.

We discussed this with Community women at women-only meetings on the following dates: Jan. 12, Apr. 4, Apr. 18. They are frustrated with the arrangement but don't feel like now is the time to demand a change. They think once new programs start, they will be in a better position to demand a change. Fishing cooperatives are aware of the women's frustration, but there are no plans to do anything about it.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

Because we are expressly following the lead of women in the Communities, we think the risk is authorized by the rightsholder. We stand ready to support women in attempting to change the situation so that women can be included in decision-making when they determine the time is right. Fishing cooperatives have made a number of accommodations to improve conservation outcomes to get the project running, so we expect there would be some responsiveness when the time comes to push for a change. Many details would need to be worked out but we think this counts as a **reliable mitigation** strategy.

**Table 1 – Violence, Intimidation, Harassment Risks**

**1.1 Killings**

- For a new project, or if the extent of the killings is “widespread or systematic,” tick Escalate.
- For an existing project, or if the killings are less extensive, or more in the nature of high crime levels, make a **Project Risk Determination** on whether the project could be seen to exacerbate or tolerate the risk of violence.
- Issue-spotters:
  - Consider risk to project staff and contractors. Consider organizational safety and security procedures and resources.
  - Even if the project has proceeded without any instances of harm thus far, there still should be reasons why harm is unlikely to befall project staff in order to mark it a low Project Risk.
  - Consider violence motivated by:
    - access to resources (both typical assets like vehicles and newer assets like the carbon storage value of the land)
    - efforts to control access to a perceived wealthy international organization
    - benefits distribution amongst rival groups
    - perception that the project is aligned with or biased against a rival group
    - Underlying causes or narratives, e.g. colonial agenda.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 1.2 Rape or torture

- For a new project, tick Escalate.
- For an existing project, make a [Project Risk Determination](#) on whether the project could be seen to exacerbate or tolerate the issue.
- Cross-reference:
  - Specific risks at Indicator 1.1
  - Rape not linked to an organized authority is analyzed under Indicator 4.1.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 1.3 Sex trafficking or other organized sexual exploitation

- Make a [Project Risk Determination](#) on whether the project could (be seen to) exacerbate or tolerate the victimization.
- Cross-reference:
  - Anti-trafficking compliance measures, guidance, or efforts on anti-trafficking.
  - Risk that project personnel could be exposed to such conduct and fail to act.
  - NOTE: Sex trafficking operations are often laundered through and integrated into legitimate operations. Consider whether benefits might be enabling sex trafficking or whether changes in social conditions could make people vulnerable to exploitation.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

1.4 Enforced or involuntary disappearances

- For a new project, tick Escalate.
- For an existing project, make a [Project Risk Determination](#) on the *core risk* that the project could be directly affected by the violence or exacerbate or tolerate the issue.
- Cross-reference:
  - Specific risks at Indicator 1.1
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize.

### 1.5 Other pervasive violence, intimidation, harassment

- Make a [Project Risk Determination](#) on the *core risk* that the project could be seen to exacerbate or tolerate violence.
- Cross-reference:
  - Specific risks at Indicator 1.1
  - Consider risk of perception that the project or an is aligned with or biased against a rival group. Consider risk that an underlying narrative (for example, foreign or private control of “high-value” or scarce resources) might be perceived as biased.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 1.6 Widespread or systematic violations of civil and political rights

- For a new project, tick Escalate.
- For an existing project, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate the violence.
- Cross-reference:

- Specific risks at Indicator 1.1
- Consider risk of detention or harassment as a means of increasing leverage, or as a means to demand bribes, or retaliate for perception that the project is aligned with or biased against a rival group. In a repressive or unstable environment, there is a risk that a wealthy actor could become a target, as when organizations are charged with foreign influence.
- Consider risk that any resources directed here could be seen as endorsing unlawful government conduct.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

1.7 Organized crime

- For a new project, tick Escalate.
- For an existing project, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate criminal activity.
- Cross-reference:
  - Specific risks at Indicator 1.1
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

1.8 Attacks on human rights and environmental defenders

- For a new project, tick Escalate.
- For an existing project, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate attacks or violence.
- Cross-reference:
  - Specific risks at Indicator 1.1
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

1.9 Intra-community levels of violence, intimidation, harassment

- For an existing project, or if the conflict is less extensive, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate the conflict, or could be [directly linked](#) to changes in political, social, environmental, economic, or family-based drivers of the conflict.
- Cross-reference:
  - Specific risks at Indicator 1.1
  - Risks related to benefits distribution and control decisions.
  - Changes in livelihoods or economic arrangements that might threaten existing power structures.
  - Table 4 Indicators
  - Gender equity tools in [Other Tools](#).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize



Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 1.10 Project-based security or police function

- If project staff will be armed, tick Escalate.
- Make a [Project Risk Determination](#) on two **core risks**:
  - Project could expose security staff to life-threatening or other severe risks.
  - Security function could cause, exacerbate or fail to address human rights abuses, including corruption, intimidation, gender-based violence, and other human rights and equity issues, or abuses of police or security power.
- Cross-reference:
  - If personnel training or institutional safeguards are not robust, ticking P might be appropriate.
  - If government oversight of the security function is lacking or relationship to this authority is unclear, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 1.11 Project staff and contractors

- Mark E by default.
- If the indicated conduct is a single, unverified allegation of [unlawful discrimination](#) and the local team has documented its response well, the screening team may tick Prioritize or W.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**Table 2 – Land Tenure, Use, and Access Risks**

**2.1 Dispossession/forced relocation of Indigenous Peoples or other Communities**

- If the project involves land that is subject to a claim of prior forced relocation, tick Escalate.
- Otherwise, make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate or tolerate risk of dispossession.
- Cross-reference:
  - Risk that project could be seen as endorsing a national law/regulation in clear violation of Indigenous rights, especially if conducted in collaboration with a national government entity.
  - Risk that project will increase outsider interest in land, particularly where rights protections are tenuous.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 2.2 Land grabs and insecure or untested land status

- If the project involves land that is subject to a claim of prior land grab, tick Escalate.
- Otherwise, make a [Project Risk Determination](#) on the *core risk* that the project could lead to or be perceived as leading to land grabs or green grabs.
- Cross-reference:
  - Risk that project could entrench or legitimize a prior land grab. Research prior land transactions and see Indicator 2.4.
  - If the project involves land transactions with power differentials or generates revenue, ticking P may be appropriate.
  - For carbon credit-generating projects, pay special attention to [Carbon Credit Project Controversies 1-4](#), and tick Prioritize if appropriate.
  - Social science literature on the concept of land grabs; consult a human rights expert if needed.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize or W.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 2.3 Insecure land tenure or customary title

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate land insecurity.
- Cross-reference:
  - Risk that project could legitimize an unjust land law regime or forestall Community-led reform efforts.
  - NOTE: Many communities are emerging from multi-generational colonial-driven oppression and are working to understand the full scope of their legal rights
  - Risk that project might require Communities to invest in land they might not be able to hold onto.
  - If uncertainty or dispute exists about whether collective or customary title is valid, tick Prioritize.
  - If concerns about the disputed title lead to uncertainty about how the project will be designed, tick Prioritize.
  - See also [Indicator 2.2](#).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 2.4 Uncertain or contested land claims

- If the project involves land transaction, make a [Project Risk Determination](#) on the *core risk* that the acquired land could be linked to unrecognized land grabs or other historic land injustices.
- Cross-reference:
  - Whether a link to land injustice triggers an obligation depends on the nature of the issue and compensation or reparation efforts.
  - Real estate transactions typically insulate good-faith purchasers from earlier claims in the chain of title, but it's unclear how strongly this applies in the context of human rights obligations.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 2.5 Significant government pressure for control

- Make a [Project Risk Determination](#) on the *core risk* that the project could lead to increased government control.
- Cross-reference:

- Risk that project aligns with government’s preferred use and not Community’s preferred use, so as to undermine self-determination.
  - Risk of corruption to buy Community support that could lead to internal divisions.
  - Risks of violence or harassment associated with military presence or increased regulation or taxation or any other risks associated with government attention.
  - Pay special attention to [Carbon Credit Project Controversies 1-4](#), and tick Prioritize if appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**2.6 Significant outsider/third-party pressure for control**

- Make a [Project Risk Determination](#) on the *core risk* that the project could lead to increased third-party desire for control.
- Cross-reference:
  - Risks at [Indicator 2.5](#).
  - NOTE: New incentives/opportunities, even beneficial ones, might merit analysis as a project risk.
  - Pay special attention to [Carbon Credit Project Controversies 1-4](#), and tick Prioritize if appropriate.

- See Indicator 2.2 (land grab)
- See Table 4 (cultural rights) and 5 (benefit sharing).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

2.7 Resource pressure

- Make a [Project Risk Determination](#) on the **core risk** that the project could lead to increased exploitation of resources that Communities do not approve of.
- Cross-reference:
  - If there are FPIC concerns (see also Table 8), tick Prioritize.
  - If Communities are working to develop the resources themselves, consider inclusivity of an FPIC process, particularly related to gender (see also Table 3) and tick Prioritize if appropriate.
  - Briefly review Table 5 (benefit sharing) and Table 8 (participation and FPIC).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**



- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

2.8 Land access/use

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate land use concerns.
- Cross-reference:
  - Risks at [Indicator 2.3](#).
  - NOTE: Communities might be in the process of expanding their use or access rights, and the project could forestall those efforts.
  - Pay special attention to [Carbon Credit Project Controversy 8](#), and tick Prioritize if appropriate. Enforcement of land-use change regimes can generate tensions and even human rights risk.
  - Full range of Community land use is known only to Communities, so preliminary engagement on this question might be needed.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable

- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

2.9 Management/decision-making

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate the issue.
- Cross-reference:
  - Communities’ long-term satisfaction with projects typically depends on their access to FPIC and power to achieve their preferences. See also Table 8.
  - Women and vulnerable groups might have different preferences. See Table 3 (gender equity) and Table 8 (participation and inclusion).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**Table 3 – Gender Equity and Vulnerable Groups**

**3.1 Gender and identity-based violence**

- Make a **Project Risk Determination** on the **core risk** that the project could exacerbate or tolerate gender-based violence.
- Cross-reference:
  - Increased power or income for women, or changes to livelihoods or employment responsibilities could lead to retaliation in the form of gender-based violence.
  - Increased income to men could also result in GBV (for example, increased use of intoxicants).
  - Links between project activities, changing family dynamics, and GBV can be explored with help of experts if needed, or review TNC’s Gender Equity Guidance<sup>(22)</sup>.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch. If the risk is particularly serious, likely, or has been witnessed on similar projects, tick Escalate.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 3.2 Gender equity in management and decision-making

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate or tolerate concerns over gender equity.
- Cross-reference:
  - Specific risks at [Indicator 3.1](#)
  - Project elements designed to address concerns could be resisted by existing power structures. Keep note of these risks.
  - Consult TNC’s [Guidance for Gender Equity Integration<sup>\(22\)</sup>](#), as well as approaches available in [Other Tools](#).
  - There may be situations where efforts to address gender inequity are resisted by male leadership under the framework of respect for local authority and self-determination. This is addressed in the [Indicator 3.3](#)
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize

Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 3.3 Management/decision-making culture

- If the project has been designated [gender-responsive or -transformative](#), tick Prioritize due to the high level of ambition which would require a gender/human rights analysis.
- Make a [Project Risk Determination](#) on the **core risk** that the project could accommodate the inequities to an extent not justified by the interest in respecting local autonomy or self-determination.
- Cross-reference:
  - **NOTE:** If situations of genuine conflict between gender equity and community self-determination arise, resolution should center the Community, not the business or organization; and TNC Gender Guidance suggests women should have a leading role in resolving these conflicts.
  - [Human Rights Guide Case Study 1D.4-5<sup>\(35\)</sup>](#) considers a useful scenario.
  - If male leadership resists the project team's meetings with women, including women-only meetings, project teams may need to consider whether to proceed with the project, since efforts to restrict women's role in resolving gender equity conflicts are incompatible with human rights norms.
  - If Community women have not been consulted about the conflict, ticking P may be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

3.4 Political participation

- Make a [Project Risk Determination](#) on the **core risk** that the project could be seen as endorsing a regime hostile to gender equality or that the project could become implicated in a regime’s inequitable institutions and social structures.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 3.5 Women's access to institutions/support

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or accommodate women's lack of access.
- Cross-reference:
  - Project efforts could disincentivize government efforts to address the issue.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 3.6 Division of labor

- Make a **Project Risk Determination** on the *core risk* that the project could exacerbate or tolerate labor inequities.
- Cross-reference:
  - Risk that any new project-linked responsibilities assumed by women would not be accompanied by support or relief from existing burdens.
  - Risk that project elements designed to address concerns could be resisted or ignored by existing power structures.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 3.7 Profit/benefit sharing and wage discrimination

- Make a **Project Risk Determination** on the *core risk* that the project could exacerbate or tolerate indicated inequities.
- Cross-reference:
  - Specific risks at Indicator 3.1 and Indicator 3.2



- Include indicated disparities even if justifications are offered on why the disparity exists.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

3.8 Maternity

- Make a [Project Risk Determination](#) on the **core risk** that project-related employment would be less accessible to pregnant women or mothers.
- Cross-reference:
  - ILO Convention 183 and Recommendation 191<sup>(34)</sup> established a minimum standard of 14 weeks of paid maternity leave and prohibits discrimination on the basis of pregnancy.
  - Where employment difficulties arise from issues such as safety, physical demands, or childcare responsibilities, mitigation and accommodation should be sought for pregnant women and mothers, rather than justifying lesser opportunity.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

3.9 Discrimination generally

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate discrimination.
- Cross-reference:
  - This is a catch-all indicator.
  - Presumably one or more specific issues have led the screening team to mark this a contextual risk, so consider the context broadly to identify all issues of discrimination.
  - Specific risks should be described separately so they can be effectively analyzed in follow-up.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**Table 4 – Cultural Rights**

4.1 Cultural genocide or oppression

- For a new project where a Community in the **Project Site or Area** is targeted or threatened, tick Escalate.
- For existing projects, or a new project where only a Community in the Project Region is indicated, make a **Project Risk Determination** on the *core risk* that the project could exacerbate or tolerate the oppression.
- Cross-reference:
  - If there is advocacy by Indigenous or human rights groups (boycotts, denunciations, etc.), ticking P might be appropriate.
  - Global solidarity has an important role in protecting local Indigenous rights, and cooperation with a repressive regime can present a risk.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

4.2 Voluntary isolation

- If a community in the Project Site, Area, or Region is seeking voluntary isolation, tick Escalate.
- Otherwise, make a [Project Risk Determination](#) on the *core risk* that the project could (be seen to) increase pressures to develop, integrate, disrupt, or change the Community culture.
- Cross-reference:
  - A successful project with one Community in a region could stimulate third parties to increase efforts to contact voluntarily isolated Communities
  - NOTE: Do not question legitimacy of Communities’ desire to live in isolation.
  - See [Table 2 Indicators — 2.2, 2.5, 2.6, 2.7](#) — related to increased attention or pressure from outsiders.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate

- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

4.3 — Culturally important sites and cultural property

- If project will use, protect, or interact with the cultural property, tick Prioritize, unless there is a Community-approved safeguarding plan, in which case, tick Watch. If there is no plan and there is concern about destruction of sites or property, tick Escalate.
- Make a [Project Risk Determination](#) on the **core risk** that the project could negatively affect the condition of property, or Communities in the Project Site/Area use or access to indicated sites or property.
- Cross-reference:
  - Risk that extent of sites or property may be unknown, even to Communities.
  - If the project has not engaged efforts, established safeguards, or received explicit consent from the Community, marking E may be appropriate.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize. If there are active safeguards in place, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 4.4 Organic cultural property and traditional ecological knowledge

- If project will use, protect, or interact with property or knowledge, tick Prioritize, unless there is a Community-approved safeguarding plan, in which case, tick Watch.
- Otherwise, make a [Project Risk Determination](#) on the *core risk* that the project could negatively affect the condition of resources or expropriate the value of the property.
- Cross-reference:
  - Consult literature on colonial legacies of exploitation of traditional ecological knowledge.
  - Communities might not characterize their TEK as property or assert that it has value, but third parties' obligation to respect it as protected property remains regardless.
  - NOTE: Do not question legitimacy of any property claims.
  - If the extent to which Communities in the Project Site rely on TEK is unclear, ticking P may be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 4.5 Use of images

- For an existing project, if the organization, business or partners have used images of Communities, or places or property, in the past without documented permission, or if the organization or business wishes to use images and doesn't yet have permission, tick Prioritize.
- Otherwise, make a [Project Risk Determination](#) on the *core risk* that the organization could inadvertently use imagery without documented permission.
- Cross-reference:
  - There is always a risk that partners will breach or misunderstand the scope of agreements.
  - Partners may not be aware of limitations on ability to use imagery.
  - Where the organization or business would naturally use imagery in promotion or development activities, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 4.6 Forced assimilation and threats to culture

- Make a [Project Risk Determination](#) on the **core risk** that the project could be [directly linked](#) to the threats (e.g. forced assimilation, destruction, undermining control) to the Community's culture.
- Cross-reference:
  - Note that Communities' cultural rights may extend to:
    - the right to practice cultural traditions and customs
    - the right to maintain their cultural heritage and traditional knowledge
    - the right to their spiritual relationship with their territories and waters
  - Risk that involvement by Community members in project activities could challenge existing dynamics
  - Note that even beneficial changes can have negative impacts on a Community's ability to maintain their culture, and if Communities in the Project Site or Area are inexperienced at change management, ticking P may be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.



**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### Table 5 – Benefit Sharing

#### 5.1 Existing community experience

- Make a **Project Risk Determination** on the **core risk** that the project could exacerbate or tolerate experiences of exclusion.
- Cross-reference:
  - Note: Perceived but unverified disfavor should be considered.
  - Risk that mitigation strategies could be resisted or subverted by existing power-holders.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 5.2 Lack of community capacity

- Make a **Project Risk Determination** on the *core risk* that lack of Community capacity could lead to:
  - Communities being taken advantage of by other parties
  - Community inability to manage internal discussions
  - Unfair mismanagement of benefits
- Cross-reference:
  - Indicators 8.5, 8.7, and 8.8.
  - Risk that mitigation strategies could be resisted or subverted by existing power-holders.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.3 Corruption/diversion

- Make a [Project Risk Determination](#) on the *core risk* that project could exacerbate or tolerate the corruption.
- Cross-reference:
  - Consider project expenses as well as payment of benefits.
  - Literature on corruption in development projects might be useful.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.4 Transparency by outsiders

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate the lack of transparency concerns.
- Cross-reference:
  - Risk that mitigation strategies could be resisted or subverted by existing power-holders.
  - Confidentiality obligations might present obstacles to realizing transparency goals.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

5.5 Form and calculation of benefits

- Make a [Project Risk Determination](#) on the **core risk** that project benefit-sharing could exacerbate or tolerate the possibility that Communities will be taken advantage of.
- Cross-reference:
  - If Communities were not included in project decisions around benefits, ticking P might be appropriate.
  - There are different forms benefits might take that might not be financially sound or otherwise advisable. If such are available, ticking P might likewise be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

5.6 Division of benefits within communities

- Make a [Project Risk Determination](#) on the **core risk** that the project could produce benefits that exacerbate or tolerate perceived inequities.
- Cross-reference:
  - If project benefits could include Community employment or entrepreneurship opportunities, consider specifically the risk of gender inequity.
  - Risk that mitigation strategies could be resisted or subverted by existing power-holders.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.7 Division of benefits between Communities

- Make a [Project Risk Determination](#) on the **core risk** that the project could produce benefits that exacerbate or tolerate the perceived inequities between Communities.
- Cross-reference:
  - Communities might use material advantages to perpetuate conflict with another Community.
  - Risk that mitigation strategies could be resisted or subverted by existing power-holders.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.8 Division of benefits between project stakeholders

- Make a [Project Risk Determination](#) on the *core risk* that the project's benefits allocation might seem unfair.
- Cross-reference:
  - Marking P might be appropriate if the allocation concerns arise from any of the following:
    - the possibility that Communities could receive less than 25% of the relevant benefit
    - an allocation plan which anticipates net profit returns to the organization, business or partners, as opposed to covering costs
    - allocation decisions which were formulated before FPIC discussions or negotiations
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.9 New commercial partners

- Make a **Project Risk Determination** on two *core risks*:
  - that project's partner is linked to human rights abuses
  - that the project could exacerbate or tolerate adverse impacts linked to the new commercial activity
- Cross-reference:
  - If the organization or business has screening processes to approve new partnerships, then some of that guidance might be applicable here.
  - Human rights risks linked to project partners are always a concern, and especially so if the risk is in a related part of the partner's business as the sector of the project work.
  - Introducing new commercial opportunities is a legitimate part of some projects, but if profit motives and public interest motives diverge, consult with human rights advisors as needed to ensure risk is minimized.
  - The introduction of income and profit opportunities can raise tensions within the Community and between Communities.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.



**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 5.10 Risk of debt or adverse financial outcomes

- Make a [Project Risk Determination](#) on the **core risk** that project might cause Communities to incur debt, or other inequitable obligations that impact enjoyment of other human rights (see cross-references below).
- Cross-reference:
  - Table 6 (socioeconomic rights) and Table 8 (self-determination rights)
  - Being free from debt is not a settled right but it relates to rights of free choice and self-determination, particularly as it can lead to impacts on other socioeconomic rights.
  - If the nature or level of potential debt is new to Communities or there are concerns about Community capacity to manage debt, tick Prioritize.
  - Access to financing and lending can also be a positive benefit; consult with human rights advisors as needed.
  - Taking on debt might raise concerns about intergenerational equity (see also Indicator 5.11).
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 5.11 Intergenerational equity

- Make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate intergenerational equity concerns.
- Cross-reference:
  - Intergenerational equity concerns emerge in many diverse forms; consult a human rights advisor as needed.
  - Not every benefit will create an intergenerational rights risk, so teams can conduct a [Minimum Core Risk Determination](#) to help them make this determination.
  - If one or more minimum core analysis factors are evident, ticking P may be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 5.12 Climate justice

- Make a [Project Risk Determination](#) on two *core risks*:
  - that the project could exacerbate or tolerate the climate loss and damage situation
  - that the project could deliver benefits to a powerful carbon economy participant that outweighs the benefit received by the Community.
- Cross-reference:
  - Risk that the project’s climate benefits could be used by governments as an excuse to delay action.
  - A project aiming to “make the best of” climate injustice can be seen as accepting that injustice.
  - With respect inequity, the risk may be greater when there is a specific beneficiary involved, and is greater still if:
    - the beneficiary is delaying/denying necessary climate action
    - the beneficiary intends to rely specifically on the benefits as justification or distraction
    - the Communities helping produce the climate benefit face urgent unmet climate adaptation or development needs.
  - Consider [Other Tools](#), specifically EJScreen for U.S. projects.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**Table 6 – Socioeconomic Rights**

### 6.1 Food insecurity

- Make **Minimum Core Risk Determination** on whether food rights are threatened, and if so, make a **Project Risk Determination** on the **core risk** that project could exacerbate or tolerate food insecurity.
- Cross-reference:
  - Specific guidance on the right to food in the **Minimum Core Risk Determination**.
  - Project impacts on the right to food might be unlikely due to the nature of the organization or business’s work, but indirect risks should be addressed.
  - If the project is set to improve food access, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
  - Indirect risks are possible. For example, the project, or donor support of the project, could interfere with government efforts to address food insecurity in the area.
  - Consider applicable **Other Tools**, including help Communities shift away from subsistence approaches and practices.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 6.2 Water insecurity

- Make [Minimum Core Risk Determination](#) on whether water rights are threatened, and if so, make a [Project Risk Determination on the \*core risk\*](#) that the project could exacerbate or tolerate water insecurity.
- Cross-reference:
  - Specific guidance on the right to water in the [Minimum Core Risk Determination](#).
  - Project impacts on the right to water might be unlikely due to the nature of the organization or business's work, but indirect risks should be addressed.
  - If the project is set to improve access to fresh water, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
  - Indirect risks are possible. For example, the project, or donor support of the project, could interfere with government efforts to provide access to and improve the quality of fresh water.
  -
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 6.3 Water quality

- Make a [Project Risk Determination](#) on the *core risk* that the project could negatively affect water quality in the region.
- Cross-reference:
  - Ensure any water quality impacts do not threaten an impact to the right to water
  - Specific guidance on the right to water in the [Minimum Core Risk Determination](#).
  - See also: [Human Rights Based Approach and Water Resource<sup>\(36\)</sup>](#)
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 6.4 Housing insecurity

- If the project would involve resettlement, including voluntary resettlement, tick Prioritize.
- Make [Minimum Core Risk Determination](#) on whether housing rights are threatened, and if so, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate housing insecurity.
- Cross-reference:
  - Specific guidance on the right to housing in the [Minimum Core Risk Determination](#).
  - Project impacts on the right to housing might be unlikely due to the nature of the organization or business's work, but indirect risks should be addressed.
  - If the project is set to improve housing access, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 6.5 Medical care

- Make **Minimum Core Risk Determination** on whether medical care rights are threatened, and if so, make a **Project Risk Determination** on the *core risk* that project could exacerbate or tolerate deteriorating medical care.
- Cross-reference:
  - Specific guidance on the right to medical care in the **Minimum Core Risk Determination**.
  - Project impacts on the right to access medical care might be unlikely due to the nature of the organization or business's work, but indirect risks should be addressed.
  - If the project is set to improve medical care access, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 6.6 Education insecurity



- Make [Minimum Core Risk Determination](#) on whether education rights are threatened, and if so, make a [Project Risk Determination](#) on the *core risk* that project could exacerbate or tolerate education insecurity.
- Cross-reference:
  - Specific guidance on the right to education in the [Minimum Core Risk Determination](#).
  - Project impacts on the right to education might be unlikely due to the nature of the organization or business's work, but indirect risks should be addressed.
  - If the project is set to improve education access, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

6.7 Income insecurity

- Make a [Project Risk Determination](#) on the *core risk* that project could cause a dramatic drop in income that threatens the right to an adequate standard of living.
- Cross-reference:
  - Specific guidance on the right to living wages and an adequate standard of living in the [Minimum Core Risk Determination](#).

- The risk of negative outcomes is inherent in any economic activity. Teams will need to use their judgment to make the core risk determination in light of their understanding and expectations of local context.
- If the project is set to improve food access, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**6.8 Access to services and utilities**

- Make a [Project Risk Determination](#) on the *core risk* that the project could affect Communities' access to utilities.
- Cross-reference:
  - Specific guidance on the right to food in the [Minimum Core Risk Determination](#).
  - If the project is set to improve access to services/utilities, consider the risk of inter- and intra-community inequities. See also Indicators 1.5, 1.8, 5.6, and 5.7.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

6.9 Development planning

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate or tolerate the lack of power or FPIC rights.
- Cross-reference:
  - Projects usually try to make the best of difficult or unjust systems during planning. In many cases this may be the least-worst option, but in extreme cases, it could be categorized as endorsing an unjust system. For example, consider this situation: a government once “settled” an Indigenous territory whose Community members objected to the government’s plans to support an influx of non-Indigenous farmers, who engaged in needlessly destructive and carbon intensive farming practices. Years later, a project team considers a project with farmers that would dramatically reduce negative environmental impacts and carbon emissions. While the project’s direct impacts are desirable, it also runs the risk of legitimizing a prior infringement.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk

- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

6.10 Healthy environment — toxics and dangerous activities

- Make [Minimum Core Risk Determination](#) on whether a healthy environment is threatened, and if so, make a [Project Risk Determination](#) on the **core risk** that project could exacerbate or tolerate the disregard of environmental standards.
- Cross-reference:
  - If the team lacks information about relevant standards, return to the Contextual Risk Screen and mark the indicator for the Research list.
  - If the project proposes to address concerns of exposure, consider:
    - Project activities could come into conflict with a local business interest that could create new impacts
    - Pursuing the project could delay or undermine alternative approaches.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place

Limited Scope of risk

**Project Risk Prioritization**

Escalate

Prioritize

Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

6.11 Healthy environment — disparate impact

- Make [Minimum Core Risk Determination](#) on whether a minimum core violation is threatened, and if so, make a [Project Risk Determination](#) on the **core risk** that project could exacerbate or tolerate environmental harm or an inequitable group dynamic such as addressing a harm to a more privileged community while ignoring harm to a less privileged community.
- Cross-reference:
  - Project teams are attentive to environmental harms that target vulnerable groups, and the difficult part of the risk is that in providing benefits to one Community, an equity issue might be raised around treatment of a different group.
  - Consider similarly situated communities with grievances beyond the scope of a stakeholder or interested parties mapping. If scope is unclear or information is lacking, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, or if no minimum core risk was found, tick Watch.

**Project Risk Determination**

Probable High Risk

Not Applicable

Unlikely

Reliable Mitigation Available or Already in place

Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

6.12 Healthy environment — ecosystem services

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate degradation of the ecosystem.
- Cross-reference:
  - Project teams are attentive to environmental harms that target vulnerable groups, and the difficult part of the risk is that in providing ecosystem services to a Community, their security and livelihoods are interlinked in ways that might cause damage.
  - If a project proposes to address environmental degradation, consider that pursuit of the project might delay or undermine a Community’s alternative approaches.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

**Table 7 – Labor Rights and Livelihoods Risks**

#### 7.1 Slavery/trafficking/forced labor

- If allegations of slavery or trafficking are linked to the project, tick Escalate.
- If the project relies on contract labor from outside the IPLCs, tick Prioritize.
- Otherwise, make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate the issue.
- Cross-reference:
  - Risk that project assets or benefits could be used to support prohibited conduct or implicated bad actors.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize or W.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## 7.2 Child labor

- If the project involves child labor outside the family context, tick Escalate. If uncertainty exists about the nature of relationships, consult with the human rights advisor.
- If the child labor situation is allegedly unlawful or involves “worst forms of child labor” as defined by the ILO, make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate the situation.
- Cross-reference:
  - Risk that project could negatively affect household economic security, with the result that children who were in school are put to work.
  - Specific risks at Indicator 1.1
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize. If the only potential links to child labor are within a family setting and none of the above flags are raised, teams may tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.



**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 7.3 Labor conditions (association)

- For a new project that would create employment affecting more than 10 people, tick Prioritize.
- For an existing project, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate violations.
- Cross-reference:
  - Risk that project could be used to support prohibited conduct or financially back bad actors and employers in violation of the right to association.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 7.4 Labor conditions (traditional livelihoods)

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate or tolerate health and safety hazards.
- Cross-reference:
  - If the project is poised to create employment, consider the possibility that the Community won't adopt precautions if Communities are willing to accept hazardous conditions.
  - If the project includes an FPIC process that addresses these concerns, marking W might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 7.5 Labor conditions (employment)

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate bad working conditions, including by sourcing materials or services from or providing other support to employers implicated for poor labor conditions.
- Cross-reference:
  - Consider whether enforcement obligations (e.g., grazing allocations) impose a police function.
  - Consider whether the project will involve human-wildlife contact.
  - Consider whether the project will adopt abusive practices under the justification of prevailing local conditions.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

7.6 Unemployment

- Make a [Project Risk Determination](#) on the **core risk** that the project could increase unemployment.
- Cross-reference:
  - Risk that if the project raises expectations about new employment opportunities and then fails to deliver, Community members might feel even more dissatisfied about their employment situation.

- If the project will include an FPIC process and the potential for such interference will be assessed, leaving this indicator unmarked is okay.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch or leave unmarked.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

7.7 Discrimination and harassment at work

- If the project will create employment, make a [Project Risk Determination](#) on the *core risk* that the project could exacerbate or tolerate discrimination or harassment concerns.
- Cross-reference:
  - Specific risks at Indicator 1.8, 1.9, and 3.9.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place

- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

7.8 Interference with traditional livelihoods

- Make a [Project Risk Determination](#) on the **core risk** that the project could exacerbate interference with traditional livelihoods.
- Cross-reference:
  - Indicated changes might raise risks to socioeconomic rights (see Table 6).
  - If the project will include an FPIC process and the potential for such interference will be assessed, no mark might be needed.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### Table 8 – Self-Determination, Participation, and FPIC

#### 8.1 Free participation

- Review the Human Rights Guide<sup>(2)</sup> for perspective on the “free” element in FPIC.
- If there are allegations that governments are using threats to induce Community members to consent to the project, tick Escalate.
- Otherwise, make a [Project Risk Determination](#) on the *core risk* that the project could seek participation through threat of adverse consequences.
- Cross-reference:
  - When the project team believes a project is critically important for a Community to address the challenges it faces, these views must be presented so as to avoid creating undue pressure or coercion. Potential less favorable outcomes associated with not doing the project must be discussed with sensitivity.
  - Communities should be presented with options for different courses of action with options, risks, benefits and consequences. If not, ticking P might be appropriate.
  - Consider opposition to participation. Where opposition is passionate, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate

- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.2 Community leadership and/or co-management

- If project activities could be seen as within the present capacity or abilities of IPLCs, tick Prioritize.
- If project activities could be within the capacity of Communities with some development, make a [Project Risk Determination](#) on the *core risk* that the project could undermine the company or business’s commitment to self-determination.
- Cross-reference:
  - Models of Community leadership should be explicitly considered by the project team. If not, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 8.3 Project initiation and design

- Make a [Project Risk Determination](#) on the **core risk** that the project could be viewed as having been developed prior to Communities' participation.
- Cross-reference:
  - Review the Human Rights Guide<sup>(2)</sup> for perspective on the “prior” element of FPIC.
  - Early decisions, even those labeled “tentative,” could be perceived as too late for alternative approaches at the stage Communities are consulted.
  - If there have been no discussions with Communities about their priorities, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk or if the project is a feasibility study with Community engagement planned, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.



**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 8.4 Community governance structures

- If the project team determines that there are no applicable structures or institutions, tick Prioritize unless these views have been vetted with multiple Community members.
- If the views have been vetted or if planning phases are preliminary with intent to engage Community institutions later, tick Watch. Otherwise, tick Prioritize.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 8.5 Community knowledge and experience

- Review the Human Rights Guide<sup>(2)</sup> for perspective on the “informed” element of FPIC.

- Make a **Project Risk Determination** on the **core risk** that the company or business will need to overcome some Community inexperience in order to ensure a fulsome FPIC process.
- Cross-reference:
  - Note: Informed is an obligation of result, meaning that Communities should reach an informed state of all key issues, not merely be given information such that they could be informed *if* they reviewed the information.
  - If the project team has developed a Consultation Plan as outlined by the Human Rights Guide, tick Watch.
  - If there are no plans to conduct an independent Social Impact Assessment, ticking P might be appropriate.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks**: Describe the indicated risk as it applies to this project.

**Research/Engagement**: Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors**: Describe key factors used to determine the risk as high or low.

8.6 Community negotiating power

- Make a **Project Risk Determination** on the **core risk** that the project might take advantage of Communities' lack of negotiating power and steer outcomes.
- Cross-reference:

- Note: Lack of negotiating power can exist even if Communities hold strong veto power (see Indicator 2.15) and the exercise of this right is complex.
- Teams can conduct a **Minimum Core Risk Determination** to help decide if lack of negotiating power creates human rights concerns. If concerns are evident, tick Prioritize.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks**: Describe the indicated risk as it applies to this project.

**Research/Engagement**: Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors**: Describe key factors used to determine the risk as high or low.

**8.7 Organization or business knowledge and experience**

- Make a **Project Risk Determination** on the **core risk** that the project could be seen as irresponsible or reckless due to the organization or business’s lack of experience.
- Cross-reference:
  - In entering into new challenge areas, the project team can safeguard against any appearance of recklessness through sufficient research, preparation, budgeting, and collaboration.
  - It’s important to get consent on any experimental activities. No risk is raised as long as the Community has been informed of the risks and consented to them.
  - Lack of experience by itself does not necessarily preclude the work being done.

- If the organization or business’s lack of experience has been shared with Communities and potential consequences foreseen, teams may tick Watch.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.8 Community capacity — language, location, time, resources

- Make a [Project Risk Determination](#) on the **core risk** that the project can be seen as inattentive to social and economic realities faced by Communities.
- Cross-reference:
  - FPIC and decision making should occur in the local language, at culturally appropriate times, lest FPIC be rendered inadequate. (see Human Rights Guide, Module 2<sup>(8)</sup>)
  - Communities might see requests for uncompensated participation as unfair.
  - If the project team has developed a Consultation Plan as outlined by the Human Rights Guide, tick Watch.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk

- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.9 The organization or business’s capacity — language, location, time, resources

- Make a [Project Risk Determination](#) on the **core risk** that the project’s resource allocation could lead to FPIC processes being seen as inadequate or rushed.
- Cross-reference:
  - The organization or business’s standards on these procedural and budgetary issues. The organization or business should aim to increase investment of time and resources wherever possible to ensure respect for rights and increase learning.
  - If budgets are not large enough to address participation-related project aspects, the organization or business must address the issue and amend their budget and/or scope to include adequate participation-related activities.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.10 Inclusion — full range of parties

- Make a [Project Risk Determination](#) on the **core risk** that the project could perpetuate exclusionary views.
- Cross-reference:
  - Gender inequity risks are also looked at in Table 3, especially Indicators 3.2, 3.3, and 3.9. This indicator focuses on gender and vulnerable identity equity issues within the project development process itself. Because this process is often more within the organization or business’s control, they should aim to meet the highest standards of inclusion.
  - TNC’s Gender Guidance<sup>(22)</sup> can be referenced as a benchmark that can be applied to other vulnerable identities.
  - The following elements are drawn from Appendix G of the TNC Gender Guidance. If these were not considered during project design, ticking P may be appropriate:
    - Retention of experts/specialists
    - Occasional separate meetings
    - Tailored learning and leadership trainings
    - Efforts to strengthen women’s and identity groups
    - Tailored information sharing protocols
    - Any unique scheduling and accessibility issues
    - Targeted financial support
    - Examination of the root causes of the exclusion or discrimination
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk

- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.11 Inclusion — vulnerable groups

- Make a [Project Risk Determination](#) on the *core risk* that the project could perpetuate exclusionary views.
- Cross-reference:
  - Human rights norms are strongest when functioning to protect vulnerable groups, but a broader range of discrimination may still raise human rights issues. Exclusion can also lead to increased tensions or perceived unfairness, which could create higher risks of violence or harassment.
  - Risk of more limited options if the Community are the ones demanding the exclusion.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

8.12 Availability of critical information

- Make a [Project Risk Determination](#) on the **core risk** that the project could be seen as irresponsible without sufficient information.
- Cross-reference:
  - If this lack of information has been discussed with Communities and no objections remain, teams may tick Watch.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.



**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

### 8.13 Access to information

- Make a [Project Risk Determination](#) on the **core risk** that restrictions of information access might undermine the organization or business’s commitment to accountability and transparency.
- Cross-reference:
  - Human rights laws about information access are extensive. Project information should be held to the same standard as public information held by government agencies, and access rights are triggered when information is necessary to protect rights of the vulnerable. The right to free expression and the right to hold an opinion both depend on access to the underlying information.
  - Some circumstances necessitate restricted access, including to respect confidentiality of other parties (see Indicator 8.14) linked to safety. If efforts to balance conflicting priorities around information and confidentiality could be perceived as rights violations, ticking P may be appropriate.
  - If information must be withheld from Communities on the basis of confidentiality agreements with third parties, ticking P may be appropriate. If mitigation options such as non-disclosure agreements or redaction weren’t considered by the relevant parties, tick Prioritize. However, if Communities have been notified that such information exists, have been told why it’s withheld and there are no Community objections, teams may tick Watch.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 8.14 Confidentiality of Community information

- Make a [Project Risk Determination](#) on the *core risk* that lack of procedures could lead to confidential Community information was disclosed or used without permission
- Cross-reference:
  - Some information must be kept confidential in order to protect human rights, especially for vulnerable rightsholders. Confidentiality intersects with consent and self-determination, and many Communities have experienced violations of their rights while being denied information access erroneously.
  - The principles of FPIC can be applied to ensure that this constellation of rights is respected:
    - Inform Communities about how different information will be treated.
    - Invite Communities to develop information protocols that meet their needs.
    - Develop response in remedy protocols in advance of a possible breach.
  - If there is any indication that Communities view some portion of the information they're providing as confidential, and no plan exists yet to address this, tick Prioritize.
- For higher Project Risk, tick Prioritize. For lower Project Risk, tick Watch.

#### **Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

#### **Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

#### 8.15 Right to withhold consent

- Make a [Project Risk Determination](#) on the *core risk* that lack of clarity on the right to withhold consent could lead to either:
  - Communities not fully asserting their right
  - Project processes or partners acting to undermine the organization or business’s commitments to the Right to Withhold Consent.
- Cross-reference:
  - This indicator arises from the commitment to free participation, as discussed in Indicator 8.1, Free participation. If the organization or business is committed to both the right to withhold consent and the right to consultation, both local jurisdictions and international human rights law might be consulted.
  - For less developed Communities, do not merely rely on legal frameworks to communicate and discuss these rights. Historically marginalized Communities might require significant engagement to be convinced they have a right to say no. If third parties like government bodies are involved, the right to refuse consent might be compromised in practice, even if the right exists on paper.
  - Economic or social conditions might also influence the decision such that it cannot be considered “free.” As discussed in Indicator 8.1, when the organization or business believes a project is vital for a Community to address the challenges it faces, these views must still be presented so as not to pressure or coerce.
- For higher Project Risk, tick Escalate. For lower Project Risk, tick Prioritize or Watch.

**Project Risk Determination**

- Probable High Risk
- Not Applicable
- Unlikely
- Reliable Mitigation Available or Already in place
- Limited Scope of risk

**Project Risk Prioritization**

- Escalate
- Prioritize
- Watch

**Specific Risks:** Describe the indicated risk as it applies to this project.

**Research/Engagement:** Briefly describe research and Community engagement on this risk.

**Key Project Risk Determination Factors:** Describe key factors used to determine the risk as high or low.

## SECTION 6. Results Tables

### RESULTS TABLES

#### Overview

Summary information is pulled from the screening process and codified into the Research, Escalate, Prioritize, and Watch Lists. These results tables are designed to help organize action and recommendations for teams to pursue.

There is potential for items on these lists to overlap. Project teams are expected to use their discretion to set priorities and schedule analyses and check-ins at various stages of project design and implementation. This should ensure transparency and accountability, while also prioritizing the expertise of local management from Communities.

Once teams have reviewed and completed the follow up prompts for each results table, a report will be generated summarizing the entire screening process results.

#### Research List

Table R – Research List. Issues from the Contextual Risk Screen requiring further research and Community engagement in order to complete the screening process. [See further guidance in the Overview.](#)

From Contextual Risk Screen tables:

- Note the indicated risk
- Note any Community engagement on the risk to date
- Note further research options
- Outline follow up plan on how needed information will be gathered and who is accountable for it.

Number and Title of Indicated Risk	<ul style="list-style-type: none"><li>• Community engagement</li><li>• Further research options</li><li>• Follow up plan</li></ul>

#### Escalate List

Table E – Escalate List. The risk of severe violations means teams should hold off on initiation or expansion of a project until issues are reviewed by business unit leadership and the organization or business’s Human Rights Director. [See further guidance in the Overview.](#)

From Project Risk Screen tables:

- Note the indicated risk
- Note any specific, more narrow risk
- Note any Community engagement to date
- Include relevant [Project Risk Determination](#) factors (e.g., *likelihood, mitigation, scope*).
- Note follow up plans

Number and Title of Indicated Risk	<ul style="list-style-type: none"> <li>• Specific, narrow project risk</li> <li>• Community engagement</li> <li>• Project Risk Determination factors</li> <li>• Follow up plan</li> </ul>

### Prioritize List

**Table A – Prioritize List.** Risks in this category might merit Rightsholder Engagement analysis or oversight from Communities. [See further guidance in the Overview.](#)

From Project Risk Screen tables:

- Note the indicated risk
- Note any specific, more narrow risk
- Note any Community engagement to date
- Using the [Project Risk Determination](#), enumerate reasons risk was marked a high or low Project Risk.
- Note follow up plans

Number and Title of Indicated Risk	<ul style="list-style-type: none"> <li>• Specific, narrow project risk</li> <li>• Community engagement</li> <li>• Project Risk Determination factors</li> <li>• Follow up plan</li> </ul>

### Watch List

For any other issues teams might want to bear in mind as they progress on project work, the Watch List is a place to capture items for annual review.

Two types of entries are relevant:

- Risks identified in the Contextual Risk Screen that were deemed low risk. Situations can change, as can our understanding of them. Low contextual risks should be considered and reassessed every six-twelve months.
- Equity & well-being considerations that did not present a risk of a minimum core rights violation. This Watch List helps teams keep these important issues in mind as they assess the social and economic impacts of their project.

**Table W – Watch List.** Lower priority risks that should be run past Communities, considered during implementation, and regularly reviewed. [See further guidance in the Overview.](#)

From Project Risk Screen tables:

- Note the indicated risk
- Note any specific, more narrow risk
- Note any Community engagement to date
- Using the Project Risk Determination, enumerate reasons risk was marked a high or low Project Risk.
- Note further research options

Note preliminary impressions on Other Tools that might be useful as well as how the team intends to monitor issues, including accountabilities.

Number and Title of Indicated Risk	<ul style="list-style-type: none"> <li>• Specific, narrow project risk</li> <li>• Community engagement</li> <li>• Project Risk Determination factors</li> <li>• Follow up plan</li> </ul>

## SECTION 7. Risk Analysis Frameworks and other Tool Tips

### RISK ANALYSIS FRAMEWORKS

#### The Project Risk Determination

The Project Risk Determination template helps teams make decisions by asking whether the nature and extent of a given risk is such that it might be considered a manageable or normal part of work in the environment. These risks are placed on the Watch List, while risks not classifiable as normal are placed on the Prioritize List or Escalate List.

The Project Risk Determination first examines the relationships between a project and potential human rights impacts which encompass a spectrum of linkages from **direct causation, exacerbating, to tolerating** human rights impacts. Teams are responsible for examining the full range of the spectrum and future actions will be prioritized by the Human Rights Screening Tool framework. Teams will be asked to apply the template for each individual risk submitted to the Project Risk Screen.

\*NOTE: It is important to consider the situation from an external point of view as well, and to flag risks in situations where others might perceive a risk to exist even if the internal team is thoroughly convinced there is no risk.

Teams can use the mnemonic NAURMAL to remember the template elements:

So-called normal risks are:

- Not Applicable to the project
- Unlikely to occur
- Reliable Mitigation strategies are Already in place (or readily Available)
- and carry Limited scope of risk

To delve into each element a bit more:

**Not Applicable.** Sometimes risks are not applicable for categorical reasons. For example, there are widespread killings of a persecuted minority in the region, but no members of the minority or their antagonists live in the village where the organization or business will be working.

NOTE: Project work can change existing dynamics. For example, if the project brings resources into the village, the hypothetical minority or antagonists might flock there.

Teams should be careful before deciding that a risk is not applicable because the project is not a cause of the risk. Human rights due diligence requires a broader analysis: not just whether the project **caused** the risk, but also whether it could **contribute** to the risk or be **directly linked** to it, as in the hypothetical scenario of the organization or business working with a contractor who refuses to address unsafe work conditions. The relationships between a project and potential human rights impacts encompass a spectrum of linkages from direct causation, exacerbating, to tolerating human rights impacts. Teams are responsible for examining the full range of the spectrum and future actions



will be prioritized by the Human Rights Screening Tool framework. [The IBA Practical Guide](#) (p. 20-21)<sup>(37)</sup> addresses these concepts further.

Where an organization or business is **linked** to an impact, it has an obligation to use any leverage it has to mitigate harm in proportion to how closely it is linked. Yet even where the link is distant, if the organization or business can exercise leverage to make a difference, there may be an obligation to do so.

- **Unlikely.** This element asks teams to think creatively about how events might unfold in the future. To do this well, teams should have a good understanding of working environments elsewhere, along with underlying pressures and incentives. Teams make a judgment call and validate it with Communities at a later phase.

*Example:* A team has captured project-site photos and videos featuring Community members and has obtained permission from community leaders and individuals to use the images could state that it is unlikely that the project will impact cultural rights from the use of images.

- **Reliable Mitigation** Already in place or readily Available.
  - To be **Reliable**, a strategy should not be speculative, but a realistic present option, cost-effective and ready to implement. It should also:
    - rely on methods implemented with good results in other projects, or
    - have been approved or considered by the Community without significant objections.
  - If the mitigation strategy is **already in place**, it should have produced good results in past project scenarios.
  - To be **Available**, a strategy should not be speculative, but a realistic present option, cost-effective and ready to implement.

*Example:* Communities with lower levels of literacy could lack the capacity to meaningfully participate if information is shared in written format. Teams could set aside resources to share information using graphics or videos as a strategy to mitigate this risk.

- **Limited.** Teams need to be careful with this element. Put bluntly, this element asks whether the risk is lower in importance given factors of **severity** (how traumatic or unacceptable the harm is), **scope** (number of people involved), and **redressability** (how easy it would be to remediate the harm). This [Explanatory Note](#)<sup>(38)</sup> illuminates these concepts further.

These factors are subjective. Even if the risk only affects a few people, it will not feel limited to them. And there will often be disagreement about redressability, especially from communities who want to see risks avoided, not caused and then remediated. Teams should therefore only rely on this factor in clear-cut cases.

*Example:* The risk of destruction of an Indigenous burial ground may be seen as a severe harm to cultural rights that can't be undone. By contrast, construction leading to sedimentation of a portion of a sacred ancestral riverbed might be seen as more limited risk because the impact is less severe, has a limited effect on downstream users, and

could be remediated. But a Community might feel that damage to a sacred ancestral riverbed is a harm that can never be undone, and intensive remediation techniques like dredging could just exacerbate the harm.

These determinations rely mostly on subjective judgment calls, so it can be helpful to place risk along a continuum from high to low. High risks would not meet the NAURMAL criteria, whereas low risks would. Teams can use this continuum to score risks for placement on each of the Lists — Escalate, Priority, and Watch.

## The Minimum Core Risk Determination

Use the Minimum Core Risk Determination when indicated by project risk indicator questions.

Conservation or community development projects likely will create changes and impacts in the Communities they serve.

It's important to understand that some degree of impact will be unavoidable, especially when considering potential impacts to socioeconomic rights such as access to food and water, level of income, and so on.

These rights are legally binding but also not typically considered to be justiciable — meaning subject to trial in a court of laws. Rather, the rights are understood to express the obligation of [progressive realization](#), wherein States are required to:

- Respect existing access
- Protect from third-party interference
- Fulfill the right over time pursuant to concrete and non-discriminatory plans of action.

Some violations of socioeconomic rights are so severe or intertwined with other human rights violations that they *are* considered justiciable. To figure out which risks these are, draw on the concept of the **minimum core**, which refers to the basic level of a right that all humans are entitled to.

In considering such violations, the focus is on the conduct that led to violation (*e.g.*: *Was the violation motivated by unlawful purpose?*) rather than the degree of the violation, the adequacy of the right alone or the condition of the right. Human rights law generally finds a minimum violation where the following factors are involved:

- a) unlawful discrimination in the respect, protection, or fulfillment of the right
- b) retrogressive actions or measures that worsen baseline conditions of the right
- c) failure to pursue available mitigation strategies that would alleviate insecurity, even in part
- d) the existence of persistent severe inadequacy, especially affecting children

If harm is driven by [unlawful discrimination](#), violations may become entrenched and thus, harder to address. Furthermore, States' claims that they lack means to address socioeconomic rights impacts does not absolve them of the responsibility to develop such measures.

The concept of **minimum adequacy** is complicated. Minimum core analysis recognizes this limitation, but also presumes that there is a minimum core level of enjoyment of the right that all people need to live with basic dignity. Project risk assessment examines minimum core risks because an unintended consequence in the context of such a risk raises the possibility of more severe harm. For example, if a Community relies on a particular food source and experiences hunger when crops fail, any project that jeopardizes the viability of that food source might create a persistent state of hunger and raise the minimum core risk of the project.

Some **adequacy indicators** are provided below for six socioeconomic rights.

Human rights authorities have made clear that States' claims about lack of resources to protect these rights must distinguish between inability and unwillingness, and can only be legitimate where a State can show it unsuccessfully sought to obtain international support. Many of these adequacy indicators also implicate the basic right to life.

**Food.** "Food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture." The right "to be free from hunger" is emphasized in article 11 of the ICESCR<sup>3</sup>.

**Water.** Clean water to meet the needs of "drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene" is necessary to prevent disease<sup>4</sup>. The right to water is a component of adequate standards of living according to article 11 of the ICESCR.

**Housing.** Shelter "providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well"<sup>5</sup>. The right to housing is a component of adequate standards of living in article 11 of the ICESCR.

**Medical care.** The right to "the highest attainable standard of health" is stated in article 12 of the ICESCR.<sup>6</sup> The right includes freedom to control one's and body, including sexual and reproductive freedom, the right to be free from non-consensual medical treatment and experimentation, as well as a protection component ("the right to a system of health protection which provides equality of opportunity").<sup>7</sup> The protection component includes a right of access to "essential medicines," especially vaccines for children.<sup>8</sup> Analysis should focus on health

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<sup>3</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 12 (right to food) (relevant terms discussed at paragraphs 9-11).

<sup>4</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 15 (right to water) (additional minimum core elements discussed at paragraph 37).

<sup>5</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 4, ¶ 8 (right to housing) (additional minimum core elements discussed at paragraph 8); General Comment No. 7 (regarding forced evictions).

<sup>6</sup> The article focuses on the right to maternal, child and reproductive health; the right to healthy natural and workplace environments; the right to prevention, treatment and control of diseases; and the right to health facilities, goods and services.

<sup>7</sup> See, e.g., Committee on Economic, Social and Cultural Rights, General Comment No. 14 (right to health) (relevant terms are discussed at paragraphs 9-11).

<sup>8</sup> See [WHO Action programme on essential drugs and vaccines](#).

system failures that “are likely to result in bodily harm, unnecessary morbidity and preventable mortality.”<sup>9</sup>

**Education.** The right to education is stated in article 13 of the ICESCR and articles 28-29 of the Convention on the Rights of the Child (CRC). Education is linked to dignity: “a person’s basic right to acquire knowledge, culture, value and skills . . . are all intertwined and all constitute conditions for a life with human dignity.”<sup>10</sup> A focus on the availability of universal and free primary education includes freedom from discrimination in the area of education.

**A clean, healthy, and sustainable environment.** This is the most recently codified right by most authorities, including the UN General Assembly, the Human Rights Council, and the European, Inter-American, and African regional human rights systems.<sup>11</sup> The Inter-American Court, in a contested legal case, found the right to be applicable in the nature of a due diligence obligation, requiring the duty-bearer to “(i) regulate; (ii) supervise and monitor; (iii) require and approve environmental impact assessments; (iv) establish contingency plans, and (v) mitigate, when environmental damage has occurred.”<sup>12</sup>

There is, as yet, no specific guidance about the minimum core of the environment right, though authorities suggest it maps onto the elements of prohibiting unlawful discrimination, retrogression, and failure to pursue mitigation.

If environmental harm strongly affects children, vulnerable groups, Indigenous Peoples, environmental defenders, or involves the use of toxic substances, a minimum core violation is more likely to be triggered.

States have a clear obligation to meet these rights, but other entities — companies, NGOs — also have obligations. The [UN Guiding Principles on Business and Human Rights](#)<sup>(39)</sup> requires companies to respect the “International Bill of Rights” which includes both the UDHR and the ICESCR.

The State’s obligations are generally more rigorously applied than a private actor’s, in that State’s authority is stronger and thus they have a clearer mandate to respect, protect, and fulfill as described above. The private actor’s authority in these aspects is understood to include any practical leverage they might use to achieve desirable results.

When the Screening Tool indicates a **Minimum Core Risk Determination**, teams should apply factors (a)-(d) above, and review the relevant adequacy indicators to determine likelihood of a minimum core risk.

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<sup>9</sup> General Comment No. 14 at ¶ 50.

<sup>10</sup> Angelina Fisher, “[Minimum Core](#)” and the “[Right to Education](#)” (Working Paper, 2017).

<sup>11</sup> On July 26, 2022, the UN General Assembly, in [Resolution A/76/L.75](#), officially recognized the right to a clean, healthy and sustainable environment. *Comunidades Indígenas Miembros de la Asociación Lhaka Honhat (Nuestra Tierra) v. Argentina*, Inter-Am. Ct. H.R. (Feb 6, 2020); Advisory Opinion OC-23/17, Inter-Am. Ct. H.R. (ser. A) No. 23, ¶ 57 (Nov. 15, 2017). In 2018, the UN Special Rapporteur on the issue of the human right to a safe, clean, healthy and sustainable environment, following an extensive period of investigation and consultation, issue the [Framework Principles on Human Rights and the Environment](#) which distill and reflect basic expectation and good practice with respect to the right.

<sup>12</sup> *Asociación Lhaka Honhat*, *supra*, at ¶ 208.

Teams might simultaneously conduct a [Project Risk Determination](#), because where minimum core risks exist, there will be situations where the risk is either **not applicable, unlikely**, the subject of **reliable mitigation, authorized**, or of **limited scope**.

### Tool Helper for the Contextual Risk Screen

These terms are used, not interchangeably, to calibrate frequency or persistence of incidents. They each have a slightly different meaning:

- any: at least one incident
- multiple: two or more incidents
- frequent: more than two incidents, and somewhat geographically dependent — three incidents in a small community might be deemed “frequent” rather than merely “multiple”
- pervasive: high frequency over both time and geographic scope

NOTE: Using “frequent” and “pervasive” with strictest rigor will help teams prioritize.

## SECTION 8. Glossary, FAQ, and Other Tools

### GLOSSARY

#### Any, Multiple, Frequent, and Pervasive

These terms are used, not interchangeably, to calibrate frequency or persistence of incidents. They each have a slightly different meaning:

- any: at least one incident
- multiple: two or more incidents
- frequent: more than two incidents, and somewhat geographically dependent — three incidents in a small community might be deemed “frequent” rather than merely “multiple”
- pervasive: high frequency over both time and geographic scope

NOTE: Using “frequent” and “pervasive” with strictest rigor will help teams prioritize.

See also: widespread and systematic

#### Cause

The infliction of impact or reduction of a group or person’s ability to enjoy a human right by direct action or failure to act.

*Example: XYZ Company caused adverse impacts in the Community by refusing to address its emissions standards.*

#### Communities

A broader term than IPLC, used to describe multiple groups of rightsholders.

NOTE: When the reference is to Project Site, Area, or Region Communities, this is a specific subset defined in the Project and Community Background.

#### Contribute

The infliction of impact or reduction of a group or person’s ability to enjoy a human right by indirect action that facilitates the impact through the direct actions of a third party.

*Example: XYZ Company contributed to adverse impacts in the Community by unknowingly providing benefit to a militia group.*

#### Directly linked

The infliction of impact or reduction of a group or person’s ability to enjoy a human right by a relationship with a third party that is contributing to or causing an adverse impact.

*Example: By funding its projects, ABC Company is directly linked to XYZ company, which has both caused and contributed to adverse Community impacts in the past.*

### **Disappearance**

The enforced or involuntary arrest, detention or deprivation of liberty of a person by agents of an organized authority, followed by concealment of their fate or whereabouts.

*See also:* International Convention for the Protection of All Persons from Enforced Disappearance — Preamble of the Declaration, and Article 2<sup>(40)</sup>

### **Drivers**

The causes, institutions, social norms, assumptions, environmental factors, and other actors that sustain a state of conflict.

### **Forced Labor**

Labor coerced by threats of violence, seizure of documents or property, or worker debt/bondage.

### **Gender Responsive**

Describes any approach, strategy, or framework where planning, programming, budgeting that contribute to the advancement of gender equality and the fulfillment of women's rights are given priority (UN Women). This advancement will involve changing gender norms, roles and access to resources as a key component of project outcomes.

*Note:* This description was adapted from Eckman, A. 2002 by INSTRAW)

### **Gender Transformative**

Describes any approach, strategy, or framework that includes critical awareness of gender roles and norms among men and women, challenges the distribution of resources and allocation of duties between men and women, and promotes the position of women while addressing power relationships between women and others in the community (Interagency Gender Working Group, USAID). This approach focuses on deconstructing hierarchical gender norms, constructing new concepts of masculinity and femininity and thereby transforming underlying power relations (CGIAR, 2012).

### **Human rights due diligence<sup>(41)</sup>**

This definition was modified from the description on the United Nations website.

Performing human rights due diligence helps proactively manage adverse human rights impacts. There are four core components:

- (a) Identifying potential adverse human rights impacts that an enterprise causes, contributes to, or is directly linked to*
- (b) Integrating findings across company processes and taking action to address those impacts*

- (c) Tracking and measuring these processes to understand if they are working  
(d) Communicating how impacts are being addressed to stakeholders, particularly those affected.

Enterprises should identify and assess risks within and across:

- Geographic context
- Industry sector
- Business relationships
- Their internal activities (HQ and any subsidiaries)
- Their value chain

The purpose of human rights due diligence is to prevent adverse impacts on people. Risks to people, not risks to business, are the priority. Stakeholder engagement is important to this process; focus particularly on affected stakeholders, human rights defenders (who may be under increased risk of threat), trade unions, and grassroots organizers.

These assessments should be ongoing.

### **Land grab**

Forced transaction by legal or illegal means, including corruption, coercion, or superior legal resources, wherein powerful outsiders take control of land from Communities who don't want to relinquish it.

### **Leverage**

The ability of an enterprise to effect change in the wrongful practices of another party that is causing or contributing to an adverse human rights impact.

### **Minimum core standards**

Basic levels of socioeconomic rights, including rights to food, water, housing, medical care, education, and other standards of living.

See also: Minimum Core Risk Analysis

### **Organized authority**

Militias, gangs, private/corporate entities, or any other actor or group acting as a *de facto* state authority with acquiescence of the state government.

### **Politically Motivated Killings / Persecution**

The targeting of individuals based on their affiliation, membership, or identity, including race, ethnicity, sex, gender, sexuality, religion, nationality, migrancy, or social status.



## Progressive Realization

States have obligations around economic, social and cultural rights under international human rights treaties. The core obligation is to work toward the full realization of economic, social, and cultural rights for all people (see fact sheet below).

These rights can be hampered by a lack of available resources, and they can only be achieved over a period of time. Therefore, a State's compliance with this obligation is considered alongside the resources, financial and otherwise, available to it. Hence, many national constitutions allow for the progressive realization of these rights.

*See also:* FAQ on Economic, Social, and Cultural Rights fact sheet, p. 13-14<sup>(13)</sup>

## Project Risk

The possibility that a project's activities could cause, contribute to, or become directly linked with adverse human rights impacts, as defined first by teams and revisited/validated by Communities during later due diligence.

*See also:* Project Risk Determination Framework

## Project Site, Area, Region, Category

Projects are considered on the basis of their geographic scope, as further outlined in the Project and Community Background Tool of this guide.

- **Project Site** refers to any specific site that has already been identified for inclusion in the project scope and where project implementation activities will occur.
- **Project Area** refers to the Project Site plus nearby geographies. Within the scope of this area, groups know or know of each other, and communicate about issues. Given the right circumstances (e.g., funding, community interest), there could be potential for expansion of the project across this area without significantly changing project objectives or approach.
- **Project Region or Ecoregion** automatically includes both Project Area and Site, plus other regional communities that face similar issues, or political or environmental dynamics.

## Self-determination

The right of Indigenous Peoples, enshrined in UNDRIP<sup>(30)</sup>, to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully in the political, economic, social and cultural life of the state. Unlawful impacts to self-determination might include any or all of the following:

- Lack of consultation/consent
- Disproportionate impact
- Unlawful discrimination
- Purposeful harm toward Indigenous institutions and practices

- Interlinkage with other human rights violations

### Salient

Significant, important, or prominent, as applied to an issue that Communities and their partnering organizations care about and are consciously aware of.

Note: This term excludes issues that only one or a few people are concerned about that do not represent the larger context.

### Unlawful Discrimination

Inequitable discrimination that is not in compliance with national law and that is motivated by race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, ability, gender, or other status.

*See also*:

- International Covenant on Civil and Political Rights, arts. 2, 26<sup>(28)</sup>.
  - e.g., Committee on the Elimination of Discrimination against Women, ON and DP v Russian Federation, para. 7.2 (3 Apr. 2020)<sup>(29)</sup>.
- the Convention on the Elimination of Racial Discrimination<sup>(42)</sup>
- the Convention on the Elimination of Discrimination Against Women<sup>(29)</sup>
- the Convention on the Rights of Persons with Disabilities<sup>(43)</sup>
- the International Convention on the Protection of the Rights of All Migrant Workers<sup>(44)</sup>

### Vulnerable Identities

Groups who are or have been subject to legacies of oppression and whose rights must be protected with additional measures, including but not limited to women, youth, older persons, persons with disabilities, racial and ethnic minorities, LGBTQI2S+ persons, refugees, migrants, human rights defenders, people suffering poverty, and people living with HIV/AIDS or other chronic health conditions.

### Widespread and systematic

Beyond pervasive, this term refers to calculated and dangerous patterns of abuse. Consider the following factors:

- Frequency: massive, collective, repeating often, or directed against large numbers of civilian victims
- Organized: implemented in a strategic or planned fashion
- Geographically widespread: orchestrated across multiple geographic regions
- Temporally widespread: persistent over long periods of time
- Targeted: victims are chosen by their membership in a particular population.

## Worst forms of child labor

Prohibited exploitative practices against children, including:

- all forms of slavery or practices similar to slavery, trafficking, debt bondage, or forced labor
- any use of children in armed conflict, child prostitution, or pornography
- any use children for illicit activities, in particular for the production and trafficking of drugs
- any work which is likely to harm the health, safety or morals of children

*See also:* ILO Convention No 182, the Worst Forms of Child Labour Convention<sup>(48)</sup>

## FREQUENTLY ASKED QUESTIONS

### Don't IPLCs need to participate in the screening themselves?

As discussed in detail in the Introduction and Overview, it would be burdensome to ask IPLCs to perform the high level of labor required in checking the project team's proposals and assumptions at the initial stage. Validating our assumptions with IPLCs, however, is an important part of the later stages of this work.

### Why are teams doing this analysis themselves instead of hiring an expert?

There are some instances where retaining expert help might achieve strongest results, such as supporting teams in the Rightsholder Engagement process.

In general, though, it's preferable to have field teams do this work instead of external experts for several reasons:

1. **Trust.** Field teams often have higher existing levels of trust with Communities, meaning greater access to high-quality information. Projects often emerge from existing relationships with Communities in regions where the organization or business has worked for years. If the opposite is the case, and the organization or business is new to an environment where an existing expert has stronger trust relationships, the external expert might be the best choice.
2. **Training.** Running the screening is good training for field teams and their future outcomes. A team that has worked together with IPLCs to understand and apply unfamiliar human rights concepts in complex contexts will be best prepared to spot new issues as they emerge.
3. **Efficiency.** In-house human resources are often more efficient from a time and money perspective. Sometimes sophisticated analysis of experts is called for, but generally, familiarity with the case is more important.

## **At what stage of a project do we apply this Tool? What if the project has been operating for a long time?**

The Tool can be applied at any time.

For new projects:

- If the project is not developed enough, the screening will not have enough inputs to identify issues well.
- If it is too far along, it will be difficult to make changes.
- Ideally, conduct this screening as part of a Consultation Plan<sup>(8)</sup> for FPIC, after undergoing the early learning and IPLC engagement process.

For ongoing projects:

- This Tool can help identify potential impacts that weren't obvious at the outset.
- It might fit into existing evaluation and monitoring plans.
- This Tool can also be useful as part of making plans for expansion or adjustment of existing projects.
- If human rights concerns emerge in the context of an ongoing project, this can help teams in both responding to the immediate issue and taking steps to proactively address human rights risks in future.

## **What if the project only has a small NCS component? Do we apply the Tool just to that component?**

Even if NCS is only a small part of the project, it is worthwhile to address the Tool to the project as a whole since key audiences will unlikely make this kind of distinction.

That said, speed and agility are important in implementation of the NCS, and the application of the Tool must not become burdensome. Accordingly, the Tool was designed to be streamlined and easily integrated. It also rarely results in a hold status or strict deadlines; it is meant rather to identify issues so teams can move forward on addressing them along with their implementation plans.

## **Are there possible negative consequences to running this screening?**

Teams who are concerned that this screening will highlight issues they cannot afford to deal with all at once should remember that the screening generates prioritized lists of issues to focus on. The “Escalate” recommendation to put activities on hold only applies to new projects. For existing projects, the recommendation is higher-level review, and this is reserved for risks of severe human rights abuses. Most issues are placed on the Prioritize List or Watch List, and invite teams to work quickly while honoring their capacity, time, and resource constraints. The Tool does not recommend stopping ongoing projects, and the hope is that it provides an extra foundation for requests for funding and other assistance for project teams.

## Isn't it the government's job to promote human rights and our organization or business's job to follow the law?

This is an out-of-date understanding of human rights obligations. The human rights treaties and obligations signed by States form the normative and moral framework for citizen and institutional obligations that run independent of State obligations. We all have a codified responsibility to uphold human rights. For independent and private sector actors, it is a “responsibility to respect” human rights, which differs subtly from the State’s “duty to protect” them.

*See also:* UN Guiding Principles on Business and Human Rights<sup>(39)</sup>

## OTHER TOOLS

This Tool is not meant to be a single solution to address human rights and conservation work. It aims to be a preliminary process to identify issues and perform early due diligence in advance of other work — organizing project decisions around IPLC self-determination, designing mitigation strategies, and project implementation.

These challenges might be addressed by other tools, some of which are compiled below:

### Human Rights Guide

TNC’s core guidance on how to pursue ambitious conservation agendas with full respect for human rights and IPLC self-determination. This Tool should be considered one component of the larger vision in the Human Rights Guide, and as such it points repeatedly to corresponding Human Rights Guide Modules.

Access the Guide [here](#)<sup>(1)</sup>

### Voice, Choice, and Action (VCA) Framework 2.0

The VCA Framework Guide provides the most up-to-date vision of what TNC’s vision of human rights-based conservation in partnership with IPLCs is. The most recent version was launched in May 2022.

*See also:*

- [VCA Website](#)<sup>(46)</sup>
- [VCA Appendix of Additional Resources](#)<sup>(47)</sup> including diagnostics, manuals, and templates
- [VCA Tool 10: Guidebook to Sustainable Livelihoods and Community Enterprises](#)<sup>(48)</sup>

## Guidance for Integrating Gender Equity in Conservation

This helps teams to locate their project's level of opportunity and ambition on a Gender Integration Continuum in order to select issues, checklists, exercises, and tips to get started with integration of gender equity.

Access the Guidance [here](#)<sup>(22)</sup>

### SERVIR Gender Analysis Tool

Gender analysis is a framework by which an activity can be assessed in the context of gendered power dynamics, opportunities, and constraints. This can help teams make recommendations for service design with an eye toward gender equity and social inclusion. The SERVIR tool helps provide specific guidance and analysis to help all genders realize equal benefits from the work being done.

See also: [SERVIR Gender Analysis Tool \(pdf\)](#)<sup>(49)</sup>

## Conservation by Design (CbD) 2.0

An older articulation of ideas first outlined in 1996, CbD was where TNC began to articulate its vision of people-centered environmental conservation. It has shaped countless TNC projects and helps situate conservation ambitions within complex social and environmental realities, both globally and locally.

See also:

- [CbD website](#)<sup>(18)</sup>
- [CbD resource center](#)<sup>(50)</sup>

## Conservation Measures Partnership and Healthy Country Planning

The CMP is a global community of partners, that fosters worldwide conservation efforts drawing on expertise from government, NGOs, and private business.

HCP is an adaptation of Open Standards for the Practice of Conservation, drawing on robust strategic planning approaches of various industries.

See also:

- [Conservation Standards website](#)<sup>(51)</sup>
- [Healthy Country Planning policy and training documents](#)<sup>(52)</sup>
- [Resource Library](#)

## Conservation International's Indigenous Negotiations Resource Guide

Ø [Website](#). Critically important perspective and issue framing.

## **FPIC 360**

Ø [Website](#). Sponsored by USAID.

## **INTRINSIC: Integrating rights and social issues in conservation**

Ø [Materials available here](#)..

## **UNDP Social and Environmental Screening Procedure (SESP)**

Ø [Website](#).

## **IUCN Gender and Environment Resource Center**

Ø [Website](#). Provides an extensive library of tools for gender-based analysis, often specific to particular issue sets and geographic regions.

## **CCB Standards**

Ø [Website](#).

## **REDD+ SIS—materials**

Ø [Website](#).

## **GCF Safeguards—materials**

Ø [Website](#).

## **WWF Safeguards—materials**

Ø [Website](#).

## **Conservation Initiative on Human Rights—member publications**

Ø [Website](#).

## **EJScreen: Environmental Justice Screening and Mapping Tool (United States)**

Ø [Website](#).

**Rights Tracker by The Human Rights Measurement Initiative**, a unique collaborative venture between human rights practitioners, researchers, academics, and other human rights supporters.

Ø [Website](#).

**Swedish International Development Agency’s Human Rights Based Approach**. This toolbox provides knowledge, tools and inspiration on how to apply the Human Rights Based Approach in Swedish development cooperation. It is key to integrating human rights and contributing to democratic development in all of Sida’s development cooperation.

Ø [Website.](#)



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