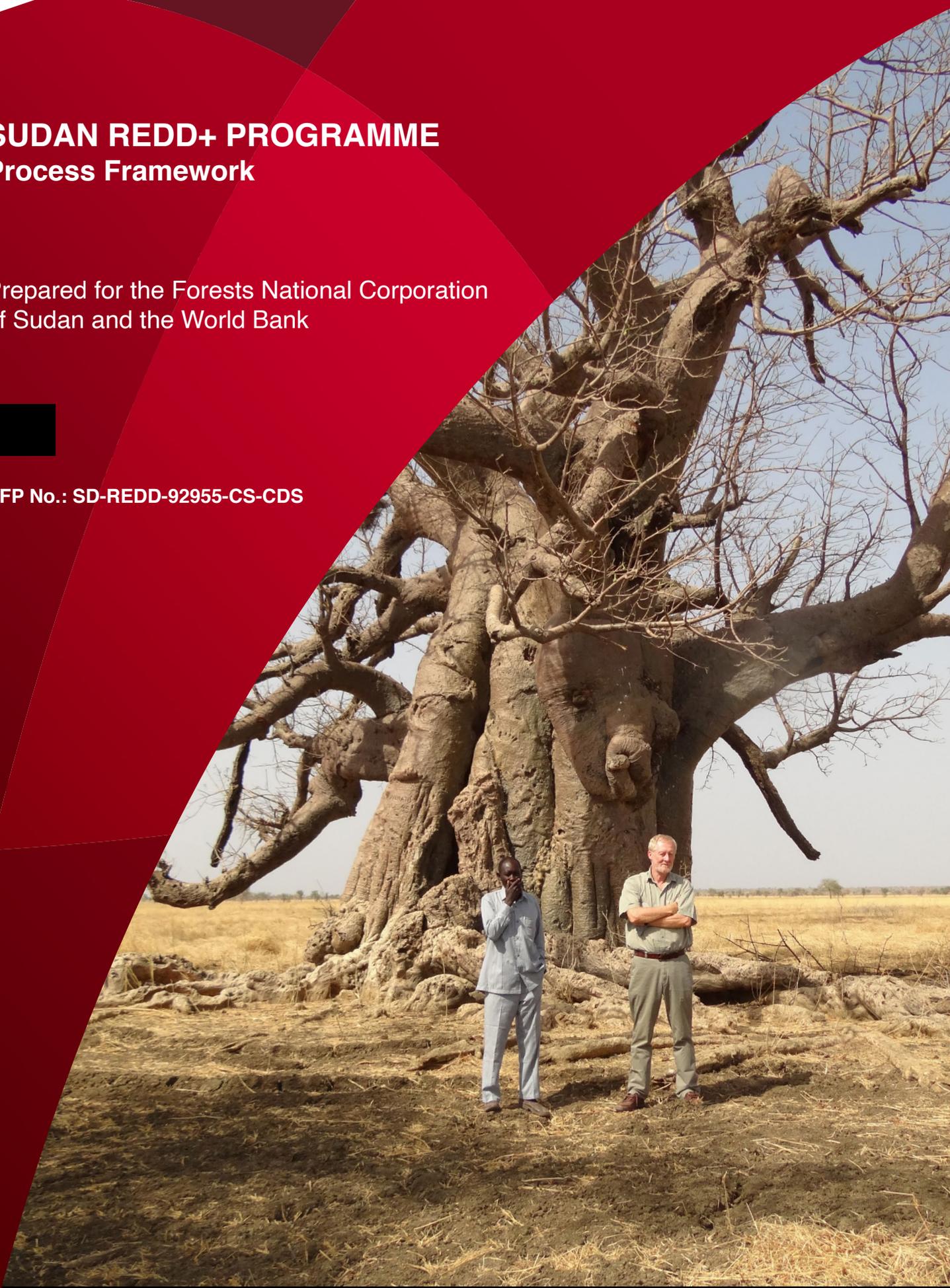


SUDAN REDD+ PROGRAMME

Process Framework

Prepared for the Forests National Corporation
of Sudan and the World Bank

RFP No.: SD-REDD-92955-CS-CDS



Project title

Developing the Strategic Environmental and Social Assessment and associated deliverables for Sudan REDD+ Programme

Document title

Process Framework for the Implementation of REDD+ Program in Sudan

Task reference

Forests National Corporation (SD-REDD-92955-CS-CDS)

Sudan REDD+ Programme Project Management Unit Contact Details

Dr Sayeda Khalil

skhalil@reddplussd.org | sayeda_khalil@yahoo.com

Forest National Corporation - Minister of Agriculture and Natural Resources

Khartoum P.O. Box 658

Sudan

Consultant contacts

Main contact: o.levallois@hamerkop.co

Secondary contact: colm.odriscoll@etifor.com

Authors and affiliation

Colm O'Driscoll (Etifor) with the contribution of Dr Talaat Abdel Magid, Dr. Tarig Elsheikh Mahmoud, Dr Abdelrahman E. A. Musa, Dr Hana Hamadalla and Nazar Saad Mohamed.

Review, guidance and quality control: Sean White (Team Leader), Olivier Levallois (HAMERKOP), Mauro Masiero and Alex Pra (ETIFOR)

Document version/status

Final version

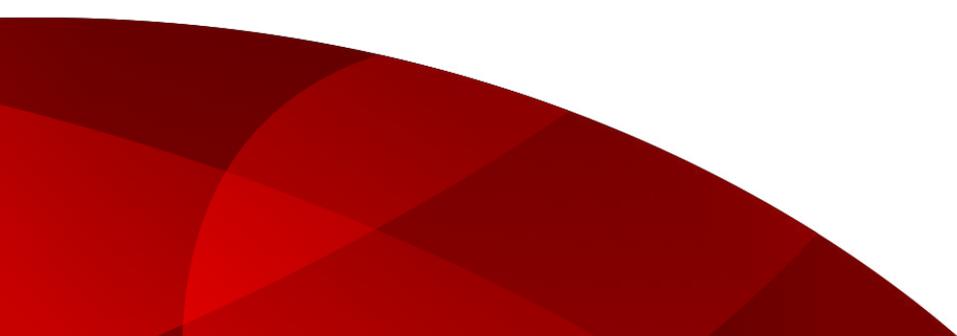


INDEX

ABBREVIATIONS AND ACRONYMS	4
ACKNOWLEDGEMENTS	5
1. INTRODUCTION	6
1.1 A background on resettlement and restriction of access to natural resources	7
2. SUDAN, REDD+ AND THE PF	8
2.1 Country overview	9
2.2 Potential REDD+ programmes in Sudan	11
2.3 Restriction to access of natural resources in the NRS Options for REDD+ in Sudan	12
2.4 SESA Consultations and the process framework	12
2.5 Structure and objectives of the PF	12
2.6 The objectives of the PF	13
3. LEGAL AND ADMINISTRATIVE FRAMEWORKS ON ACCESS RESTRICTION TO NATURAL RESOURCES IN SUDAN	14
3.1 Background of legal and administrative framework on access restriction	15
3.1.1 Summary of regulations and policies on access restriction to natural resources in Sudan	16
3.1.2 Customary land tenure relevant to the process framework	20
3.1.3 Key institutions involved in regulating access to natural resources	21
3.2 Institutional arrangements in REDD+ implementation in Sudan	22
3.2.2 Process framework administration authorities	23
4. PROJECT AND PF IMPLEMENTATION AND AFFECTED PEOPLES	24
4.1 Engagement and consultation with potential affected persons	25
4.2 Eligibility of PAPs for mitigation measures and compensation	25
4.3 Mitigation of potential impacts and compensation	26
4.4 Compensation and livelihood restoration	26
5. GRIEVANCE MANAGEMENT AND REDRESS MECHANISMS IN ACCESS RESTRICTION	28
5.1 Feedback and Grievance Redress Mechanism Framework	29
5.2 Grievance Redress in Sudan REDD+	29
5.2.1 Grievance redress formal and traditional structures in Sudan	30
5.2.2 Objective of the GRM for the PF for REDD+ in Sudan	31
5.2.3 GRM structure for the Sudan REDD+ PF	31
5.2.4 Creating a GRM space	32
6. MONITORING AND EVALUATION	33
6.1 Internal and external monitoring	35
6.2 Internal and external evaluation	36
7. BUDGET OF PF	37
BIBLIOGRAPHY	37
APPENDICES	37
Appendix 1 PF implementation summary	37

ABBREVIATIONS AND ACRONYMS

AP Action Plan
CSOs Civil Society Organizations
ESMF Environmental and Social Management Framework
ESS Environmental and Social Standards
FAO Food and Agriculture Organization
FCPF Forest Carbon Partnership Facility
FGRM Feedback and Grievance Redress Mechanism
FNC Forest National Corporation
FRL Forest Reference Levels
GHGs Green House Gases
GRM Grievance Redress Mechanism
HCENR Higher Council for Environment and Natural Resources
IPPF Indigenous Peoples Planning Framework
NDCs Nationally Determined Contributions
NFMS National Forest Monitoring System
NRS National REDD+ Strategy
NRSC National REDD+ Multi-sector Advisory Committee
OP Operational Policy
PA Protected Areas
PF Process Framework
R-PP Readiness Preparation Proposal
RAP Resettlement Action Plan
REDD+ Reducing Emission from Deforestation and Forest Degradation
Sudan Republic of Sudan
RPF Resettlement Policy Framework
SESA Strategic Environmental and Social Assessment
SPIU State Project Implementation Unit
TAC Technical Multi-sector Advisory Committee
UNDP United Nations Development Programme
UNEP United Nations Environmental Programme
UNFCCC United Nations Framework Convention on Climate Change
WB World Bank
WCGA Wildlife Conservation General Administration



ACKNOWLEDGEMENTS

This report would not have been possible without the full endorsement, support and ownership of the Forest National Corporation and the REDD+ Project Management Unit (Sayeda A. A. Khalil, Burae Elhussien, Hisham S. ElKurdi, Atif Mohamed Ali and Sahl Mustafa and Elham Jameel) and its invaluable support.

The consortium responsible for this assignment (Etifor and HAMERKOP) would like to express gratitude to:

Key experts: Olivier Levallois – Project Manager and Technical Advisor; Sean P. White - Team Leader; Talaat D. A. Magid - Deputy Team leader and Forest Governance Specialist; Tarig E. M. Elfaki – Forest Policy and Legal Expert; Abdelrahman E. A. Musa - Environment Specialist; Nazar A. S. Mohamed – Geoinformatics Specialist and Hana Hamadalla – Policy and Legal Expert.

Non-key experts: Colm O’Driscoll - Forest Policy and REDD+ Expert and deputy Project Manager; Dr Brice Perombelon - E&S and indigenous community specialist; Dr. Mauro Masiero - International Forest Economist; and Dr. Alex Pra - Forest Investment Expert.

The consortium would also like to express its gratitude to all those who supported the SESA expert team in the capital city of Khartoum and regions as follow.

The consortium and SESA experts would also like to express a special thanks to Omer A. Farah, chair of the SESA Technical Working Group and its members (Prof. Mubarak Abd Elrahman, Rehab Ahmed Hassan, Dr. Abd Elrahman El Amin, Dr Rehab Khatim, Dr Mutasim El Amin, Dr Yagoup Abdalla, Mohammed Osman Hussein, Dr Eiman El Rasheed, Dr Abd Alla Mirghani, Eng. Ibrahim Balila, Nadia Ahmed Elamin, Donia Hassan, Elham Abdalla and Ismail Elkafi) as well as Dr Asia Adlan Mohamed, the PMU’s safeguard specialist, for their long-lasting efforts and valuable technical support as well as the Sudan

REDD+ Programme Management Unit for their support throughout this assignment.

Our appreciation is to: FNC’s General Manager late Dr. Mohamed Ali El Hadi for his everlasting assistance to the study team, Osman Abdalla, FNC office manager, and to FNC’s senior staff in Khartoum in the States at headquarters for logistical care and bestowing of guidance, and information.

Particular thanks go to Abdelhai Mohamed Sharif; Ex-Director of the General Directorate of planning and policy making at FNC, Somaya Omer Abdoun, Director of FNC’s afforestation division, Salah Yousif Badawi from FNC’s National Forest Inventory and Dr. Salwa Mansour Abdel Hameed from MAP UINSCO.

A great appreciation to FNC State Managers and their staff in the states of Gadaref (Balla Musa now replaced with Salah elmahi), Sennar (Musa Elsafori, transferred to Khartoum FNC HQs and replaced by Essam Abdel Kareem), Ali Shiekh Idris, Elrehaima, Seidahmed Abdel Aziz (transferred to Northern state as state manager) and Alrehaima Mahmoud Ismail), Blue Nile (Ahmed Ibrahim, pensioned off and replaced by Hyder Ahmed Yousif), White Nile (Mutasim Esmail Alamin), North Kordofan (Mohamadain), South Kordofan (Hatim Mukhtar), West Kordofan (Mohamed Eljack), North Darfur (Abubakr Yousif), South Darfur (Abdalla Adam), East Darfur (Hyder Yousif replaced by Mohamed O. Talha), Central Darfur (Abdel Mutalab), Northern (Abdel Aziz Seidahmed), River Nile (Masoud), Red Sea (Dr. Yousif Abdelrahman), Kassala (Bakri Mahoud), Khartoum (Osama A. Adam), Gezira state (Eiman Adawi). Our appreciation also goes to the REDD+ focal points in Gadaref, Sennar, Blue Nile, White Nile, North Kordofan, South Kordofan, West Kordofan, North Darfur, South Darfur, East Darfur and Central Darfur.

Finally, we are grateful of the support and fruitful working relationship with Hassan and Tag, Greensoft and the World Bank.

1. INTRODUCTION

In 2012, the Government of the Republic of Sudan (herein after referred to as Sudan), through the Forest National Corporation (FNC), was selected as a Reducing Emission from Deforestation and Forest Degradation (REDD+) country participant in the Forest Carbon Partnership Facility (FCPF) of the World Bank (WB). As part of the social and environmental safeguards component of the National REDD+ Programme, a Strategic Environmental and Social Assessment (SESA) was undertaken in 2018 and 2020 to contribute to a robust safeguard information systems and national REDD+ strategy (NRS)¹.

The main outputs expected from the SESA process are a REDD+ strategy that is environmentally and socially sustainable and a set of frameworks for ensuring that projects implemented under the strategy are environmentally and socially sustainable, and inclusive. This also includes the elaboration of an Environmental and Social Management Framework (ESMF), a Resettlement Policy Framework (RPF), a Process Framework (PF) and an Indigenous Peoples Planning Framework (IPPF). These outputs were generated in an integrated manner with regard to other REDD+ component and sub-component studies, including the formulation of the NRS. The SESA was informed by other studies and analyses that have already been completed or are currently in process (e.g., Sudan Sustainable Management of Natural Resources Project, UNEP Sudan First State of Environment and Outlook 2020 Report). These outputs ensure consultation and participation and offer an opportunity for civil society to influence the reforms required for reducing deforestation and forest degradation in Sudan.

In this case, the FNC has requested the development of a PF. In general terms, the PF is prepared when WB-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas (explained more fully in the next sections). The PF is also prepared when the extent and exact location of forced exclusion cannot be known at appraisal because the project may have multiple components or has not reached an advanced development status. It is important to note that at the time of writing this report, the location of restrictions to access to natural resources areas due to REDD+ project activities are not known yet.

1.1 A background on resettlement and restriction of access to natural resources

Project-related land acquisition, or restrictions on land use, may cause physical displacement (e.g., relocation, loss of residential land or loss of shelter), economic displacement (e.g., loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “resettlement” refers to these impacts and can be defined as voluntary (refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state i.e., where the communities choose to leave their claim) and involuntary resettlement (when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement). Here, it is in particular the latter that is referred to, (i.e., forced resettlement and restriction to access of resources by authorities, when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement²).

Economic development is widely viewed as an inevitable step towards modernization and economic growth in developing countries; however, for those who are displaced, the end-result is most often loss of livelihood and impoverishment³. Based on the experience during the implementation of many development projects, in developing countries above all, involuntary resettlement takes place due to development opportunities. Such developments can leave lasting negative economic, social and environmental impacts. In general, this affects the poorest people, with little claim to the land being acquired (forcefully or otherwise).

This effect can be in direct form – physical removal of local communities - or indirect – cultural claim to specific areas of land. Once such communities are displaced, they need to be placed in other areas, and this can also have both negative direct (e.g., physical unacceptance of displaced communities within new communities due to competition for resources) and indirect (e.g., again lack of cultural and traditional claim to new areas, unacceptance of new traditional authorities)⁴ outcomes. This results overall in reduced social capital. Involuntary resettlement can cause long-lasting and permanent damage through negatively affecting social (including cultural and traditional) capital and restricted access to tangible and intangible assets that the displaced communities lay claim to.

Sudan is no stranger to displaced peoples⁵ and has been subject to, and continues to have, situations of internal displacement as a result of both voluntary and involuntary resettlement practices. In this case, when restriction to access occurs, which can be the case for REDD+ implementation, this PF will be activated. The development of these supporting policies ensures the correct safeguards are put in place to mitigate, limit and address the consequences of restriction-to-access-associated risks.

¹ For more information on this process, see Section 1 of the RPF of Sudan's REDD+ Programme and the Baseline of the SESA Report.

² <http://documents.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>

³ Drydyk, J. (2007). Unequal Benefits: The Ethics of Development-Induced Displacement. *Georgetown Journal of International Affairs*, 8(1): 105-113. <https://www.jstor.org/stable/43134152?seq=1>

⁴ Vanclay, F. (2017) Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? *Impact Assessment and Project Appraisal*, 35(1): 3-21, DOI: 10.1080/14615517.2017.1278671

⁵ <https://www.refworld.org/country,UNHCR,,SDN,,573ad3274,0.html>



2. SUDAN, REDD+ AND THE PF

2.1 Country overview

Located in North Eastern Africa, the Sudan is bound by Egypt, the Red Sea, Eritrea, Ethiopia, Republic of South Sudan, Central African Republic, Chad and Libya, with an estimated surface area total of 1.882 million km². Sudan has an estimated 2019 population of 42.81 million.

The 2020 UNDP Human Development Index ranks Sudan at 170 out of 189 countries. Poverty estimates indicate that about 15 million people are considered poor. The poverty rate is significantly higher in rural areas (58%) than in urban areas (26%) and varies markedly by states.

The population is a combination of indigenous Nilo-Saharan speaking Africans and descendants of migrants from the Arabian Peninsula. The main ethnic groups are Sudanese Arabs (70%), Fur, Beja, Nuba and Fallata (more information on these can be found in the IPPF prepared for Sudan REDD+ programme). Due to the process of Arabisation, common throughout the rest of the Arab world today, Arab culture predominates in Sudan. Official language is Arabic. English is widely used together with several local dialects in northern Sudan, South Kordofan, Kassala, Darfur and Red Sea states. The distribution of the population of Sudan is concentrated along the river Nile and its tributaries and around agricultural and forest areas.

Sudan's land area covers 1.88 million km², 72% of which is desert (FAO 2015a). About 30% of the population lives in urban areas and 63% in rural areas. The remaining 7% of the population lives according to a nomadic lifestyle. The majority of the population depends on the country's natural resources for their livelihoods. It is estimated that agriculture (e.g., crops, livestock and forestry) contributes for 35-40% of Sudan's domestic product (with livestock accounting for 50% of the production) and employs more than 80% of the total population. Traditional farming accounts for 60-70% of the agricultural output and is largely subsistence production based on shifting cultivation and livestock-rearing. The main land resources and use types include.

Arable Land

Sudan has around 68.2 million hectares of arable land (approximately 183.3 million feddans), which makes up about 36.2% of the country (FAO 2018a). However, only around 29% of this land (20.0 million ha) is cultivated.

Forests

In 2012, the land cover map produced by the Food and Agriculture Organization (FAO) and the United Nations Environment Programme (UNEP) shows trees covering 10 per cent of the country. Sudan has 17 million feddans or 714 km² of protected forest reserves (Gafar, 2013). Most of the reserves are in West Darfur, South Darfur, Gedaref, Blue Nile and White Nile states. 70.2% of the country's forests are owned by the government and managed by FNC (Gafar 2013). Gum arabic producers own 28.2%, while 0.2% are owned by individuals. Forests registered under community names and private companies represent 0.8% and 0.6% respectively (Gafar 2013). Deforestation in Sudan is estimated at 2.4% a year, one of the highest rates of deforestation in the world (Gafar 2013).

Rangelands

Rangelands make up 25.6% of Sudan's total land area (FAO and UNEP 2012). Rangelands in Sudan have been severely depleted, particularly by the expansion of farmland. In 2007, UNEP estimated that Sudan had lost between 20% and 50% of its rangelands (UNEP 2007).

National parks and protected areas

National parks and other protected areas cover 8.1% (150,963 km²) of the country. After the secession of South Sudan in 2011, the protected areas in Sudan were reduced to 9 national parks, 2 game reserves and 3 game/bird sanctuaries (Abdelhameed et al, 2008). National Parks have been established between 1935 and recent years, although most of them have been gazetted in 1980s. All Game Reserves and Sanctuaries date back to 1939. A small portion of Sudan's land is taken up by oil fields and by organized and artisanal gold mining. The main national parks are composed of three biosphere reserves that are part of the UNESCO World Network of Biosphere Reserves: Dinder (10,000 km², declared by UNESCO in 1979), Radom (12,500 km², established in 1982) and Jebel Al Dair (2016) (Wildlife Conservation General Administration 2018), and another large national park Wadi Howar (100,000 km² established in 2002). The country has also marine protected areas: Sanganeb Marine National Park and Dungonab Bay and Mukkawar Island Marine National Park. In 2018 these marine national parks were declared as world heritage sites (United Nations Education, Science and Culture Organization – UNESCO, 2018).

Table 1-Table 4⁶ respectively show the distribution of protected areas over the ecological zones of the Sudan. These protected areas include national parks, game reserves, game sanctuaries and proposed protected areas. Finally, Table 5⁷ shows the land use change categories by type of ownership in Sudan.

⁶ Source: The Wildlife General Administration

⁷ Source: FAO and UNEP's 2012

Table 1. List of national parks in the Sudan

Name	Establish Date	Area (hectares)	State	Ecological Zone
Dinder N P	1935	890,000 1,029,100	Sinnar	Savannah
Radom N. Park	1982 (Area Increased)	1,250,000	South Darfur	Savannah
Senganeb Marine N.Park	1983	26,000	Red Sea	Semi-desert
Dungonab Bay	1994	276,300	Red Sea	Semi-desert
Mukkwar Island MNP	2004	-	Red Sea	Semi-desert
Wadi Howar N. Park	2002	10,000,000	North Darfur	Desert
Jebel Hassania N. Park	2003	-		Semi-desert
Jabel Al Dair N. Park	2006	330,000	North Kordofan	Semi savannah

Table 2. List of game sanctuaries in the Sudan

Name	Establish Date	Area (hectares)	State
Arkawit-Sinkat	1939	12,000	Semi-desert
Arkawit	1939	82,000	Semi-desert
Khartoum – Sunt Forest	1939	1,500	Semi-desert

Table 3. List of game reserves in the Sudan

Name	Establish Date	Area (hectares)	State
Toker	1939	630 003	Semi-Arid
Sabeloka	1939	116 000	Semi-desert

Table 4. Proposed protected areas in the Sudan

Proposed Site	Area (hectares)	State
Khashm Al Girba Dam BS	10,000	Kassala
Lake Abiad BS	500,000	South Kordofan
Lak Kailak BS	3,000	South Kordofan
Lake Nuba BS	10,000	North
Sennar Dam BS	8,000	Sinnar
Port Sudan MNP	100,000	Red Sea
Suakin Arcipelago NP	150,000	Red Sea
Jebel Mara Massif NCA	150,000	West Darfur
El Sudanieries Dam BS	70,000	Blue Nile
Jebel Aulia Dam BS	100,000	White Nile

Table 5. Land cover by type in Sudan

	AG	TCO	SCO	HCO	URB	BS	WAT	Grand Total
TOTAL (hectares)	23,710,025	18,733,182	22,231,327	25,982,720	730,331	95,277,727	1,290,000	187,955,312
%	12.6	10.0	11.8	13.8	0.4	50.7	0.7	100.0

1 Hectare = 10,000 m² = 2.38 feddans

Key:**AG:** Agriculture in terrestrial and aquatic/regularly flooded land**TCO:** Trees closed-to-sparse in terrestrial and aquatic/regularly flooded land**SCO:** Shrubs closed-to-sparse in terrestrial and aquatic/regularly flooded land**HCO:** Herbaceous closed-to-sparse in terrestrial and aquatic/regularly flooded land**URB:** Urban areas**BS:** Bare rocks and soil and/or other unconsolidated material(s)**WAT:** Seasonal/perennial, natural/artificial water bodiesTable 6. Major Land Use Change Categories by type of ownership⁸

Forest ownership	FRA Classes (ha)				Inaccessible (ha)	Deserts (ha)	Total (ha)
	Forest	Other Wooded Land	Other Land	Inland Water			
Private – individuals	2,759,804	1,904,915	0	0	0	0	4,664,719
Private - industries	655,439	0	0	0	0	0	655,439
Private - local communities	3,197,522	1,222,123	5,984	0	0	0	4,425,630
Private - other private	112,204	0	0	0	0	0	112,204
Public - state	8,930,198	2,199,517	0	0	0	0	11,129,715
Public - local government	2,386,761	5,724,144	0	0	0	0	8,110,905
Indigenous / tribal communities	558,027	56,102	0	0	0	0	614,128
Not known	8,751,525	10,595,219	18,701	0	0	0	19,365,445
Other	2,481,539	3,212,258	64,142,273	594,241	1,050,444	67,674,160	139,154,914
Total	29,833,019	24,914,279	64,166,957	594,241	1,050,444	67,674,160	188,233,100

2.2 Potential REDD+ programmes in Sudan

While currently no voluntary carbon market forest investment projects exist in Sudan, the current state of development of Sudan's national REDD+ programme will soon lead to moving from the "readiness" into the "implementation" stage. As part of the first proposed draft NRS of Sudan's REDD+ programme, three sub-programme areas were proposed. The three Emission Reduction Programme (ERP) to be developed and implemented for the first draft of the NRS include:

- The ERP for the gum Arabic belt (the gum Arabic belt REDD+ Programme).
- The ERP for the Montane watershed ecosystems (the montane Watershed REDD+ Programme).
- The sustainable forest management ERP in the Blue Nile riverian ecosystem (the Blue Nile, Sinner and Gezira states REDD+ Programme).

More recently the FNC, with an external consultant, are preparing an ERP in Blue Nile, Sinner and Gedarif states.

Sudan planned to start piloting the implementation of REDD+ activities in the South East region, which comprises three states (subnational administrative units) namely, Blue Nile, Sinner and Gedarif states. This region covers an area of about 7.2% (134,918 km²) of the country total area and about 11% of the total forest land of Sudan (Africover 2012).

As described in the December 2020 version of the NRS, the structure of the ERP consists of an overall (regional) programme with three (jurisdictions) state-level sub-programme projects/units. The state level sub-programmes projects/units will reflect the specific nature of the land use and drivers of deforestation and forest degradation in each state, however, the general circumstances in the three states are very similar. The state level sub-programmes projects/units will be located in selected forest circles in each state. Most of the activity's implementation will be centered in the Dahara

⁸ FINAL REPORT Sudan National Forest Inventory, 2020

forests, as these are the most affected by deforestation and forest degradation as compared to the riverain (Sunt forests) and this is where most if not all the deforestation and degradation effects are occurring. The selection of forests that are considered as potential locations for the ERP, in each state was based on stakeholder consultation.

Both of the above examples involved consultations with relevant stakeholders and representatives of stakeholder groups. Should any projects and/or programmes of the areas or sub-areas from the above proposals, or indeed from any other areas, move into a planning and an implementation stage with a risk of restriction to access of natural resources, this PF should be activated and a census and screening of affected persons in these areas should be carried out (for more information on PAPs see sub-section 4). Should any new projects and/or programmes be designed, potentially affected persons should be identified and included early on in the design process in consultations in line with the consultation approach outlined in sub-section 4.1.

2.3 Restriction to access of natural resources in the NRS Options for REDD+ in Sudan

In the absence of specific REDD+ projects and sub-programmes in Sudan, restriction to access of natural resources issues were assessed against the NRS options during SESA consultations. This was done in a two-step approach. The first step during the SESA consultation surveys, the NRS options were assessed with different stakeholder categories for any potential access restrictions issues, and the second step by sending surveys to REDD+ focal points in different states requesting information on whether or not instances or knowledge of instances of access restrictions were occurring in their states.

As part of the first step, the strategy options and their actions were assessed against the relevant Environmental and Social Standards (ESS) for restriction to access of natural resources. Table 7 presents the main outcomes of this assessment. The actions were assessed for impacts and risks and based on the results of the consultations, and different levels of risk and impact were considered (high, low, etc). This detailed analysis can be found in the SESA report for Sudan's REDD+ Programme.

Table 7. Actions of strategy options identified as relevant to ESS 5

Standard and objectives	Relevance for the REDD+ strategy options
ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.	<p>ESS 5 is aimed at avoiding or mitigating involuntary resettlement and restrictions on land use. The potential for involuntary resettlement and restrictions on land use is to be identified at the screening stage during project planning. If identified during screening, the ESIA must assess alternatives, avoidance and mitigating measures and may trigger a requirement implementation of the considerations of an RPF. Activities proposed in the NRS that could result in restriction of rights or involuntary resettlement with potential to trigger ESS5 are:</p> <ul style="list-style-type: none"> • Agroforestry within deforested and degraded areas. • Implement a national forest plantation policy. • Restore degraded landscapes. • Land use institutionalisation. • Agroforestry and Agric inputs. • Moratorium on land conversion. • Sustainable management of range. • Rangeland mapping and assessment. • Integration of arable farming with livestock production/husbandry. • Cultivated fodder production. • Increase fodder production outside forests. • Reforestation programmes (oil/mining)

2.4 SESA Consultations and the process framework

Throughout the SESA consultation process, restriction to access of natural resources and potential areas for concern of such, also in relation to the proposed strategy options, was assessed. Group discussions, interviews and personal observations with 1,552 stakeholders during the period extended from April to May 2018 and from October to November in 2020 took place to assess the social and environmental impacts of the NRS options in Sudan. The consultations were conducted with 13 different categories of stakeholders including representatives of; state ministers, directors general, legislative councils, FNC, staff of different ministries, NGOs, native administrations (NAs), farmers union, Gum Arabic Producer Associations (GAPAs), women unions, businessmen federations, livestock raisers, and traders. The reports of these consultations will be annexed to SESA main reports. As part of the SESA, a social and environmental risk assessment was carried out against the World Bank Environmental and Social Standards (WB ESS). For each strategy option,

the risks and benefits (and their levels) were identified for each stakeholder category and each WB ESS, then risk mitigation and benefit enhancement measures were identified in response (see SESA report).

2.5 Structure and objectives of the PF

A PF is required when WB-supported projects may cause restrictions in access to and use of natural resources in legally designated parks and protected areas⁹. The purpose of the PF is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of the PF and implementation and monitoring of relevant project activities. With this in mind, the current PF has adapted the requirements set out in ESS 5 to structure the PF for the Sudan as follows.

Section	Title	Description from ESS 5 and PF Section	State
2	REDD+ and the Process Framework in Sudan	Define context – project components and implementation (collect and assess information on current potential situations of access restriction to natural resources in REDD+ in Sudan).	Semi-desert
3	Legal and administrative frameworks on access restriction to natural resources in Sudan	Assess and review legal and administrative procedures where they exist and propose new ones where they do not.	Semi-desert
4	Project and PF implementation and affected peoples	Criteria for eligibility of affected persons will be determined (including criteria for mitigation and compensation measures), this will include measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified.	Semi-desert
5	Conflicts and grievance redress mechanisms	Description of the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.	
6	Monitoring arrangements	Defining monitoring and evaluation arrangements of project activities.	

2.6 The objectives of the PF

The objectives of the PF are guided by the ESS 5 on involuntary resettlement from the WB ESF¹⁰. Reference on structure and outline for implementation purposes are given in the implementation summary (Appendix 1). For the purposes of this PF, the definition for “involuntary restriction of access” is taken from ESS 5 as covering restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation.

As per the ESS 5, the main objectives of the standard are to:

- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land used by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Avoid forced eviction.
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.

Therefore, to be in line with ESS 5, this PF defines the purpose of the framework through the following specific objectives:

- **Ensure an inclusive identification of all project affected persons (PAPs) throughout the implementation process.**
- **Ensure that livelihoods of PAP through access restriction to natural resources are improved or at least restored, and the project’s sustainability is maintained.**
- **Outline all the specific processes, procedures and components that contribute to minimizing or mitigating the potentially adverse effects of restrictions of access to natural resources.**

⁹ World Bank Environmental and Social Standard 5 on Involuntary Resettlement

¹⁰ <https://www.worldbank.org/en/projects-operations/environmental-and-social-policies>



**3.
LEGAL AND ADMINISTRATIVE
FRAMEWORKS ON ACCESS
RESTRICTION TO NATURAL
RESOURCES IN SUDAN**

Considering the three main objectives of this PF listed in sub-section 2.6, it is imperative to ensure that the legal and policy framework relative to restricting the access of people affected by REDD+ activities to natural resources is well presented. A general overview of legal and administrative background to access restriction in Sudan up to present day is first presented, and then all significant policies and laws connected to restriction to access of natural resources in Sudan is summarised in Table 9. Then the administrative and institutional arrangements are presented, this is followed by a proposal for PF administration authorities.

3.1 Background of legal and administrative framework on access restriction

In Sudan, a country divided into 18 states, there are three levels of authority: national, state and locality levels. Regulation and power over decision making in public land use changes and property rights and land tenure are divided among these levels. The regulations and policies related to forced exclusion and restriction of access of natural resources are presented and summarised in Table 9.

While there is no specific legislation that deals with land use (Tolentino, 1994¹¹), legislation relating to tenure and land use is scattered among the Land Settlement and Registration Act (1925), the Unregistered Land Act (1970), the Town Village Planning Act (1961), the Acquisition Act (1930), the Civil Transaction Act (1984), the Constructive Planning and Land Disposition Act (1994), and the Mechanized Farming Public Corporation Regulations (1975).

The Land Settlement and Registration Act of 1925 provides for registration of ownership, rights and interests over land such as occupation, passage, cultivation, grazing of livestock, and harvesting of tree and water resources. After the Unregistered Land Act was passed in 1970, the government assumed ownership of all forest, undeveloped or unregistered land. Unfortunately, the act did not make provisions for the Islamic principle of *manfaa* (usufruct) that, under long established systems gave people the right to use and benefit from land that they did not own (El Mahdi 1981, Magzoub, 1999 In: El siddig, 2004)¹².

In addition, the 2013 Investment Encouragement Act gave the High Council for Investment the authority to, among other things, prepare investment plans with the relevant ministries and states; approve investment requests; and allocate state land for investment, in coordination with the appropriate ministries and states. The Act also gave the Council the power to make decisions on the designation and allocation of land for investment without consulting other parties. Controversially, it denies local communities the right to have their say, and because of this and the unresolved questions of land tenure in the country the Act is seen as being a potential driver of conflict.

According to Taha (2016, the modern laws have enabled elites to purchase rural land at relatively low prices, with profound negative implications on small farmers and pastoral communities. The Unregistered Land Act, a de facto nationalization of land by the state, denies any formal legitimacy or judicial status to customary property rights and implies the cancellation of all rights relating to water, land and grazing by pastoralists, as well as the denial of any future income related to such rights. This applies to the whole dry lands of Sudan. The land legal framework establishes procedures for facilitating access to land for private investment, including by foreign investors, in ways that did not take into consideration the interests of the traditional holders. The Land Act prohibits foreigners from purchasing land but allows foreigners to be leased land for up to 99 years. The Land Act states that citizens and foreigners can obtain access to land for investment purposes and allows for states to prepare land-use plans that delineate zones. The government powers include matters related to urban development, planning and housing, electricity generation, waste management, consumer safety and protection, water resources other than interstate waters and regulation of land tenure and rights on land.

More recently, Article 43 (2) of the Interim Constitution of 2005 gave the national government the right to expropriate land for development purposes and to compensate the owners. There are also a number of articles related to natural resource management, protection of cultural heritage sites and respect of traditional and customary regulations related to land ownership. The Interim Constitution also specified land issues which are under national powers (federal level) and those under the control of states as well as joint powers (concurrent powers) shared by federal and states. The states manage lands which are not under national control. These include management, lease and utilization of lands belonging to states, town and rural planning and agricultural lands within the state boundaries. The Interim Constitution radically changed the relative powers of the different actors and stakeholders in the field of land by transferring large parts of the powers from

¹¹ Amado S. Tolentino (1994), Environmental Legislations and Institutions in the Sudan.

¹² Elmahi A. G and Abdel Magid T. D (2002) The Role of the Private Sector, Civil Society and NGOs in the formulation and Implementation of National Forest Policies and National Forest Programmes in Sudan, Prepared as a contribution of the Sudan Forests National Corporation to the Regional Workshop held by FAO/RNE in Khartoum 26-27 January 2002.

El Siddig, E. A. (2001) Community Based Natural Resources Management in Sudan. IGAD, IUCN Regional Community Based Natural Resources Management Planning Workshop Nairobi, Kenya 2-4 April 2001.

the national to the state level. This requires introduction of reforms and changes to the present land laws to conform to the articles of the Constitution. The land commissions to be established at national and state level are expected to play important roles in organizing land ownership, resolving disputes and setting arbitration procedures¹³. More recently, most of these parts of the Interim Constitution of 2005 were retained in the new Charter of 2019, still evolving.

One important part of this evolution towards the new Charter, and some of the most relevant and prominent points in the Peace Agreement between the transitional government and the Revolutionary Front are the approval of a federal system of government based on eight regions. According to the agreement, the regions have real authorities and powers. Rights among citizens should be based on citizenship and will be guaranteed in the 2019 Charter. A Governance and Administration Conference will be held within 6 months from the signing of the Peace Agreement. Its mission is to set boundaries between these regions, federal levels of government, regional governance structure and local government powers. With regard to the division of resources between the centre and the states, there will be a commission to allocate revenues.

The Agreement includes security protocols, the land issue, transitional justice, compensation, grievances, and the development of the nomads and herders' sector, the division of wealth, the sharing of power, the displaced and the refugees.

3.1.1 Summary of regulations and policies on access restriction to natural resources in Sudan

Table 9 below presents a summary of the policies that are directly relevant to restriction of access to natural resources. Within that table, where applicable, the policies are summarised into international, national and local/traditional. More information on local institutions is presented in the sub-section 5.2.1 on grievance redress.

Table 9. Specific regulations related to restriction to access of natural resources

Regulation name	Year passed / integrated	Description	Gaps with ESS 5	Recommendations to meet ESS 5
Sudan national policy and law				
Land Settlement and Registration Ordinance	1925	Provides rules to determine rights on land and other rights attached to it and ensure land registration	Controversial act that led to some conflict not recognising some informal or traditional institutions and customary land use, ownership and rights.	Application of PF, specifically in relation to eligibility, consultation, compensation and eventual grievance redress of PAPs with informal and traditional ownership and use rights.
The Land Acquisition Act	1930	Gives the government the power to appropriate lands for development purposes. It also states detail formalities of acquisition and rules governing assessment and payment of compensation	Controversial act that led to some conflict not recognising some informal or traditional institutions and customary land use, ownership and rights.	While there are details on payment of compensation, it is important to give this act more visibility during discussions on mitigating measures of adverse impacts in terms of eventual compensation due to restriction to resources of PAPs.
Provincial Forest Act	1932	Protects an area in the Gezira Province as provincial forest reserve from being interfered with on the same principle as applied to the central forest reserve. The 1932 Provincial Forests Act was amended in 1948, whereby governors' powers of the act were mandated to local governments. These powers were as follows: managing provincial reserved forests, issuing licenses to deal with reserved areas, protection of trees for special purposes.	Important act considering that its mandate is for protecting a specific forest reserve. Restricts traditional and informal use and rights of natural resources within the forest.	Application and consideration of this PF to ensure inclusive and participatory mitigation and compensation measures due to access restriction.

¹³ The Republic of Sudan Resettlement Policy Framework (RPF) for SUDAN SOCIAL SAFETY NET PROJECT, 2015

Regulation name	Year passed / integrated	Description	Gaps with ESS 5	Recommendations to meet ESS 5
Sudan national policy and law				
The unregistered Land Act	1970	Act allowing the government to assume ownership of all forest, undeveloped or unregistered land. In effect, the 1970 Unregistered Land Act served to nationalize all unregistered land in the country and, in doing so, established the concept of land as a commodity that could then be further privatized and transferred to individual ownership.	Act did not make provisions for the Islamic principle of manfaa (usufruct) that, under long established systems gave people the right to use and benefit from land that they did not own. It denies local communities the right to have their say, and because of this and the unresolved questions of land tenure in the country. The Act is seen as being a potential driver of conflict. The impacts of the Act were disproportionately borne by pastoralist communities. As the Act did not recognize customary land arrangements, groups of pastoralists were left marginalized from their traditional homelands, and practically prevented from user access rights to water and land for grazing (UNEP, 2012, Environmental Governance in Sudan).	Key act to consider, Application of PF to ensure local communities and institutions considerations and rights are correctly met and adequately consulted with as outlined in this document to ensure also previous grievances can be considered depending on severity.
The Civil Transactions Act	1984	Regulates the different matters related to civil transactions with respect to titles on land, means of land acquisition, easement rights and conditions to be observed by land users	Does not consider traditional and informal ownership and land use rights.	Application of PF, specifically in relation to eligibility, consultation, compensation and eventual grievance redress of PAPs with informal and traditional ownership and use rights.
National Parks and Protected Areas Act	1986	Act specific to the protection and delineation of natural parks and protected areas in Sudan.	Restricts access and use of natural parks and protected areas. Doesn't consider traditional and informal uses and rights completely.	Application of PF, specifically in relation to eligibility, consultation, compensation and eventual grievance redress of PAPs with informal and traditional ownership and use rights.
Urban Planning and Land Disposal Act	1994	Regulates designation of lands for different purposes and urban planning. With respect to land expropriation for public purposes, mentioned in Section 13 of the Act	There are indications given on resettlement and restriction to access of built-up areas for planning activities, and compensation, however, these indications are specific to affected peoples with formal claim to land.	Informal and traditional rights and institutions must be recognised in planning and implementation. Application of PF.
Forests and Renewable Natural Resources Act	2002	Provides the framework for the management and protection of forests and renewable natural resources encompassing pasture and range as well as the framework governing the managerial system of the forestry sector. The Act spelled out the National Forests Corporation's objectives in intensifying afforestation activities, developing production of different types of gums, NWFPs.	Important act considering that its mandate is for protecting forests specifically. It prohibits settlements in Forest reserves although in practice there are many settlements in forests. Implementation of the law could result in involuntary resettlement. While the act encourages popular participation and presents a good model for sustainable management, it should give more emphasis to traditional and informal use and rights of natural resources within the forest.	Complete the revision of the Forests Act to provide for: (i) fair treatment for forest dwellers; (ii) joint forest management with communities; (iii) participatory planning and disclosure of plans; and (iv) criteria and indicators for SFM. Consider further inclusive and consultation engagement activities from early stages in project implementation where situations of potential restriction to access of natural resources are present.

Regulation name	Year passed / integrated	Description	Gaps with ESS 5	Recommendations to meet ESS 5
Sudan national policy and law				
Environmental Protection Act Environmental Health Act National Public Health Act	2001, 2009, 2008, 2020	This Act aims to: a) protect the environment. b) provide guidance for the development and improvement of the environment as well as guide the use of natural resources. c) make a connection between environmental protection and development activities. d) assure and confirm responsibilities of the competent Authorities for the protection of the environment. e) activate the role of the competent Authority in environment protection.	Important acts for the process framework as they are specific to protection of natural areas, however, they do not consider the informal and traditional institutions and rights enough.	Application and consideration of PF measures set out in this document where acts are enforced, and informal and traditional institutions are not considered or recognised.
The Environmental Health Act	2009	Contains detail provisions for the protection of water and air from pollution and assigns defined administrative responsibilities to District Councils with respect to preservation of environmental health in general.	Not as applicable to protected areas. More specific to certain practices like intensive agricultural practices in natural areas, and urban areas. Does not consider traditional and informal use and rights on protected land and natural resources	Application and consideration of PF where instances of restricted access do occur.
Investment Encouragement Act	2013	Gives the High Council for Investment the authority to prepare investment plans with the relevant ministries and states; approve investment requests; and allocate state land for investment, in coordination with the appropriate ministries and states.	Does not consider or recognise traditional use and ownership of protected land and natural resources	Application and consideration of measures outlined in this PF, also during planning of investments. Important that grievance redress mechanisms and compensation and mitigation measures are considered, when land is used for investment purposes.
The Rangelands and Forages Resources Development (Rationalization) Act	2015	Act administering and defining formal use and ownership of rangelands and pastures. The Rangelands set out in subsection (1), shall be limited to the naturally vegetated lands suitable for grazing, and being used therefor and recognized between the pastoralists.	Does not consider or recognise traditional use and ownership of protected land and natural resources	Application and consideration of measures outlined in this PF, also during planning of investments. Important that grievance redress mechanisms and compensation and mitigation measures are considered, when land is used for investment purposes.
Transitional constitution	2019	Article 43 (2) of the Transitional Constitution gives the National Government the right to expropriate land for development purposes and compensate the owners. There are a number of articles related to natural resource management, pollution control, and protection of cultural heritage sites and respect of traditional and customary regulations related to land ownership. The Transitional Constitution also specifies lands that are under National powers (Federal level) and those under the control of states as well as joint powers (concurrent powers) shared by the Federal and States institutions.	The Agreement includes security protocols, the land issue, transitional justice, compensation, grievances, and the development of the nomads and herders' sector, the division of wealth, the sharing of power, the displaced and the refugees.	Despite the advances in inclusion of customary land tenure and ownership rights, compensation, grievances etc, bringing Sudan closer to the requirements of ESS5, included in the transitional constitution, application of all indications set out in this PF is advised.

Regulation name	Year passed / integrated	Description	Gaps with ESS 5	Recommendations to meet ESS 5
Customary laws				
Pastoralism	n/a	Land used for pasture and for traditional cultivation is communally owned under customary land laws.	National policy on pastoralism is not clearly stated. A number of policy measures have been implemented that impact on involuntary resettlement such as attempts at nomad settlement (all of which failed), and demarcation of livestock routes to protect the interests of nomadic pastoralists.	Need to consider pastoralist land use and pastoralists in PF implementation.
Access to land and rights under customary law	n/a	Access to land and rights to resources are protected under customary law. The main feature of customary law is that it guarantees every tribal group and village resident access to resources on the principle of "No harm inflicted; no antagonism created" (la darer wa la dirar) (Esen 2017). In other words, you have the right to access and use land, pasture and water provided you do not cause loss or harm to life and property. Such rights are accepted because they are a democratic way to allow people access to land whether they are a tribal resident, a passer-by or a member of a migratory group. This is especially beneficial to the poorest groups, who find representation through their sheikhs or the Nazir (or Emir) of the tribe. Local government administrations are closely tied to these traditional structures, unlike state government departments which are only accessible to wealthy or urban groups.	Land tenure is one of the most complex current issues to be addressed. The policy, legal and institutional framework to deal with land is inadequate and leads to conflict. However, the customary system provides good protection for the rights of communities and for resolving disputes and conflicts.	Given that local government administrations are closely tied to these traditional structures, unlike state government departments which are only accessible to wealthy or urban groups, it is important to include them in consultations during PF implementation (all activities) and as members of administration authorities.
Relevant international policy on restriction to access of natural resources				
WB ESS 5 on Involuntary Resettlement	2017	Both policies give guidance on defining the context and setting up frameworks for inclusive and consultative resettlement practices	-	All formal and informal legal frameworks and institutions need to adhere to indications in ESS 5 for restrictions to access of natural resources regarding implementing REDD+
United Nations HCR Resettlement Handbook	2011	Guidelines for defining and managing resettlement effectively	n/a	Should be considered during PF implementation

It is evident from the above table that the legal framework for land use in Sudan is complicated by the existence of customary as well as statutory laws but the interface between the two is confused. Thus, consideration of PF processes during all REDD+ project and sub-programmes in Sudan is advised. Given its importance, a further note on customary land tenure is explained in the next section.

3.1.2 Customary land tenure relevant to the process framework

According to formal national legislation, most of the land in Sudan is currently under government control, and land tenure rights are guided by the Unregistered Land Act (1970), however, this was not always the case. There is another main principle of land tenure, land use and land ownership and that is the access to land use is given by local chiefs. The background to this is outlined below.

The Unregistered Land Act was passed in 1970. Its application was country-wide, including the peripheral regions of Darfur, Kordofan, Blue Nile, East Sudan and what is now the Republic of South Sudan, which has or had no previous system of land registration. Article 4 (1) states that: *“All land of any kind whether waste, forest, occupied or unoccupied, which is not registered before the commencement of this Act shall, on such commencement, be the property of the Government and shall be deemed to have been registered as such, as if the provisions of the Land Settlement and Registration Act, 1925, have been duly complied with”*. In effect, the 1970 Unregistered Land Act served to nationalise all unregistered land in the country and, in doing so, established the concept of land as a commodity that could then be further privatised and transferred to individual ownership.

The impacts of the Act were disproportionately borne by pastoralist communities. As the Act did not recognise customary land arrangements, groups of pastoralists were left disenfranchised from their traditional homelands, and practically prevented from user access rights to water and land for grazing (IUCN, 2007). According to the Act *“if any person is in occupation of any land which is registered or deemed to be registered in the name of the Government, it may order his eviction from such land and may use reasonable force if necessary”* (Government of Sudan, 1970). The Act also deprives prior land users from the right to compensation for the loss of land or for the opportunity to be generated from the use by the government or the private sector. The 1970 Unregistered Land Act was repealed by the 1984 Civil Transaction Act which articulates the legal framework regarding land access. Importantly, the Act asserts that registered usufruct rights have equal legal weight to registered ownership. The Act also includes provisions of Sharia law, whereby it guarantees in some instances rights to access formerly unregistered land (*urf*), however reaffirms the state as a landowner. The primacy of the state is enshrined by the Act, which removes jurisdiction from any court to receive complaints that *“go against the interest of the state”* (Government of Sudan, 1984).

Before colonialism, traditional land use was based on tribal leadership and customary laws that organized resource use among communities. Agricultural practices were based on small holdings allocated to households while pasture and range on large tracts were managed as common resources for grazing. Other resource uses like water and forest products were under the control and management of the tribal leaders. Following the end of colonialism and post the Unregistered Land Act (1970), which transferred to the Government in full the ownership of unregistered lands, the rights of the local people were reduced. Three categories of land ownership emerged following this policy: private, government and community land ownership.

Communal tenure rights exist in the customary and “informal” domains and apply over wide tracts of rural land where government institutions either have weak access or lack of interest. Within the customary land tenure, there is the tribal homeland (Dar) with demarcated boundaries recognized by neighbouring tribes and local authorities (e.g., Dar Hamar and Dar Kababish in Kordofan). The tribal land is organized and supervised by Nazir (the chief tribal leader). Within the tribal land, there is clan land organized by Omda. Within the clan land, there are a number of villages, each one with its own land organized and controlled by the village Sheikh. Within the village land, each villager practices his private ownership respected and recognized by all¹⁴. The unclaimed land is used as range land or allotted to migrants by the village Sheikh provided that they respect the traditional rule of surrendering 1/10 of the crop to the Sheikh. As a rule, land allotted to any person cannot be withdrawn unless he/she leaves the village. Under such circumstances, the land abandoned by any person reverts to the community to be allotted to someone else. It should also be noted here that pasturelands and water resources (pools) are communally owned and utilized. They are not appropriated or controlled by individuals and pasturelands are always defined as uncultivated lands. Pastoralists have corridors (Murhal) to avoid farms and are allowed to utilize uncultivated areas. Tribal chiefs usually specify these routes and grazing areas for nomads. Generally, such approaches and claims provide procedures for land expropriation for development purposes and ways to specify rights in order to compensate the owner.

¹⁴ The Ministry of Agriculture and Natural Resources Sudan, Sustainable Natural Resources Management Project, PROCESS FRAMEWORK, February 2020

3.1.3 Key institutions involved in regulating access to natural resources

The key institutions involved in regulating access to natural resources will be guided by both the customary institutions and arrangements (see previous section) and the relevant government institutions. More information on the customary institutions involved is given in the section on grievance redress (Section 5). A complete list of all institutions involved in restriction to access of natural resources in Sudan is presented in Table 10¹⁵. As part of a REDD+ project and sub-programme level implementation, the specific institutions involved in regulation of access to natural resources in REDD+ Sudan during project and sub-programme implementation are reported in the next section.

Table 10. Institutions involved in restriction to access to natural resources

Institution	Year passed / integrated
Presidency and state governors	<ul style="list-style-type: none"> • Authority of taking land • Appointment of Native Administration leaders • Allocation of land • Establishment of local councils
National Council for Physical Development and Land Disposition	<ul style="list-style-type: none"> • General policies for urban planning • Drafting of laws and regulations concerning physical planning • Training of staff
Forests National Corporation	Reservation, protection, conservation and replacement of forests and management of the federal-state forestry sector
Mechanized Farming Administration	Allocation of land and management of the mechanized sector
National Investment Council	Identification of land for agricultural, industrial and other purposes
States Councils of Ministers	Final approval of housing plans
Native Administration	Application of customary law for land management
National and State Fund for Housing and Rehabilitation	Housing security for the poor through rental selling
Physical Planning and Land Disposition committees	<ul style="list-style-type: none"> • Approval of locations and purposes of land use • Designation of governmental land for institutions, individuals and corporations • Physical Planning Administration • Establishment of branch committees • Preparation of physical plans for approval • Carrying out socio-economic studies for planning and establishment of land rights, on behalf of the state
Land Administration	Support to land registration at the judiciary after approval
Ministers of Physical Planning	<ul style="list-style-type: none"> • Approval of housing plans • Approval of changes in village boundaries • Looking into appeals pertaining to land within the power of the Ministry
Department of Surveying	<ul style="list-style-type: none"> • Surveying and mapping of lands • Preparation of land maps • Information centre for land issues • The onsite handing over of land to those entitled
Wildlife Conservation General Administration	<ul style="list-style-type: none"> • Conservation of wildlife and its territories • Overseeing hunting activities and permits • Coordinating efforts to conserve wildlife with other relevant departments • Encouraging research in the fields of wildlife conservation Land Registration Offices • Keeping land registers of towns • Information centre on town and country planning
Locality Legislature	Establishment of administrative units
Land Courts	Arbitration and conflicts over land
Range and Pastures Department	<ul style="list-style-type: none"> • Mapping and demarcation of livestock routes • Protection and management of range lands Land Disposition Committees • Allocation of agricultural land • Policy making on agricultural land uses Nomads Commission • Policy making for the development of pastoralists • Mapping and demarcation of pastoral routes • Advocacy for and defending of pastoral rights

¹⁵ Sudan First State of Environment and Outlook Report 2020, United Nations Environment Programme

Institution	Year passed / integrated
State Security Committee	Reporting on land and resource-related conflict
Nomads Development Council	Opening of livestock routes and provision of services
Locality Security Committees	Resolution of conflicts over land
Locality Executive body	<ul style="list-style-type: none"> • Issuing of certificates that confirm that land is free of conflicting interests • Approval of temporary locations for services and related uses
Humanitarian Assistance Commission	<ul style="list-style-type: none"> • Managing and organising all humanitarian work carried on in Sudan

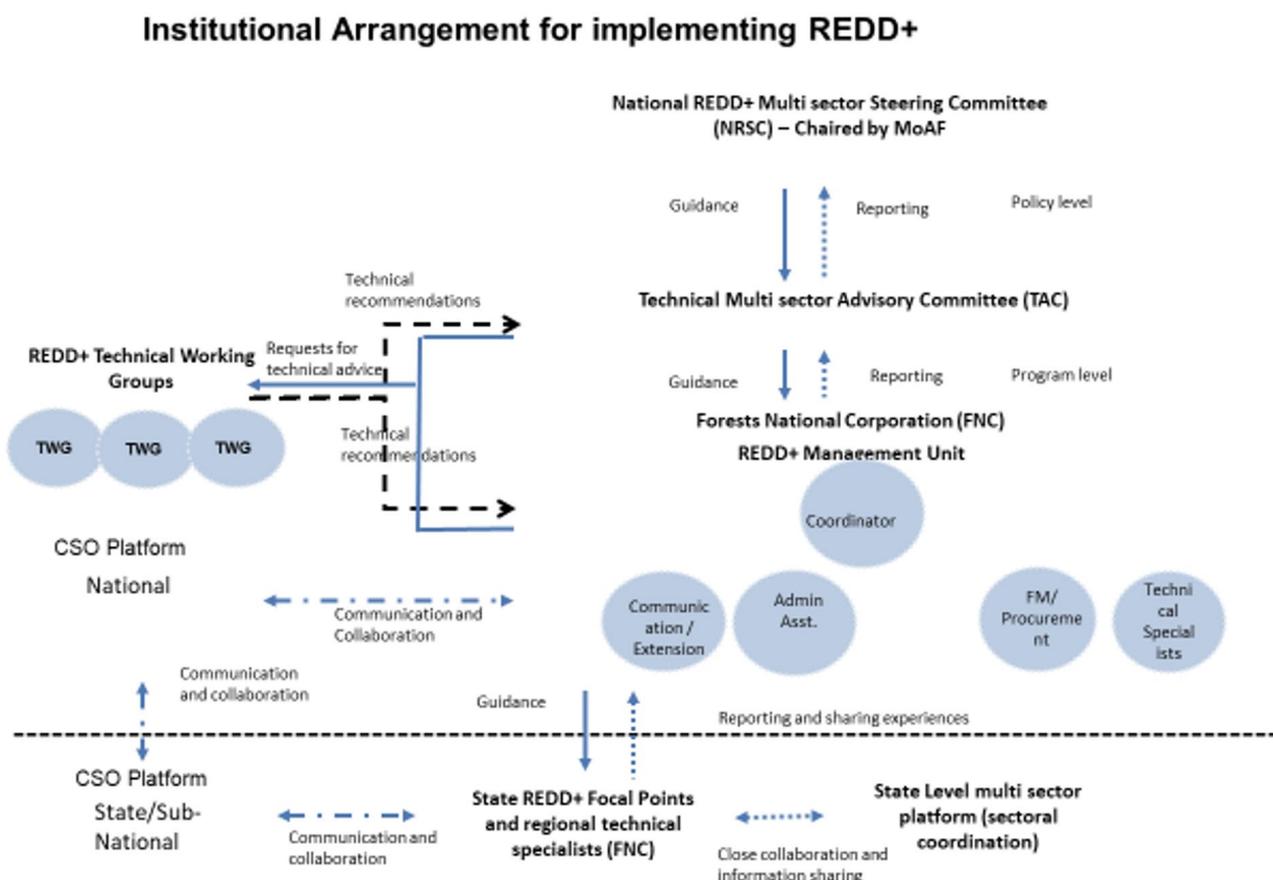
3.2 Institutional arrangements in REDD+ implementation in Sudan

The FNC has the responsibility to coordinate the implementation of REDD+ projects in the Sudan, under the direct guidance of (and reporting to) the Technical multi-sector Advisory Committee (TAC) that operates within the framework of the National REDD+ multi-sector Advisory Committee (NRSC). Technical Working Groups (TWG) are established to provide technical advice and support both to the TAC and FNC. The FNC operates through its offices located in all 18 Sudan states, thus ensuring an appropriate coverage of the whole country.

Other national level sectoral institutes/bodies include the Range and Pasture Directorate of the Ministry of Animal Wealth and Fisheries (MAWF) and the Higher Council for Environment and National Resources (HCENR), the Wildlife Conservation General Administration (WCGA), and their state/local level offices, as well as local level government organizations. All of them are required to collaborate in the implementation of REDD+, also with reference to access restriction measures. In particular, they shall cooperate to guarantee cross-sectoral coordination and consistency of REDD+ projects. The CSO Platform represents civil society organizations at both state and sub-state level, and participates in the REDD+ program, in particular in awareness raising and capacity building.

The details on roles, responsibilities and institutions in the REDD+ implementation and management are presented in more detail in the complementary SESA and ESMF of which each of them is a standalone report. Figure 1 gives a graphic representation of the key institutions involved in the implementation of the REDD+ projects.

Figure 1. Current design of the institutional arrangements for REDD+



3.2.2 Process framework administration authorities

In collaboration with the FNC/REDD+ PMU Safeguards Unit, the State Project Implementation Unit (hereafter SPIU) is responsible for identifying and setting up the arrangements and representative authorities (“administration authorities”) for implementing the Process Framework.

The administration authority arrangements for dealing with regulation of access of natural resources, project affected persons and their property rights and compensation could include (but are not limited to):

- Local indigenous peoples representatives (including third party non-government organizations - NGOs representing IPs).
- Local sheikh and ajaweed.
- Sub-locality level: Omda and ajaweed.
- Tribal level: Nazir.
- Specific park authority representative.
- REDD+ State focal point representation.
- Representative of Sudan HCENR.
- Representative of Sudanese National Human Rights Commission.

The SPIU has the responsibility for all PF matters, guided by the administration authorities. The administration authorities ensure adequate and inclusive preparation, planning, representation and sufficient authority to support coordination of activities of various formal and informal institutions, should they be called upon. In some cases, this may require the contracting of some activities to third parties with more experience in these matters. With this in mind, depending on the case of the project (whether already underway or being proposed) the SPIU supported by the administration authorities have the purpose of:

- Carrying out thorough census and screening of stakeholders and project affected peoples as part of the ESMF.
- Ensuring inclusive engagement and participation of all stakeholders in planning processes.
- Guiding SPIU assessing adverse social impacts and identifying adequate mitigation measures and compensation for eligible stakeholders.
- Supporting development and implementation mechanisms for resolving conflicts and grievances.
- Supporting the proponent in proper monitoring activities of potential cases and impacts of these cases of restriction to access of natural resources.

Where access restriction is unavoidable, the proponent will screen the PAPs for adverse social impacts and assess these impacts and identify their eligibility for mitigation measures and compensation where required, these are further described in the following sections.



**4.
PROJECT AND PF
IMPLEMENTATION AND
AFFECTED PEOPLES**

It is an important part of the objective of the PF and the SPIU to understand how the restrictions due to land acquisition during REDD+ project implementation in Sudan affects local communities and people and what should be done to mitigate these impacts and avoid restriction from the outset. In this regard, it is also important to include the same people in understanding and assessing (including identification and scope) of the impact of the restrictions on access to land during the project design and planning.

To avoid or reduce this impact, local communities will be fully engaged to participate in the identification of potential sites and given clear roles in the project management plans to avoid and reduce negative impacts, and implementation of project and sub-programme sites where there are no settlements. Where restriction to access of natural resources is impossible, the PF will be implemented to mitigate and compensate potential negative impacts for PAPs.

Potential impacts can include those outlined during the preliminary observations of the SESA (outlined in section 2.4). Given the proposal for the ER programme (outlined in section 2.2), some potential impacts can include:

- **Restricted access to forests:** protection and gazettement of forest reserves will result in restriction of access to important forest resources for communities living around the forest reserves. Forest resources are important source of fuel wood (energy), construction materials, and non-timber forest resources to the rural communities.
- **Restricted access to rangelands:** the implementation of range land management may reduce access to rangeland for livestock affecting the pastoral communities. Restriction of rangelands may result in competition for water and grazing land between different users and if not mitigated appropriately, it can lead to further tensions and disputes.
- **Conflict over natural resources including rangeland** (see additional note on conflicts in land tenure in RPF, Section on policy and law): the project may face potential conflict over restriction of access to natural resources that people used to depend on for their livelihoods.

While it is important to mitigate such impacts (see section 4.3 below for mitigation), it may be impossible to avoid completely impacts to affected persons. In such cases, care must be taken as not all PAPs will be eligible for compensation due to land restriction and so the eligibility status of affected PAPs will be determined as part of this process, above all through the stakeholder consultation and participation of these PAPs. Given that there are currently no specific REDD+ projects or sub-programmes under implementation at the time of writing this PF, the following recommendations for the framework are taken from the WB standards, literature review and expert input.

4.1 Engagement and consultation with potential affected persons

It is important that potential affected peoples participate in the planning and development of future REDD+ project and/or sub-programme design from the outset (see sub-section on administration authorities also). This has the aim of both being as inclusive as possible and reducing the negative impact and potential for grievances arising from restriction of access to natural resources as a result of new projects and/or sub-programmes (for more information on grievances, see Section 5). Therefore, the SPIU will engage with affected persons and communities from an early stage through the process of stakeholder engagement (described here and adapted from in ESS 10). As outlined in the ESMF in more detail, engagement will be a meaningful and participatory consultation approach with PAPs. Participatory approaches will generally be community-based and will aim, as outlined by ESS 5, to also ensure that women's (and other vulnerable and indigenous categories) perspectives are obtained, and their interests factored into all aspects of planning. As part of the ESIA screening for the ESMF, participants who attend these consultations will also be screened for their eligibility as PAPs impacted by negative impacts due to restriction to access of natural resources for eventual consideration compensation and other mitigation measures, who will also be asked to identify further PAPs for screening to improve the process.

Through these engagement and consultation practices, identification of eligible PAPs, mitigation of impacts and fair compensation methods will be ongoing and continuously improved. It is imperative that local and traditional leaders and key-community people are consulted during this process to ensure the traditional claim to land, and resources is well-defined (for more information on grievance redress and its mechanism see sub-section 5.2).

4.2 Eligibility of PAPs for mitigation measures and compensation

Where land acquisition and/or restrictions on land use are unavoidable, the SPIU as part of the screening for the ESMF shall conduct a screening to identify the persons who will be affected by the project. This will include (from ESS 5) **people who have no recognizable legal right or claim to the land or assets they occupy or use, but are being restricted from they can include**, for Sudan's case they can be, but are not limited to:

- Forest dependent peoples.

- Indigenous people.
- Pastoralists (including nomadic pastoralists).
- Other people with cultural and traditional claims to land and assets.

As with other resettlement instruments (also resettlement policy framework), PAPs who fall into the aforementioned categories regardless of their status and whether or not they have formal titles and legal rights, can request assistance, but this must be before the cut-off date. The reason for this is that some peoples may have traditional or cultural claim to the land. With regard to the alternatives mentioned before, the following are some general eligibility criteria used to support identification of PAPs:

- Possession and provision of existing documentation relative to legal rights to the property.
- supported by local and traditional community leaders, where relevant.
- Support by community as to having the claim to land/resources claimed.
- Other evidence of loss of livelihood due to project implementation. Attendance during all/any relevant consultations to support the claim and ensure the claim is supported by others.
- Presence of PAP and resource/land claim during on-the-ground assessment.

In absence of the above, specific knowledge of the resources (access, topographical, traditional uses, knowledge and history) can also support eligibility when assessed by the PF administration authorities.

4.3 Mitigation of potential impacts and compensation

Mitigation measures against potential negative impacts (outlined earlier and in sub-section 2.4.1) of project activities will be developed under this project in consultation with, and considering the needs of, local communities. Rapid impact assessment will be carried out on a continuous basis during consultations, activated by the SPIU, but guided by the formal institutions as necessary, supported and also guided by the PF administration authorities. Care will be taken to include local communities and their representative organizations. The local organizations would include, pastoralist and farmers associations, gum Arabic producer associations, community committees, village committees, and traditional leaderships.

Potential mitigation measures including (also in relation to potential impacts identified in sub-section 2.4.1):

- Give priority to employment of local people where possible.
- Identify and support the welfare and cultural identity of affected local communities.
- Train communities in rangeland management.
- Supporting and identifying alternative pastoralist and livestock grazing zones.
- Train communities in sustainable management of forests, agroforestry and non-timber production.
- Encourage the activities that benefit the whole community rather than individuals.

4.4 Compensation and livelihood restoration

If PAPs are identified, the REDD+ project will inform ahead of time the restrictions of access to resources, about their future livelihoods (if livelihoods are affected), pay compensation as appropriate and provide technical support for restoring livelihoods. When PAPs are unaware of their eligibility criteria (as from general criteria above), they will be made aware of this to facilitate their identification and confirmation within an eventual AP. This will include a relevant and thorough check for formal and informal property and use rights, which is to support the claims of those holding legal rights to any project land and natural resources. Continued consultation will feed into the PF and help identify the alternatives for the displaced and restricted PAPs, for example:

- New sustainable resource access to resources outside the project area, without having negative effects and considering impacts on people and resources in these alternative areas.
- Resource sharing where some access to land/resource is permitted, or where allocation to new land/resources has been defined.
- Alternative resource access (in energy – electricity - and food, for example).

When alternatives cannot be agreed upon, the SPIU will identify the specific compensation criteria and methods for entitlements and their valuation to the range of potential compensation typologies due to loss of income and/or livelihood as a result of access restriction (see RPF for Sudan for more detail on example of this). A valuation committee will be identified to determine the value of the entitlements owed to the

PAPs. Entitlements can include, but are not limited to the following:

- Compensation in cash for lost production value equivalent to replacement value of product or asset.
- Rehabilitation assistance.
- Cash compensation for any assets affected.
- Assistance to obtain alternative site to re- establish activities.
- Cash compensation based on type, age and productive value of affected trees and crops plus x% premium.

Compensation and livelihood restoration and assistance costs related to restriction of access to natural resources will be financed through funds released to the administration authorities from the FNC.

While it is currently not possible to define a specific budget and compensation approach for the PF for a REDD+ project and sub-programme implementation as there are currently no emissions reductions projects or sub-programmes being implemented in Sudan. Thus, it is not possible to know or precisely estimate the number of people who will be affected by projects/interventions and their affected assets.

Site-specific socio-economic surveys during screening are required to identify compensation and livelihood assistance and restoration costs details for access restrictions associated to a specific project. The following table gives an outline of what should be included when planning a specific budget for compensating affected persons.

Table 7. General template for the defining a project and site-specific budget

Description		Affected categories/groups			Budget needs		
		Individuals	Households	Communities	Individuals	Households	Communities
1	Affected by access restriction measures (n° of people)						
2	Land losses (ha)						
2.1	Annual cropland (ha)						
2.2	Seasonal cropland (ha)						
2.3	Perennial cropland (ha)						
2.4	Graze-land (ha)						
2.5	Residential land (ha)						
2.6	Non-residential land (ha)						
2.7	Business land (ha)						
3	Income losses						
3.1	From use of the resource (e.g., cropping or grazing)						
3.2	From job opportunities (e.g., people employed to farm someone else's land)						
3.3	From trading on residential/business land						
4	Infrastructures						
4.1	Roads						



**5.
GRIEVANCE MANAGEMENT
AND REDRESS
MECHANISMS IN ACCESS
RESTRICTION**

According to ESS 5, “the Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS 10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.”

5.1 Feedback and Grievance Redress Mechanism Framework

Feedback and Grievance Redress Mechanisms (FGRMs) are organizational systems and resources established by national and or local governments to receive and address concerns about the impact of their policies, programs and operations on stakeholders. FGRMs act as recourse for situations in which, despite proactive stakeholder engagement, some stakeholders are concerned about a project or program’s potential impacts on them¹⁶. They are intended to complement, not replace, formal judiciary or other forms of legal recourse, for managing grievances. It should also be recognized that not all complaints can be handled through FGRMs. For instance, grievances that allege corruption, and/or major and systematic violation of human rights are normally referred to administrative or judicial bodies for formal investigation, rather than to FGRMs for collaborative problem solving (FCPF/UN-REDD, 2015). For REDD+, the FGRMs should effectively and efficiently receive and respond to the concerns, complaints and grievances that REDD+ stakeholders and other parties may have during both the readiness and implementation phases (Fiji REDD+ FGRM, 2017).

In accordance with the FCPF/UN-REDD Programme Guidance Note on FGRM for REDD+ Countries, the proposed FGRM should include the following principles:

- Legitimate – it must include clear, transparent, and sufficiently independent governance structures to ensure that no party to a particular grievance process can interfere with the fair conduct of that process.
- Accessible - must be publicized to those who may wish to access it and provide adequate assistance for aggrieved parties who may face barriers of access, including language, literacy, awareness, finance, distance, or fear of reprisal. It should be accessible to the diverse members of the community, including more vulnerable groups such as the elderly, women, youth, and the disabled.
- Predictable - it must provide a clear and known procedure, with time frames for each stage; clarity on the types of process and outcome it can, or cannot, offer; and means of monitoring the implementation of the outcome.
- Equitable - it must ensure that aggrieved parties have reasonable access to sources of information, advice, and expertise necessary to engage in a grievance redress process on fair and equitable terms.
- Rights-compatible - it must ensure that its outcomes and remedies accord with internationally recognized human rights standards.
- Transparent - it must provide sufficient transparency of process and outcome to meet concerns of public interest at stake wherever possible.

The Ministry of Agriculture and Natural Resources and the HCENR are instrumental in seeing that all complaints are redressed and that contraventions on the said principles do not occur. NGOs also play important roles, as they normally visit areas where complaints have occurred, to investigate, report and make sure of their being redressed.

5.2 Grievance Redress in Sudan REDD+

With reference to the specific case of addressing grievances and complaints for instances of restriction to access of natural resources due to a REDD+ project or sub-programme implementation in Sudan, grievance redress will seek to understand the cause of the issues, while trying to address them. To do this, it proposes a structure and process for receiving and reviewing them. When REDD+ projects cause restriction to access of natural resources of local communities, they can lead to environmental and social impacts that can cause big problems most importantly for the PAPs being displaced, but also for the image of REDD+ project implementation, inhibiting further progress for evolving. The Grievance Redress Mechanism (GRM) is employed to avoid such impacts being induced. In application of the approach below, it is also important to draw and build on the experiences of the past given that there are currently no REDD+ projects and/or sub-programmes under implementation currently in Sudan. With respect to this, the consultant highlights an example of GR in forestry in Sudan to refer to in Box 1.

¹⁶ <https://www.unredd.net/documents/global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390/14201-joint-fcpfun-redd-guidance-note-for-redd-countries-establishing-and-strengthening-grievance-redress-mechanisms-1.html?path=global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390>

Box 1: Example case of good grievance redress

The case referred to the conflict between FNC and the state authorities in Kassala, the Governor issued a decree to shift the forest reserves along the gash river into Banana orchards. Many local inhabitants depend on these forests for their livelihoods, if the objectives of the forests changed to commercial horticulture, the local people will be affected. The grievance from FNC as the custodian of the forests was settled through the efforts of native administration, NGO (Plan Sudan), representative from state authority and FNC.

5.2.1 Grievance redress formal and traditional structures in Sudan

With reference to a generic framework for GRM developed for the REDD+ programme of Sudan, the following sub-sections extracted and summarized from the FGRM Sudan REDD+ Readiness Programme report developed in 2018 define, in a preliminary way, the different levels of contact receipt and addressing contact institutions (formal and informal) for Sudan's context.

Village and Nomadic Camp Level

Conflicts and grievances at village and nomadic camps levels throughout each locality are handled by the sheikh and ajaweed. The Omda and ajaweed perform the same at sub-locality level, while the Nazir, handles the grievances at the tribal (or nazirite), level within the locality by reference to FNC circulars/local orders. The function of the ajaweed is to listen to both the plaintiff and the defendant, try to settle the matter amicably, by correction of the damage and persuade the conflicting parties to forgive one another, as a step towards preserving the closely-knit social fabric, which binds the villagers together. No penalty is imposed, except that a small fine might sometimes be demanded from the offender, for coffee or another suitable donation for the committee, which is also the custom to support the Omda's ajaweed. The system is basically the same as the recommended model, except that the proposed FGRM, as an institution, should be supported with adequate judicial and administrative powers that would enable it to implement its decisions when necessary.

Notwithstanding its new powers, the FGRM should always uphold, first and foremost, the spirit and adopt procedures of amicable settlement of the conflicts, in order to preserve the social fabric from disintegration. This is particularly important because residents of a village or nomadic camp are socially connected to one another with blood relations, marriages or other interests, which they are keen to preserve by following advice from the village or camp elders, ajaweed FGRM.

Locality Level

Local governments with administrative and political authority, supported by government departments at the locality, in collaboration with Nazir, who is linked to district court, shall constitute FGRM at the locality level. The NA, which is a critical element of the entire FGRM (see Figure 3), is elected by the local people, as described above, and endorsed by the government. It is, in fact, a low cost and efficient administrative and judiciary system based on customary laws to deal with personal matters or offences on natural resources. It is proposed that any grievances and conflicts that are not resolved at the village level, should be referred to the executive managers of the localities, and then to the state FGRM and the Environmental court (see Figure 3). If the NA structures, the locality FGRM and the environment court fail to resolve a grievance or conflict, or if any aggrieved party is dissatisfied with the conduct of the structures above, they will still have the option of appeal to the formal courts/judiciary within the locality.

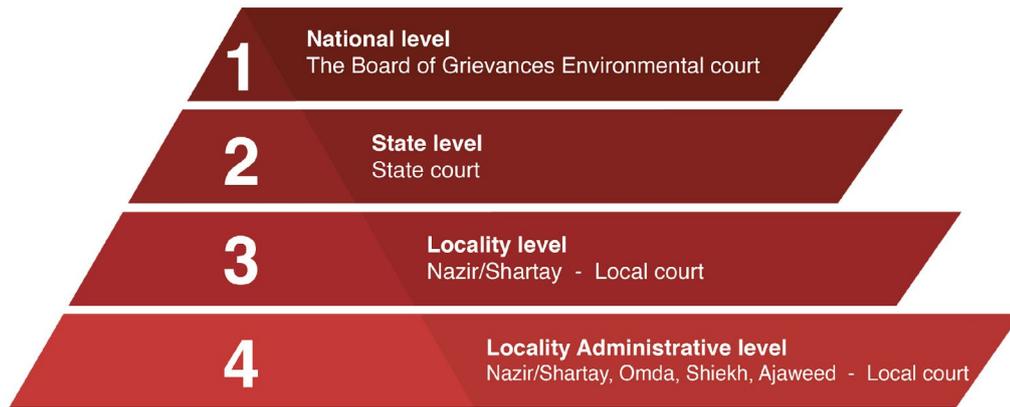
State Level

It is proposed that FGRM be formed at the state level from the executive managers of the localities, representing the governor of the state, representatives of the locality legislative councils, community development officers and natural resources departments of agriculture, forests, rangelands, wildlife, water and environment. This new institutional structure, which wields administrative and political powers, should handle the conflicts and grievances at state level, in collaboration with NA. Should the state FGRM fail to resolve the issues, the cases might be appealed to the Environmental Court at the state level (see Figure 3).

National level

The national FGRM secretariat, which is a proposed institutional structure, should be formed from FNC as chairperson, and representatives from line ministries, REDD+ coordinator, relevant trade unions and the High Court. Cases unresolved at the national level should be referred to the Court of Appeal, which will pass and enforce decisions as orders of the court. The strength of the orders stems from the authority of the Court of Appeal of regulating its own procedures, without being bound by the rules or procedures followed by the ordinary courts. Any party aggrieved by the decision of the Court of Appeal may appeal to the Supreme Court within thirty days of the issuance of the decision or order.

Figure 2. Presentation of Existing GRM Structure



5.2.2 Objective of the GRM for the PF for REDD+ in Sudan

The GRM is an essential part of the safeguard instruments that intends to resolve complaints on REDD+ project and sub-programme activities. It should address complainant concerns and complaints promptly, using an understandable and transparent process.

The main objective of the GRM for the PF is to define the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual negative impacts related to restriction of access when implementation of projects and/or sub-programmes takes place.

This process should be gender responsive, culturally appropriate, and readily accessible to all segments of the complainant persons (including other vulnerable groups and indigenous and forest-dependent peoples). The GRM should also ensure that all stakeholders within REDD+ project and sub-programme influence are aware of their rights to access, and shall have access to, the mechanism free of administrative and legal charges, and concerns arising from REDD+ implementation. And through it they should also be made aware of all eligibility and compensation alternatives via the other sections in this PF should grievances be identified, and that any other concerns arising from REDD+ access restriction activity in Sudan in all phases are addressed effectively. The GRM will follow the principles set out in sub-section 5.1.

5.2.3 GRM structure for the Sudan REDD+ PF

Based on the experiences learned from the Developing Feedback and Grievance Redress Mechanism, (FGRM) Sudan REDD+ Readiness Programme report (2018, mentioned earlier) and the Process Framework for the Sudan Sustainable Natural Resources Management Project (SSNRMP), the process for the case of REDD+ implementation in Sudan shall be defined by adopting the existing formal (legal) and informal (traditional) institutional structures and complimented where necessary by this GRM. The structure and approach to complaints are presented in three steps in Figure 3. Where 1) the application of this GRM to be applied to facilitate and guarantee grievance redress, can involve representatives of local traditional formal and informal institutions for resolving grievances 2) favours and supports the traditional (informal) institutional structures and approaches to resolving grievances and finally

Figure 3 GRM structure for the Sudan REDD+ PF



With this in mind, the GRM shall be designed as a quasi-judicial body: a public administrative body identified by PF administration authorities and the local formal and informal public representatives. It will have defined procedures and powers in resembling those in a court of law and is obliged to objectively determine facts and draw conclusions from them as to provide the basis of an official action. The outcome of the GRM is a contractual agreement in which parties have binding obligations under Sudanese law. Indeed, given the quasi-judicial structure proposed, the grievance redress mechanism can be seen as an *“in-between” step stakeholders can take after informal or traditional dispute resolution fails*¹⁷. The PF recommends for the GRM to become institutionalized and effective in handling grievances in an impartial and timely manner, on the legal topic, the PF recommends creating legal provisions for GRM implementation, including amendment of state laws and regulations should the situation arise. All eligible PAPs identified (through screening) as being affected by restriction to access of natural resources due to REDD+ projects and/or sub-programmes will be made aware of the mechanism from the outset by the REDD+ SPIU (project implementation unit PIU) and facilitated and managed for the project and/or sub-programme-specific case with the process framework administration authorities.

5.2.4 Creating a GRM space

Preparation for application of the GRM should begin early taking into consideration the timeline, including assessing the available system, staffing, logistics and resources, and procedure for accepting, providing feedback and documentation, in short, the organizational needs for set up. If training or some capacity building is required, this should be taken into consideration. Once the preliminary organizational aspects are ready, a management information system (MIS) should be set up to store, record and manage all information on claimants, problems, complaints, grievances, projects and/or sub-programmes and indeed to track progress of each complaint as the project and/or sub-programme evolves. Grievances will be categorised into three levels of importance (low, medium and high), these levels of importance will mirror the three structures of grievance redress; 1) informal, 2) the PF GRM and 3) the formal public regional and national level. The MIS will be developed and managed by the SPIU who will appoint a GRM administrator, and working with the PF administration authorities. Each GRM will be specific to its own project and/or sub-programme case and adapted from this PF. The MIS will have information monitoring and accountability tools to track effectiveness of interventions.

To ensure maximum coverage of the GRM across the project and/or sub-programme area, a communication plan will be developed to guarantee inclusiveness. Communications will be sent out to all potential stakeholders.

Any problems, complaints, grievances or disputes should be communicated to the SPIU appointed GRM administrator and PF administration authorities. Considering the geopolitical diversity of Sudan, grievances can be submitted and received by whichever means of communication available to the complainant; this includes, but is not limited to, email, written letter, telephone, SMS and a suggestion/complaint box placed at the administration authorities, as appropriate. Depending on the relative severity of the grievance, the complainant should be supported by a relevant representative (non-governmental) organization (can be identified in, or through, the PF administration authorities). Grievances are assessed by subject-experts (also can be from the PF administration authorities) and project staff possessing substantial knowledge about natural resources management and conflict resolution within these organizations. If there are no organizations to represent a specific complainant, at the request of the complainant, the authorities shall identify an external expert to serve as a mediator in trying to reach agreement between disputing parties. If parties are unable to reach a resolution, stakeholders can submit a formal complaint through the formal Sudan institutional structures outlined in the next section. The GRM process will be monitored as per the monitoring and evaluation indications set out in this PF. Some possible indicators to include in both the MIS and the monitoring plan for the PF include (adapted from the Process Framework of the SSNRMP):

- Number of GRM cases resolved.
- Levels of GRM cases resolved at each level.
- Number of grievance cases registered and information of these grievances.
- Average time and number of meetings conducted for resolution of grievances and information of these meetings.
- Number of GRM awareness sessions and records of them.
- Number of complaints that have gone to mediation.
- Degree of involvement of women, youth, and disadvantaged/marginalized groups in discussions.
- Number of complaints received.
- Number of accidents/incidents related to project's activities.

¹⁷ The Ministry of Agriculture and Natural Resources, Sudan Sustainable Natural Resources Management Project (SSNRMP) Process Framework, 2020



6. MONITORING AND EVALUATION

Monitoring and evaluation should ensure progress on implementation of key project activities and achievement of their outputs are recorded, including indicators measuring performance of compensation and grievance redress. More specifically, monitoring and evaluation provides the answers to questions of effectiveness: were the PF processes efficient and effective? Do the participatory processes work? Are the PAPs satisfied (incomes, livelihoods and living standards)? Are staff building capacity in outreach efforts to restore livelihoods? Are the administration authorities involved doing an effective job?

The following are some of the targets for monitoring and evaluating restriction to access activities, in line with ESS 5:

- To improve the effectiveness of all sub-components of this process framework (including GRM, eligibility and compensation).
- Engage at the beginning of project and sub-programme implementation, the needs and priorities of the audience are understood. Then throughout the implementation, feedback is gathered to find out if your engagement is working, or what more is needed, and grievances are dealt with better as they arise. These ongoing processes should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area.
- Adapt to changes as there may be setbacks or opportunities for engagement or dialogue to improve processes, and evaluation can help make it easier to adapt to those changes. Evaluations will be carried out periodically to ensure effectiveness.
- Make decisions about where to allocate budgets and compensation for effective results, these will continuously help measures taken to improve (or at minimum restore) incomes, livelihoods and living standards.

Monitoring after PF activation will take place on an annual basis as part of the ESMP process. All information resulting from PF monitoring shall be stored in the SIS.

The monitoring and evaluation information needs will be based on the following for the PF and needs to be formulated at the beginning of the project and/or programme design along with the other process framework considerations, and subsequently added to the ESMP monitoring design.

An initial step in this plan is to define the indicators, this should include full descriptions of the indicators, their logic, units of measurement, information sources, instruments used for gathering data, how to verify them, potential risks and mitigation measures, and baseline and targets. The performance indicators along with their baseline and targets are presented indicatively in Table 11. The plan should take into account the frequency of monitoring, who is responsible, how challenges can be overcome, and finally, how the evaluation will be done based on the monitoring indicators.

There are many techniques for evaluating such as: interviews, focus groups, surveys (both online or by person), observation of training, and data collection satisfaction questionnaires. Should the PAPs consist mainly of women, this should be taken into account and representatives of women's groups should be consulted to discuss satisfaction with the women PAPs. In addition to the examples proposed for the GRM, some of the considerations to include when identifying the indicators for monitoring include:

- Census information on PAPs and their assets is collected.
- Grievances are addressed in accordance with the grievance redress mechanism provided in this document ensuring they are brought to the correct authority and resolved.

The planning of affected livelihoods is carried out effectively and ensures that they are restored.

- Fair compensation is applied to the affected incomes, livelihoods and living standards.
- Affected persons satisfaction evaluation is carried out to ensure their satisfaction with the process based on the above and on a continuous basis.

For the purposes of this framework, an indicative matrix for monitoring and evaluation is provided below. Some sample monitoring verifiers are: positive feedback questionnaires, evidence of meetings, satisfaction questionnaires, meeting notes, public and stakeholder engagement, workshops. Below is a preliminary monitoring and evaluation table for the REDD+ programme comprising the strategic objectives, outcome, output, and a list of performance indicators for measuring the effectiveness. Table 11 is to show the institutions involved in restricting access to resources to project affected persons some of the consideration and approaches to monitoring and should be enriched further when the specific project and sub-programme sites have been identified.

Table 11 Monitoring and evaluation with indicative performance indicators

OBJECTIVES	OUTCOME	OUTPUTS	PERFORMANCE INDICATORS*
Objective 1. Ensure an inclusive identification of all project affected persons throughout the implementation process	That all eligible project affected persons have been identified	<ul style="list-style-type: none"> · Stakeholder consultation plans with project affected persons. · Comprehensive and complete lists of all project affected persons. · Project affected persons report. 	<ul style="list-style-type: none"> · PAPs are aware of their status. · Positive feedback from consultation processes. · Awareness and functioning of GRMs. <p>Some verifiers:</p> <ul style="list-style-type: none"> · PAP interviews and satisfaction feedback forms Meeting notes and reports
Objective 2. Ensure that income, livelihoods and living standards of project affected persons through access restriction to natural resources are improved, or at least restored and the sustainability of the project is maintained	That all eligible project affected peoples identified are satisfied with compensation mechanisms	Compensation of eligible project affected persons report (this will include specific information on valuation of (traditional) property lost, compensation applied and information on valuation of new/improved restored (traditional) property and assets	<p>Awareness and understanding of compensation mechanisms, including entitlements and GRMs. Positive feedback from PAP</p> <p>Some verifiers:</p> <ul style="list-style-type: none"> · Evidence of compensation (receipts, forms, land/property entitlements etc) · interviews and satisfaction feedback forms
Objective 3. Achieve objective 1 and 2, activate outline in this PF, all the specific procedures and components that contribute to minimizing, or mitigating the potentially adverse effects of restrictions of access to natural resources.	That all the actors in the administration authority are aware of all the specific procedures and components that contribute to minimizing, or mitigating the potentially adverse effects of restrictions of access to natural resources	<p>A complete and finalised process framework for the specific project or sub-programme based on this framework outlining:</p> <ul style="list-style-type: none"> · A definition of the project affected persons and their eligibility. · An evaluation of the value of property owned by project affected persons. · The compensation plan. · A strategy for participation and consultation. · The mechanism for grievance redress. · The budget. 	<ul style="list-style-type: none"> · Activation of the administration authority for PAPs · Communication of this framework and its components to each of the actors involved. · Establishment of a process framework action plan.

6.1 Internal and external monitoring

Due to the differences in terms of requirements and difficulty of operations at project scale, monitoring will be divided into two stages; internal monitoring implemented at the project scale and repeated on a monthly basis, and external monitoring that tracks the progress of the internal monitoring and the mitigation of adverse social impacts and is carried out twice per year.

Internal monitoring

Due to the differences in terms of scale and difficulty of operations, as well as the importance of requirements of the monitoring management unit in collaboration with relevant government offices, experts have the responsibility:

- Execute the monitoring and report the results to the local REDD offices.
- Identify the grievances from the monitoring results, above all grievances that have not yet been settled.
- Identify from results what compensation measures are needed.
- Internal monitoring data is based on generic indicators that include the following:
 - o Measuring the impact of how disputes are dealt with.
 - o How communities are improved following the implementation of the project in relation to the impacts on individuals, households and communities.

External Monitoring

The external monitoring is carried out to monitor the progress in the mitigation of adverse social impacts. It is done in

conjunction with the WB and should include the following:

- How the processes involved in the release and application of compensation are handled.
- Reporting and feedback.
- The pre- and post-analysis of whether or not the performance of the project has improved the social and environmental standards for the project area and everything within.

6.2 Internal and external evaluation

To be in line with monitoring, there will be a two-stage evaluation process, internal and external.

Internal evaluation

Internal evaluation essentially ensures that the scheduling for the monitoring reporting and the following feedback are implemented in the overall project operation plan taking into consideration the institutional arrangements.

External Evaluation

This is the final stage in monitoring and evaluation and essentially assesses whether or not the compensation and livelihood restoration measures have had the desired impacts on the affected communities. The external evaluation may focus on the following aspects:

- Verification of compensation and restoration have been applied in line with the process framework;
- From results of monitoring, analyse whether or not grievances and complaints have been dealt with.

7. BUDGET OF PF

Preliminary budgeting costs for the PF include mainly training and capacity building on the components of this PF and the wider environmental and social risks, impacts and associated mitigation activities to all relevant stakeholders. The PF training budget will be included in the ESMF training budget, as training activities identified for effective implementation of ESMF will include training on the PF too. The budget will therefore focus on conducting social assessment, community participation and identification of project activities, administration authorities and implementation arrangements

BIBLIOGRAPHY

Food and Agriculture Organization of the United Nations (2015a). Country Profile-Sudan. Retrieved from: <http://www.fao.org/3/i9808en/i9808EN.pdf>

Food and Agriculture Organization (2018a). FAO Food and Agriculture data. Country Profiles:

Food and Agriculture Organization of the United Nations and United Nations Environment Programme (2012). Land cover in Sudan, FAO, Sudan. Retrieved from: <http://www.fao.org/3/a-be896e.pdf>

Gafar, A. (2013). Report to Sudan LGAF Land Governance Report, Partners in Development Services (PDS), Khartoum.

United Nations Environment Programme (UNEP) (2007). Sudan Post-Conflict Environmental Assessment. Retrieved from https://postconflict.unep.ch/publications/UNEP_Sudan.pdf

APPENDIX 1 PF IMPLEMENTATION SUMMARY

With reference to each of the indications and measures provided throughout the PF, the process to be followed for effective implementation of the PF would consist of the following preparatory steps:

a) SPIU to carry out Social Assessment (complementary social baseline - the findings of which will guide the overall considerations and approaches in access and use restriction mitigation measures);

- the social and geographic setting of the communities in the project areas, including the economic and social challenges/problems;
- the types and extent of community use and management of natural resources, and the existing customary rules and institutions;
- the communities' threats to and impacts on the NRs;
- the potential livelihood impacts of new or more strictly enforced restrictions on the access and use of NRs;
- communities' suggestions and/or view on possible mitigation measures and come up with special assistance/initiatives for the community, particularly targeting for vulnerable groups; and
- potential conflicts over the use of natural resources, and methods for resolving them.

b) The establishment of PF administration authorities (as outlined in sub-section 3.2.2)

c) Develop management plans for dealing with access restriction to NRs. Management plans developed by the SPIU will:

- Define roles and responsibilities for the administration authorities, and a workplan and schedule for carrying out the activities.
- Conduct livelihood assistance and restoration and compensation programmes (including economic assessments)
- Identify livelihood activities with active participation of beneficiary communities.
- Community Participation and Citizen Engagement during Implementation.
- Conflict resolution authorities and grievance redress (see sub-section 5.2.3).
- Develop action plans.
- Include a participatory Monitoring and Evaluation system for the duration of the project project.
- Define budgets for activities.

