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Principles to gain a social licence to operate for green initiatives and biodiversity projects

Frank Vanclay

Green initiatives — for example, biodiversity offsets, carbon schemes, protected areas, nature reserves, payments for environmental services, and UN-REDD/REDD+ — have caused negative social impacts to local communities, especially Indigenous peoples. The typical impacts include economic displacement, physical displacement, livelihood impacts, impoverishment, disruption to everyday life and to ecosystem services, and human rights impacts. Community resistance is reflected in various labels: green-washing, green grabbing, green greed, green colonialism, greenshit, carbon cowboys and paper parks. Rather than the protection paradigm of fortress conservation, a different approach is needed in the parks and people discourse. Social impact assessment — the processes of managing the social issues associated with projects — can help green initiatives gain a social license to operate. By effectively managing the social issues, green initiatives will gain acceptability, legitimacy and trust.

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Introduction

There is a wide range of green initiatives intended to make the world more environmentally sustainable, including various carbon sequestration and biodiversity off-setting schemes, and the creation or expansion of protected areas. These initiatives generally seek to: protect biodiversity; restore habitats; create wildlife corridors, wildlife reserves, or national parks; extend the area of protected landscapes; and store or capture carbon.

Some renewable energy schemes and ecotourism projects arguably can also be included under the label of green initiatives [1]. Furthermore, around the world an increasingly large area of land under private ownership is being set aside for conservation purposes, often with only limited government oversight [2,3,4*]. Several global programs have been established, most notably the Clean Development Mechanism [5,6] and the UN-REDD/REDD+ program (reducing emissions from deforestation and forest degradation, and enhancing forest carbon stocks in developing countries) [7–10]. While the noble intentions (goals and objectives) of these programs are not usually contested (c.f. [11–13]), unfortunately these schemes have had many negative social consequences that have led them to being subject to much debate [14–18,19*]. A primary concern relates to the locking-up of significant tracts of land and the exclusion of local people, often Indigenous, from those areas [19*,20–22]. In some specific cases, thousands of people have been forcibly evicted [23,24], collectively millions of people worldwide have been removed to make way for these schemes [25], and potentially millions more people are slated for eviction [26]. Although recognition is now being given to Indigenous people in most green initiatives [27], this remains a contested topic [28–30]. However, the rights of other affected peoples are not adequately considered [31], despite the implementation of safeguards and some learning [32–34]. Compensation and benefit sharing remain inadequate [35,36*].

In this paper, I outline the key concerns about these programs, especially relating to the economic and physical displacement of people. Drawing on the applied field of social impact assessment, I highlight the key principles from various international standards pertaining to the management of social issues in project implementation. Arguably, these principles should also be observed when green initiatives are established, especially where there will be displacement or resettlement. Along with many others [15,19*,23,25], to ensure that green initiatives have a social licence to operate, I advocate that an alternative way of thinking be developed and implemented, one that is based on respect for local communities, acknowledgment of their rights, and benefit sharing.

Concerns about and protests against green initiatives

The landtake for conservation and other green initiatives has been on such a massive scale that the term ‘green grabbing’ has become popular [37]. Similar to land-

grabbing, green grabbing relates to concerns about land acquisition for any environmental reason [38–40]. ‘Blue grabbing’ has also emerged as a term to imply control over access to resources in a coastal, marine or wetland context [41]. An overarching label used to describe the consequences of these phenomena is ‘environmental displacement’, which is defined by Lunstrum *et al.* [42] as “a process by which people find the land they inhabit – whether as a living space, source of livelihood, and/or site of cultural and political connection – irrevocably altered in ways that foreclose or otherwise impede possibilities for habitation” as a result of human-induced environmental or climate change, or as a result of attempts to address environmental or climate change.

Because there are financial incentives vested in these green initiatives, some actors have been overzealous in their attempts to implement projects, leading to the labels, carbon cowboys [30,43] and carbon pirates [44]. The negative reaction of some people to green initiatives is also evident in a range of phrases, including: green greed, green colonialism and greenshit. The existence of these terms gives an indication of concern about these programs and the activities ostensibly conducted in the interests of environmental sustainability. Irrespective of these labels, there are some fundamental issues that need to be addressed if these schemes are to be successful and gain acceptability, that is, a social licence to operate [45,46]. There is substantial evidence of harm being imposed on affected local communities [47–50]. Some have argued that these schemes maintain people in existing poverty traps or force people into new poverty traps [51]. The schemes have been criticised for being inefficient, poorly managed, uneconomical, lacking adequate stakeholder engagement, introducing undesirable ecological changes, being technically deficient, and lacking in fairness, justice and respect for human rights [52–54,55*,56–59]. The key social issues of concern are [19*,21,54,55*,60**,61**]:

- the physical and economic displacement of people living on and/or living off the land to be acquired for these schemes, in other words, their loss of land and consequent impacts on their livelihoods;
- disruption to people’s lives, as well as anxiety, nuisance and annoyance;
- inadequate and unfair compensation and resettlement processes;
- a wide range of social, cultural and health impacts;
- the loss of, and/or undervaluing of, common property resources;
- the redistribution of power in the community, as well as the potential for opportunistic, speculative and rent-seeking behaviours, elite capture, corruption, and other political changes;
- the inequitable distribution of benefits (and harms) from these schemes and associated inequality, and the perception of a lack of fairness;

- increased social tension and conflict in the community;
- loss of land tenure rights and/or security over land;
- multidimensional stress;
- the impoverishment of people as a result of all the changes they experience to the lives, livelihoods and landscapes; and
- human rights issues.

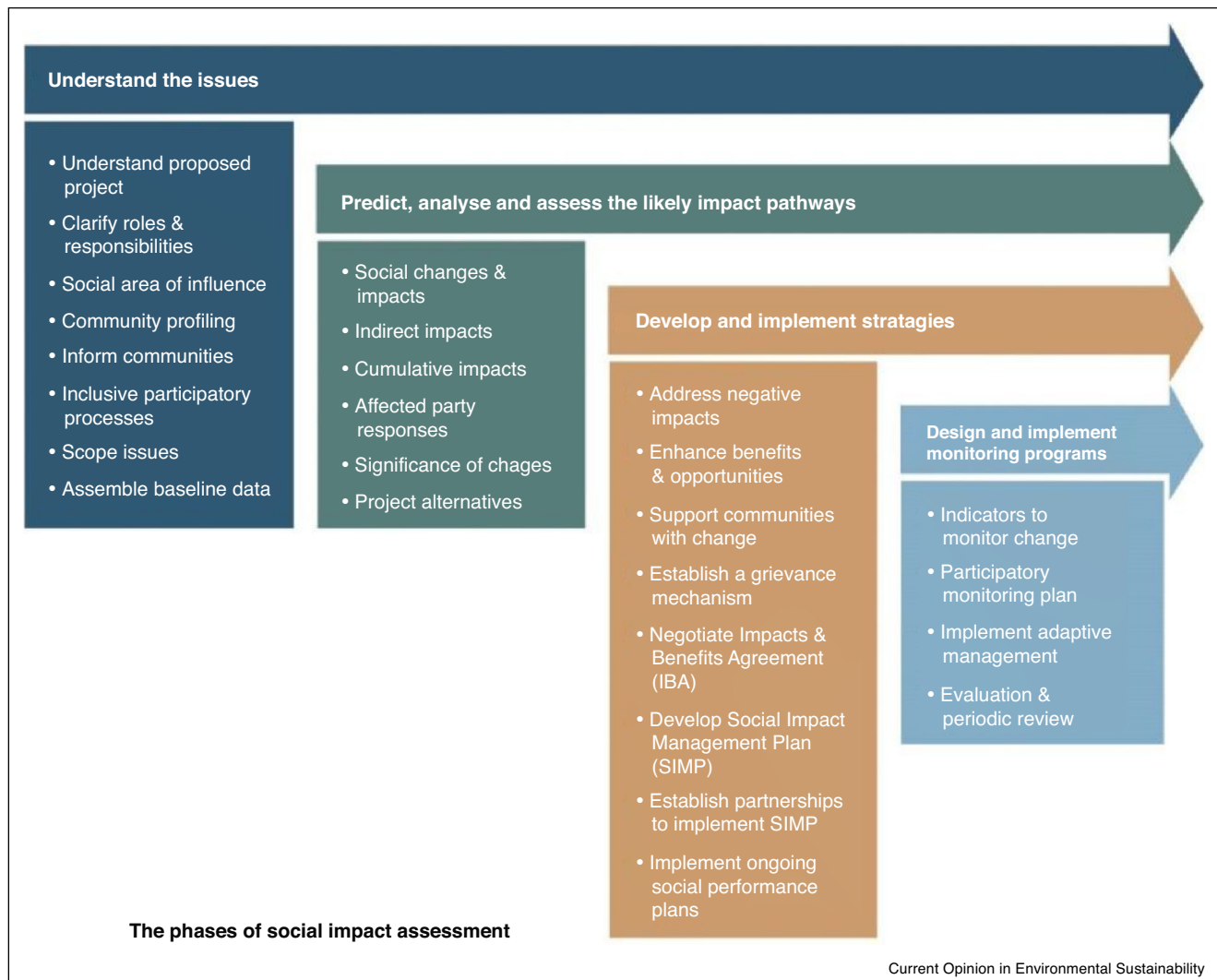
In his Impoverishment Risks and Reconstruction model, Cernea [62] articulated the key risks of displacement as being: Firstly, landlessness; secondly, joblessness; thirdly, homelessness; fourthly, marginalisation; fifthly, food insecurity; sixthly, loss of access to common property resources; seventhly, increased morbidity and mortality (i.e. declining health); and finally, community disarticulation. These risks can arise irrespective of the cause of the displacement, especially where the resettlement process is not consistent with international standards [60**]. These risks can also occur in situations where people are not necessarily physically displaced but are only economically displaced, that is, they have lost access to the resources necessary for their livelihoods or where they are otherwise constrained in being able to conduct their livelihoods [60**]. Except in rare situations [63], these impoverishment risks also apply to conservation-induced displacement [22,64].

It is important to note that when people are resettled, social impacts are imposed not only on the resettled people, but also on the host communities [60**,65]. Therefore, appropriate compensation and benefit sharing mechanisms must be extended to host communities. While there has been a growing discussion that protected areas should not require the eviction of people, a problematic issue relates to the creation or extension of protected areas for big game animals that ostensibly are incompatible with human communities [21,66,67].

Social impact assessment as the process of managing the social issues associated with a project

Social impact assessment (SIA) first arose in the 1970s alongside environmental impact assessment (EIA) [68,69,70**]. Although SIA originally attempted to emulate EIA, it became apparent that social issues were fundamentally different to environmental issues and the ex ante regulatory approach to impact assessment was not effective in reducing social harm [68,69,70**]. Instead, social impacts need to be managed throughout the life of the project, from preconception to postclosure [70**]. Social impacts potentially occur the moment there is a rumour about a project [68]. Alongside fear, anxiety and uncertainty, there can be opportunistic and speculative behaviours that need to be managed [60**,61**]. Over time, SIA became the processes of identifying and managing the social issues at all phases of project

Figure 1



The tasks in social impact assessment.
Vanclay *et al.* (2015), used with permission.

development and implementation, for all types of project [70^{••}]. SIA is more than a method or a report, it is an applied discourse around understanding and managing the social impacts of projects [68,69]. The activities that comprise SIA are depicted in Figure 1.

The extractive industries (mining, oil and gas) is one area where managing social and human rights issues has been given much attention [70^{••},71[•],72,73]. Arguably the field of extractive industries pays more attention to managing social issues than does the field of conservation [25]. Although UN-REDD has adopted the Cancun safeguards [27,34], they are insufficient to prevent harm and they fall short of the protections that exist in other sectors [32]. Therefore, green initiatives could learn from the extractive industries.

Fundamental principles that should be observed

Drawing on contemporary understandings in the fields of social impact assessment [68,69,70^{••},71[•],74], project-induced displacement and resettlement [60^{••},61^{••},75^{••}], and business and human rights [75^{••},76–78], below I articulate the key principles that should be observed in the implementation of projects. It is suggested that these principles should also apply to green initiatives. These principles are embedded in the international practice of environmental and social management, and are codified in the *United Nations Guiding Principles on Business and Human Rights*, the International Finance Corporation's *Performance Standards for Environmental and Social Sustainability*, and the guidance document on social impact assessment of the International Association for Impact

Assessment [70**]. The IFC Performance Standards have become the *de facto* industry benchmark (or gold standard), and are widely used by most environmental consulting firms and accepted by many NGOs. Their status as the default international standard is confirmed by their being adopted by the Equator Principles banks [60**]. Arguably, the standards/safeguards that apply to green initiatives should meet or exceed the standards that apply to other projects, therefore it is reasonable to advocate that the principles discussed below should also be applied by green initiatives. While there are UN-REDD program guidance documents on most of these topics, these principles (and the UN-REDD guidance documents) are not fully adhered to in all green initiatives. The principles below assume two overarching principles: that participatory processes are essential; and that communities are never homogenous [61**,68].

Respect human rights

The contemporary understanding of human rights is based on the International Bill of Human Rights, which comprises the 1948 *Universal Declaration of Human Rights*; the *International Covenant of Economic, Social, and Cultural Rights*; and the *International Covenant on Civil and Political Rights* [75**,76,77]. Many other international agreements are also important [75**,77]. For project-affected people, a key document is the *United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement*. These international agreements establish, *inter alia*, that people must not be forced to move against their will, and that, as a result of any project, they must not be rendered homeless, their livelihoods must not be negatively impacted, they must not suffer deprivation of access to food, water, health, education, work, or experience any reduction in security of person, security of the home, or be subject to any cruel, inhuman and degrading treatment, or suffer any restriction of movement. Projects must observe the overarching human rights principles of equality and non-discrimination; participation and inclusion; and accountability and the rule of law [75**]. The international human rights system specifically highlights discrimination against: Indigenous peoples, migrants, minorities, people with disabilities, women, racial and religious discrimination, and discrimination based on sexual orientation and gender identity. Furthermore, the rights and interests of women and children need to be specifically considered. It is also expected that there be an ongoing process of continuous improvement in the way projects manage their human rights impacts [75**].

Implement the Right to Participation and the Right to Information

Respect for human rights entails both outcome and process requirements [75**]. The process requirements include observance of the rule of law, accountability and transparency, access to the law and to professional

assistance, the adequate provision of information to affected peoples, the adequate involvement (participation) of affected people in decision-making, and the existence of grievance redress mechanisms (both judicial and non judicial) [75**,77]. Information should be easily accessible and in appropriate languages and formats depending on the local context. It is expected that affected people have access to independent advice and that resources be provided to them to enable this access. It is also expected that there will be a process of meaningful, transparent and ongoing engagement with affected people about all relevant aspects of the project, and that their views will be appropriately considered. Effective engagement is essential to ascertain affected people's perspectives, and to reduce anxiety about the project. Affected people are quite likely to have relevant local knowledge that could assist in project design [79,80].

Implement a gender sensitive approach and enhance the position of women

Women and men interact differently with the environment and they have differing needs, priorities and patterns of resource use, thus they are differentially affected by projects [68]. Women and men have knowledge about different things; they have different knowledge about the same things; they organise their knowledge in different ways; and they receive and transmit their knowledge through different means [81]. Therefore, any assessment of how people are affected by a project and any program developed to assist people needs to be disaggregated by gender. Different livelihood restoration and benefit sharing programs will be needed for different groups of people [79].

Recognise indigeneity and respect Indigenous cultures and worldviews

Treating Indigenous people with respect, at the very least entails acknowledging their existence and potential presence, and recognising their rights, even in situations where their status might not be formally recognised by the state [70**]. There is much that can be done to fully respect Indigenous peoples, including by acknowledging their custodianship or stewardship of the land, accepting their traditional knowledge systems and cosmologies alongside western science, treating Indigenous peoples as true partners rather than as subjects or stakeholders; and implementing flexibility to enable them to maintain their cultural traditions while also gaining employment [70**,79].

Acknowledge Indigenous people's right to self determination

The 2007 *United Nations Declaration on the Rights of Indigenous Peoples* clarified many things, especially that their existence should be acknowledged, that they should not be discriminated against, and that Indigenous peoples should be free to maintain, control, protect and develop

their cultures as they deem appropriate [82,83]. Article 3 confirms that Indigenous peoples have a right to self-determination and that by virtue of that right they should be able to ‘freely determine their political status and freely pursue their economic, social and cultural development’. Projects must be consistent with Indigenous people’s exercise of self-determination.

Observe free, prior and informed consent

The *United Nations Declaration on the Rights of Indigenous Peoples* and other international agreements establish ‘free, prior and informed consent’ (FPIC) as a mechanism by which Indigenous peoples can ensure access to their rights [84]. While the precise formal meaning and expected means of implementing FPIC remain contentious [82], the intention of this principle is clearly evident [84]. Basically, before any project commences on or near the lands of Indigenous people, or that will potentially affect their lands or livelihoods, the consent of those people must have been obtained — freely given without any intimidation or coercion, and based on the full disclosure of relevant information about the project and on the reasonable capacity of the affected people to comprehend the implications of the project to them. Indigenous peoples should be able to say no if they do not wish the project to proceed, and in such circumstances their wishes must be respected.

Restore livelihoods and make people better off/improve living conditions

A requirement of international standards is that people’s livelihoods be restored and ideally enhanced [60**]. It is generally expected that people are made better off than they were before the project. Restoring livelihoods does not mean that project affected people need to be doing exactly the same thing as they did before the project, however it does mean that they must have a viable means of making a living into the future [85]. If people are put into situations where they can not manage or cope, this would lead to a deterioration of their wellbeing, which would constitute a human rights impact [75**]. Projects are therefore expected to develop livelihood restoration (enhancement) plans in which specific planning is done to assist people in re-establishing their lives [60**]. Such a plan entails establishing what project-affected people’s current skills and interests are, considering what is possible in the new situation, and preparing people for the transition. It necessitates that there be detailed monitoring of living conditions to ensure that people do not become worse off. Projects should implement local procurement options as much as feasible [70**].

Consider the needs of vulnerable groups

International human rights standards, notably the principles of equality and non-discrimination, require that the needs of vulnerable groups be specifically considered and that special treatment be provided for all vulnerable

groups so that they can have equal access to their rights [75**]. Although there are generic categories regarding which groups might be considered vulnerable — typically Indigenous peoples, ethnic minorities, migrants, refugees, persons with disabilities, the homeless, the poor, and isolated elderly people — vulnerability is a relative concept and should be established within each specific context. Typically, vulnerability refers to those individuals and groups who are less resilient and at a higher risk of being unable to comprehend, cope with, resist or recover from project-related risks and/or adverse impacts. As explained in the *Environment and Social Handbook* of the European Investment Bank, vulnerability can be understood as occurring through the interplay of people’s exposure to risk and adverse impacts; their sensitivity to those risks and impacts; and their adaptive capacity. Vulnerable individuals and groups are usually exposed to multiple risks and adverse impacts simultaneously. By definition, they are more sensitive to those risks and impacts, and have weaker adaptive capacity, having frequently been subject to pre-existing discrimination and financial, socio-economic, cultural and/or gender inequalities that stem from their geographical location, their dependence on the environment, and/or their limited access to justice and decision-making. As a result, they are disproportionately affected by project-related risks and adverse impacts [75**].

Avoid resettlement wherever possible

Because of the extent of harm that can be created, the primary expectation in international standards is to avoid displacement and resettlement wherever possible [60**]. Projects are expected to fully establish that the project is necessary and desirable, and to consider all possible project alternatives to avoid or at least minimise the extent of resettlement necessary.

Avoid forced eviction

Forced eviction is a gross violation of international human rights and therefore a highly inappropriate practice. Unfortunately, governments and project staff sometimes believe they are entitled to evict people. Although the United Nations [86] defines forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”, there is a specific international understanding around the concept. For example, ‘forced’ does not necessarily mean the use of physical force, many actions that make it untenable for a person to remain living in their house could constitute forced evictions in international law. Rather than enact forced eviction, a project is expected to be able to reach a negotiated agreement with people so that they will voluntarily leave of their own accord. It is important to realise that in international standards, in any situation where the project potentially has the legal power

to expropriate, the rules applying to involuntary resettlement apply, irrespective of whether expropriation is actually undertaken [60**].

Avoid environmental and social impacts

Projects can cause a wide variety of environmental and social impacts whether or not resettlement occurs [60**,70**]. In worst cases, these impacts can mean that it is untenable for people to continue to live in their homes. In other situations, it can mean that people are severely affected. Projects are expected to anticipate and avoid, or at least minimise, such impacts. Where modification to project design (i.e. mitigation) does not remove the impact, various forms of compensation (e.g. like-for-like, or by other means) for the loss experienced can be provided.

Pay fair compensation

Compensation should be understood not only as cash payments, but as a wide range of actions (e.g. social investment, training, local procurement) that ensure project-affected people can effectively re-establish their livelihoods [60**]. Typically, projects have failed to provide adequate compensation leading to the impoverishment of project-affected people. The full or true cost of resettlement is usually very high. Not only must all direct costs associated with replacement housing be provided, it is also expected that all indirect costs incurred and compensation for impacts experienced be paid to resettled people and host communities. Compensation for lost assets must be at full replacement value, including transaction cost. Generally speaking, where people are to be resettled, a project should ensure that [60**]:

- there is an effective process of negotiation with affected people and they have a range of options to consider;
- housing superior to that previously owned or occupied by the displaced people is provided, or that the affected people have the capacity and means to organise this themselves;
- if people's livelihoods were land-based, they have been given replacement land of satisfactory quality with appropriate compensation for any difference in value, or that there is a fair and mutually acceptable alternative arrangement;
- all livestock is transferred to the new location, or if sold before the relocation that an allowance be paid for any loss associated with the sale not being at a time of their own choosing (i.e. if sold below normal market value);
- compensation is provided for the value of any productive agricultural activity;
- all common property resources have been properly assessed and that they are either restored at the new location, or appropriate compensation or alternatives provided;

- people have security of tenure over their new residence and land;
- adequate support is provided to re-establish livelihoods;
- all transaction costs (stamp duty, legal fees, etc.) associated with the change are paid;
- all transfer costs, including removal costs and re-establishment costs, and compensation for any down-time, lost production, lost business or foregone opportunities, are paid;
- there is an ex gratia payment for inconvenience and distress;
- any medical expenses associated with the relocation are covered and that medical care and counselling is available before, during and after the move;
- appropriate arrangements have been made for the replacement of all community infrastructure and there is adequate access to essential public services;
- consideration has been given to preserving and relocating cultural heritage; and
- special support has been provided for any vulnerable people.

Avoid cash payments

Where people are economically or physically displaced, providing cash payments to people in lieu of like-for-like or compensation-in-kind can be problematic and generally should be avoided. Arguably, cash payments could lead to human rights concerns, especially where people ultimately suffered a detriment to their housing or living conditions. Paying large amounts of cash can increase the harm from a project. It causes local inflation and may lead to inappropriate spending on consumer goods rather than being invested in sustainable livelihoods. In many situations, livelihood restoration and enhancement programs should involve capacity building, including the provision of training in managing finances [60**,70**,85].

Consider host communities

Host communities are directly impacted by the in-migration of people as a result of resettlement or displacement processes. They are also very important for the success of the resettlement as they can provide a welcoming and supportive environment, or a hostile and unsupportive one. Host communities can be affected in many ways, including through population pressure and congestion, reduction in availability of resources, and the decline in adequacy of local services. There can also be resentment and jealousy if a sense of unfairness is perceived. Resettlement should never proceed without a supportive host community. Projects should ensure that host communities are also beneficiaries from projects [60**].

Implement a grievance redress mechanism

Another process requirement is that access to remedy be ensured, with judicial and non-judicial grievance mechanisms being available and accessible to project

affected people [77]. While project affected people should always be able to access legal avenues of redress, project-level grievance redress mechanisms can play an important role in the early identification of issues and in conceiving solutions, thus avoiding the escalation of issues [60**,70**]. A community or project-based grievance redress mechanism is a way to accept, assess, and address complaints from members of nearby communities concerning the performance or behaviour of the project and its contractors and employees. A grievance is defined in the *United Nations Guiding Principles on Business and Human Rights* as “a perceived injustice evoking an individual’s or a group’s sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities”. In effect, a grievance is any perceived or actual issue, concern, problem, or claim that an individual or community group wants the project to resolve. For the mechanism to work effectively, the procedure must be known to the potential complainants, and the process must be regarded as being legitimate to them. Projects are expected to have a procedure for considering grievances, to act on them promptly, and to report back. It is generally expected that, where appropriate, action is taken to address the underlying issue, and that there be a monitoring process to ensure that the corrective action is effective [77].

Social licence to operate and benefit sharing

Benefit sharing refers to the sharing of benefits between a project and its stakeholders, especially project affected peoples [60**,87]. Ideally it means that the project should be proactive in thinking about the ways in which outcomes to local communities can be enhanced, both by the distribution of resources and by the way the project is implemented [70**,88]. There are many potential benefit sharing mechanisms, which are typically categorised into those relating to financial benefits and those relating to the non-financial benefits that arise from or can be provided by a project [60**].

Gaining a social licence to operate means more than simply sharing benefits [46]. At a superficial level, social licence refers to the acceptance of the project by local stakeholders, which requires that the project has secured legal, social and economic legitimacy. Gaining a stronger social licence to operate (positive approval or shared ownership) requires that the project gains credibility and ultimately the trust of local people. The gaining of legitimacy, credibility and trust requires more than just the sharing of benefits, it requires that projects treat communities with respect, practise fairness in all their dealings, uphold basic human rights, avoid bribery and corruption, and minimise harm to the environment and people [46,78].

Conclusion: the potential role of social impact assessment

Social impact assessment is a field of practice that is about the processes involved in managing the social issues associated with projects. It is an applied field that develops an understanding of the social context of the project, considers the likely social impacts arising from a project, plans appropriate strategies to address the negative impacts and enhance the benefits, and implements ongoing monitoring and adaptive management processes. In this way, SIA assists projects in delivering better outcomes for all stakeholders and thus in gaining a social licence to operate. Not having a social licence can be highly problematic for projects, leading to conflict, protest actions, and project failure [87,89*,90]. Observing the principles discussed in this paper will assist green initiatives in achieving outcomes that benefit all stakeholders.

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