

Annex 3. Social and Environmental Screening Report

Project Information

Project Information	
1. Project Title	Developing and Implementing the National Framework on Access and Benefit Sharing of Genetic Resources and Associated Traditional Knowledge
2. Project Number	PIMS 5310
3. Location (Global/Region/Country)	China, including three pilot regions: Yunnan Province, Hunan Province and Guangxi Zhuang Autonomous Region

Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?

Briefly describe in the space below how the Project mainstreams the human-rights based approach

Access to, and sharing of benefits from, genetic resources is an important element of a human-rights based approach to the management of biological resources. Such an approach must be based on ensuring that holders of traditional knowledge are justly compensated at such a time as that knowledge is converted into marketable products. The project, by focusing on developing an ABS framework and piloting ABS agreements and associated benefit sharing arrangements, will contribute to advancing equity, fairness and broader human rights

Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment

In China's rural and agrarian economy, women play a predominant role, often as gatherers of food, firewood and livestock feed; as gardeners, plant domesticators, herbalists and seed custodians; and often as holders of medicinal knowledge. As is typical in many cultures, the preferences and utilization of biological resources differ between men and women. For these reasons, development of a national ABS framework, as well as pilot efforts, need to be gender sensitive.

The project design includes several measures to ensure gender equitable results, especially within the context of local communities. These include: (i) paying particular attention to the participation of women through inclusive approaches and processes in the implementation of planned project activities; (ii) Pilots will be monitored for their successful inclusion of women and corrective measures employed where this is not the case. The design of a benefit sharing mechanism will take special account of the need to ensure equitable distribution of any benefits that flow from ABS.

Briefly describe in the space below how the Project mainstreams environmental sustainability

The ABS Framework being developed with support of the project will create economic incentives to conserve genetic resources and associated traditional knowledge by rewarding holders of such knowledge. It will operate in conjunction with, and create synergies with, related regulatory efforts such as the National Intellectual Property Strategy that also include environmental sustainability among their aims.

Part B. Identifying and Managing Social and Environmental Risks

<p>QUESTION 2: What are the Potential Social and Environmental Risks? <i>Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses). If no risks have been identified in Attachment 1 then note “No Risks Identified” and skip to Question 4 and Select “Low Risk”. Questions 5 and 6 not required for Low Risk Projects.</i></p>	<p>QUESTION 3: What is the level of significance of the potential social and environmental risks? <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 6</i></p>			<p>QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?</p>
<p><i>Risk Description</i></p>	<p><i>Impact and Probability (1-5)</i></p>	<p><i>Significance (Low, Moderate, High)</i></p>	<p><i>Comments</i></p>	<p><i>Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.</i></p>
<p>Risk 1 Principle 1: Human Rights 5. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?</p>	<p>I=3 P=4</p>	<p>Medium</p>	<p>This risk may be existed but can be mitigated by thorough capacity assessment and capacity building support.</p>	<p>The project places importance on capacity building and provides technical support for a range of capacity building activities. These include training related to genetic resources and associated traditional knowledge, related ABS opportunities and associated barriers, and through technical support for negotiating and finalising ABS agreements working closely with duty bearers and rights holders.</p>
<p>Risk 2 Principle 1 Human Rights 6. Is there a risk that rights-holders do not have the capacity to claim their rights?</p>	<p>I=3 P=3</p>	<p>Medium</p>		
<p>Risk 3 Principle 3: Environmental Sustainability: Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management 1.2 Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve,</p>	<p>I = 1 P = 1</p>	<p>Low</p>	<p>While all of the designated genetic resources in the demo/pilots are already in agricultural processes, the original genetic material sources are, in some cases known to be sensitive areas, and in one case an area that is designated as a nature reserve.</p>	<p>One aspect of the ABS framework that will necessarily be given significant attention throughout the project will be the regulation of bioprospecting and wild collection of germplasm and other genetic resources. The goal of these efforts will be to mitigate or eliminate any new risks arising as a result of increased incentives to illegally find and utilize wild genetic resources. The proposed project will be implemented in a nature reserve (for protection of a camellia species), but the project’s activities will strictly follow the reserve’s management roles.</p>

national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?				
Risk 4 Principle 3: Environmental Sustainability: Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management 1.9 Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	I = 1 P = 1	Low	Although the project's primary focus is the development of a legislative framework, the pilot/demos may include the collection of samples and or various activities, such as R&D, that are components of commercial development.	The overseen pilot/demos as well as the entire legislative development and implementation process will be oriented around identifying and preventing or mitigating any environmental or social risks attendant on the ABS processes.
Risk 5: Principle 3: Environmental Sustainability: Standard 4: Cultural Heritage 4.2 Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	I = 1 P = 1	Low	The pilot/demos involve both genetic resources and traditional knowledge (intangible cultural heritage) associated with those genetic resources, which are often held by ethnic minorities. In the course of these activities, negotiations and other activities may promote or bring about the commercial or other utilization of this heritage.	A key objective of the legislative development that is the primary objective of the project is the development of legislative protections that ensure that cultural heritage is only used with the consent of the affected communities, including ethnic minority communities. The project aims to ensure use of traditional knowledge will be done with full consent of the knowledge holders according to the provisions under the Nagoya Protocol. Project will also ensure that tangible and substantial local benefits will accrue to communities involved at the pilot sites, many of whom represent ethnic minorities in China. Agreements for access and benefit sharing will be signed by the GR/TK owners with PIC procedures, training programs and capacity building will take place in local communities, and the internationally recognized certificates for GR/TK will be issued by government with the full participation of minority communities. Similar activities related to minorities' involvement will be undertaken in other pilots. In all cases, care will be taken to ensure that participation and benefit sharing are gender-responsive.
QUESTION 4: What is the overall Project risk categorization?				
Select one (see SESP for guidance)			Comments	
<i>Low Risk</i> <input checked="" type="checkbox"/>				
<i>Moderate Risk</i> <input type="checkbox"/>				

	<i>High Risk</i>	<input type="checkbox"/>	
	QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?		
	Check all that apply		Comments
	<i>Principle 1: Human Rights</i>	X	
	<i>Principle 2: Gender Equality and Women's Empowerment</i>	X	
	<i>1. Biodiversity Conservation and Natural Resource Management</i>	X	
	<i>2. Climate Change Mitigation and Adaptation</i>	<input type="checkbox"/>	
	<i>3. Community Health, Safety and Working Conditions</i>	<input type="checkbox"/>	
	<i>4. Cultural Heritage</i>	<input type="checkbox"/>	
	<i>5. Displacement and Resettlement</i>	<input type="checkbox"/>	
	<i>6. Indigenous Peoples</i>	X	
	<i>7. Pollution Prevention and Resource Efficiency</i>	<input type="checkbox"/>	

Final Sign Off

<i>Signature</i>	<i>Date</i>	<i>Description</i>
QA Assessor		UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have “checked” to ensure that the SESP is adequately conducted.
QA Approver		UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have “cleared” the SESP prior to submittal to the PAC.
PAC Chair		UNDP chair of the PAC. In some cases PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

SESP ATTACHMENT 1. SOCIAL AND ENVIRONMENTAL RISK SCREENING CHECKLIST

Checklist Potential Social and Environmental Risks	
Principles 1: Human Rights	Answer (Yes/No)
1. Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	NO
2. Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? ¹⁴	NO
3. Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	NO
4. Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	NO
5. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	YES
6. Is there a risk that rights-holders do not have the capacity to claim their rights?	Yes
7. Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	NO
8. Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	NO
Principle 2: Gender Equality and Women's Empowerment	
1. Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	NO
2. Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	NO
3. Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	NO
4. Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	NO

¹⁴ Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management		
1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services? <i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	NO
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	YES
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	NO
1.4	Would Project activities pose risks to endangered species?	NO
1.5	Would the Project pose a risk of introducing invasive alien species?	NO
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	NO
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	NO
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	NO
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	YES
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	NO
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	NO
Standard 2: Climate Change Mitigation and Adaptation		

2.1	Will the proposed Project result in significant ¹⁵ greenhouse gas emissions or may exacerbate climate change?	NO
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	NO
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	NO
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	NO
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	NO
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	NO
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	NO
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	NO
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	NO
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	NO
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	NO
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	NO
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	NO
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	YES

¹⁵ In regards to CO₂, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	NO
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	NO
5.3	Is there a risk that the Project would lead to forced evictions? ¹⁶	NO
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	NO
Standard 6: Indigenous peoples¹⁷		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	NO
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	NO
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)? <i>If the answer to the screening question 6.3 is “yes” the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.</i>	NO
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	NO
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	NO
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	NO
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	NO
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	NO
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	NO

¹⁶ Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

¹⁷ The term ‘indigenous peoples’ does not have legal meaning in China. Thus, the answers to these questions are by definition negative.

Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	NO
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	NO
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	NO
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	NO
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	NO