



Module 4: Implementation

In this module:

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[Decide how to continually apply the Principles and Safeguards](#)

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Wenland Case Studies:

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Introduction

The Implementation Module shows how to integrate the Principles and Safeguards into the day-to-day activities of a project, strategy or policy initiative. After TNC staff and the IPLC have finished a collaborative process and reached an agreement on how to work together, this module will be useful, particularly for newer IPLC relationships and for initiatives TNC is leading. Staff should review the [Learning & Early Discussions](#), [FPIC](#) and [Conflict Resolution Modules](#).

Principles and Safeguards

The Introduction includes a discussion of all the [Principles and Safeguards](#) that apply to working with IPLCs. Five are particularly important for implementation:

Implementation Principles and Safeguards

Free Choice and Self-Determination:

Indigenous peoples' right to self-determination isn't established once and then forgotten. It must be continuously upheld from design through implementation.

Informed Decision-Making:

IPLCs bring generations of leadership in ecological and cultural knowledge and practice. To support their decision-making, they may request scientific, legal, policy, or other information to supplement their knowledge.

Equity & Inclusion:

True partnership with IPLCs means continually assessing and addressing the power dynamics of the partnership, supporting IPLC leadership in decisions about their lands and resources, and ensuring the inclusion of groups that might otherwise be marginalized.

Accountability:

Accountability requires good communication, a shared vision, regular check-ins on progress toward agreed-upon plans, and taking action on adjustments as needed.

Overarching Good Faith:

Initiatives implemented in the spirit of honesty, integrity and service strengthen all the other principles. This is one of the most important foundations in achieving sustainable outcomes for people and nature.

Guidance

Step One: Update and Extend Plans

TNC staff should have a foundation of engagement and consultation materials to work with as TNC and the IPLC move into implementation. No need to reinvent the wheel: the first step is to revisit the modules on [Learning & Early Discussions](#), [FPIC](#) and [Conflict Resolution](#).

For Teams that Have Gone Through the Earlier Modules of This Guide:

If teams have developed an [Engagement Plan](#) and [Consultation Plan](#) by working through this Guide, those plans should be reviewed during implementation. It may become clear that some processes or protocols are a better fit than others. The teams should consider which practices fostered greater engagement and collaboration, and lean on those moving forward.

The initiative scope should now be reassessed to ensure that it's still aligned with the Principles and Safeguards. If other processes were used, like the [Human Rights Impact Assessment](#), those should be reviewed as well. The priorities identified in the Human Rights Assessment might need extra attention as implementation proceeds.

For example, imagine a conservation project funded in part by a high-volume visitors' center. In consultation discussions, the community identifies a potential negative impact — the gradual forced cultural assimilation resulting from large numbers of tourists and the development of tourism infrastructure. During implementation, teams should mitigate against that impact through measures like setting daily visitor limits, designing roads and access points that prevent tourists from wandering into community villages, and working with local authorities to regulate tourism growth.

A review of the [Conflict Resolution Plan](#) together with the IPLC is also important, as advised in Step 3 of that module, "[Continuously Revisit and Adapt the Plan.](#)"

For Teams in the Implementation Phase Who Have Not Gone Through the Earlier Modules of This Guide:

TNC teams may be referencing this Guide for the first time when already in the implementation phase. Teams can review the earlier modules and think creatively about how recommendations around agreements, understandings, and relationship strengthening can be incorporated.

No matter what, the team should apply the [FPIC](#) steps moving forward (and retroactively where possible) and work with the IPLC on a [Conflict Resolution Plan](#). The team should also try to anticipate unforeseen impacts. Particularly for those strategies outside the IPLC Portfolio of the Shared Conservation Agenda, it's a good idea to review the [Learning & Early Discussions Module](#), to ensure a good understanding of possible impacts.

Human Rights Considerations Mapped to the CbD 2.0 "Take Action" Phase

In addition to revisiting the guidance and materials from the previous modules, the following human rights-focused questions related to Conservation by Design 2.0, Phase 4: Take Action,^[1] can help in the implementation phase:

What decisions are needed? (CbD "Draft Charter")

Tip

During implementation, new decision points might emerge after reviewing the plans and processes for engagement, consultation and conflict resolution.

Who will do what? (CbD "Draft Charter")

Tip

Implementation might require new processes for consultation and decision-making. An initial decision to proceed made by a high-level council might be followed by operational decision-

making that should include IPLCs if they choose to participate (see [Step Two](#) of this module). Operational decision-making might be more informal or delegated to local leadership.

Additional consent affirmations may now be necessary to remain in compliance with FPIC as the initiative changes and progresses. The [FPIC Consultation Plan and Process](#) should be reviewed to ensure all potential impacts are being considered as implementation proceeds.

What are the tasks and timeline of the initiative? (CbD “Draft Workplan”)

Resource

For cases where staff are developing a full work plan for their initiative, the [Conservation Partnership Center](#) provides guidance on joint work planning, including a general work plan template. The Principles of Equity & Inclusion will be important to ensure continued partnership and collaboration during this phase.

What capacity building is required? (CbD “Identify Capacity”)

Tips

Building and maintaining IPLC capacity may be essential for the long-term sustainability of conservation efforts. At any time, IPLCs may request scientific, legal, financial management, policy or other assistance or expertise.

Staff training in cultural competency, participatory approaches and other relevant skills is an important component of respecting rights and supporting collaborative partnerships with IPLCs. More information is available in the [Learning & Early Discussions Module](#), and in the “[Scope of Required Competencies](#)” section of the [FPIC Module](#).

The team should take capacity building for TNC and the IPLC into account when estimating staffing and budget requirements.

Resources

The [Learning Network on Capacity Development](#) “aims to promote and facilitate sharing of lessons and learning on capacity development and promote changes for better practice at the global, regional and local levels.” Steering group members include FAO and UNDP.

The [Network for Strong Voice, Choice and Action](#) (VCA Network) on TNC’s CONNECT intranet provides opportunities to engage with and learn from peers.

What resources will be necessary? (CbD “Draft Budget”)

Tips

TNC should consider compensating IPLCs for their time and effort spent on all aspects of an

initiative. This may include time to attend meetings, travel, translation services and other related costs. Equitable participation may mean holding additional meetings for women or other social identity groups.

If the project is not fully funded, TNC and the IPLC may decide to collaborate on plans for partial or phased implementation — the Plan B approach. If the project is terminated or put on hold due to lack of funds, TNC and the IPLC should agree on expectations and contingency plans, including a no-go cutoff.

Resources

The [Partners for Dignity & Rights](#) has a page with information and resources on human rights budgeting.

How will the initiative be monitored? (CbD “Conduct Monitoring”)

See [Step 3](#) of this module below, as well as the [Monitoring, Evaluation & Adaptation Module](#).

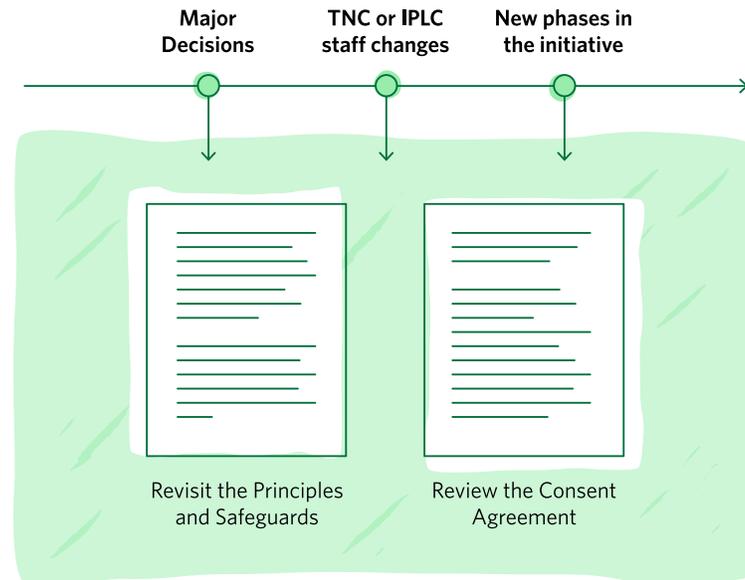
Will the initiative end at some point, and if so, what are the closing or hand-off procedures?

An initiative’s closing or hand-off procedures should be discussed long before the transition takes place. These procedures should continue to embody the Principles and Safeguards in this Guide, with attention to IPLC capacity and priorities.

Teams should consider each question above and decide if their agreed-upon engagement and consultation plans are sufficient to keep the collaboration on track. If not, the processes and plans must be revised as needed.

Step Two: Revisit the Principles and Safeguards and Consent Agreement

TNC teams should regularly revisit how they’re applying the Principles and Safeguards. TNC and the IPLC should also continue to review the [Consent Agreement](#), making sure consent conditions still apply. At a minimum, this review should happen whenever there are: 1) major decisions; 2) TNC or IPLC staff changes; or 3) new phases in the initiative.



The format, frequency and documentation of the check-ins should follow the terms of the Consent Agreement.

This is truly an ongoing practice and not a single task. Throughout an initiative, countless procedural decisions, big and small, allocate responsibility to either TNC or the IPLC. The **Principles and Safeguards** require that the IPLC assumes such responsibilities whenever they further the goal of self-determination.

In implementation, some decision-making may seem obvious to the TNC team, perhaps for legitimate reasons, and flying through such decisions might feel necessary because of time pressure or financial constraints. But adhering to the **Principles and Safeguards** may require more time for informed decision-making, a robust FPIC process and collaborative relationships based on equity and inclusion. Dedicating time and resources to this effort should not be seen as a burden, but rather an investment in a relationship that will yield long-term results and better outcomes for people and nature.

Step Three: Monitor Key Impacts

The practices of monitoring, continuous learning, adaptation, and identification and resolution of disputes are essential to fulfilling the Principles and Safeguards and maintaining strong relationships with IPLCs. Monitoring should center on the results of a [Human Rights Impact Assessment](#) or other identified areas of importance or concern. See [Step 3 of the FPIC Module](#) and [Step 3 of the Conflict Resolution Module](#). This topic is also the central focus of the [Monitoring, Evaluation & Adaptation Module](#). Monitoring should not be considered a wrap-up process that comes at the end of an initiative. It should be integrated throughout implementation

4A. Wenland Case Study Implementation



The permafrost stabilization initiative is moving forward. FrostLock will implement 25 permafrost stabilization test sites in the far north. The initiative includes funding for Environmental Monitoring Committees to monitor water quality and other potential adverse impacts in towns near the test sites, which are almost exclusively Wen.

[View Case Study](#)

Implementation Checklist

Step One: Update and Extend Plans

- For TNC teams who have been through the earlier modules: Update [Engagement](#), [Consultation](#) and [Conflict Resolution](#) Plans to reflect new decisions, roles, responsibilities and consultation processes
- For TNC teams in implementation who have not been through the earlier modules:
 - Review the [Learning & Early Discussions Module](#) to identify potential impacts
 - Apply FPIC moving forward (and retroactively where possible), as discussed in the [Free, Prior and Informed Consent Module](#)
 - Develop a [Conflict Resolution Plan](#)
- With the IPLC, agree on tasks, a timeline and the budget of the initiative
- Co-create short-term and long-term plans to build IPLC and TNC capacity and fill staffing needs

Step Two: Revisit the Principles and Safeguards and Consent Agreement

- Hold check-ins, trainings and additional consultations throughout implementation, in line with the Principles and Safeguards and [Consent Agreement](#), to ensure requirements are being assessed and integrated continuously

Step Three: Monitor Key Impacts

- Throughout implementation, monitor key impacts identified in the [Human Rights Impact Assessment](#) or other assessments during the FPIC process (see [FPIC Module](#) and [Monitoring, Evaluation & Adaptation Module](#))

Documentation to Save

See [Documentation Module](#) for additional context and considerations for documentation

- For teams who have been through the earlier modules: Updated [Engagement](#), [Consultation](#) and [Conflict Resolution](#) Plans, including:
 - Key decision points to be addressed in implementation
 - Roles and responsibilities
 - Consultation and decision-making processes during implementation
 - Tasks and timeline
 - Budget
 - Provisions for capacity building and participatory monitoring

- For teams in implementation that haven't been through the earlier modules:
 - Notes on assessments and any identified potential impacts or impacted parties, based on a review of the [Learning & Early Discussions Module](#)
 - Plan for applying the [FPIC](#) steps moving forward (and retroactively to the extent possible)
 - [Conflict Resolution Plan](#)

- Notes on meetings, discussions and decisions to revisit and integrate the Principles and Safeguards and Consent Agreement requirements throughout implementation, e.g., learning processes, trainings, additional consultation

- Notes on monitoring processes and results, based on issues identified in the [Human Rights Impact Assessment](#) or other assessments carried out during the FPIC process (See [FPIC Module](#) and [Monitoring, Evaluation & Adaptation Module](#))

Notes

^[1] The Nature Conservancy (2016). Conservation by Design 2.0 Guidance Document {Version 1.0, March 2016}:
https://www.conservationgateway.org/ConservationPlanning/cbd/Documents/CbD2.0_Guidance%20Doc_Version%201.pdf. See pages 101-103.



Implementation



4A. Wenland Case Study

The permafrost stabilization initiative is moving forward. FrostLock will implement 25 permafrost stabilization test sites in the far north. The initiative includes funding for Environmental Monitoring Committees to monitor water quality and other potential adverse impacts in towns near the test sites, which are almost exclusively Wen. In consultation with the Wen, an unpopulated 800,000-acre area has been designated a Conservation Management Area. TNC will oversee it for the first five years, then transfer management to a new, initiative-funded Wen organization at the end of that period, or when the new organization is ready.

A Gender Analysis was conducted during consultation. Everyone — Wen women's groups and the Wen Councils alike — agreed that women were traditionally disempowered in Wen society, especially around collective decision-making.

The FrostLock initiative requires extensive engagement from Wen communities, and the Gender Analysis recommended that implementation should at least be gender-responsive, which contributes to the advancement of gender equality, and in some respects, gender-transformative, which challenges the distribution of resources and allocation of duties between men and women. (For more information on the Gender Integration Continuum see TNC's Guidance for Integrating Gender Equity in Conservation.)

Wen women advocated for the Environmental Monitoring Committee membership to be separated from the Wen Councils. They described being denied agency in public affairs, including situations where they were allowed to participate but faced coordinated opposition from men through bloc voting on the Wen Councils. Other attempts to assert power have been responded to with recrimination and retaliation by men.

The Wen Councils agreed to a protocol where TNC will supervise the Environmental Monitoring Committees by providing technical assistance and selecting members from slates of nominees assembled by the communities. The Wen women's group, Wenza, insists that a mandate for balanced gender representation be included, but the Wen Councils reject the proposal.

Lets Say

Thoughts and Guidance

1

A handful of test sites are planned within the Conservation Management Area. FrostLock drafts a reporting protocol under which TNC will monitor the test sites, and the results will be shared only with FrostLock. It claims these particular sites do not impact the Wen and need not involve them. Can TNC agree?

No. The Wen claim is that the entire Wend is their ancestral indigenous territory. Even without taking a firm position on that claim, TNC should not act inconsistently with it. For TNC to agree to treat the land as entirely outside of the Wen's concern would not support their self-determination.

2

Membership on the local Environmental Monitoring Committees becomes a flashpoint. The Councils are uncomfortable with having given up the power to control the Committees' budgets, especially hiring and procurement. They start trying to assert influence over the Committees using traditional Camp lines of authority. The Councils also ask TNC to share the slates of nominees before making a selection, even though this wasn't part of the protocol. The Councils say they are better positioned to select the most qualified members, given their knowledge of the communities. Should TNC comply with the Councils' request?

Many principles need balancing in this situation. TNC must try to balance them in collaboration with the Wen, while also taking responsibility for our own actions and standards. Respect for Self-Determination as expressed by the Wen Councils is important, but the process that has been created, with the Councils' approval, has independent requirements of Equity and Inclusion. TNC owes a duty of Overarching Good Faith to the entire Wen community. Sharing the slates of nominees with the Councils might make sense if it is not prohibited by the protocol and would allow TNC to gain the benefit of the Councils' knowledge and insight. But TNC shouldn't deviate from the protocol. If an irreconcilable conflict persists, TNC should propose reevaluation of the process under a transparent and thorough new FPIC process.

3

As TNC reviews the nominees, the male nominees seem more qualified based on more extensive prior community leadership experience and more familiarity with the land and wildlife, much of it derived from experience hunting, an exclusively male practice. Can TNC favor female nominees despite this experience gap?

Yes. Equity and Inclusion are core principles of TNC's work, and the selection process for the Environmental Monitoring Committees can be seen in the context of the agreement by the Wen Councils and other stakeholders that gender equity was a problem and that the initiative should be gender-responsive or gender-transformative where possible.

Notably, both prior leadership experience and experience derived from hunting are grounded in gender in Wen society. Reliance on these factors would entrench gender privileges in a new structure, the Environmental Monitoring Committees, perpetuating and arguably worsening the gender equity concerns. Open communication and transparency around female nominees is an opportunity to build trust and mutual learning for TNC and the Wen.

4

Women from several communities tell TNC staff that they won't nominate themselves for Committee membership unless the Committees are majority women, because they believe the men will vote in bloc and that their participation in the Committees won't be worth it. Can TNC agree to make the Environmental Monitoring Committees majority women to encourage women nominees to step forward?

This scenario is difficult. The Wen Councils agreed that gender equity was a problem and that the initiative should be gender responsive or transformative, but they also rejected the idea of fixed gender quotas. If TNC agrees to quotas now, that conflicts with our commitment to respect IPLC authority. However, the male-only Councils were the ones who voted to reject the gender representation proposal.

TNC should try to avoid a win/lose zero-sum approach and seek more inclusive solutions with the Councils, like creating safeguards to encourage women's participation or re-raising the gender representation issue with more focus on the underlying goals.

5

The Environmental Monitoring Committees are there, in part, to assess complaints about environmental impacts, such as water quality problems, and convey them to FrostLock and TNC. FrostLock sets up a telephone hotline to enhance monitoring. A year in, TNC hears that FrostLock is sending representatives out to investigate hotline callers' complaints directly, and in some cases taking measures like installing water filters and paying compensation if the caller signs a non-disclosure agreement. What should TNC do, if anything?

TNC needs to intervene. Though not directly responsible for FrostLock's actions, TNC is linked to the initiative as a whole.

We should use our leverage to mitigate any implementation issues that run contrary to the Principles and Safeguards. Non-disclosure agreements in this context are suspect from a human rights perspective because they can perpetuate abuse, and requiring IPLCs to sign non-disclosure agreements in exchange for benefits runs contrary to principles of Accountability and Transparency.

But even if FrostLock removed that requirement, their direct engagement with hotline callers goes around the authority of the Environmental Monitoring Committees. Direct engagement could also impact the quality of data collection and monitoring and result in hiding or misrepresenting a bigger problem. To support IPLC self-determination, TNC should support the Committees in challenging FrostLock's direct engagement with hotline callers and propose more equitable alternatives. Return to the Conflict Resolution Module for more information.