

Chittagong Port Authority (CPA) Bay Terminal Project (P176812)

[Draft]

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

[May 13, 2024]

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Government of Bangladesh (the Borrower) will implement the Bay Terminal Project (the Project), with the involvement of the Chittagong Port Authority (CPA), as set out in the Loan Agreement. The International Development Association (the Bank) has agreed to provide financing for the Project, as set out in the referred agreement.
2. The Borrower shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Bank. The ESCP is a part of the Loan Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Borrower shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring, and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Bank. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Bank.
4. As agreed by the Bank and the Borrower, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Borrower, through CPA, and the Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the Bank and the Chairman of the CPA. The Borrower shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Bank regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism(s). The monitoring report will cover the entire project including the activities not funded by the Bank.</p>	<p>Submit six monthly reports to the Bank throughout Project implementation, commencing after the Effective Date. Submit each report to the Bank no later than 45 days after the end of each reporting period.</p>	CPA
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Bank’s request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the Bank no later than 48 hours after learning of the incident or accident.</p> <p>Provide subsequent reports to the Bank within a timeframe acceptable to the Bank.</p>	CPA
C	<p>CONTRACTORS’ QUARTERLY REPORTS</p> <p>Require contractors and supervising firms to provide quarterly monitoring reports on ESHS performance in accordance with the metrics specified in the respective bidding documents and contracts, and submit such reports to the Bank.</p>	<p>Submit six monthly reports to the Bank upon request.</p>	CPA
D	<p>NOTIFICATIONS RELATING TO DAAB COMPLIANCE REVIEW OF CONTRACTOR COMPLIANCE WITH SEA/SH PREVENTION AND RESPONSE OBLIGATIONS</p> <p>Notify the Bank of any referral submitted to the Dispute Avoidance and Adjudication Board (DAAB) to initiate a process of compliance review in relation to a contractor’s obligations to prevent and respond to sexual exploitation and abuse (SEA), and/or sexual harassment (SH) specified in the respective works contract with such contractor; and, in the event of any such referral, notify the Bank of: (i) the DAAB’s decision on such referral; (ii) the contractor’s Notice of Dissatisfaction, if any, with such DAAB decision; (iii) any notification received on the commencement of an emergency arbitration proceeding or full arbitration proceeding in relation to the DAAB’s decision; and (iv) the resulting emergency arbitration order and/or full arbitration order, if any.</p>	<p>No later than 7 working days after the issuance or receipt, as applicable, of the relevant document (i.e., referral to the DAAB, issuance of DAAB decision, Notice of Dissatisfaction, notice of commencement of emergency/full arbitration, emergency/full arbitration order, as applicable).</p>	CPA

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>a) Establish and maintain an Environmental and Social Cell (ES Cell) within the Project Implementation Unit (PIU) under CPA, with qualified staff and resources to support the management of ESHS, labor, pollution management, land acquisition, biodiversity, cultural heritage, and stakeholder engagement risks and impacts of the Project, including environmental and social experts. The structure of the ES Cell will be agreed upon based on the CPU’s institutional assessment of E&S risk management.</p> <p>b) Engage a qualified Environmental and Social Supervision and Monitoring Consultant Firm for supervision, monitoring, and reporting of the different environmental and social management plans and preparing corrective action plans for each component (i.e., land reclamation, breakwater, dredging of access channels, terminals, access road, rail connections, different utility facilities, etc.) of the projects based on an agreed Terms of Reference (ToR) of the firm.</p>	<p>a) Establish ES Cell with qualified staff and consultants before initiating any physical work under the Project and maintain it throughout the Project period.</p> <p>b) Hire the firm before initiating any physical work of the project and maintain it throughout the project period.</p>	<p>CPA</p> <p>CPA</p>
1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>a) Carry out supplementary studies, consult, disclose, and finalize the Environmental and Social Impact Assessment (ESIA), and corresponding Environmental and Social Management Plans (ESMPs) for the Project following the indicative Terms of References (ToR) attached in the Annex-1 of the Preliminary ESIA, and, consistent with the relevant ESSs and in a manner acceptable to the Bank.</p> <p>b) Adopt, allocate adequate resources, and implement the EMSPs for the Project, consistent with the relevant ESSs.</p>	<p>a) At the detailed design phase of the Project before initiating the bidding process.</p> <p>b) Finalize the ESMPs before launching the bidding process for any physical works and adopt them before the start of any physical work. Once adopted, implement the respective ESMP throughout Project implementation.</p>	<p>CPA</p> <p>CPA</p>
1.3	<p>MANAGEMENT OF CONTRACTORS</p> <p>Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant E&S instruments, the Labor Management Procedures, and the code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts.</p>	<p>As part of the preparation of procurement documents and respective contracts. Supervise contractors (and the subcontractors) throughout Project implementation.</p>	<p>CPA</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
1.4	<p>CONTINGENT EMERGENCY RESPONSE FINANCING</p> <p>a) Ensure that the CERC Manual includes a description of the ESHS assessment and management arrangements [including, CERC-ESMF that will be included in the CERC Manual] for the implementation of the CERC component (Component 3) in accordance with the ESSs.</p> <p>b) Adopt any environmental and social (E&S) instruments that may be required for activities under the CERC component of the Project, in accordance with the CERC Manual and CERC-ESMF and the ESSs, and thereafter implement the measures and actions required under said E&S instruments, within the timeframes specified in said E&S instruments.</p>	<p>a) The adoption of the CERC manual and CERC-ESMF in form and substance acceptable to the World Bank is a withdrawal condition under Section E of Schedule 2 of the Financing Agreement for the Project.</p> <p>b) Adopt any required E&S instrument and include it as part of the respective bidding process, if applicable, and in any case, before the carrying out of the relevant Project activities for which the E&S instrument is required. Implement the E&S instruments in accordance with their terms, throughout Project implementation.</p>	<p>a) CPA and Agencies to be assigned for CERC Activities</p> <p>b) CPA and Agencies to be assigned for CERC Activities</p>
1.5	<p>ASSOCIATED FACILITIES</p> <p>Ensure the activities in the Associated Facilities (including the multipurpose terminal, container terminal, and road and rail connectors) are carried out in accordance with the applicable requirements of this ESCP and the ESSs and following the project ESIA and ESMPs (action item 1.2), Labor Management Procedures (LMP) (action item 2.1), Resettlement Action Plan (RAP) (action item 5.1), and Stakeholder Engagement Plan (SEP) (action item 10.1).</p>	<p>Same timeframe as for the preparation, adoption, and implementation of the different instruments under action items 1.2, 2.1, 5.1, and 10.1.</p>	<p>CPA</p>
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Prepare, consult, disclose, finalize, adopt, and implement LMP for the Project, including, inter alia, provisions on working conditions, management of workers' relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms in a manner acceptable to the Bank.</p>	<p>Finalize and adopt the LMP no later than ninety (90) days after Board Approval or before hiring workers, and thereafter implement the LMP throughout Project implementation.</p>	<p>CPA</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Establish and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</p>	Establish a grievance mechanism prior to engaging Project Workers and no later than ninety (90) days after Board Approval, and thereafter maintain and operate it throughout Project implementation.	CPA
2.3	<p>OCCUPATIONAL HEALTH AND SAFETY PLAN</p> <p>Adopt and implement an Occupational Health and Safety (OHS) Plan as part of the ESMP to ensure workplace health and safety, consistent with ESS2.</p>	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under action 1.2b.	CPA
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>WASTE MANAGEMENT PLAN</p> <p>Adopt and implement a Waste Management Plan (WMP) as part of the ESMP with specific actions on solid waste and wastewater, to manage hazardous and non-hazardous wastes, consistent with ESS3.</p>	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2b.	CPA
3.2	<p>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</p> <p>Incorporate resource efficiency and pollution prevention and management measures in the following plans as part of the ESMP under action 1.2b above and implement those plans, consistent with ESS3.</p> <ul style="list-style-type: none"> ✓ Noise and Air Emissions Management Plan ✓ Water Quality Management Plan ✓ Spill Prevention and Control Plan ✓ Dredging and Dredge Disposal Management Plan ✓ Water and Energy Consumption Management Plan ✓ Ballast Water Management Plan ✓ Waste Management Plan (Solid Waste Management and Wastewater) 	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	<p>TRAFFIC AND ROAD SAFETY PLAN</p> <p>Incorporate measures to manage traffic and road safety risks as required in the Traffic and Road Safety Plan to be prepared as part of the ESMP under action 1.2a above and implement the plan, consistent with ESS4.</p>	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY
<p>4.2 COMMUNITY HEALTH AND SAFETY PLAN Assess specific risks and impacts to the community, including, inter alia, the behavior of Project workers, risks of labor influx, child labor, and response to emergencies, and include mitigation measures in the Community Health and Safety Plan as part of the ESMP under action 1.2b and implement the plan, consistent with ESS4.</p>	<p>The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.</p>	<p>CPA</p>
<p>4.3 SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARASSMENT (SEA/SH) RISKS Assess the risks of sexual exploitation and abuse and sexual harassment (SEA/SH), and prepare, adopt, and implement a SEA/SH Action Plan including prevention and response measures, proportionate to the risks of the Project, ensure availability of a list of services for victims of SEA/SH, code of conduct for future workers, as part of the ESMP.</p>	<p>Finalize and adopt the SEA/SH Action Plan no later than 90 days of the Effective Date, and thereafter implement the SEA/SH Action Plan throughout Project implementation.</p>	<p>CPA</p>
<p>4.4 SECURITY MANAGEMENT Assess and implement measures to manage the security risks of the Project in the form of a Security Risks Assessment that includes the risks of engaging security personnel to safeguard Project workers, sites, assets, and activities, and include measures to manage such risks as set out in the Security Management Plan to be incorporated as part of the ESMP, guided by the principles of proportionality and Good International Industry Practice (GIIP), and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel.</p>	<p>The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.</p>	<p>CPA</p>
<p>4.5 UNIVERSAL ACCESS Where technically and financially feasible, incorporate the concept of universal access in civil work designs developed under the Project.</p>	<p>To be incorporated during the detailed design of the project activities based on technical and financial feasibility.</p>	<p>CPA</p>
<p>4.6 EMERGENCY PREPAREDNESS AND RESPONSE PLAN Assess the risk associated with emergencies such as natural hazards, technological accidents, port security threats, or other disrupting incidents, and include measures to manage such risks in the emergency preparedness and response plan under ESMP and implement the plan.</p>	<p>The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.</p>	<p>CPA</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	RESETTLEMENT PLANS a) Prepare a resettlement action plan (RAP) including a Livelihood Restoration Plan (LRP) for the Project, consistent with ESS5. b) The RAP shall include corrective actions from the Due Diligence Report (DDR) including mitigation measures to retrofit any land already acquired consistent with ESS5.	a) Finalize and adopt the RAP/LRP no later than (90) ninetydays after the Effective Date, and thereafter implement these plans throughout Project implementation. b) DDR proposed measures incorporated into the RAP, to be finalized as timeframe above, and implemented throughout Project implementation.	CPA CPA
5.2	GRIEVANCE MECHANISM Establish and implement a grievance mechanism (GM) to address resettlement-related complaints as described in the RAPs and in the SEP.	Same timeframe as for the RAP described under activity 5.1.	CPA
5.3	RAP IMPLEMENTATION VERIFICATION Hire an Independent Firm to conduct a RAP Implementation Verification Report.	Three years after the Effective Date.	CPA
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	BIODIVERSITY RISKS AND IMPACTS Adopt and implement a Biodiversity Management Plan (BMP) including required compensation measures and periodic monitoring as part of the ESMP, in accordance with the ESIA and Critical Habitat Assessment (CHA) prepared for the Project, and consistent with ESS6.	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	SMALL ETHNIC COMMUNITIES a) Include within the ToR of the supplementary studies described under action 1.2a mitigation measures consistent with ESS 7 in the form of a Small Ethnic Communities Planning Framework (SECPF). b) Adopt and implement as part of the ESMP specific mitigation measures as required	The same timeframe as for the preparation of the ESMP, under action 1.2a.	CPA

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	under the SECPF in the form a Small Ethnic Communities Plan (SECP) for each activity under the Project for which the ESIA requires such a SECP, consistent with ESS7.	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA
ESS 8: CULTURAL HERITAGE			
8.1	CULTURAL HERITAGE RISKS AND IMPACTS Prepare a Cultural Heritage Management Plan (CHMP) as part of the ESMP, as relevant, and consistent with ESS8, and implement it.	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA
8.2	CHANCEFINDS Include the Chance Find Procedures as part of the as part of ESMP, as relevant, and consistent with ESS8, and implement those actions.	The same timeframe as for the preparation, adoption, and implementation of the ESMP, under actions 1.2a, and 1.2b.	CPA
ESS 9: FINANCIAL INTERMEDIARIES			
ESS9 is NOT currently relevant.			
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION Adopt and implement a Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination, and intimidation.	Adopt the SEP prior to undertaking any physical works and thereafter implement the SEP throughout Project implementation.	CPA
10.2	PROJECT GRIEVANCE MECHANISM Establish, publicize, maintain, and operate an accessible grievance mechanism, to receive and facilitate the resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.	Establish the grievance mechanism prior to undertaking any physical works.	CPA

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
CAPACITY SUPPORT			
CS1	<p>Develop and implement an Environmental and Social Training Plan (ESTP) acceptable to the Bank to ensure the required capacity for environmental and social implementation of the Project. The plan shall include a schedule, budget, goals, and indicators. The training shall be focused on project workers, contractors, and community-based organizations.</p> <p>The plan shall include the following topics:</p> <ul style="list-style-type: none">) Applicable Environmental and Social Standards) Project Environmental and Social Management Instruments) World Bank Group Environmental Health and Safety Guidelines) Stakeholder Engagement and Grievance Redress Mechanism and Management) Stakeholders mapping and engagement) Community and worker health and safety) Gender Based Violence (GBV) Risk Mitigation) Integrated ESMP supervision, monitoring, reporting, and taking corrective actions 	<p>The first year ESTP shall be submitted to the Bank as early as possible, but no later than ninety (90) days after the Effective Date.</p> <p>Training will be provided by the Project E&S Supervision and Monitoring Consultant, in accordance with an agreed timeline as per the ESTP.</p>	<p>CPA</p> <p>CPA</p>
CS2	<p>Develop and implement training for Project workers on occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency situations.</p>	<p>Develop the plan before initiating any bidding process and implement the plan throughout the project implementation.</p>	<p>CPA</p>